

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

IN RE GEORGIA SENATE BILL 202	Master Case No.: 1:21-MI-55555-JPB
<p>SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21- cv-01284-JPB
<p>GEORGIA STATE CONFERENCE OF THE NAACP, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRAD RAFFENSPERGER, in his official capacity as the Secretary of State for the State of Georgia, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21-cv-01259-JPB

**AME & GEORGIA NAACP PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned cases respectfully move the Court for an Order enjoining Defendants in the above-captioned cases from enforcing during the November, 2022, elections, and any other elections held before final judgment in this case, the provisions of O.C.G.A. § 21-2-414(a) that impose criminal penalties on those who “give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector ... [w]ithin 150 feet of the outer edge of any building within which a polling place is established” or “[w]ithin 25 feet of any voter standing in line to vote at any polling place.”

For the reasons set forth in detail in Plaintiffs’ accompanying Brief in Support of Plaintiffs’ Motion for Preliminary Injunction, Plaintiffs have established that they are likely to succeed on the merits of their claim that this criminal ban violates the First Amendment by unjustifiably restricting their ability to engage in core expressive conduct. Enforcing this law during the November 2022 elections, or any other elections held before final judgment in this case, would irreparably harm Plaintiffs and other similar organizations across the State; this harm outweighs any harm Defendants would suffer were the Court to order the relief sought by Plaintiffs; the balance of hardships weighs in Plaintiffs’ favor; and a preliminary injunction is in the public interest.

Respectfully submitted, this 25th day of May, 2022.

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I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of L.R. 5.1, using font type of Times New Roman and a point size of 14.

Dated: May 25, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2022, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

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**AME & GEORGIA NAACP PLAINTIFFS' BRIEF IN SUPPORT OF
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INTRODUCTION

Georgia voters consistently face some of the longest wait times in the country. That is especially true for voters of color, and for Black voters in particular. In response to these long lines, Plaintiffs have for years communicated their support and gratitude for Georgians waiting to vote by providing them with food, water, and other items of minimal pecuniary value such as hand warmers and, more recently, face coverings and hand sanitizer. By proactively approaching voters to offer concrete, non-partisan line relief, Plaintiffs communicate a core First Amendment message: that citizens in these communities have equal dignity, their voice matters, and they should exercise their hard-earned right to vote because it is “preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). That message carries special significance for Plaintiffs, whose missions and histories focus on affirming the dignity of Black voters, voters of color, and voters with disabilities. Those who view and receive Plaintiffs’ line relief efforts understand them for what they are: a civic expression of unconditional support, gratitude, and shared strength.

Senate Bill 202 makes expressing that essential message a crime, barring the provision of any items of value anywhere within 150 feet of a polling place and within 25 feet of any voter in line no matter the distance from the polling place. SB 202 contemplates no exception for non-partisan groups providing food and water. To the contrary, it targets those very groups by specifically itemizing food and water

as forbidden items. This content-based sanction of fundamental electoral expression in public forums is wholly unjustified and violates the First Amendment.

Criminalizing this core political expression does not further any substantial government interest, much less meaningfully so. And it certainly is not narrowly tailored to or the least restrictive means of advancing such an interest. Existing federal and Georgia laws already prohibit voter intimidation, vote buying, and improper electioneering. There is no evidence that banning the unconditional offer of pretzels or bottled water to a queuing voter furthers these goals at all, and there is significant evidence that this vastly overinclusive ban stifles far more expression than is necessary. SB 202 thus serves only to punish speakers and silence messages the State dislikes. It must be enjoined.

BACKGROUND

A. Georgians, And Especially Non-White Voters, Must Endure Long Lines At Polling Places To Exercise Their Right To Vote

Georgia voters consistently face some of the longest lines in the country. *See* Decl. of Sophia Lin Lakin dated May 24, 2022 (Lakin Decl.) Ex. 19 at 1 (Expert Report of Dr. Stephen Pettigrew). During the November 2020 General Election, more than 900,000 Georgia voters, or 24.6% of all in-person voters, waited longer than the federally recommended 30-minute maximum time to cast a ballot. *Id.* at 5. Over the last four presidential elections, over 1.3 million Georgians waited over one hour. *Id.* at 24. Georgia regularly has the fourth-longest lines for presidential

elections and second-longest for midterm elections. *Id.* at 9 & Fig. 3.5. Georgia stands out even among other outlier states because its voters face longer-than-average lines whether they vote early or on Election Day. *Id.* at 9-11.

Voters of color bear the brunt of these burdens. In every Georgia election for which data exists, non-white voters have faced substantially longer average wait times than white voters. *Id.* at 13-14 & Fig. 3.7. These disparities exist even when controlling for other factors, such as whether a voter lives in a rural or urban area. *Id.* at 15-19. Even within the same counties, people of color are more likely to wait longer than white voters. All told, Georgia voters of color are six times more likely than white voters to wait longer than one hour to vote. *Id.* at 15.

Georgians wait in these lines outside, along sidewalks, streets, and other public spaces that extend far beyond standard electioneering buffer zones.¹ These spaces often lack shade, places to sit, or protection from the elements. Lakin Decl. Ex. 1 ¶ 18 (Decl. of Melody Bray dated May 9, 2022 (Bray Decl.)). For example, the line wrapped around the block at the C.T. Martin Natatorium in Fulton County during the June 2020 primary elections. *Id.* ¶ 17. Voters stood for hours to cast a ballot that day. *Id.* ¶¶ 7, 12. At an early voting location in Fulton County during the

¹ See Lakin Decl. Ex. 13 ¶ 10 (Decl. of Tayleece Paul dated May 12, 2022 (Paul Decl.)); Ex. 7 ¶ 11 (Decl. of James Gaymon dated May 8, 2022 (Gaymon Decl.)); Ex. 4 ¶ 6 (Decl. of Tonia Clarke dated May 19, 2022 (Clarke Decl.)); Ex. 15 ¶ 5 (Decl. of Janie Robinson dated May 11, 2022 (Robinson Decl.)).

June 2020 primary, some voters waited approximately eight hours, finally able to cast their ballots at about 2:45 AM. Lakin Decl. Ex. 1 ¶ 4 (Decl. of Hansel Enriquez dated May 10, 2022). At the Cochran Public Library in Henry County during the January 2021 elections, the cold turned one voter's hands purple, while another struggled to stand until a volunteer provided her a chair. Paul Decl. ¶ 10.

B. Plaintiffs Communicate Their Core Political Values By Providing Encouragement, Food, And Water To Voters

Plaintiffs in this case are religious and humanitarian organizations committed to the equal dignity of every person, as expressed through every citizen's right to vote.² Black Georgians' struggle to realize their full membership in the political community informs many Plaintiffs' organizational focus on voting. The Deltas' first public act was participation in the 1913 Suffragist March under the Delta Sigma Theta banner, insisting that Black women be represented at that historic event. Briggins Decl. ¶ 6. Civil rights leaders organized the march from Selma to Montgomery in an AME church, began the march on its steps, and wounded

² See Lakin Decl. Ex. 2 ¶¶ 5-8 (Decl. of Rhonda Briggins dated May 9, 2022 (Briggins Decl.)); Ex. 5 ¶¶ 4-5 (Decl. of Preye Cobham dated May 11, 2022 (Cobham Decl.)); Gaymon Decl. ¶¶ 7-9; Ex. 8 ¶¶ 7-9 (Decl. of Reginald T. Jackson (Jackson Decl.)); Ex. 9 ¶¶ 7, 10 (Decl. of Shafina Khabani dated May 20, 2022 (Khabani Decl.)); Ex. 10 ¶ 6 (Decl. of Glory Kilanko dated May 12, 2022 (Kilanko Decl.)); Ex. 14 ¶ 4 (Decl. of Stacey Ramirez dated May 11, 2022 (Ramirez Decl.)). See also Decl. of Julie Houk dated May 24, 2022, Ex. 1 ¶¶ 3, 5 (Decl. of Treaunna ("Aunna") Dennis dated May 24, 2022 (Dennis Decl.)); Ex. 2 ¶¶ 3-7 (Decl. of Gerald Griggs dated May 25, 2022).

marchers fled back to that church after being beaten on the Edmund Pettus Bridge. Jackson Decl. ¶ 9. Plaintiffs were also active in Georgia, where “discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy.” *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994). For example, AME churches in Georgia served as organizational centers for Black leaders of the Civil Rights Movement, such as when W.W. Law led mass meetings at St. Philip AME Church in Savannah to advocate for peaceful resistance to segregation. Jackson Decl. ¶ 9. Using food to express support has a long tradition in Black Southern communities, and some Plaintiff groups in the Deep South have long provided food for those participating in civil rights marches. *See id.* ¶¶ 17-18; Briggins Decl. ¶ 19.³

Civic engagement for a more representative and just government remains a core tenet of Plaintiffs’ missions. That mission is manifest in many of Plaintiffs’ community outreach activities, such as the AME Church’s “Souls to the Polls” events, the Deltas’ informational sessions on how to regain the right to vote after a felony conviction, and the Georgia Muslim Voter Project’s and Women Watch

³ *See also* Jackson, *Black Women and the Legacy of Food and Protest*, EATER.COM (July 10, 2020), <https://www.eater.com/2020/7/10/21308260/black-women-and-the-legacy-of-food-and-protest-history>; DuBose, *Feeding the Revolution: Food in Black Liberation Movements*, STORYMAPS (Dec. 1, 2020), <https://storymaps.arcgis.com/stories/99b1e7ae89fe44e38cf9c68308edae83>; Ganaway, *Black Communities Have Always Used Food as Protest*, FOOD & WINE (June 4, 2020), <https://www.foodandwine.com/news/black-communities-food-as-protest>.

Afrika's language assistance for voters at the polls. *See* Briggins Decl. ¶ 9; Cobham Decl. ¶ 4; Gaymon Decl. ¶¶ 5-6; Khabani Decl. ¶ 5; Kilanko Decl. ¶ 5.

Inequitably long lines offend Plaintiffs' core values by blunting the exercise of the hard-won right to vote. *See, e.g.,* Jackson Decl. ¶¶ 8, 13. To encourage community members to vote despite these burdens, and to publicly reaffirm the dignity of each voter in the face of continued obstacles, Plaintiffs provide queuing voters with water, food, personal protective equipment such as hand sanitizer and facial coverings, and other necessities while they stand in line. *See* Briggins Decl. ¶¶ 15-16; Cobham Decl. ¶¶ 4-7; Dennis Decl. ¶¶ 6-8; Gaymon Decl. ¶¶ 6-8; Griggs Decl. ¶¶ 8-15; Khabani Decl. ¶¶ 4, 7, 9; Kilanko Decl. ¶¶ 5-8; Ramirez Decl. ¶¶ 4-7. Plaintiffs often offer this support at sites with large numbers of voters of color, where lines are the longest. *See e.g.,* Gaymon Decl. ¶¶ 6, 10-11; Jackson Decl. ¶¶ 11-12. Plaintiffs and other line relief providers ensure that voters understand their efforts are non-partisan and completely unconditional. *See* Bray Decl. ¶ 11; Cobham Decl. ¶ 7; Gaymon Decl. ¶ 15; Paul Decl. ¶ 8; Ramirez Decl. ¶ 8.

These line relief activities are expressive, political acts. As one volunteer puts it, providing food and water “expresses our gratitude for those fulfilling their civic responsibility and persevering against obstacles to participate in the political process.” Gaymon Decl. ¶ 8. Another organizer explains that line relief allows her to tell voters that, in spite of long lines and other obstacles, they “have a community

that supports them in exercising their voting rights.” Cobham Decl. ¶ 4. “The message is telling people that as a citizen, this is one of the most powerful weapons that you have”—it is a message of “strength to those standing in long lines.” Kilanko Decl. ¶¶ 6, 8. This message carries particular weight in the context of Georgia’s history of discrimination against Black voters. *See* Jackson Decl. ¶¶ 17-18. Indeed, another volunteer describes “line relief as a form of protest” against the government’s failure to “alleviate these long wait times.” Lakin Decl. Ex. 11 ¶ 10 (Decl. of Monica Kinard dated May 9, 2022 (Kinard Decl.)). “By ensuring that voters have the provisions they need to wait in long lines, our members show government officials that voters will overcome voter suppression measures that have been erected to make casting a ballot more burdensome for Black voters and other voters of color.” Jackson Decl. ¶ 17; *see also* Briggins Decl. ¶ 18.

Words alone cannot adequately convey the proactive messages communicated by line relief. *See, e.g.*, Gaymon Decl. ¶ 9; Paul Decl. ¶ 7; Mayes Decl. ¶¶ 7-8; Kinard Decl. ¶¶ 8-9; Kilanko Decl. ¶ 8; Cobham Decl. ¶ 6. “The act of line relief is special because it sends a message about participation in democracy and the importance of humanitarian assistance in a way that words could not capture.” Lakin Decl. Ex. 12 ¶ 8 (Decl. of Cy Mayes dated May 11, 2022). Approaching voters to providing food and drink communicates the distinct message that you “took the time to thank and support them.” Bray Decl. ¶ 14. It uniquely conveys to those voters

that they have dignity and the strength of their community behind them. *See* Jackson Decl. ¶ 15; Briggins Decl. ¶ 16.

Line relief volunteers report that their efforts are well received and understood for the non-partisan messages they are. *See* Gaymon Decl. ¶¶ 14-16; Paul Decl. ¶ 9; Kinard Decl. ¶ 11; Ramirez Decl. ¶ 9; Cobham Decl. ¶ 7. As one voter explains, line relief “sent the message that my vote matters, that I had dignity as a voter, and that I should keep standing in line to make sure my voice was heard in the political process.” Lakin Decl. Ex. 17 ¶ 8 (Decl. of Hope Sims Sutton dated May 11, 2022 (Sutton Decl.)). Other voters similarly report that they understand these messages. *See* Kinard Decl. ¶ 16; Robinson Decl. ¶ 6; Lakin Decl. Ex. 18 ¶¶ 8-10 (Decl. of Brenda Tharpe dated May 23, 2022 (Tharpe Decl.)). For one voter, line relief was not “just about the food and water—it was also the fact that I felt like my voice had value in the democratic process.” Scott Decl. ¶ 10. “Receiving the water, in particular, was like receiving hope.” Clarke Decl. ¶ 9.

C. SB 202 Targets And Punishes Plaintiffs’ Political Expression

SB 202 imposes a broad suite of voting restrictions, all rushed through shortly after the 2020 elections. Among many other restrictions, SB 202 imposes criminal penalties on persons who “give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector,” even

with no conditions attached. O.C.G.A. § 21-2-414(a). These restrictions apply within 150 feet of a polling place or 25 feet of any voter in line.

SB 202 operates as an absolute ban on line relief where long lines wrap around polling places, always within 150 feet of the building, or where there are no publicly accessible spaces within 25 feet of the voters waiting further away. Lines often extend into neighborhoods, where the only public spaces are the streets and sidewalks where voters are waiting in line. *See, e.g.*, Clarke Decl. ¶ 6 (citing a video that shows, from 4:13 to 5:19, voting lines extending far into such neighborhoods). In these settings, “any form of line relief will become functionally impossible” under SB 202. Jackson Decl. ¶ 22. Even where it is technically feasible, “voters might not realize that we are present near the polling place if we are so far away.” Bray Decl. ¶ 20. Moreover, proactively approaching voters facilitates other communication. It provides a mechanism for distributing non-partisan literature, Kinard Decl. ¶¶ 13, 15, Paul Decl. ¶ 8; offering translation services and resolving “simple, nonpartisan election administration issues,” Khabani Decl. ¶¶ 5-6; verbally encouraging voters to stay in line, Gaymon Decl. ¶ 14; and letting them know they can vote if they are in line before polls close, Briggins Decl. ¶ 17, Jackson Decl. ¶ 16.

Nothing in the legislative record indicates past problems with the unconditional provision of food and water to voters by non-partisan volunteers. Before Georgia enacted SB 202, existing laws already prohibited vote buying, *see*

O.C.G.A. § 21-2-570; 18 U.S.C. § 597, and improper campaigning and election solicitation at polling places, *see* O.C.G.A. § 21-2-414. Legislators pointed to nothing suggesting these laws were inadequate. In the limited debate and testimony the legislature permitted, the evidence only highlighted that existing laws were sufficient to sanction a candidate for re-entering his polling place to personally hand out pizza and to prohibit food trucks from giving away food in exchange for promises to vote. *See Meeting Before the S. Comm. on Ethics*, 2021 Leg., 156th Sess. 1:30:23-1:30:52 (Ga. 2021) (statement of Senator Sally Harrell); *Meeting Before the H. Comm. on Gov. Affairs*, 2020 Leg., 155th Sess. 36:44-37:46 (Ga. 2020) (statement of General Counsel for the Secretary of State).⁴ These were the only two examples in the legislative record, and existing laws fully addressed the conduct.

