

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

VOTER PARTICIPATION  
CENTER, *et al.*,

Plaintiffs,

v.

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

Defendants,

and

REPUBLICAN NATIONAL  
COMMITTEE, *et al.*,

Intervenor-Defendants.

Case No. 1:21-cv-01390-JPB  
Judge J.P. Boulee

**JOINT STIPULATION OF MOOTNESS OF CERTAIN CLAIMS**

The parties in the above-captioned matter hereby stipulate to the mootness of certain claims brought by Plaintiffs Voter Participation Center and Center for Voter Information, namely, Plaintiffs' Third Claim for Relief, in its entirety, and First, Second, Fourth and Fifth Claims for Relief, only as they pertain to the Disclaimer Provision. The parties stipulate to the following:

1. In 2021, Georgia enacted Senate Bill 202 (“SB 202”), an omnibus elections law. 2021 Georgia Laws Act 9 (S.B. 202). SB 202 included a requirement that a disclaimer be attached to any absentee ballot application distributed to potential voters by a nongovernmental entity (the “Disclaimer Provision”). O.C.G.A. § 21-2-381(a)(1)(C)(ii).

2. The Disclaimer Provision required that non-governmental entities wishing to send absentee ballot applications to Georgia voters “clearly and prominently disclose on the face of the form” the following language:

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material].

*Id.*

3. On April 7, 2021, Plaintiffs filed a complaint challenging various SB 202 provisions including the Disclaimer Provision. Compl. ¶ 64.

4. On May 4, 2023, Georgia enacted Senate Bill 129 (“SB 129”) that, *inter alia*, replaces the disclaimer language required by SB 202. S.B. 129 § 2 (to be codified O.C.G.A. § 21-2-381(a)(1)(C)(ii)).

5. SB 129 revises the required disclaimer language to read:

This application is being distributed by [insert name and address of person, organization, or

other entity distributing such document or material], not by any government agency or any state or local election office. THIS IS NOT A BALLOT.

*Id.*

6. Plaintiffs represent that their constitutional objections to the disclaimer language required by SB 202 are sufficiently addressed by the revised disclaimer language required by SB 129 such that Plaintiffs' claims concerning the Disclaimer Provision are now moot.

7. This stipulation concerning Plaintiffs' claims as they relate to SB 202's Disclaimer Provision is without prejudice, with each party bearing its own attorneys' fees and costs as to these claims.

8. The parties will continue to litigate Plaintiffs' remaining claims.

**STIPULATED AND AGREED TO:**

This 9th day of June, 2023.

/s/ Alice C.C. Huling

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**CERTIFICATE OF SERVICE  
AND COMPLIANCE WITH LOCAL RULE 5.1**

I hereby certify that I have this date electronically filed the within and foregoing, which has been prepared using Times New Roman font, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

Dated: June 9, 2023

/s/ Alice C.C. Huling  
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