

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RHONDA J. MARTIN, et al.,

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Plaintiffs,

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CA No. 1:18cv4776-LLM

v.

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**BRAD RAFFENSPERGER, in his
official capacity as Secretary of State for
the State of Georgia, et al.,**

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Defendants.

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JOINT STIPULATION OF DISMISSAL

COME NOW the Parties in the above referenced litigation and hereby stipulate that the above-styled action be dismissed with prejudice, pursuant to FED. R. CIV. P. 41(a)(1)(A).

Plaintiffs filed this lawsuit on October 15, 2018, challenging the constitutionality of certain Georgia statutes relating to absentee ballots, including O.C.G.A. §§ 21-2-381, 21-2-384, and 21-2-386, and the implementation of those statutes by the Gwinnett County Board of Elections.

On April 2, 2019, HB 316 (Act 24) was signed into law. This legislation revises, among other things, the state’s absentee ballot laws. Secs. 27, 30, 31, and 32 of HB 316 are relevant to the issues underlying the claims in this case. Sec. 27 of HB 316 provides that:

an absentee ballot application shall not be rejected due to an apparent mismatch between the signature of the elector on the application and the signature of the elector on file with the board of registrars.

Exhibit 1 p. 20 (amending O.C.G.A. § 21-2-381(b)(3)). The new legislation also provides that where election officials determine the signatures do not match on an absentee ballot application, a provisional ballot is to be issued and if the elector casts that provisional ballot, the elector is provided an opportunity to cure the signature discrepancy through the period for verifying provisional ballots in O.C.G.A. § 21-2-419. *Id.*

Sec. 30 of HB 316 amends O.C.G.A. § 21-2-384 to eliminate the requirement that an absentee voter provide his or her county, date or year of birth, and address on the oath of elector, which is located on the absentee ballot envelope. Exhibit 1 p. 23.

Sec. 32 of HB 316 amends O.C.G.A. § 21-2-386 to provide that electors whose absentee ballots are returned without a signature, or with a signature that fails to match a signature on record, have until the end of the provisional ballot period to cure the signature. Exhibit 1 p. 27. Electors can cure the signature discrepancy with an affidavit and a copy of one form of identification set out in O.C.G.A. § 21-2-417(c). *Id.*

The parties agree that the changes to O.C.G.A. §§ 21-2-381, 21-2-384, and 21-2-386 in HB 316 make further litigation unnecessary.

Upon entry of the Court order dismissing this case, Plaintiffs intend to file a motion for reasonable attorneys' fees and costs from Defendant pursuant to Northern District of Georgia Civil Local Rule 54 and other applicable legal authorities. Defendants do not concede that Plaintiffs are entitled to fees in this action.

Respectfully submitted,

<p>By: <u>/s/ Bruce P. Brown</u> Bruce P. Brown 064460 Bruce P. Brown Law LLC 1123 Zonolite Road, NE Atlanta, Georgia 30306 404-881-0700 bbrown@brucebrownlaw.com</p> <p>John Powers (admitted <i>pro hac vice</i>) Lawyers Committee for Civil Rights Under Law 1500 K Street N.W., Suite 900 Washington, D.C. 20005 202-662-8600 jpowers@lawyerscommittee.org</p> <p><i>Attorneys for Plaintiffs</i></p>	<p>By: <u>/s/ Cristina M. Correia</u> Christopher M. Carr 112505 Attorney General Annette M. Cowart 191199 Deputy Attorney General Russell D. Willard 760280 Senior Assistant Attorney General</p> <p>Cristina Correia 188620 Senior Assistant Attorney General 40 Capitol Square SW Atlanta, GA 30334 ccorreia@law.ga.gov 404-656-7063 404-651-9325</p> <p><i>Attorneys for State Defendant</i></p> <p>By: <u>/s/ Bryan P. Tyson</u> Bryan P. Tyson 515411 Taylor English Duma LLP 1600 Parkwood Circle Suite 200 Atlanta, GA 30339 (678) 336-7249 btyson@taylorenghish.com</p> <p><i>Attorneys for Gwinnett County</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2019, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record in this case.

/s/ John Powers
John Powers

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