ARGUMENT

A preliminary injunction issues when the moving party demonstrates (1) a substantial likelihood of success on the merits; (2) irreparable injury absent an injunction; (3) injury to the movant that outweighs whatever damage the proposed injunction might cause the non-moving party; and (4) the injunction would not be adverse to the public interest. *See Keeton v. Anderson-Wiley*, 664 F.3d 865, 868 (11th Cir. 2011). Each factor decisively favors an injunction here.

⁴ Videos of these respective statements are available at https://www.youtube.com/watch?v=oWh0f1_2ork, and <https://www.youtube.com/watch?v=gCjbPJLBI7c>.

I. Plaintiffs Are Likely To Succeed On The Merits Of Their Claim

A. SB 202's Line Relief Ban Criminalizes Speech And Expressive Conduct That Is Protected Under The First Amendment

SB 202 makes it a crime to “offer to give” food and drink to voters waiting in line. O.C.G.A. § 21-2-414(a). That prohibition restricts both verbal speech and expressive conduct. First, it is a direct restriction on traditional speech—particular words cannot be uttered without the threat of criminal sanction. By criminalizing those words, the law undoubtedly imposes First Amendment burdens.

Second, the ban is a restriction on non-verbal communicative conduct. Constitutional protection for freedom of speech “does not end at the spoken or written word.” *Texas v. Johnson*, 491 U.S. 397, 404 (1989). The First Amendment also protects “expressive conduct,” meaning nonverbal acts intended to convey a message where “at least some” viewers would understand it to communicate *some* message, even if they would not “necessarily infer a *specific* message.” *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252, 1270 (11th Cir. 2004).

Plaintiffs intend to communicate a message by supporting those waiting in line to vote. Namely, they affirm the importance of voters choosing to stay in line and vote despite unreasonably long lines, and they celebrate historically disenfranchised voters’ exercise of their hard-won franchise. Providing sustenance and other support communicates the importance of voting and solidarity in the face of political obstacles in a way that words alone could not. *See supra* pp. 4-8.

Those who observe Plaintiffs' line relief activities or receive their support understand them to be communicative. *See, e.g.,* Scott Decl. ¶¶ 8-10; Sutton Decl. ¶ 8; Robinson Decl. ¶ 6. Context can transform acts that are "ordinarily not expressive," like "sitting down," into expressive conduct, like "the sit-in by African Americans at a Louisiana library which was understood as a protest against segregation." *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, 901 F.3d 1235, 1241 (11th Cir. 2018) ("*FLFNB*") (citing *Brown v. Louisiana*, 383 U.S. 131, 141-42 (1966)). The Eleventh Circuit has thus held that a nonprofit's food sharing events were "more than a picnic in the park" because they were accompanied by signs and were open to all, in a public park at a time when treatment of homeless individuals was "an issue of concern in the community." *Id.* at 1242-43. In that context, "the reasonable observer would interpret [the] food sharing events as conveying *some* sort of message." *Id.* at 1243. Conduct is particularly likely to be understood as expressive when it "is intertwined with speech and association." *League of Women Voters of Tenn. v. Hargett*, 400 F. Supp. 3d 706, 720 (M.D. Tenn. 2019) (quoting *League of Women Voters of Fla. v. Cobb*, 447 F. Supp. 2d 1314, 1334 (S.D. Fla. 2006)).

Context likewise makes clear to observers of Plaintiffs' line relief activities that they are communicating a message. Feeding the hungry and providing drink to the thirsty has symbolic "significance [that] dates back millennia." *FLFNB*, 901

F.3d at 1243; *see also Matthew* 25:35-45. And Plaintiffs are not handing out food and water on just any Tuesday in any public place, but on voting days by approaching people waiting to vote. Voting and voter turnout are quintessential “issue[s] of concern” in that context. *FLFNB*, 901 F.3d at 1242. Several Plaintiffs also engage in line relief activities in their own communities—Black communities in Georgia, where elderly voters experienced *de jure* disenfranchisement and others have long been subject to related burdens. *See* Jackson Decl. ¶ 14; *see also* Khabani Decl. ¶¶ 7-8. Long lines in these communities have been the subject of extensive news coverage and activism.⁵ And many volunteers who provide line relief accompany their offers with verbal expressions of gratitude, and the relief Plaintiffs provide is expressly “open to everyone.” *Id.*; *see also* Robinson Decl. ¶ 8. That alone is sufficient for observers to understand this line relief to be expressive.

Moreover, “[i]t is quite reasonable to infer that at least some” Georgia voters observing majority-Black organizations well known for their social justice work providing line relief in neighborhoods with significant Black populations “would have recognized [that] act for what it was,” *Holloman*, 370 F.3d at 1270—a message to voters that their vote matters, that they should stay in line, and that they are not

⁵ *See, e.g.,* Gardner, Lee & Boburg, *Voting Debacle in Georgia Came After Months of Warnings Went Unaddressed*, WASH. POST (June 10, 2020); Fowler, *Why Do Nonwhite Georgia Voters Have To Wait In Line For Hours? Too Few Polling Places*, NPR (Oct. 17, 2020), <https://www.npr.org/2020/10/17/924527679/why-do-nonwhite-georgia-voters-have-to-wait-in-line-for-hours-too-few-polling-pl>.

facing these barriers alone. Indeed, many voters report understanding these messages. *See, e.g.*, Scott Decl. ¶¶ 8-10; Sutton Decl. ¶ 8; Kinard Decl. ¶ 16. At a minimum, the reasonable observer would understand Plaintiffs’ line relief activities “as conveying *some* sort of message.” *FLFNB*, 901 F.3d at 1243.

B. SB 202’s Line Relief Ban Is Subject To Heightened First Amendment Scrutiny, Which It Cannot Survive

1. Strict Scrutiny Applies Because The Line Relief Ban Is A Content-Based Restriction Of Speech In A Public Forum

The First Amendment prohibits the government from restricting “expression because of its message, its ideas, its subject matter, or its content.” *Police Dep’t of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). Content-based restrictions on speech in traditional public forums are subject to strict scrutiny and are presumptively unconstitutional. *See, e.g.*, *Perry Educ. Ass’n v. Perry Loc. Educators’ Ass’n*, 460 U.S. 37, 55 (1983); *United States v. Gilbert*, 920 F.2d 878, 884-85 (11th Cir. 1991).

i. The Line Relief Ban Is A Content-Based Restriction

A regulation is content-based “under the First Amendment if it ‘target[s] speech based on its communicative content’—that is, if it ‘applies to particular speech because of the topic discussed or the idea or message expressed.’” *City of Austin v. Reagan Nat’l Advert. of Austin, LLC*, 142 S. Ct. 1464, 1471 (2022) (quoting *Reed v. Town of Gilbert*, 576 U. S. 155, 163 (2015)). Even a facially content-neutral restriction is nonetheless content based if the government restricts expression “because of disagreement with the message it conveys.” *Ward v. Rock Against*

Racism, 491 U.S. 781, 791 (1989); *see also* *Boos v. Barry*, 485 U.S. 312, 320 (1988) (describing “‘content-neutral’ speech restrictions as those that ‘are *justified* without reference to the content of the regulated speech.’”) (citation omitted); *City of Austin*, 142 S. Ct. at 1475 (“If there is evidence that an impermissible purpose or justification underpins a facially content-neutral restriction, ... that restriction may be content based.”). “Those laws, like those that are content based on their face, must also satisfy strict scrutiny.” *Reed*, 576 U.S. at 164.

The line relief ban specifically targets the speech and expressive conduct of non-partisan groups using sustenance to affirm the importance of voting. *See Burson v. Freeman*, 504 U.S. 191, 197 (1992) (plurality opinion) (holding that a statute prohibiting solicitation of votes and display of campaign materials within 100 feet of entrance to polling place was facially content based). Before SB 202, Georgia law already prohibited giving “gifts for the purpose of ... voting, or voting for a particular candidate,” O.C.G.A. § 21-2-570, as well as “solicit[ing] votes in any manner or by any means or method” or “distribut[ing] or display[ing] any campaign material,” *id.* § 21-2-414(a). The specific prohibition on giving voters “food or drink” thus targets only one type of expressive conduct: the use of non-partisan line relief to celebrate and affirm the importance of political participation.

Moreover, the legislative record is devoid of meaningful support for the ban as a means of preventing inappropriate partisan influence, yet full of evidence

showing it is wildly overinclusive. The ban thus makes little sense as a means of preventing undue influence, but it is perfectly tailored to silence those who seek to provide proactive, expressive, concrete support to voters waiting in line. This means-end mismatch makes clear that the line relief ban specifically targets the messages communicated by Plaintiffs' line relief efforts, and so is content based.

The text of SB 202 itself further shows that the line relief ban is content based, as it purportedly justifies the law because of the importance of “[p]rotecting electors from improper interference, political pressure, or intimidation while waiting in line to vote.” SB 202 at 6:126-129. State Defendants have likewise argued that “offering or approaching voters with things of value almost certainly would be or could be seen as a pretext (or worse) for buying votes or conducting unlawful electioneering.” Mot. to Dismiss, No. 21-cv-1284, Doc. No. 87-1 at 21.

This purported justification is wholly implausible given existing electioneering bans. But even taking it as true, the ban is still explicitly intended to limit actions that “would be or could be seen” as communicating a particular message—a justification that “focuses only on the content of the speech and the direct impact that speech has on its listeners.” *Boos*, 485 U.S. at 321. Like straightforward electioneering bans, the line relief ban concededly targets a particular message for suppression and so is content based. *See Burson*, 504 U.S. at 198. But unlike narrowly tailored electioneering restrictions like those at issue in

Burson, see *id.* at 208-11, the sweeping line relief ban does not survive strict scrutiny. See *infra* Pt. I.C.

ii. The Line Relief Ban Suppresses Speech In A Traditional Public Forum

Public forums “include those places ‘which by long tradition ... have been devoted to assembly and debate,’ such as parks, streets, and sidewalks,” including those surrounding polling places. *Burson*, 504 U.S. at 196 (plurality opinion); see also *McCullen v. Coakley*, 573 U.S. 464, 476 (2014) (an act that “restricts access” to streets and sidewalks is “subject to First Amendment scrutiny” even if it “says nothing about speech”). Although the “interior of the building” of a polling place is not a public forum, *Minn. Voters All. v. Mansky*, 138 S. Ct. 1876, 1886 (2018), the surrounding streets and sidewalks are. In a controlling opinion, a plurality of the Supreme Court described a law restricting speech within 100 feet of a polling place as operating “in quintessential public forums.” *Burson*, 504 U.S. at 196; see also *Citizens for Police Accountability Pol. Comm. v. Browning*, 572 F.3d 1213, 1218 n.9 (11th Cir. 2009) (recognizing that this holding is binding).⁶

SB 202 criminalizes providing line relief “without concern as to whether the prohibition encompasses public streets, public sidewalks, public parks or other

⁶ Courts in this circuit have consistently found that streets and sidewalks near polling places are public forums. See *Fla. Comm. for Liab. Reform v. McMillan*, 682 F. Supp. 1536, 1541 (M.D. Fla. 1988); *CBS Inc. v. Smith*, 681 F. Supp. 794, 804 (S.D. Fla. 1988); *CBS Broad., Inc. v. Cobb*, 470 F. Supp. 2d 1365, 1369 (S.D. Fla. 2006).

traditionally public forums.” *CBS Inc. v. Smith*, 681 F. Supp. 794, 802 (S.D. Fla. 1988). Many such public forums are within 150 feet of polling places, including the streets and sidewalks where Plaintiffs provide line relief. SB 202 also criminalizes providing line relief within 25 feet of any voter in line, no matter where the line stretches. Lines in Georgia often extend many blocks away from polling places, well into inarguably public forums. *See* Bray Decl. ¶¶ 17-18; Jackson Decl. ¶ 22.

2. Alternatively, The Line Relief Ban Requires Exacting Scrutiny Because It Burdens Election-Related Expression.

Even if the criminal ban on line relief were content neutral (it is not), it would still be subject to “exacting scrutiny” because it burdens election-related expression. *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 347 (1995). Exacting scrutiny applies to laws that burden election-related expression even if citizens have “other means to disseminate their ideas,” as the First Amendment protects a person’s “right not only to advocate their cause but also to select what they believe to be the most effective means for so doing.” *Meyer v. Grant*, 486 U.S. 414, 424 (1988).

The Supreme Court’s decisions in *Meyer* and *Buckley* are instructive. *See id.*; *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182 (1999). Plaintiffs in each case challenged Colorado laws restricting their ability to gather petition signatures. *See Meyer*, 486 U.S. at 416-17 (prohibition on paying petitioner circulators); *Buckley*, 525 U.S. at 186 (disclosure requirements for petition circulators and requirement that they be registered voters and wear identification). The Court applied exacting

scrutiny in both cases, explaining that petition circulation was “‘core political speech’ because it involves ‘interactive communication concerning political change.’” *Buckley*, 525 U.S. at 186 (quoting *Meyer*, 486 U.S. at 422). The policies “produce[d] a speech diminution” by “limit[ing] the number of voices” that could convey the message, and so required exacting scrutiny. *Id.* at 194-95.

The Supreme Court has also found that restrictions of other types of election-related expression—campaign expenditure limits, *see McCutcheon v. FEC*, 572 U.S. 185, 197 (2014), and a prohibition on anonymous campaign literature—were “limitation[s] on political expression subject to exacting scrutiny,” *McIntyre*, 514 U.S. at 345-46. Other courts have applied exacting scrutiny to other laws that restrict election-related expression as well. *See, e.g., ACLU of Fla., Inc. v. Lee*, 546 F. Supp. 3d 1096, 1102 (N.D. Fla. 2021) (campaign contributions); *Calzone v. Summers*, 942 F.3d 415, 422-23 (8th Cir. 2019) (en banc) (lobbying fee and disclosure requirements); *Hargett*, 400 F. Supp. 3d at 722 (voter registration drives); *Marin v. Town of Southeast*, 136 F. Supp. 3d 548, 566 (S.D.N.Y. 2015) (yard signs).

Encouraging voter participation, particularly among historically excluded communities, is “interactive communication concerning political change.” *Meyer*, 486 U.S. at 422. Voting is the core of *all* political change. *See Yick Wo*, 118 U.S. at 370. “A petition in support of a ballot initiative might lead to a change in one law or a few laws, but a change in the composition of the electorate can lead to the change

of any law.” *Hargett*, 400 F. Supp. 3d at 724. That is true even for non-partisan advocacy. Voting itself is a political act. Advocating for voting, including by celebrating and supporting voters waiting in line, is thus core political expression at the heart of the First Amendment.

The ban on line relief burdens Plaintiffs’ election-related expression by criminalizing conduct that communicates their support for the democratic process and belief that the popular will, including of disenfranchised communities, should shape the government. Moreover, many of Plaintiffs’ members weave line relief together with verbal speech, celebrating voters, thanking them for casting their vote, and informing them that they will be able to vote if they stay in line. *See supra* p. 9. SB 202 thus “reduces the quantity of expression” related to elections. *McCutcheon*, 572 U.S. at 197 (quoting *Buckley v. Valeo*, 424 U.S. 1, 19 (1976)). Plaintiffs’ interactive communication concerning the bedrock political act of voting merits at least the same protection as discussions about “whether the trucking industry should be deregulated in Colorado.” *Meyer*, 486 U.S. at 421. The criminal ban on line relief is thus subject to exacting scrutiny.

3. At a Minimum, The Line Relief Ban Is Subject To Intermediate Scrutiny

Even if the Court determines that neither strict nor exacting scrutiny applies, SB 202 is, at a minimum, subject to intermediate scrutiny because it restricts communicative conduct in a traditionally public forum. *See Fort Lauderdale Food*

Not Bombs v. City of Fort Lauderdale, 11 F.4th 1266, 1294, 1297 (11th Cir. 2021) (“*FLFNB II*”); *United States v. O’Brien*, 391 U.S. 367, 382 (1968).

C. The Line Relief Ban Cannot Survive First Amendment Scrutiny Under Any Potentially Applicable Standard

Criminalizing the unconditional provision of food and water to voters waiting in line is unjustifiable no matter the level of First Amendment scrutiny. Strict scrutiny, required because SB 202 is a content-based restriction on expression in a public forum, requires that the challenged law be “the least restrictive means of achieving a compelling state interest.” *McCullen*, 573 U.S. at 478. “The purpose of the test is to ensure that speech is restricted no further than necessary to achieve the goal.” *Ashcroft v. ACLU*, 542 U.S. 656, 666 (2004).

Exacting scrutiny, required because the line relief ban burdens Plaintiffs’ election-related expression, requires the State to prove that the challenged restriction bears a “substantial relation” to a “sufficiently important government interest.” *John Doe No. 1 v. Reed*, 561 U.S. 186, 196 (2010). Courts will uphold a restriction on such expression “only if it is narrowly tailored to serve an overriding state interest.” *McIntyre*, 514 U.S. at 347. “[E]ven a ‘legitimate and substantial’ governmental interest ‘cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved.’” *Americans for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2384 (2021) (citation omitted).

Last, intermediate scrutiny, required because the ban restricts expression in a public forum even if it is content neutral, demands the restriction be “narrowly tailored to serve a significant governmental interest” that is unrelated to the communicative impact of the conduct. *See Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 (1984). Narrowly tailored regulations must “promote[] a substantial governmental interest that would be achieved less effectively absent the regulation,” and cannot “burden substantially more speech than is necessary.” *Ward*, 491 U.S. at 799.

Plaintiffs are substantially likely to succeed under any standard because SB 202 is nowhere near narrowly tailored to achieve even a substantial government interest, and so fails even intermediate scrutiny. State Defendants have identified “voter intimidation at polling locations” as the sole “burden[]” the line relief ban “sought to remedy.” *See* Lakin Decl. Ex. 20 at 11-12 (State Defs.’ Responses and Objections to CBC Pls.’ First Interrogatories). But the freedom to offer a voter a bottle of water does not plausibly facilitate voter intimidation, and no voter would mistake that act of support for a threat. It makes no sense even in theory, and there certainly is no evidence connecting the government’s means to this purported end.

Likewise, indiscriminately criminalizing all line relief—even clearly non-partisan and unconditional provision of *de minimis* value items—is not remotely narrowly tailored to further the State’s interest in deterring vote buying or

electioneering near polling places. There is no evidence that non-partisan providers of line relief intend to influence voters' choices or that voters confuse their support for solicitation. Indeed, all evidence is to the contrary. *See, e.g.*, Clarke Decl. ¶ 8; Scott Decl. ¶ 8; Sutton Decl. ¶ 10; Robinson Decl. ¶¶ 7-8; Tharpe Decl. ¶ 9. Neither the former Chief of Elections of Fulton County nor the current election director of Douglas County ever learned of any improper electioneering or solicitation in the guise of line relief. *See* Lakin Decl. Ex. 3 ¶ 9 (Decl. of Dwight C. Brower dated May 23, 2022 (Brower Decl.)); Lakin Decl. Ex. 22-134:3-135:10 (deposition testimony of Milton D. Kidd dated May 5, 2022 (Kidd Dep.)).

That is entirely unsurprising. Plaintiffs and other line relief providers are not affiliated with any candidate or campaign, and they are careful to ensure that voters understand their support is non-partisan and unconditional.⁷ *See* Gaymon Decl. ¶ 15; Paul Decl. ¶ 8; Ramirez Decl. ¶ 8. Moreover, snacks and water are of minimal pecuniary value and highly unlikely to be understood as an attempt to influence voter choice, much less to actually do so.

Even under content-neutral intermediate scrutiny, such a sweeping burden on expressive conduct can be justified only if it is necessary to achieve the asserted

⁷ This distinguishes SB 202 from the regulations at issue in *Burson*, 504 U.S. at 210, which prohibited “vote solicitation” within 100 feet of a polling place. Plaintiffs’ line relief does not involve electioneering in any capacity. *Burson* is not binding where the “material facts are different.” *Browning*, 572 F.3d at 1218.

government interests. By contrast, “an abundance of targeted alternatives may indicate that a regulation is broader than necessary” and so cannot survive. *FLFNB II*, 11 F.4th at 1296. There are numerous such targeted alternatives here.

In the first place, electioneering close to polling places, vote buying, and voter intimidation are *already illegal*, and those laws have proven effective. *See* O.C.G.A. §§ 21-2-414, 21-2-570, 21-2-566(3)-(4), 21-2-567. There is no evidence in the legislative record that these comprehensive laws have failed to deter or detect improper electioneering or vote-buying. The Legislature made no findings even *suggesting* that unconditional provision of food and water by volunteers unaffiliated with candidates or campaigns posed any threat to election integrity or could reasonably be expected to do so in the future. To the contrary, the legislative record confirms that existing laws have fully sufficed. *See supra* pp. 10-11.

By comparison, the Supreme Court found that statewide, 35-foot buffer zones at all clinics providing abortion care were not narrowly tailored to address a problem it believed occurred “only once a week in one city at one clinic.” *McCullen*, 573 U.S. at 493. So, too, for a functional 25-foot buffer zone around each voter, as the only two violations the Legislature found were fully addressed under existing law. Given the effectiveness of laws already on the books, the government cannot show that the state’s interest in preventing inappropriate influence “would be achieved less effectively” absent the line relief ban. *Ward*, 491 U.S. at 799.

But even if, contrary to the evidence, *some* further prophylactic regulations were called for, SB 202 would still burden substantially more speech than is necessary.” *Id.* The Court need not look far for “a model of a narrower regulation targeting more or less the same interests.” *FLFNB II*, 11 F.4th at 1296. The few other states that regulate in this area at all either include exceptions for items of small pecuniary value, such as New York’s law; limit line relief prohibitions to those acting on behalf of a candidate, such as Montana’s; or criminalize activity only when conducted with the *intent* to influence a voter, such as Florida’s. *See* N.Y. Elec. Law § 17-140; Mont. Code Ann. § 13-35-211; Fla. Stat. Ann. 102.031(4)(a), (b). SB 202 has no such tailoring. Rather, SB 202 amounts to an “outright ban on public food sharing,” even less tailored than the ban struck down in *FLFNB II*. *See* 11 F.4th at 1296. If this severe ban were necessary to serve a substantial government interest, surely Georgia would not be the *only* state to have adopted something so draconian.

Similarly, non-partisan, unconditional line relief should not be subject to the same restrictions as electioneering. Yet SB 202 prohibits *both* within 150 feet of polling places *and* within 25 feet of voters waiting in line, even when the line extends well beyond the 150-foot buffer for electioneering and into public fora. *See* Bray Decl. ¶¶ 17-18; Jackson Decl. ¶ 22. As the Supreme Court has recognized, “[a]t some measurable distance from the polls, of course, governmental regulation of vote solicitation could effectively become an impermissible burden.” *Burson*, 504 U.S.

at 210. That radius is necessarily smaller as to regulations prohibiting expressive conduct, like line relief, that cannot plausibly be seen as vote solicitation.

SB 202 is not narrowly tailored to further the state’s proffered interests and in fact does nothing to further those interests. It is a pretext for restricting speech and expressive conduct concerning voter participation. Because SB 202 is not narrowly tailored, it cannot survive even content-neutral intermediate scrutiny. It certainly cannot survive strict or exacting scrutiny, which are the appropriate standards. *See, e.g., Fed. Election Comm’n v. Ted Cruz for Senate*, ---S. Ct.---, 2022 WL 1528348, at *9 (U.S. May 16, 2022) (the government must “point to record evidence or legislative findings demonstrating the need to address a special problem” and cannot “simply posit the existence of the disease sought to be cured”) (citations omitted). Plaintiffs are therefore likely to succeed on the merits.

II. The Remaining Factors Weigh Heavily In Plaintiffs’ Favor

Each remaining factor decidedly favors granting a preliminary injunction, as plaintiffs are “likely to suffer irreparable harm in the absence of preliminary relief,” the “balance of equities tips in [their] favor,” and “an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

A. The Deprivation Of First Amendment Freedoms Is A Quintessential Irreparable Harm

Even the *threat* of impairment of First Amendment interests, “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v.*

Burns, 427 U.S. 347, 373-74 (1976). That principle applies with particular force where, as here, the protected expression involves a timely matter of public concern, such as encouraging voter participation. *See id.* at 374 & n.29. SB 202 will severely burden Plaintiffs’ First Amendment rights. Their message of concrete support and community cannot be conveyed by words alone, and a 25-foot buffer zone often amounts to a total ban, and in any event compromises Plaintiffs’ ability to initiate “close, personal” interactions that are “essential” to disseminating their message. *McCullen*, 573 U.S. at 487. Criminalizing this core expressive conduct is a paradigmatic irreparable harm.

B. The Balance Of Hardships Tips Strongly In Plaintiffs’ Favor

An injunction would pose little to no hardship to Defendants. The November 2022 elections are many months away. Indeed, when asked, the State Defendants pointed to *no* specific “election administration burden[]” should the Court enjoin SB 202’s ban on line relief. *See* Lakin Decl. Ex. 20 11-12. That makes sense. If the line relief ban is enjoined, election administrators need only *passively* allow the provision of food and water to voters—common practice in Georgia for decades.

Even if a preliminary injunction imposed some limited burden on Defendants, there are almost six months before November’s elections, and instructing poll workers and election administrators to return to a decades-long status quo would constitute at most a “modest administrative burden[.]” *Fish v. Kobach*, 840 F.3d

710, 754-55 (10th Cir. 2016). According to the former Chief of Elections in Fulton County, the most populous county in the state, prohibiting enforcement of SB 202’s line relief ban “could be done close in time to an election without significant cost, confusion, or hardship on the administration of elections.” Brower Decl. ¶ 11. And this injunction need not issue close in time to an election, further reducing any hypothetical burden. In any event, administrative burdens cannot trump Plaintiffs’ constitutional rights. *See Fish*, 840 F.3d at 755; *United States v. Georgia*, 892 F. Supp. 2d 1367, 1377 (N.D. Ga. 2018); *Ga. State Conf. of the NAACP v. Fayette Cnty. Bd. of Comm’rs*, 118 F. Supp. 3d 1338, 1348 (N.D. Ga. 2015).

C. A Preliminary Injunction Is In The Public Interest

Finally, “injunctions protecting First Amendment freedoms are always in the public interest.” *Texans for Free Enter. v. Tex. Ethics Comm’n*, 732 F.3d 535, 539 (5th Cir. 2013). Likewise, protection of “franchise-related rights is without question in the public interest.” *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005). And “[n]either the government nor the public has any legitimate interest in enforcing an unconstitutional [law].” *Otto v. City of Boca Raton*, 981 F.3d 854, 870 (11th Cir. 2020); *see also KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006) (same).

III. The *Purcell* Principle Does Not Apply And In Any Event Does Not Preclude The Limited Relief Sought Here

The Supreme Court has recognized that “lower federal courts should ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205, 1207 (2020) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)). This “*Purcell* principle” requires more demanding scrutiny of last-minute changes to election laws that “result in voter confusion and consequent incentive to remain away from the polls.” *Purcell*, 549 U.S. at 4-5; see also *League of Women Voters of Fla., Inc. v. Fla. Sec’y of State*, --- F.4th ---, 2022 WL 1435597, at *3 (11th Cir. May 6, 2022) (non-precedential stay order). Justice Kavanaugh, in a recent concurrence joined by Justice Alito, described the *Purcell* principle’s application as depending in part on “how easily the State could make the change without undue collateral effects. Changes that require complex or disruptive implementation must be ordered earlier than changes that are easy to implement.” *Merrill v. Milligan*, 142 S. Ct. 879, 881 n.1 (2022) (Kavanaugh, J., concurring).

Under this reasoning, the *Purcell* principle should not apply. Earlier this year, the Supreme Court ordered entirely new maps for the Wisconsin State Assembly and Senate in advance of the primary elections that were just over four months later. See *Wisc. Legis. v. Wisc. Elections Comm’n*, 142 S. Ct. 1245, 1248 (2022). Drawing entirely new maps “is a prescription for chaos for candidates, campaign organizations, independent groups, political parties, and voters, among others.”

Merrill, 142 S. Ct. at 880 (Kavanaugh, J., concurring). But the Supreme Court did not apply the *Purcell* principle in that case—indeed, it did not even mention *Purcell*.

The November 2022 elections will not be held for more than five months. Unlike in *League of Women Voters*, “local elections” are not “ongoing,” and an injunction would not “implicate[] voter registration” or anything else that is “currently underway.” 2022 WL 1435597, at *3. Enjoining the line relief ban will involve minimal burdens, and certainly nothing nearly akin to redrawing legislative maps. Indeed, it would not require election administrators to *do* anything—it would require no changes to voting processes or election machinery, and election administrators need only return to the status quo from prior election cycles and *refrain* from enforcing a criminal ban. *Cf. Ga. Latino All. for Hum. Rights v. Deal*, 793 F. Supp. 2d 1317, 1340 (N.D. Ga. 2011) (“[B]y merely preserving the status quo, [the] injunction will impose no new and onerous burdens on the Defendants.”), *aff’d in part & rev’d in part on other grounds*, 691 F.3d 1250 (11th Cir. 2012).

For example, the Spalding County Defendants identified no particular burdens in implementing a preliminary injunction against the line-relief ban, noting only that they “would not interfere with efforts by non-poll workers to distribute food or water if a Court Order so requires.” Lakin Decl. Ex. 21 at 9 (Spalding Defs.’ Resp. to Pls. First Interrogatories at 9). According to the former Fulton County Chief of Elections, lifting the ban “would not be burdensome on election workers or to the

voters and could be implemented close in time to an election.” Brower Decl. ¶ 10. And the election director of Douglas County observed that it “was very useful for Douglas County to be able to have external organizations” provide line relief. Kidd. Dep. 37:3-10. Finally, and crucially, enjoining the ban will not confuse voters, as it would not affect what they need to know to cast their ballot. *See, e.g.*, Clarke Decl. ¶ 11. An injunction certainly would not lead to confusion that might incentivize voters to stay home. *See Purcell*, 549 U.S. at 4-5.

Even if the *Purcell* principle does apply, the injunction should still issue.⁸ As shown, Plaintiffs will “suffer irreparable harm absent the injunction” and “the changes in question are at least feasible before the election without significant cost, confusion, or hardship.” *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J. concurring). Plaintiffs have “not unduly delayed bringing the complaint to court,” *id.*, as they initiated this action on March 29, 2021—just four days after Governor Kemp signed SB 202 into law, *see* <https://www.legis.ga.gov/legislation/59827>—and Plaintiffs moved for a preliminary injunction promptly after obtaining the necessary discovery and five months before the general election.

⁸ *Cf. League of Women Voters*, 2022 WL 1435597, at *1, *3 & n.1 (in an expressly non-binding opinion, applying *Purcell* to an injunction against a Florida law prohibiting “solicitation” with intent to affect voters near polling places).

Last, and as shown above, “the underlying merits are entirely clearcut in favor of the plaintiff[s].” *Merrill*, 142 S. Ct. at 881. The decision in *League of Women Voters* underscores the point. *See* 2022 WL 1435597, at *5-6. There, the district court enjoined a law prohibiting “engaging in any activity with the intent to influence or effect of influencing a voter,” finding that it was both unconstitutionally vague and overbroad. *Id.* at *5. While the panel found that to be a “close[] call,” it ultimately stayed that injunction because it found that the merits panel “might determine that the language the district court found problematic is limited by the surrounding examples of prohibited conduct,” and that the district court’s overbreadth ruling may have “failed to contend with any of the ‘plainly legitimate’ applications” of the law. *Id.* at *6. Not so here. Plaintiffs do not make a void-for-vagueness or overbreadth argument. And in any event, SB 202 sweeps far more broadly than the Florida provision at issue in that case, which was limited to actions *intended* to affect voters.

More importantly, the Eleventh Circuit panel found no fault with the district court’s finding that line relief is expressive conduct. *See League of Women Voters of Fla., Inc. v. Lee*, --- F. Supp. 3d ---, 2022 WL 969538, at *62-65 (N.D. Fla. Mar. 31, 2022) (line relief activities “communicate[d] to ... voters that their determination to exercise the franchise is important and celebrated”). Nor could it, given clear precedent in this circuit and from the Supreme Court. *See supra* Pt. I.A.

The line relief ban is a wholly unjustified and unjustifiable bar on expressing messages of concrete support and encouragement to voters waiting in line to cast a ballot. It is a ban on giving an elderly voter handwarmers, not just so her hands don't turn blue, but also to affirm that her individual vote matters to more than just her. It is a ban on handing a hungry voter a granola bar, not only to feed him, but also to fill him with a sense of pride and duty. It is a ban on giving a thirsty voter something to drink to celebrate her civic-minded decision to make sure her voice is heard, no matter the obstacles. These actions, and this message, are part of what makes the great American experiment work. If anything threatens election integrity in Georgia, it is the law that treats these messengers like criminals.

CONCLUSION

Plaintiffs' motion for a preliminary injunction should be granted.

Respectfully submitted, this 25th day of May, 2022.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of L.R. 5.1, using font type of Times New Roman and a point size of 14.

Dated: May 25, 2022

/s/ Leah C. Aden

Leah C. Aden

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2022, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Dated: May 25, 2022

/s/ Leah C. Aden

Leah C. Aden

Counsel for Plaintiffs

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

IN RE GEORGIA SENATE BILL 202	Master Case No.: 1:21-MI-55555- JPB
<p>SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21-cv-01284- JPB
<p>GEORGIA STATE CONFERENCE OF THE NAACP, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRAD RAFFENSPERGER, in his official capacity as the Secretary of State for the State of Georgia, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21-cv-01259- JPB

**DECLARATION OF SOPHIA LIN LAKIN IN SUPPORT OF AME &
GEORGIA NAACP PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR
A PRELIMINARY INJUNCTION**

I, Sophia Lin Lakin, hereby declare:

1. All facts set forth herein are based on my personal knowledge, and if called upon to testify as to the contents of this Declaration, I could and would do so.

2. I am an attorney with the ACLU Foundation and am serving as counsel for Plaintiffs Sixth District of the African Methodist Episcopal Church, Delta Sigma Theta Sorority, Georgia ADAPT, Georgia Advocacy Office, and Southern Christian Leadership Conference in the above-captioned matter.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the declaration of Melody Bray dated May 9, 2022.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the declaration of Rhonda Briggins dated May 20, 2022.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the declaration of Dwight C. Brower dated May 23, 2022.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the declaration of Tonia Clarke dated May 19, 2022.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the declaration of Preye Cobham, Esq. dated May 11, 2022.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the declaration of Hansel Enriquez dated May 10, 2022.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the declaration of James Gaymon dated May 8, 2022.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the declaration of Reginald T. Jackson dated May 20, 2022.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the declaration of

Shafina Khabani, dated May 20, 2022.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the declaration of Glory Kilanko dated May 12, 2022.

13. Attached hereto as **Exhibit 11** is a true and correct copy of the declaration of Monica Kinard dated May 9, 2022.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the declaration of Cy Mayes dated May 11, 2022.

15. Attached hereto as **Exhibit 13** is a true and correct copy of the declaration of Tayleece Paul dated May 12, 2022.

16. Attached hereto as **Exhibit 14** is a true and correct copy of the declaration of Stacey Ramirez dated May 11, 2022.

17. Attached hereto as **Exhibit 15** is a true and correct copy of the declaration of Janie Robinson dated May 11, 2022.

18. Attached hereto as **Exhibit 16** is a true and correct copy of the declaration of Tamara Scott dated May 9, 2022.

19. Attached hereto as **Exhibit 17** is a true and correct copy of the declaration of Hope Sims Sutton dated May 11, 2022.

20. Attached hereto as **Exhibit 18** is a true and correct copy of the declaration of Brenda Tharpe dated May 23, 2022.

21. Attached hereto as **Exhibit 19** is a true and correct copy of the expert report of Dr. Stephen Pettigrew dated May 13, 2022.

22. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts of State Defendants' Responses and Objections to CBC Plaintiffs' First Interrogatories dated April 29, 2022.

23. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts of Spalding County Defendants' Response to NGP Plaintiffs' First Interrogatories dated May 13, 2022.

24. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts of the May 5, 2022 deposition transcript of Milton D. Kidd.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 24, 2022

/s/ Sophia Lin Lakin

Sophia Lin Lakin

Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF MELODY BRAY

DECLARATION OF MELODY BRAY
(pursuant to 28 U.S.C. § 1746)

My name is Melody Bray. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Cobb County. I have previously lived in Fulton County. I am a United States citizen and I am registered to vote in Cobb County.

2. I am a first-generation immigrant. I was born in Toronto, Canada to Jamaican parents. I grew up in Miami, Florida, but moved to Atlanta almost two decades ago and have been living here ever since.

3. I am a realtor, attorney, and activist.

4. I am currently running to represent Senate District 38 in the Georgia General Assembly.

5. I am a co-founder of the Georgia 55 Project. The Georgia 55 Project is an organization that aims to increase voter turnout by connecting the positive experiences people often associate with food with voting. We partner with local restaurants and food banks to provide information to voters and encourage them to engage in the election process.

6. Our organization's name comes from the fact that we were founded "55" years after the passage of the Voting Rights Act of 1965.

7. In the 2020 election cycle (including the June primary, the November general election, and the January 2021 runoff election), the Georgia 55 Project participated in providing basic provisions and support to voters waiting in lines at the polls (known as "line warming" or "line relief"). Our organization handed out food and water to folks waiting in long lines,

provided coloring books for children waiting in line with their parents, offered chairs to elderly voters who may not have been able to stand for long periods of time, held people's places in line if they had to leave the line to use the restroom, and offered lactation pods for voters who may have been nursing. Our goal was to make sure voters had what they needed to stand in long lines.

8. Line relief was a central part of Georgia 55's overarching goal. Our aim is to increase voter turnout by bringing the positive experiences people associate with food to the often-negative experience of voting. Our line relief activities, primarily distributing food and water to people in line, were essential to establishing that connection between food and voting. Line relief activities also encourage voters to stay in line and vote, which is also a major element of our organization's goal.

9. By conducting line relief activities, we are trying to create a community around voting. Nothing says Southern hospitality more than gathering around a table to share food. This is especially true in Black communities. We want to create that ethos in polling precincts in Georgia as well.

10. We also see our work in close connection to the work of civil rights activists in the past. Just as civil rights organizers used to make sure that marchers and protesters had the food and water they needed to sustain themselves and bring about political change in America, we seek to ensure that voters have what they need to vindicate their rights at the ballot box, no matter how long lines are.

11. Our line relief activities have no partisan aim whatsoever. Our training materials explicitly tell volunteers to not wear anything that could be interpreted as partisan, and to not react one way or another to a candidate's name. Both requirements are also reiterated in our

volunteer compliance form.

12. Georgia 55 provided line relief activities to voters in the following counties in the 2020 election cycle: DeKalb County, Fulton County, Cobb County, and Gwinnett County. I personally provided line relief at various Fulton County polling locations during the June 2020 primary, when the lines at polling locations were notoriously long, and many people had to wait in line for hours to cast their vote. During the November 2020 elections and the January 2021 runoffs, I coordinated the activities from a central hub located in Fulton County. There were “substations” which coordinated additional activities at satellite locations in and around Atlanta.

13. Our line relief activities help convey a message to stay in line to vote, and to persevere to make sure voters’ voices are heard. We seek to make sure that long lines do not deter voters from trying to bring about political change.

14. Words by themselves couldn’t convey this message to voters in the same way as providing line relief. When you show up and provide voters with the things they need to stay in line, it shows them that you took the time to thank and support them. It’s all about neighbors helping neighbors, and providing comfort to voters so that they can make their voices heard and participate in the political process.

15. I remember a group of elderly Black voters who had been waiting in line for hours during the June 2020 primary, which was unbelievably hot and humid. Another line relief group had been by before us and given them water, but it was room temperature by the time we arrived. When I offered them some cold iced water, this group of voters was so thrilled and grateful. That experience made me emotional, because I thought about how these Black voters had probably been through so much in the past just to cast a ballot, and yet they were still

showing up to vote despite how difficult it could be. The small act of providing some cold water to them helped buoy their spirits and give them the support they needed to continue to stand in line.

16. I have never personally heard of a voter complaining about our line relief activities for any reason. On a rare occasion, we have had some volunteers being asked to leave by poll workers with no justification provided. Our volunteers are trained to leave immediately if any poll worker asks them to leave, and so immediately complied when they were asked to leave. I can only recall two occasions where volunteers were asked to leave by poll workers. I know of many more experiences where poll workers were happy that our organization was there, and where poll workers themselves accepted the food and water we offered because they also needed support in doing their duties.

17. During the June 2020 primary elections there were several locations in Fulton and DeKalb counties where the lines extended more than 150 feet from the building. One particularly long line that comes to mind was the C.T. Martin Natatorium, located in Fulton County at 3201 M.L.K. Jr. Dr. SW, Atlanta, GA 30311. I also remember a location on the east side of Atlanta where the line wrapped around the block. Voters had to wait hours and hours to cast their votes at these polling locations. Our organization typically sees the longest lines at polling places in Black and brown neighborhoods.

18. When long lines stretch outside polling locations, voters often have to wait on sidewalks and roads where there are no places to sit, no sources of shade, and no protection from the elements.

19. The ban of line relief created by the anti-voting law, S.B. 202, has caused our

organization to no longer engage in line relief activities the same way that we did in the 2020 cycle. Many of our volunteers were afraid of being arrested after the law was passed. We discussed the possibility of enlisting some pro bono attorneys to help us should anything of that sort arise, but we ultimately decided against it. We are trying to find other solutions to the long lines at polls, such as providing grant funding to organizations that provide voter education.


20. We tossed around the idea of setting up tables 150 feet away from the polling locations, which I understand the law still allows for. But we didn't think it would be effective, based on our experiences providing line relief in the past. Voters need support wherever they are in line, not just 150 feet out from the location. Once voters are already in line, it can be hard to leave the line to get provisions. Moreover, voters might not realize that we are present near the polling place if we are so far away. It is important to be able to approach voters closer to where they are standing in line.

21. The potential increase in law enforcement presence at polling locations also caused us to end our line relief work.

22. S.B. 202 has essentially stopped us from serving our neighbors and communities when they need us. We wish we could do more to help voters in lines at the polls, but with all the new criminal penalties associated with line relief, it just doesn't seem worth the risk.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/9/2022



MELODY BRAY

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Exhibit 2

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN
METHODIST EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of
Georgia, in his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

**DECLARATION OF RHONDA BRIGGINS ON BEHALF OF
DELTA SIGMA THETA SORORITY, INC.**

My name is Rhonda Briggins. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based on my personal knowledge:

1. I am a Black woman who is a resident of and registered voter in DeKalb County, Georgia.
2. Within Delta Sigma Theta Sorority, Inc. ("Delta Sigma Theta"), I am one of the Social Action Chairs of the National Social Action Commission ("Commission"). The Commission spearheads initiatives that mobilize our members, chapters, and national leaders to advocate for Delta Sigma Theta's predetermined positions and actions. In my role as a Social Action Chair, I am responsible for advancing Delta Sigma Theta's positions and actions by implementing and overseeing those efforts at the national, state, and local level. Some of the positions that I work on implementing include voter registration, education, and mobilization efforts; monitoring legislation at the national, state, and local level; and encouraging our members to run for elected office. Social Action Chairs serve two-year terms, and I am finishing the second year of my second term.
3. Before serving as a Social Action Chair, I served a two-year term as the Southern Regional Social Action Coordinator for Delta Sigma Theta. In this

role, I was responsible for implementing advocacy efforts and strategy in the Bahamas and five states, including Georgia, that focused on voter registration, education, and mobilization initiatives, among other priorities. Before this role, I served a two-year term as the Georgia Social Action Coordinator for Delta Sigma Theta, focusing on implementing similar voter education and registration initiatives, among other priorities.

4. Through my role as a Social Action Chair, I am familiar with, and receive frequent updates and proposals for activities of Delta Sigma Theta, including those on behalf our chapters and Sorors in Georgia. Soror is a term of endearment used by members of Delta Sigma Theta to refer to each other.

5. Delta Sigma Theta is a national, nonpartisan, not-for-profit membership service organization of primarily Black women committed to the constructive development of its members and to public service with a primary focus on uplifting the Black community. Collegiate membership requires that a female student be currently enrolled at a college or university. Alumnae membership requires that a female graduate earned a baccalaureate degree from a college or university. Although Alumnae Sorors hold at least a degree from a college or university, many of them also have obtained graduate degrees. There are more than 350,000 Sorors nationwide. In Georgia, there are 58 chapters that

include alumnae and college chapters and more than 7,500 Sorors, most of whom are registered voters in Georgia.

6. Delta Sigma Theta was founded in 1913 on the campus of Howard University, a historically Black university, by its twenty-two founding members and was incorporated under the laws of the District of Columbia. Six weeks after it first formed, several of its founding members marched in the historic Women's Suffragist Parade on March 3, 1913, under the Delta Sigma Theta Sorority, Inc. banner. This was the organization's first public act. But Sorors' participation did not come without personal risk and indignity. Some white suffragists at this march did not welcome Black women and insisted that they be segregated to the end of the march. But this racism did not deter or stifle Delta Sigma Theta's participation or voices of our members who participated. Since then, Delta Sigma Theta and our members continued to play, and still maintain, a pivotal role in the longstanding journey to securing full freedom and citizenship for Black community members in the United States.

7. Through all Delta Sigma Theta's work since its founding, the organization had cemented its important national role in the Civil Rights Movement by the 1960s. Sorors, for example, participated in the Mississippi Freedom Ride during the summer of 1961, sit-ins throughout the South, and other

demonstrations during the 1960s, putting themselves again at personal risk and indignity. Delta Sigma Theta also played a critical role in the iconic March on Washington in 1963 and lobbying to ensure the passage of the Civil Rights Act of 1964 and Voting Rights Act of 1965, among many other historic efforts. During this time period, they also provided critical support to Black communities and Sorors in Georgia, working to integrate the University of Georgia, registering Black voters, and combatting racially discriminatory voting tactics.

8. Encouraging, cultivating, and supporting civic engagement has remained a core tenant of Delta Sigma Theta's mission since its founding because democracy, justice, and the equal dignity of every person can be achieved only through voting. As a nonpartisan organization with a focus on Black individuals and communities, Delta Sigma Theta's aim is to ensure that all voters, particularly Black voters and other voters of color, have full, meaningful, and non-burdensome access to the one fundamental right preservative of all others: the right of eligible voters to have equal access to the ballot box. To this end, voter registration and education efforts, along with combatting voter suppression tactics, are some of the organization's top social action priorities. These efforts honor and continue the long legacy of Delta Sigma Theta supporting Black political participation and opposing efforts to curtail voting rights.

9. Some of Delta Sigma Theta's nonpartisan civic engagement programs include, but are not limited to: organizing and facilitating voter registration drives; developing and distributing "Know Before You Go" voting literature; hosting candidate forums; encouraging community members to participate to vote through direct contact and advocacy efforts; hosting events to help citizens returning to their communities after incarceration understand their voting rights and how to restore them despite having a felony conviction background; and engaging in other Get Out the Vote ("GOTV") efforts. For example, through Delta Sigma Theta's GOTV efforts, our organization coordinates "Souls to the Polls" activities, which is widely known in Georgia and elsewhere as a practice in which Black voters worship together on Sunday and then march or share rides to vote after Sunday service. Through these critical efforts in Georgia, Delta Sigma Theta, Black churches, and other partner organizations have provided Black voters with necessary fellowship, transportation, and logistical assistance, which have increased voter participation.

10. Another critical activity that Sorors have pursued through chapters and partnerships is handing out free food, water, and other provisions to voters who have stood in lines at polling place locations before the enactment of Georgia's Senate Bill 202 ("S.B. 202"). These efforts are known as "line warming"

or “line-relief.” Sorors have engaged in line-relief activities for decades across Georgia.

11. S.B. 202, however, restricts line-relief activities. Under the law, we understand that it imposes criminal penalties on persons “who give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector,” even without any conditions attached. From our understanding, these restrictions apply within 150 feet of a polling place or 25 feet of any voter in line. These restrictions operate as an absolute ban on line-relief activities where long lines extend and wrap around polling place locations or at locations where there are no publicly accessible spaces within 25 feet of voters who are waiting in line to vote.

12. Delta Sigma Theta’s conduct line-relief activities because Sorors and other Black voters in Georgia experience long lines at polling locations, which impact significant numbers of Black Georgia voters. Over the years, I am aware of many Sorors and members of the communities that we serve who have waited an hour or longer to cast their votes during early voting and on Election Day. I am aware of the long wait times experienced by Black and other voters because I have experienced this myself and have learned of it from other Sorors in my leadership role with Delta Sigma Theta. I have observed or learned from other Sorors that

white voters do not experience these same long lines in the polling places that largely serve white voters.

13. The long wait times that Black voters faced have received media attention in Georgia and in national media outlets. I have seen the media coverage of the long wait times that voters experienced, including during the primary elections in Georgia in 2020.

14. I am aware that there are a variety of reasons why Black voters in Georgia have experienced longer lines than white voters. Some of these reasons include the reduction in polling places and machine malfunctions in communities where Black voters live. Delta Sigma Theta consider these inequitably long lines as a form of voter discrimination because these long lines can be fixed rather than continue to make it harder for Black voters to exercise their hard-fought right to vote. Delta Sigma Theta's line-relief efforts helped affected voters receive forms of respite as they wait in long lines, whether that be a cold bottle of water during the hot June 2020 primary or a snack to an elderly voter who had been waiting in line for more than an hour.

15. By providing voters with necessary supplies, Sorors encourage them to stay in line and remind them of the importance of casting a ballot to make sure their voices are heard, rather than get out of line and forego voting because of the

indignity of having to do so, the fatigue and hunger voters experience, and the risk of missing time from work and meeting family obligations like childcare pickup. Sorors and the volunteers that we work with see line-relief efforts as creating a sense of community, reminding voters that voting is a joyful thing and a civic responsibility even in the face of the long lines.

16. Delta Sigma Theta believes that these line-relief efforts help re-affirm the dignity of Black voters, so many of whom are harmed by longer lines and should not be forced to wait in long lines without ready access to necessities like food and water. Otherwise, voters would be forced to leave line to get these necessities, losing their spots in line. The line-relief efforts also convey that there is a community of Black residents who are standing with them and supporting them in the most important civic act they can do.

17. When Sorors offer line-relief to voters waiting in line, they often identify themselves as being part of a local Delta Sigma Theta chapter. And they often tell voters that they are entitled to vote if they are in line before the polls close.

18. Delta Sigma Theta also believes that line-relief activities are a form of social action. Long lines, and the many Black voters who experience those long lines, are a direct result of policy choices by government officials such, as

explained above, closing, consolidating, and moving polling places in the communities in which Black people live. By providing voters with necessities as they wait in long lines, Delta Sigma Theta conveys to government officials that voters will support one another as community members and neighbors to overcome barriers to the ballot box that make voting more burdensome for Black voters and other voters of color.

19. Moreover, the food and water provided by our members across the state of Georgia is part of a rich tradition of Black political activism. Food has played a central role in supporting Black community members who have fought against and resisted unjust laws and regimes that have sought to stymie Black political participation. And Delta Sigma Theta has played a key role in providing food during these social justice movements. Ensuring that Black community members have enough sustenance to fight for their political rights, whether through civil rights marches or through the simple act of casting a ballot, is thus an important part of Delta Sigma Theta's cultural traditions.

20. Many Black Georgians would likely understand that Delta Sigma Theta's line-relief activities encompass more than simply handing out free food and water. Instead, they would understand that these activities stand for and convey deeper principles and messages because of Delta Sigma Theta's long

record of participation in civil rights and political participation alongside other nonprofit and Black-led civic organizations in Georgia.

21. Because of S.B. 202's line-relief ban, our chapters across Georgia do not have any plans to engage in line-relief activities for any upcoming elections. In fact, Delta Sigma Theta has not provided line-relief in any elections in 2021 or 2022 that have occurred since S.B. 202 has been implemented. Sorors are unwilling to provide line relief in the face of criminal penalties for doing so. Sorors know about the collateral consequences that flow from having a criminal background record, including potentially the loss of the right to vote, job, loan or financing options, and housing opportunities. But for this line-relief ban, I believe that our chapters and Sorors in Georgia who had previously engaged in line-relief activities would resume engaging in line-relief activities.

I, Rhonda Briggins, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Dated: Atlanta, Georgia

May 20, 2022


Rhonda Briggins on behalf of Delta Sigma Theta

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Exhibit 3

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

Declaration of Dwight C. Brower

I, Dwight C. Brower, hereby declare as follows:

1. I am a U.S. citizen, a resident of Newton County, Georgia, and a registered voter in Georgia. I retired as the Chief of Elections in the Fulton County Department of Voter Registration and Elections in 2019, where I had worked since about 2006. From July through November 2020, I returned to the Department of Voter Registration and Elections and worked as a contractor to fulfill the job duties of Chief of Elections during a vacancy. I have worked in election administration in Georgia in various capacities and jurisdictions from 1996 through 2020.

2. I am highly familiar with the procedures for registration and voting in this State, because of my 24 years of experience working in Georgia elections.

Based on my experience, SB 202 will make it harder for people to vote in Georgia and appears intended to do just that.

Career in Election Administration in Georgia

3. From around 1996 to 2006, I worked as an Election Coordinator in the DeKalb County Department of Voter Registration and Elections. My responsibilities included supervising staff, coordinating election equipment, coordinating all advance voting and Election Day operations, as well as recruitment and training of poll workers.

4. In 2006, I became the Chief of Elections for the Fulton County Department of Voter Registration and Elections. In that capacity, I reported to the Fulton County Director of Elections. As Chief of Elections, I oversaw the Election Day activities in Fulton County. My responsibilities ranged from managing resources and budgeting, to managing professional staff, to training poll workers and coordinating Election Day logistics. I retired in 2019.

5. From July until November 2020, at the request of Fulton County, I returned to the Fulton County Department of Voter Registration and Elections in a contract role to fulfill the duties of the then-vacant position of Chief of Elections. During that time, I performed the same duties as I had performed when I was previously employed as Chief of Elections for Fulton County. I was not employed

by the Fulton County Department of Voter Registration and Elections during the June 2020 primary election or the January 2021 Senate runoff election.

Ban on Providing Food and Water at Polling Sites

6. Based on my work as a senior election administrator in Fulton County, I am familiar with the laws and rules governing impermissible activities in and near polling places or within 25 feet of a voter standing in line to vote, as well as SB 202's changes to laws addressing these impermissible activities.

7. In the 2020 election cycle, some Fulton County voters experienced long lines at polling sites. Based on my recollection, during the 2020 election cycle, polling places in predominantly Black communities in southern Fulton County were more likely to experience long lines and longer wait times than polling locations in predominantly white communities.

8. At some polling places throughout the County, volunteers offered free water or food at polling places so that voters would be more comfortable while waiting in line and less likely to leave without casting a vote. During the entire time I served as an election official in Fulton County, some organizations called my office ahead of upcoming elections to inform us that they were planning to provide water or food at polling places. We would inform the organization of the requirements under the law, and recommend that they inform the facility that was

serving as a host polling facility of their plans as well. This occurred most frequently in presidential elections. From my experience, volunteers providing food and water were located throughout Fulton County, and primarily at polling places in the predominantly Black communities in the southern part of Fulton County.

9. During my time as a senior election administrator in Fulton County, I neither saw nor heard any evidence that volunteers who were providing water or food at a polling location attempted to influence individuals' votes. Laws and policies that were in place prior to the enactment of SB 202 banning electioneering within a certain distance of a polling location adequately addressed concerns about any potential instances of electioneering and vote-buying.

10. Although SB 202 contains provisions that allow for poll workers to provide self-service water to voters, this is not feasible in practice. Fulton County has more than 400 polling locations, so it would be a great expense and administrative effort to provide a sufficient water supply at each and every polling location. Also, establishing and stocking water receptacles on Election Day would be an additional duty for poll workers. Poll workers already have a large number of responsibilities in conducting the election, and they should not be saddled with the additional burden of setting up a water station.

11. Based on my experience, if the food and water ban imposed by SB 202 were to be lifted, it would not be burdensome on election workers or to the voters and could be implemented close in time to an election. To return to default (pre-SB 202) procedures that allowed volunteers to provide free food and water at polling sites would simply require notifying poll workers that such activities are permitted, which could be done close in time to an election without significant cost, confusion, or hardship on the administration of elections.

12. This declaration is not intended to capture all of my knowledge or experiences that may be related to this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on MAY 23-4, 2022.


DWIGHT BROWER

Exhibit 4

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

**DECLARATION OF TONIA CLARKE
(pursuant to 28 U.S.C. § 1746)**

My name is Tonia Clarke. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Stockbridge, in Henry County, Georgia. I have been registered to vote in Henry County since I moved here in 2010.
2. I am 48 years old and African-American. I pride myself in being a consistent voter. I do not believe I have missed a single election since I moved and registered to vote in Henry County in 2010.

3. I usually vote during the early voting period because I like to vote the first day that the polls are open. My husband and I are both veterans and voting is part of our civic duty. That is why my husband and I take our kids and our whole family goes to vote together. It is not only a family tradition, but demonstrates to our kids the importance of voting. I usually vote at the Merle Manders Conference Center in Stockbridge, Georgia.

4. I am a member of Delta Sigma Theta Sorority, Incorporated's Griffin Area Alumni Chapter ("GAAC"). I hold a leadership position within GAAC as Chairperson of the Educational Development Committee, which emphasizes scholastic achievement and higher academic development, promotes service learning, fosters college preparation and planning, and awards scholarships.

5. I have a health condition that makes it hard for me to wait in long lines. I have plantar fasciitis in both my right and left feet. This means that it is hard to put pressure on my feet for long periods of time. This condition is the reason I received an honorable discharge from the military.

6. During the November 2020 general election, I went to vote during the early voting period with my husband and children at Merle Manders Conference Center in Stockbridge, Henry County, Georgia. We waited for over 6 hours to vote because the line was so long. The line of voters waiting to cast a ballot wrapped around the entire building and crossed the sidewalk. My daughter documented this voting experience, including a visual of the long lines at my polling place, in a video that can be viewed at <https://youtu.be/wP0zk1JT93M>.

7. While waiting in line I was offered food and water from volunteers. The volunteers had a cooler and they walked around to voters waiting in line and asked voters if they

would like food and water. I accepted a banana and water.

8. I never felt intimidated or threatened by any of the volunteers handing out food and water. In fact, it was the opposite. The volunteers did not care about how I voted because their efforts were nonpartisan. Whenever they offered me something, they did not know what my vote would be and it did not matter to them what my vote would be that day.

9. Receiving the water, in particular, was like receiving hope. You knew that the volunteer—somebody—cared because I was there for a cause. The food and water meant that somebody understood how important the cause was and how I had been there for 6 hours and that I was tired and I was hot. The food and water told me that the volunteer just appreciated that I was here and that I was expressing myself by voting and exercising my voice.

10. I disagree with the new restrictions to line relief. Many people, especially the elderly and people with disabilities, cannot wait in long lines with food, water, and other provisions. Line relief isn't costing anybody anything except for the volunteer that is giving out the food, water, and provisions. Yet, voters are being cut off from resources they need. The restrictions are punishing voters. My family was able to hold our spot in line to vote during the 2020 November general election while one of our family members went to get more substantial food for lunch. I do not know what I would have done if I had been by myself. If volunteers were not able to hand out food, water, and other provisions, I believe many people would have gotten out of line and not voted, especially people with health conditions.

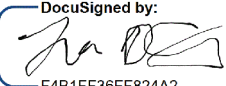
11. As a voter, I would not be confused if the new restrictions to line relief were lifted. If the new line relief restrictions were lifted, I do not believe other voters would be confused either. In my opinion, many voters, especially the elderly who have been voting for a

long time, are not even aware that there are new restrictions in place. Voters are accustomed to the full line relief activities that volunteers have been conducting at the polls for years before the new restrictions were in place, so they would not be confused if the new restrictions were lifted.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/19/2022

DocuSigned by:

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TONIA CLARKE

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Exhibit 5

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF PREYE COBHAM, ESQ.

DECLARATION OF PREYE COBHAM, ESQ.
(pursuant to 28 U.S.C. § 1746)

My name is Preye Cobham, Esq. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Clayton County, Georgia. I am registered to vote in Clayton County.
2. I am above 18 years old and am Black/African American.
3. I am the Legal Director of Women Watch Afrika.
4. I have participated in handing out snacks, water, ponchos, hand warmers, and other provisions such as sanitizing supplies during the COVID-19 pandemic. Women Watch Afrika has been participating in line relief for more than five years. Primarily, Women Watch Afrika participates in line relief in DeKalb County, Clayton County, South Fulton, and some of Gwinnet County. We chose these counties because they have the highest demographic of former immigrants who are now new citizens. Women Watch Afrika has worked with these new citizens since before they were eligible to vote and we try to stay connected with them as they gain access to the right to vote. We want them to know they have a community that supports them in exercising their voting rights. After SB 202 was enacted, Women Watch Afrika stopped its line relief activities because the law is confusing regarding line relief and our organization did not want to be the guinea pig. Now, Women Watch Afrika uses its line relief funds for setting up and paying for ethnic taxi drivers/companies and Uber rides to help drive community members to the polls. We also are training interpreters to be available via telephone instead of onsite at polling locations, and assist with interpretation services when voters call our language-access phone

number. Following SB 202, Women Watch Afrika started a radio program called Community Focused Radio where non-English speaking immigrants and refugees can call into a local radio station and receive information about SB 202 in their native languages. The radio sessions happen every Monday at 2 p.m.

5. I participate in line relief activities because voting is a tool for change in democracy. I have passed out water, snacks, and resources for weather conditions at polling places in DeKalb County. It is important for everyone who is eligible to vote to have a voice and to speak up about anything that will spoil democracy. I know of instances where poll workers were not aware that newly naturalized citizens' information do not appear right away on the voter registration rolls. So the poll workers were turning away a number of newly naturalized citizens that were showing up to vote, despite the voters showing that they were registered voters. These voters were then very discouraged. Since I am an attorney and those voters familiar with Women Watch Afrika know that we work in the area of elections and voting, they know that they can come up to me and others at the polls to ask us questions or seek contact information for election protection resources.

6. There are times when the weather conditions are so bad and folks are still waiting in lines to vote. It could be raining, storming, or extremely cold. Voters could be on a quick lunch break or have their children with them. Our line relief efforts are to let voters know that they are not alone, we understand that the lines are long but they will move, and despite it all, voting is still important. We want to let them know that their voice matters. A lot of voters that Women Watch Afrika engages with come from very marginalized experiences and we want to encourage them to take the opportunity now to finally express how they feel through voting.

Ultimately, our line relief efforts say, “Don’t give up. This is your duty and we are proud of you.” Words alone could not convey this message.

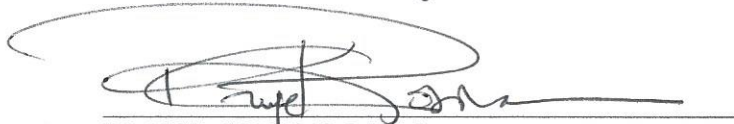
7. When I participate in line relief activities, I am never trying to convince anyone to vote a certain way. Volunteers with Women Watch Afrika never wear any campaign gear and do not give out any campaigning materials. Women Watch Afrika is non-profit C3, so we do not do partisan stuff in any way. If asked by voters about issues on the ballot, we always say “we cannot discuss candidacy.” I believe that part of having the right to vote is for one to make choices, not be told what to do.

8. In my time with Women Watch Afrika, I have never received complaints about the relief we were providing to voters in line.

9. Voting lines are longer in the evenings because people are getting off work or have just finished picking up their kids from school. Sometimes these lines have hundreds of people in them. In predominantly black and brown communities, the lines are just longer than in other parts of the Atlanta-metro area. One of the reasons being that the machines breakdown in these particular polling locations often.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2022


PREYE COBHAM, ESQ.

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Exhibit 6

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF HANSEL ENRIQUEZ

DECLARATION OF HANSEL ENRIQUEZ
(pursuant to 28 U.S.C. § 1746)

My name is Hansel Enriquez. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Fulton County, Georgia. I am a United States citizen and I am registered to vote in Fulton County.

2. In the June 2020 primary election, I went to vote during the early voting period because I was not sure I would be able to vote on Election Day because of work obligations.

3. I went to vote at a library in College Park that was near city hall.

4. I got in line around 7:00 P.M. that evening. I did not vote until around 2:45 A.M. So I waited in line for approximately 8 hours.

5. Based on my observations, most of the voters in line with me were African American.

6. There were people who were handing out apples, cookies, and water to voters waiting in line. Over the course of my 8-hour wait in line, I ended up taking a total of three apples, a cookie, and two water bottles through the night.

7. I had not planned on waiting in line for 8 hours, so I did not have any food or water with me while I waited in line. If I had not been provided some food and water, I'm not sure I could have waited in line that long.

8. But apart from the basic necessity of the food and water itself, I was genuinely touched by the compassion of the act itself. It sent me the message that the people providing the food and water supported our efforts to stay in line. They wanted to make sure we voted. When

you have been waiting in line for so long, that kind of show of support can make a real difference.

RETRIEVED FROM DEMOCRACYDOCKET.COM

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 05/10/2022


HANSEL ENRIQUEZ

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 7

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF JAMES GAYMON

DECLARATION OF JAMES GAYMON
(pursuant to 28 U.S.C. § 1746)

My name is James Gaymon. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Snellville in Gwinnett County, Georgia. I am a United States citizen and I am registered to vote in Gwinnett County.
2. I am 57 years old.
3. I am African American.
4. I am the Executive Director of Operation Voter Turnout for the Sixth District of the African Methodist Episcopal Church ("AME Church"). I am a member of the New Bethel AME Church located at 8350 Rockbridge Rd SW, Lithonia, GA 30058.
5. Operation Voter Turnout is a voter mobilization program organized by our church to make sure that every eligible member registers and casts a ballot in elections. Operation Voter Turnout helps to educate voters, transport churchgoing voters to the polls during early voting and on election day (known as "Souls to the Polls"), and conducts other activities to make it easier for eligible members to vote.
6. Encouraging and supporting civic participation among AME Church members is a core aspect of our church. Advocating for the right to vote (regardless of candidate or party), and encouraging the AME Church's eligible members to vote have been major priorities for our churches. Given the historical barriers to the ballot box that Black voters have faced, we believe it is important for our members (who are predominantly Black) to make sure to go out and have their voices heard in the political process.

7. One of the activities of Operation Voter Turnout is handing out food, water, chairs, and other provisions to voters waiting in long lines at polling locations across the state (“line relief”). These activities are usually coordinated by local pastors or volunteer AME members in the area who are trying to make long lines more bearable for their neighbors. Helping someone who is thirsty or hungry at the polls is not only something the Church views as a civic obligation, but also a humanitarian obligation.

8. By providing voters with food and water, we acknowledge the effort and sacrifice it took for voters to stand in line to exercise their basic right to vote. Line relief is a simple act of comfort and kindness that expresses our gratitude for those fulfilling their civic responsibility and persevering against obstacles to participate in the political process.

9. I don’t think that just saying thank you to voters would convey the same message as actually providing line relief.

10. I have personally participated in handing out water bottles to voters waiting in line at the polls in Georgia for the 2018 and 2020 elections. I have participated in line relief activities at Lenora Park at 4515 Lenora Church Road, Snellville, GA 30039 (in Gwinnett County). Based on my observations from voting at that location in the past and providing line relief, the Lenora Park location serves predominantly Black and brown voters.

11. I first got personally involved in line relief activities in Georgia in the November 2018 election. When I went to vote during the early voting period, the line was extremely long and snaked around the building. I waited for about an hour and a half to vote that day. It was an unseasonably warm day, and because I noticed that the line had only grown longer after I voted, I decided to come back with some cold water for other voters waiting in line. I did this again for

the November 2020 early voting period as well. I recall that lines were similarly long during the November 2020 early voting period.

12. Although I have only participated in line relief activities in Georgia for the 2018 and 2020 election cycles, I have participated in line relief activities in other states since around 1988.

13. There are many reasons why I have always been motivated to provide this type of support at the polls. As a father, I feel a personal responsibility to make the voting process easier for other parents who are forced to bring their children with them to wait in line. As I age, I am more concerned about the conditions for elderly voters waiting in line. I have seen voters pull into the precinct and immediately get so discouraged by the length of the line that they leave without casting their ballot.

14. Usually when I hand out water bottles to people waiting in lines, they thank me and express their gratitude. I usually respond by saying "thank you for voting" or something along those lines. Sometimes voters in line ask me whether they should come back later to vote based on how long lines are. I encourage voters to stay in line because you never know if the line will be worse later.

15. When I hand out water bottles, I never talk to any voters about the choices they are making at the ballot box, or about anything partisan whatsoever. I give water to anyone who is in the vicinity who would like some water, regardless of whether they intend to vote or not.

16. In my decades of helping with line relief (both in Georgia and in other states), I have never received any complaints from voters about our presence. I have never been approached by an election official with any questions, concerns, or complaints about the comfort

we are providing. Nearly everybody has simply said thank you and allowed us to continue.

17. Because of SB 202, voters are more likely to opt out or postpone voting when they see a long line, particularly when the weather is harsh. The inability to provide line relief will especially discourage elderly voters from participating in elections if they are not able stand in long lines for several hours. We are trying to decide how to continue to support voters waiting in line with the new law, but I am not sure how we can effectively do line relief with the new restrictions.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5-8-2022



JAMES GAYMON

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 8

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF REGINALD T. JACKSON

DECLARATION OF REGINALD T. JACKSON
(pursuant to 28 U.S.C. § 1746)

My name is Reginald T. Jackson. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I am the presiding prelate of the Sixth Episcopal District of the African Methodist Episcopal Church (“AME Church”).

2. I was elected and consecrated as the 132nd Bishop of the AME Church in 2012 and was assigned as the Bishop of the Sixth District in 2016. As Bishop of the Sixth District, it is my responsibility to supervise the work of the church as an organization and preside over member churches across the district.

3. I have served as the chairman of the Social Action Commission of the AME Church and am the current chairman of the Commission on Colleges, Universities and Seminaries.

4. The Sixth District is one of twenty worldwide districts of the AME Church. The Sixth District covers the entirety of the State of Georgia. There are more than 500 member churches that are part of the Sixth District.

5. The AME Church has approximately 90,000 members on roll in the Sixth District. A vast majority of our members are Black. Our members reside all across the state.

6. The AME Church traces its roots to 1816 as the first independent Protestant denomination founded by Black people in response to segregation and discrimination in the Methodist Episcopal Church.

7. The AME Church places a strong emphasis on social service. In addition to its

primary mission of religious education, the AME Church has a secondary mission of service to the homeless, the imprisoned, the poor, and other needy persons.

8. Encouraging and supporting civic participation among its members as well as the broader community is a core aspect of the AME Church's work. Advocating for the right to vote, regardless of candidate or party, and encouraging the AME Church's eligible members to vote have been priorities of the church. These goals are especially important to the Church because of the persistent discrimination that Black Americans have historically faced when trying to exercise their fundamental right to vote.

9. The AME Church has a long legacy of supporting Black political participation. The storied civil rights marches from Selma to Montgomery, Alabama were organized in the Brown Chapel AME Church in Selma. When marchers were beaten by Alabama State Troopers on the Edmund Pettus Bridge on "Bloody Sunday," the wounded marchers fled back to the sanctuary of Brown Chapel. And in Georgia, AME churches in Georgia often served as organizational centers for Black leaders of the Civil Rights Movement. For example, in Savannah, W.W. Law led mass meetings at St. Philip AME Church. When our members engage in line relief activities, they are directly participating in that legacy.

10. One of the AME Church's civic engagement programs is called Operation Voter Turnout. Operation Voter Turnout is a voter mobilization program organized by our church to educate, register, and mobilize our members to vote. One of the many activities we organize as part of Operation Voter Turnout is "Souls to the Polls." This initiative is an effort to transport churchgoers to polling locations during advance voting periods after they have attended worship services. We also hold "Get Out the Vote" efforts to increase voter participation.

11. Another activity that our member churches have pursued through Operation Voter Turnout is handing out food, water, chairs, and other provisions to voters standing in lines at polls (also known as “line warming” or “line relief”). Our member churches have been engaged in line relief activities for decades across the state of Georgia. Most of these activities have taken place in predominantly Black neighborhoods.

12. Our churches conduct line relief activities because our members often have to wait in long lines to cast their ballot at the polls. I am aware of many church members having to wait in lines for hours just to cast their ballots.

13. For our church, providing this support is also about living up to the tenets of the Gospel. As the Gospel of Matthew tells us, “For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink.” Matthew 25:35 (NIV).

14. Long lines have historically plagued Black communities in particular. These long lines are an affront to the lengths that Black voters have had to go to vindicate the fundamental right to vote and participate in the political process on equal footing with other voters. Many elderly members of our church can still remember a time when they could not vote without harassment or threats of violence.

15. But line relief allows voters waiting in long lines to get some respite from having to wait in long lines—whether it is through a bottle of cold water or a chair to rest weary legs. By providing line relief, our members send the message to voters that they have dignity as voters, their voice matters, and that they should overcome barriers to political participation by staying in line and ensuring that future elections are not marred by obstacles to the ballot box (such as long lines). Line relief also shows voters that their community supports them in their efforts to cast a

ballot.

16. When church members are offering line relief to voters waiting in line, they often identify themselves as being part of the local AME Church and thank them for voting. They also often inform voters that if they are in line before the polls close, they are entitled to vote.

17. We also believe that line relief activities are a form of protest. By ensuring that voters have the provisions they need to wait in long lines, our members show government officials that voters will overcome voter suppression measures that have been erected to make casting a ballot more burdensome for Black voters and other voters of color.

18. Moreover, the food and water provided by our members across the state of Georgia is part of a rich Southern Black political tradition. Food has played an important role in resisting unjust laws and regimes that have sought to stymie Black political participation, especially in the Deep South. And AME Churches have often provided food to people fighting for these social justice causes. Ensuring that our members have enough sustenance to fight for their political rights, whether through civil rights marches or through the simple act of casting a ballot, is thus an important part of the AME Church's cultural traditions.

19. Because of the storied tradition of the AME Church's participation in civil rights and political participation alongside other Black-led civic organizations in Georgia, and the connection of food and protest in Black Southern traditions, many Black Georgians would likely understand that our line relief activities are more than just food and water handouts but rather stand for deeper principles.

20. For the most part, member churches across the state have no plans to engage in any line relief activities in the upcoming election because of the new bans that SB 202 has

introduced. If the ban were to be lifted, I believe that most member churches who had previously engaged in line relief would be able to resume these activities immediately.

21. Prior to the 2020 general election, I had a meeting with the Secretary of State of Georgia to offer up AME church facilities as polling locations for the 2020 election cycle. Many AME churches were already serving as polling locations based on their use in past elections, but I wanted to offer as many member churches as possible to be used as polling locations given the high turnout expected in the 2020 general election. The Secretary and I had a meeting and discussed the possibility of the State of Georgia using more AME Churches as polling locations, and I told him that I believed that more polling locations could help reduce wait times on Election Day. The Secretary indicated he would consider our offer and communicate with counties to assess the proposal. However, I believe few, if any, additional AME churches were used as polling locations in the 2020 general election.

22. SB 202 will make it harder to vote, especially for those who face long lines at polling locations. In many polling locations, it will mean that any form of line relief will become functionally impossible because lines spill out onto public sidewalks and streets, and thus there is no publicly accessible place where those providing line relief can operate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/20/2022

DocuSigned by:

Reginald T. Jackson
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REGINALD T. JACKSON

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Exhibit 9

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF SHAFINA KHABANI

DECLARATION OF SHAFINA KHABANI
(pursuant to 28 U.S.C. § 1746)

My name is Shafina Khabani. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Atlanta in DeKalb County, Georgia. I have been registered to vote in DeKalb County for 11 years.
2. I am 38 years old and identify as South Asian.
3. I am the Executive Director for the Georgia Muslim Voter Project (“GAMVP”). I started with GAMVP in 2020.
4. GAMVP’s staff members have participated in handing out food, water, and other provisions to voters waiting in line at the polls (“line relief”), including in the November 2020 general election. For instance, GAMVP’s Field Organizer, Ayesha Abid, has participated in line relief activities at the following polling locations: Gas South Arena (formerly the Gwinnett Infinite Energy Arena), Lawrenceville City Hall, and the Gwinnett County Elections Office.
5. Participating in line relief efforts gives GAMVP staffers an opportunity to talk to voters and offer translation services. In the 2020 general election, for example, GAMVP partnered with Asian Americans Advancing Justice-Atlanta to conduct line relief activities. Our staff members set up a table and took turns bringing food and water from the table to voters waiting in line. As our staff members approached voters, they offered translation services in languages like Urdu and Japanese.
6. In addition to translation services, our staff members participating in line relief activities help voters waiting in line with other voting-related questions. When GAMVP staff

members approached voters waiting in line to offer them food or water in the 2020 November general election, for instance, voters would ask them for help with simple, nonpartisan election administration issues. These issues typically occurred when a voter believed they were at a wrong polling location or when a voter wanted to know the location of the nearest dropbox. Our staff members receive training to be able to answer these questions.

7. GAMVP participates in line relief activities because we want to empower our communities to vote and break down any barriers that may prevent them from doing so, including long lines. The issue of long lines at poll sites has been a widely publicized issue over multiple elections in Georgia, especially in communities that are predominantly people of color. Ahead of the 2020 presidential election, voters waited for hours in the midst of a pandemic, to cast their ballots at early voting and election day poll sites across the state. A huge turnout in 2020—coupled with fewer poll workers because of the impact of COVID—resulted in with long lines. I have spoken to voters who have had negative experiences at polling places, including long lines, and that has affected whether or not they turn out to cast their ballots. Letting organizations, such as GAMVP, provide provisions to voters allows us to make the process less burdensome to our communities who want to exercise their right but are intimidated by barriers such as long lines.

8. Our organization's message when we participate in line relief activities is to also provide a sense of safety and comfort to Muslim communities who already face so much discrimination in their day to day lives.

9. When GAMVP staff participate in line relief, another message we send to voters is that exercising your right to vote doesn't have to feel burdensome and it can be an enjoyable

experience. There are places in Georgia with atrocious lines where people wait in line for two and a half hours or more. These are the stories we hear at GAMVP all the time, and from people who have been voting for 30 or 40 years. These people know organizations like GAMVP are trying to help them stay hydrated so that they can vote without medical emergencies. They know who we are and rely on us. I know this because they are always coming up to thank our staff members who are providing line relief. By providing line relief, we show those voters that there are organizations out there that see them in these horrible lines and care that they are having to wait for such a long time. We see them suffering in the Georgia heat and humidity and we try to comfort them and make sure they are still going to vote. When we participate in line relief, we are telling voters that 90-degree weather doesn't have to stop them from voting and we reinforce this message by being out there with igloo coolers giving voters ice cold water.

10. GAMVP wants voting to be accessible to everyone who is eligible to vote. By participating in line relief efforts, GAMVP staff members show voters that GAMVP is dedicated to making voting accessible to everyone who is eligible to vote.

11. The line relief ban makes food and water less accessible for voters waiting in line. These are items that people have relied upon to make voting accessible to them.

12. GAMVP is a nonpartisan organization. When any GAMVP staff member, including myself, participates in line relief activities, we never bring partisanship into our work. We never share any partisan messages. We go through an election protection training that specifically tells us we are prohibited from bringing partisanship not our line relief efforts.

13. GAMVP has never received any complaints about our participation in line relief activities from staff members, volunteers, voters, poll workers, or anyone else.

14. Because of SB 202, GAMVP is no longer going to be doing any line relief activities at all because we don't want to risk being arrested. GAMVP is a small, but growing organization. In the past, GAMVP had partnered with other organizations to conduct line relief activities. In the spring of 2021, GAMVP was just beginning to plan an independent line relief program, inspired by Souls to the Polls and other historical voter support efforts. We had been in contact various Dunkin' Donut shops and chai vendors so we can give out chai or cider and other foods that represent our community to voters waiting in line during the next election. This would have been part of our efforts to support and recognize the Muslim community, specifically, in their civic participation. But after SB 202 was passed, we had to abruptly stop working on that new program. We wasted a lot of staff time on that shuttered program.

15. To me, SB 202 and the line relief ban feels like an attack on Muslim, Black, and Brown Georgians who showed up to vote in historic numbers in 2020 and are now being punished for it. Georgians were able to vote in record-breaking numbers in 2020 due to safe and secure options to cast their ballots in a global pandemic. Rather than further expand this access, our lawmakers have instead chosen to perpetuate lies of voter fraud to make it harder for people to have their voices heard. The line relief ban, in particular, makes no sense. I don't know anyone who goes to vote because they're going to get provisions such as food and water. What this ban does instead is take away something that voters have come to expect and depend on because organizations have been out there year after year, election after election, to give voters food and water if they need it while they are waiting in line to vote. When they go to vote, voters know that they may have to take the day off or stand in line for four hours to cast their ballot, but they also know that someone is going to be there waiting for them to make their experience more

safe and comfortable so they can make it through the long line.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/20/2022

DocuSigned by:

Shafina Khabani

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SHAFINA KHABANI

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Exhibit 10

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF GLORY KILANKO

DECLARATION OF GLORY KILANKO
(pursuant to 28 U.S.C. § 1746)

My name is Glory Kilanko. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Clayton County, Georgia. I am registered to vote in Clayton County.
2. I am in my sixties and am Black/African.
3. I am the founder and CEO of Women Watch Afrika.
4. I have participated in handing out snacks (granola bars and crackers), water, and other provisions such as sanitizing supplies during the COVID-19 pandemic (known as “line relief”). Women Watch Afrika has been participating in line relief for more than five years. Once SB 202 was enacted, Women Watch Afrika stopped its line relief activities because the law is confusing regarding line relief and our organization did not want to be the guinea pig. Now, Women Watch Afrika uses its line relief funds for setting up and paying for ethnic taxi drivers/companies and Uber rides to help drive community members to the polls. We also are training interpreters to be available via telephone instead of onsite at polling locations, and assist with interpretation services when voters call our in-person language-access phone number.
5. Protecting the right to vote through line relief is extremely important to me because I understand the weight of this right. When I became a naturalized citizen, one of the things they said to me during the ceremony was “Congratulations, you now have the right to vote.” Therefore, I knew then that voting was a powerful tool and right that should be exercised and protected. In addition to the snacks, water, and other resources we handout during line relief,

Women Watch Afrika offers language assistance to voters at the polls. Many of the voters that Women Watch Afrika has relationships with are voters whose first language is not English, so we are able to offer assistance at the polls when language barriers do arise. I know of instances where poll workers were not aware that newly naturalized citizens' information does not appear right away on the voter registration rolls. So the poll workers were turning away a number of newly naturalized citizens that were showing up to vote despite the voters showing that they were registered voters. These voters were then very discouraged from the process.

6. Central to Women Watch Afrika's mission is encouraging others to get involved in their community on every level. I exemplify that by being one of the few executive directors of any organization who is out there with the people participating in line relief. The message is telling people that as a citizen, this is one of the most powerful weapons that you have and it is not open to all. I am proud of them for choosing to exercise them and I recognize them.

7. Women Watch Afrika is a non-profit C3 so it is nonpartisan. Other than saying "good morning, good afternoon, hello," or "would you like a bag of water, granola bar, or crackers?" we do not talk to voters.

8. In the culture I come from, water means life. In providing water to those waiting in line, I and other line relief participants are passing on strength to those standing in long lines. We are saying, "I acknowledge why you are in this line, please be patient and your turn will come." Words alone could not convey this message the same way.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 12th of May, 2022



GLORY KILANKO

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Exhibit 11

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF MONICA KINARD

DECLARATION OF MONICA KINARD
(pursuant to 28 U.S.C. § 1746)

My name is Monica Kinard. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Fulton County, Georgia. I am a United States citizen and I am registered to vote in Fulton County.
2. I am African American.
3. I am a member of the Stone Mountain Lithonia Alumnae Chapter of Delta Sigma Theta, Inc.
4. Starting in 2014, I began participating in handing out food and water to people waiting in lines to vote in Georgia (called “line warming” or “line relief”). I handed out food and water as part of a group involved with Gems and Gents Coaching Corner, an organization that provides mentoring and tutoring services to at-risk youth in the Atlanta area.
5. I have handed out bottled water, pre-packaged crackers, and small bags of chips to voters waiting in line in elections starting in 2014 and going through 2020.
6. Our activities are focused on polling locations in Fulton county, and South Fulton county in particular, where lines can be particularly egregious. Based on my observations, the polling locations with the worst lines are usually the polling locations where a majority of voters are people of color.
7. We usually provide line relief at polling locations during the early voting period as well as on Election Day.
8. The message that I seek to send to voters when I engage in line relief is that they

should stay in line and carry out their sacred obligation to vote, despite the obstacles that may stand in their way to the ballot box.

9. I don't think that just saying those words without providing the food and water would convey the message the same way.

10. I also view line relief as a form of protest. If government officials are not going to do anything to alleviate these long wait times that voters are facing, then I would like to help voters overcome these obstacles and provide them with the support they need to wait in line.

11. Typically, when I hand out food and water, voters are very grateful for the support, especially when they have been waiting for a long time. They usually say "thank you," and I usually respond by thanking them for voting and making their voice heard. The interactions are usually very positive and pleasant.

12. The purpose of line relief is not to convince anyone to vote for a certain candidate or party. I have never engaged in conversations about the choices people will make at the ballot box with people waiting in line.

13. Before I participated in handing out food and water at the polls, I was on the receiving end of line relief at the polls. During the 2010 election cycle, when I lived and voted in Clayton County, I remember receiving a bottle of water and a pamphlet while waiting in line to vote at a polling location in Forest Park.

14. I believe I had been waiting in line for about an hour at that point, and I appreciated this support.

15. The pamphlet I received had some basic information about voting. I remember learning from the pamphlet that if you are already in line to vote when the polls close, you are

entitled to vote. I did not know that fact before I read that pamphlet, and now it is a piece of information I share with other voters. The pamphlet did not contain any information about any candidates or parties in that election.

16. The message I received through line relief as a voter was that my voice mattered, and that I have an important role to play in the political process. That experience of receiving line relief was one of the reasons I started volunteering handing out food and water at the polls. I want to make sure that others also realized the power of participating in democracy.

17. I am not sure if I will be participating in line relief in the upcoming elections because of the new restrictions on line relief that the new anti-voting bill has introduced.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/9/2022

DocuSigned by:



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MONICA KINARD

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Exhibit 12

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF CY MAYES

DECLARATION OF CY MAYES
(pursuant to 28 U.S.C. § 1746)

My name is Cy Mayes. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Gwinnett County, Georgia. I am a United States citizen, and I am registered to vote in Gwinnett County.
2. I am African American.
3. I am the President of the Social Action Committee at Big Bethel AME Church located at 220 Auburn Avenue, Atlanta, Georgia 30303. I have previously served as Treasurer of the Social Action Committee, and as President of the Men's Ministry at New Bethel AME Church located at 8350 Rockbridge Rd SW, Lithonia, GA 30058.
4. The Social Action Committee is an arm of our church that coordinates activities and information on social issues affecting members and neighbors of our church. The Committee is dedicated to making sure people's rights are protected, no matter what their background is. One of the rights we seek to protect is voting rights.
5. As a member of Big Bethel's Social Action Committee, I have helped organize the distribution of water bottles to voters waiting in line at the polls ("line relief" or "line warming") in the following elections: the June 2020 primary and the November 2020 general election. Our committee participated in line relief activities at polling locations in and around Fulton County during the early voting period as well as on Election Day (for both the primary and the general election). My role in line relief activities is to help procure water bottles so they can later be distributed to voters waiting in lines at the polls.

6. I believe that voting is a crucial, fundamental right, and people should not have to endure hardships when they are trying to exercise this basic right.

7. Line relief communicates a message to voters that they should stay in line to exercise their right to vote so they can have their voices heard in how laws are crafted and policy choices are made. The candidates and choices that voters make when they cast their ballot makes a huge difference in their lives and may even have an impact on how long lines are at the polls in future elections. Line relief allows voters to overcome hardships to get to the ballot box and have a say in their futures.

8. It wouldn't be the same if our members just told this message to voters in words. The act of line relief is special because it sends a message about participation in democracy and the importance of humanitarian assistance in a way that words could not capture.

9. The mission of the Social Action Committee at Big Bethel is to make sure people can exercise their fundamental rights, no matter who they are. Line relief relates to that goal because it helps make sure people can get through barriers that exist that might prevent them from voting, such as long lines.

10. When I support line relief activities, it doesn't matter to me whether the voter who ultimately gets a bottle of water is voting for Democrats, Republicans, or independents. I don't even know which party other members of the Social Action Committee align with. That's because line relief is about people participating in democracy regardless of their party affiliation. We promote the idea that every voter should be respected and appreciated for just coming out to vote.

11. During both the primary and general elections in 2020, I recall having heard

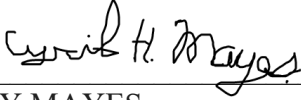
stories about voters having to wait as long as five hours to vote. I recall some of the worst lines to be in Gwinnett and Fulton counties, and parts of Southwest Atlanta. Often, the worst lines were in areas where there was a high concentration of voters of color.

12. The Social Action Committee at Big Bethel doesn't know exactly what we are going to do now that we cannot hand out water bottles to folks waiting in the line at the polls because of the new anti-voting law, SB 202. But we are currently thinking about how we can do more to educate voters through pamphlets and through our website. Now that the rules have changed so much, it will be important to educate voters how to make sure they can cast a ballot in future elections.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/11/2022



CY MAYES

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Exhibit 13

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

**DECLARATION OF Tayleece Paul
(pursuant to 28 U.S.C. § 1746)**

My name is Tayleece Paul. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Atlanta in Fulton County, Georgia, where I am enrolled in law school. I have been registered to vote in Gwinnett County, Georgia, since 2016. I consider Gwinnett County my home since it is where I grew up and I am currently residing in Fulton County where I have attended college and law school.

2. I am 24 years old and African American. I have been registered to vote since I

was 18 years old.

3. I have participated in handing out food, water, and other provisions, including handwarmers, chairs, and nonpartisan voter guides to voters waiting in line at the polls (“line relief”) in the following elections: November 2020 general election and the January 2021 runoff election. I have participated in line relief activities at polling locations in Gwinnett County and Henry County. In Henry County, I specifically participated in line relief activities at the Cochran Public Library at 174 Burke Street, Stockbridge, GA 30281.

4. During the November 2020 general election, the provisions I handed out to voters waiting in line included cards with QR codes that linked to COVID-19 relief resources, like cash funds, personal protective equipment (“PPE”), food, and other aid provided during the pandemic. Line relief activities at polling locations gave us the opportunity to let people know about these resources.

5. During the January 2021 runoff election, the provisions I handed out to voters waiting in line included nonpartisan voter guides for the Sheriff’s election in Gwinnett County. These voter guides were pamphlets that noted each candidate running for Gwinnett County Sheriff and that candidate’s position on criminal justice-related issues that would help the voter discern whether the candidate was “tough on crime.” These issues included the criminalization of marijuana and the County’s contract with Immigration and Customs Enforcement (“ICE”). The candidate’s position on the pamphlet was based on the candidate’s responses in an interview or a candidate’s public statement. When we approached a voter waiting in line, we would offer them a nonpartisan voter guide if they wanted more information on the Sheriff’s race. Line relief activities at polling locations gave us the opportunity to let people know about the candidates

running for Gwinnett County Sheriff and some of their positions on crime-related issues.

6. I participate in line relief activities to provide people with assistance in exercising their legal rights. No one is meant to stand for that long of a period of time, especially those with disabilities or other attributes that would make it more difficult for them to stand in line. In Stockbridge, Georgia, during the January 2021 runoff elections, for instance, we observed an older crowd of voters waiting in line. It felt good to be able to help them and give them a bit of relief when they were standing their for hours just to exercise their legal rights.

7. By providing food, water, and other provisions, I let voters know that what they are doing is important, that it is important to exercise their legal rights, and that they have support while they are doing it. In my view, words can never match up to action. Words without action can mean nothing. It was especially important here to back up my words with action.

8. I do not engage in any electioneering when I participate in line relief activities. When I have participated in line relief activities in the past, I participated through an organization called Southerners on New Ground (“SONG”). Before participating in these activities, SONG made all participants go through an internal training and were told that we were not allowed to even speak any candidates’ names when engaging with voters in line. If someone asked us about a candidate, we would give them nonpartisan pamphlets that named the candidate and some of their positions on issues, but we never endorsed anyone and were informed that we were not allowed to engage in any discussion about candidates.

9. In my past line relief experiences, I would hold a bag containing food, water, and other provisions like handwarmers if it was cold outside. A typical interaction with a voter would involve me approaching a person in line and asking them if they would like anything in the bag. I

would let them choose one drink and one snack. They would thank me. Some times a voter would ask me if they were at the correct polling place. I would try to assist them by logging onto an app that SONG used to enter in certain questions to help determine the voter's correct polling place.

10. During the January 2021 runoff election, I was handing out food, water, and handwarmers in Stockbridge, Georgia at the Cochran Public Library polling location. It was very cold and the voting lines were very long. People didn't know how long they were going to have to wait to vote. I approached a woman who had no gloves and not enough layers on. Her hands were red and her fingers were so cold they were turning purple. I was able to give her some handwarmers and she repeated professed her gratitude to me. At the same polling location, I also spoke to an elderly woman who had already waited an hour to vote and still had another 45 minutes to wait. She told me she was not sure she was able to stay in the line for 45 more minutes. I was able to secure her a chair so she could sit in the chair while she waited and she successfully waited the additional 45 minutes in order to cast her ballot.

11. No one has ever complained to me because I was providing free water and snacks to voters.

12. When I was participating in line relief activities in Gwinnett County during the November 2020 general election, almost all of the lines at polling places were more than 150 feet from the entrance to the polling location. These include lines that extended into the public sidewalk and street outside of the polling location. In my experience, these long lines tend to happen in communities of color and long lines most significantly impact people of color, communities with elderly people, and people with disabilities. When I was participating in line

relief activities in Stockbridge, Henry County during the 2021 January runoff election, the difference between polling places in affluent areas with white voters and less affluent areas with voters of color was like night and day. In higher-income places, I barely saw any lines.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/12/2022

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Tayleece Paul

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 14

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF STACEY RAMIREZ

DECLARATION OF STACEY RAMIREZ
(pursuant to 28 U.S.C. § 1746)

My name is Stacey Ramirez. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Fulton County, Georgia. I have been registered to vote in Georgia since the age of 18.
2. I am 58 years old and White/Caucasian.
3. I am a member of The Arc Georgia.
4. The Arc Georgia is committed to making sure that voting is accessible to everyone who is eligible to vote.
5. Through The Arc Georgia, I have participated in handing out food and water to voters waiting in line at the polls ("line relief") in the following elections: January 2021 Georgia Senate Runoff. I have participated in line relief activities at the following polling locations in South Fulton County – East Point, Hapeville, and Capitol View. These polling locations are in predominately Black areas and have large numbers of voters of color.
6. I participated in line relief activities during the January 2021 Georgia Senate Runoff after seeing the ridiculously long voting lines in previous elections on the news for people waiting to exercise their civil rights.
7. By providing voters waiting in line with food and water, I am communicating to voters that I am grateful for their commitment to their civic duty. I am affirming their decision to stay in line, sometimes in the hot sun, to exercise their right to vote because I want them to know that their vote does count and that they are important.

8. When I participate in line relief activities, I do not talk about the vote at all. I am only there as support to thank the individual for their vote. I view line relief as a non-partisan community building activity. Just as one may view breaking bread together as a community building activity, I view the same for the food and water I help provide through line relief.

9. In all of my poll relief efforts, no one has ever complained to me because I was providing free water and snacks to voters. Most people have just expressed sincere gratitude.

10. Long lines at the polls in Georgia have been a problem, especially in Black and brown neighborhoods. In my experience, I often see long lines in poorer Black communities such as those in South Fulton County. These locations do not have as many volunteers to work the polls and this may be because the individuals in these communities cannot afford to leave work early to volunteer or to spend a day at the polls. Also, the voting machines in these neighborhoods seem to breakdown more often, which also adds to the long lines.

11. SB 202, the new voting law in Georgia, bans us from providing line relief to voters waiting in line within the 150 feet buffer zone around a polling location. The Arc Georgia has had to expend significant staff time to determine how to restructure the line relief efforts so that its volunteers are not threatened with criminal penalties. If not for SB 202, The Arc Georgia would be using its staff time for other activities pursuant to its organizational mission like advocating for more accessible public transportation for people with disabilities.

12. I work very closely on disability rights and SB 202 will have a chilling effect on those with disabilities. Having to wait in long lines or not have access to continued food and water while waiting to vote will go beyond voter suppression for some disabled voters. It will effect immediate physical health. Unfortunately, many poll workers do not understand the rights

those with disabilities have when voting at the polls, such as the right to move to the front of the line. And many disabilities are not obvious to most people, such as someone with diabetes, Crohn's disease, or early onset muscular dystrophy. I worry a great deal how SB 202 will detrimentally impact the ability of Georgians with disabilities to exercise their civil right to vote.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2022.


STACEY RAMIREZ

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 15

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

**DECLARATION OF JANIE ROBINSON
(pursuant to 28 U.S.C. § 1746)**

My name is Janie Robinson. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Columbus in Muscogee County, Georgia. I have been registered to vote in Muscogee County since for about 40 years.

2. I am 67 years old and I identify as a Black woman. I am an extremely consistent voter. I never miss an election, including a local election. Voting is important to me because it allows me the opportunity to choose individuals that represent my ideas, my values, and my

aspirations.

3. I am a member of the Delta Sigma Theta Sorority, Inc. I am a Diamond Life member, which means I only pay local dues. I serve as a member of many committees in my local chapter, which is the Columbus, Georgia Alumnae Chapter.

4. I usually vote on the first day of the early voting period or the first Sunday that voting is offered during the early voting period. The lines are usually shorter on the first day of early voting. If I vote on the first Sunday that voting is offered during the early period, it is because I like to go to vote after church.

5. I have observed volunteers handing out food, water, and other provisions to voters waiting in line. During the June 2020 primary election, for instance, I had gone to vote in the early afternoon on a Sunday, right after church. I believe this was at the Columbus Citizens Service Center. It was very hot outside and the line was so long that it wrapped around the block. I waited about one hour and ten minutes from to vote. While I waited, I observed an elderly woman who was in front of me who was trying to stay on her cane. She started falling backwards and the people in line behind her caught her and were trying to hold her up. All of the voters in line behind her were trying to fan her and keep her cool. A volunteer came rushing towards her and brought her a seat and some cold water. He was not affiliated with anyone inside the polling place who was conducting the election. I knew this because he was wearing a t-shirt that said, "Voting is Your Right." The shirt was black with white lettering.

6. The message I observed from the volunteer's interaction with the elderly woman was that the volunteer was there to provide some humane assistance to voters because of the situation we were in. He understood what the voters in line were going through. Some voters had

been standing there since first thing in the morning, maybe with no breakfast or lunch. Some of the voters might have to leave because they only had their lunch hour to try and vote. The volunteer understood how dissatisfied we are with how voting was set up with these long lines, but also that we should not be deterred. His message in helping that elderly woman was that even though something wasn't working right because we were sweating and standing there waiting in that long line, he was going to help provide some small assistance to us, even if it was just some snacks or a cold bottle of water or calling an ambulance if we needed it.

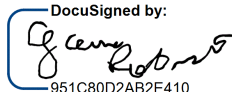
7. I never felt harassed or intimidated by volunteers handing out food, water, or other provisions during the June 2020 primary election. I have never felt harassed or intimidated by volunteers handing out food, water, or other provisions in any other election I have ever voted in.

8. I have never had a volunteer conducting line relief approach me to try to convince me to vote for a certain candidate or party. Based on my observations, the volunteers handing out food, water, or other provisions during the June 2020 primary election did not ever try to convince you to vote for a certain candidate or party. In fact, someone had a three- or four-year-old grandson waiting with them in line who approached the volunteers at the table they had set up near the voting line. He got a handful of snacks, as many as he wanted. They let him have those snacks and it was clear he was not old enough to vote.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/11/2022.

DocuSigned by:

A handwritten signature in black ink, appearing to read "Janie Robinson", is written over a blue DocuSign signature line.

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JANIE ROBINSON

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 16

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in
his official capacity, *et al.*,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF TAMARA SCOTT

DECLARATION OF TAMARA SCOTT
(pursuant to 28 U.S.C. § 1746)

My name is Tamara Scott. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in DeKalb County, Georgia. I am a United States citizen and I am registered to vote in DeKalb County.

2. I am African American.

3. I am a member of the Stone Mountain chapter of Delta Sigma Theta, Inc.

4. Voting is very important to me. I take it very seriously as my constitutional right. Voting is how I make my voice heard in this democracy. When I vote, I feel like I have a hand in shaping my destiny.

5. I prefer to vote in person. Usually, I vote during the early voting period.

6. During the November 2020 general election, I waited approximately four hours to cast my ballot during the early voting period at Berean Christian Church at 2201 Young Road, Stone Mountain, GA 30088.

7. I have a child who has autism who was with me while I waited in that line to vote that day.

8. While we were waiting in line at the polls that day, a group of citizens were handing out granola bars and water bottles to those waiting in line. They weren't trying to convince anyone to vote a certain way (or to vote at all). Me and my child both took a granola bar and a bottle of water.

9. It was such a simple gesture, but one that really sent the message to me that I

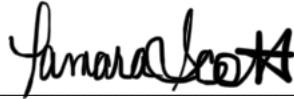
should continue to wait in line and make sure that I made my voice heard.

10. Before getting that food and water, I had been contemplating leaving the line. My child was getting impatient, and I was getting frustrated about having to wait for such a long time just to vote. But getting that food and water was one of the reasons that I decided to stay in line. It wasn't just about the food and water—it was also the fact that I felt like my voice had value in the democratic process.

11. In some ways, receiving that food and water and sticking it out in the line felt like being at a protest. There was a feeling of solidarity among the voters waiting in line, and that we were all going to make sure we did what we could to vote to fight back against the injustice of waiting in these long lines.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/9/22

A handwritten signature in black ink, appearing to read "Tamara Scott", written over a horizontal line.

TAMARA SCOTT

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Exhibit 17

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

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Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF HOPE SIMS SUTTON

DECLARATION OF HOPE SIMS SUTTON
(pursuant to 28 U.S.C. § 1746)

My name is Hope Sims Sutton. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in DeKalb County, Georgia. I am a United States citizen and I am registered to vote in DeKalb County.
2. I am African American.
3. I am a member at St. Paul AME Church located at 1540 Pryor Road SW, Atlanta, GA 30315.
4. I am also a member of the Stone Mountain chapter of Delta Sigma Theta Sorority, Inc.
5. I consider voting a sacred duty. It is important for me to cast my ballot to make sure my voice is heard in the political process. As a Black woman, it is particularly important to me to exercise this right because of the many historical obstacles that Black people have faced in participating in the political process.
6. I prefer to vote in person. Usually, I either vote in person on Election Day or during the early voting period.
7. During the January 2021 runoff election, I remember receiving snacks while I was waiting in line to vote at an early voting location in DeKalb County. I remember it was an unseasonably warm day, and the snacks were very much appreciated.
8. To me, that gesture sent the message that my vote matters, that I had dignity as a voter, and that I should keep standing in line to make sure my voice was heard in the political

process.

9. I don't think it would have had the same power to just hear someone say those words. Getting the snack helped send that message in a way that just words alone could not have.

10. When I received the snack, I was not told to vote for a certain candidate or a certain party. The snack was not given to me as part of any condition at all.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on

May 11, 2022


HOPE SIMS SUTTON

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 18

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

IN RE GEORGIA SENATE BILL 202

Master Case No.
1:21-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

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BRIAN KEMP, Governor of the State of Georgia, in
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Defendants,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.
1:21-CV-1284-JPB

DECLARATION OF BRENDA THARPE

DECLARATION OF BRENDA THARPE
(pursuant to 28 U.S.C. § 1746)

My name is Brenda Tharpe. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Muscogee County, Georgia and am registered to vote there.
2. I am 67 years old and African American.
3. I am a member of Delta Sigma Theta Sorority, Inc.
4. I had knee surgery years ago and my knees, specifically my left one, will often start to swell after I stand for long periods of time. I do my best to grin and bear the pain while waiting to vote in line but it becomes very difficult on my knees after a while.
5. My preference is to vote in person during early voting. Yet even when early voting, I have experienced lines up to 45 minutes or so. Standing in such long lines can cause pain and swelling in my knees given my knee surgery.
6. When I have voted in past elections, not including the 2022 primaries, I have waited in line to vote up to 45 minutes if not longer. I remember it being very hot while waiting in line to vote. The extreme weather conditions along with the discomfort I experience in my knees while standing for long periods of time can make waiting in line extremely difficult.
7. When I am waiting in line to vote, I need to have access to a seat due to my health condition. Because of my knee surgery, often when I stand for long periods of time, my left knee will start to swell and cause me pain. During one election while waiting in line, my husband had to get me a chair so that I could relieve the pain in my knees and not get out of line to vote. It is especially difficult for me to wait more than 30 minutes without this assistance and SB 202's ban

will only make voting harder for me.

8. When I experienced line relief, volunteers setup a table outside of the polling location in Muscogee County. The volunteers passed out cold water and crackers as voters passed the table. This act meant a lot because it was a very hot day and the cold water helped to quench my thirst while I waited in the sun to vote. By handing out cold water, I felt that the volunteers were showing their concern, especially for older people waiting in line to vote, some of whom were on walkers and canes. The cold water helped voters like me to stay in line and was a source of encouragement as we exercised our civic duties.

9. I have never felt intimidated or harassed by those providing line relief.

10. Words of encouragement plus access to a drink of water is better than just words of encouragement. When people stand in line to vote, they have no control over the circumstances they face while waiting to vote. The weather could be very hot or very cold and rainy. Passing out water and food helps voters to feel important regardless of the conditions they face that day. Line relief sends a stamp of approval and encouragement for voting. Verbal encouragement is good, but acts go much further.

11. I understand the importance of voting in every election but the lack of line relief will be a deterrent for other voters. The ban on line relief will take away the ease of voting. I view voting as the only way for a citizen to express their views in this country. Voting should not be hard and the goal should not be to make voting any more difficult by putting more obstacles in people's paths.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23rd, 2022

Brenda Tharpe
BRENDA THARPE

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Exhibit 19

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An evaluation of SB202's impact on election wait times in Georgia

Dr. Stephen Pettigrew

May 13, 2022

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Introduction and summary of findings

My name is Dr. Stephen Pettigrew. I have been retained as an expert witness by the AME, GA NAACP, and CBC Plaintiffs in this case. In this declaration, I provide my analysis and opinions concerning long lines to vote in Georgia, racial disparities in wait times, and the likely impact of SB202 on wait times. I reserve the right to continue to supplement my declaration/report in light of additional facts, testimony and/or materials that may come to light and reserve the right to address a broader scope of issues in any future report. I hereby declare as follows.

- Georgia voters spend more time waiting to vote than voters in almost every other state. In midterm elections, the average early in-person or Election Day voter in Georgia waited more than twice as long as voters in other states (12.6 minutes versus 6.2 minutes), even after accounting for demographic differences like education, age, or race. In presidential elections, Georgia voters waited 1.6 times longer (22.3 minutes versus 14.2).
- The 2012 Presidential Commission on Election Administration recommends that no voter should have to wait longer than 30 minutes to vote. This recommendation was the result of consultation with researchers and practioners and has become the standard by which lines are deemed “within reason.” The percentage of voters in Georgia waiting more than 30 minutes to vote in recent midterm elections (8.8%) is higher than all but one other state. Georgia’s rate in recent presidential elections (22.0%) is the third-highest in the country.
- Non-white voters in Georgia wait in significantly longer lines than white Georgia voters. This difference remains even after accounting for differences in population density and demographics, like education and age. This finding is consistent with political science literature on the topic.
- Black voters face significantly longer wait times than white voters in Georgia, even when comparing white and non-white voters who live within the same county. In the November 2020 election, Black voters waited more than 10 minutes longer to vote than white voters.
- Precincts in predominantly non-white neighborhoods tend to function much closer to their operational capacity than precincts in predominantly white neighborhoods. This

means that applying equal strain to all precincts (like a small, uniform increase in the number of in-person voters) will have substantially bigger impacts on line length in non-white precincts.

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Qualifications

I have been the Director of Data Science in the Program on Opinion Research and Election Studies at the University of Pennsylvania and the Deputy Executive Director of the Robert A. Fox Leadership Program at UPenn since December of 2017.

I hold a PhD in Political Science from Harvard University, conferred in May 2017. I received a Masters Degree in Statistics from Harvard in March 2014. I am a proud alum of the University of Georgia. In May of 2011, I received a Masters in Political Science and International Affairs and a Bachelor of Arts as a political science and history double major from UGA.

Prior to starting at UPenn, I worked as a data scientist and project manager at the MIT Election Data and Sciences Lab, where my research focused on issues related to election administration, particularly long lines. In addition to my academic work, I am a consultant for the NBC News Decision Desk. As a Senior Analyst, I help produce statistical models and apply them with a team to determine NBC's projections of winning candidates on election nights.

I have published nine peer-reviewed articles in journals such as *Science*, *Electoral Studies*, the *Election Law Journal*, and *Political Science Quarterly*. I have published research about the differences in election day wait times between white and non-white voters. My published work has also demonstrated that waiting in a long line makes voters less likely to vote in subsequent elections. Some of my other work has focused on voter registration list maintenance and the processes in place to secure the vote-reporting system on Election Night. More recently, I have published work on changes to mail ballot rules during the COVID-19 pandemic and shifts in public opinion about those rules. My research has been covered by a variety of media outlets including the *New York Times*, *Washington Post*, *FiveThirtyEight*, and the *Chronicle of Higher Education*.

I have also contributed to reports on election administration by non-profit organizations such as *The Pew Charitable Trusts* and the *Bipartisan Policy Center*. I was responsible for a large proportion of the statistical work that went into the early versions of Pew and MIT's Election Performance Index,¹ which has become the go-to source for evaluating the efficacy of states' election administration processes. I conducted the main statistical analysis and was a co-author on a report about long lines and polling place resources in the 2016 General

¹<https://elections.mit.edu>

Election For the *Bipartisan Policy Center*.²

In June 2021, I testified before the Congressional Subcommittee on Elections for the United States House of Representatives about the causes and effects of long lines at election polling places.³ I was invited as an expert witness to comment on the problem of long lines to vote in the United States and the legal changes that could help to alleviate the problem.

I have been asked by the plaintiffs in this case to provide a report about long lines to vote in Georgia. In particular, I was asked to address several questions in this declaration:

- How long have Georgia voters had to wait in line to vote in recent elections? How does this compare to wait times of voters in other states?
- Are there differences in wait times between white and non-white voters in Georgia? Are there particular minority racial or ethnic groups that tend experience noticeably longer waits?
- What impact might SB202 have on election wait times for Georgia voters?

The conclusions, analyses, and opinions of this report are my own. I am being compensated at a rate of \$350 per hour for my work. This compensation is not in any way contingent on the nature of my findings or the outcome of this litigation. I have provided a copy of my full Curriculum Vitae at the end of this report.

²"Improving the Voter Experience: Reducing Polling Place Wait Times by Measuring Lines and Managing Polling Place Resources." *Bipartisan Policy Center*. April 2018. With John Fortier, Tim Harper, Charles Stewart, and Matthew Weil.

³My written testimony can be found here: <https://www.congress.gov/117/meeting/house/112747/witnesses/HHRG-117-HA08-Wstate-PettigrewS-20210611.pdf>.

Section 1: Introduction

The experience that a voter has at their polling place is an important, yet often understated, part of the democratic process. Voters who have a positive experience at their precinct are more likely to have high confidence in the integrity of the electoral system as a whole and are more likely to continue to turn out in future elections. One factor that significantly impacts voters' evaluations of their polling place experience is how long they had to wait in line to cast their ballot. Because of this, managing the length of lines during early voting and on Election Day is one of the most important tasks that state and local election administrators must take on.

Since at least 2006, election wait times for voters in Georgia have consistently been some of the worst in the nation.⁴ Communities of color, particularly Black Georgians, have been disproportionately affected by the problem. In the 2020 election, non-white voters spent nearly 50% longer in line than white voters. Across all federal general elections since 2006—the earliest data available—non-white voters in Georgia experience significantly longer lines to vote than white Georgia voters.

Based on my analysis of the 2021 Georgia Senate Bill 202, I find that SB202 makes it illegal for non-partisan groups to distribute provisions like water to people standing in line. This will make the voting experience demonstrably worse for people who live in areas afflicted with long lines to vote.

This report provides detailed explanations of how I reached each of my conclusions. After providing more detail about the data and analysis used in this report, I describe the current state of election lines in Georgia, including the differences between racial groups. I then analyze SB202, providing context to how it compares to the election laws in all other states and drawing conclusions about the impact that the law may have on election lines. I conclude with a discussion of the academic literature that focuses on the consequences of waiting in a long line.

⁴This pattern has been comprehensively noted in the Elections Performance Index. The Pew Charitable Trusts launched the EPI in 2013, and in 2017 the MIT Election Data and Science Lab took over administration of the project. More information about the EPI is available at: <https://elections-blog.mit.edu/about>.

Section 2: Data and methods

Political scientists have been studying the problem of long lines for nearly two decades. One of the important early questions that they grappled with as how many minutes is an unreasonably long wait. The answer that has become a benchmark for researchers and election officials was provided by the bipartisan Presidential Commission on Election Administration (PCEA). The Commission, convened in 2013 by President Obama, was chaired by Benjamin Ginsberg, the chief lawyer for Mitt Romney's 2012 presidential campaign, and Robert Bauer, the White House Counsel and chief lawyer for the 2008 Obama campaign. Other commissioners were former State Directors of Elections, county election officials, and business leaders. The commission's final report was informed by testimony and research from academics and other experts on election administration and other related fields.

One of the charges given to the PCEA was to study the problem of lines at polling places and provide a set of best practices for election administrators to deal with the problem. The Final Report of the PCEA recommended in January 2014 that "as a general rule, no voter should have to wait more than half an hour in order to have an opportunity to vote."⁵ They arrived at this standard through consultation with practitioners who had on-the-ground expertise in the operation of polling places and researchers who had studied Americans' opinions about the voting experience. Therefore throughout the analyses of this expert report, I utilize this 30-minute threshold as a benchmark for assessing the areas and types of voters who are most affected by election lines.

To evaluate the percentage of voters waiting longer than the 30-minute benchmark, as well as the average wait time of voters overall, I draw from several data sources and use analysis techniques that have become standard practice to researchers who study the topic. In particular, the analysis utilizes survey responses to the Cooperative Election Study (formerly the Cooperative Congressional Election Study from 2006 to 2019).⁶ The CES is one of the largest academic surveys focused on public opinion and elections, and has been supported financially by the National Science Foundation. In 2020, the CES included a nationally

⁵"The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration." January 2014. Quotation from page 14. Emphasis in the original report. At writing of this testimony, the PCEA Report is available through the U.S. Election Assistance Commission's website: <https://www.eac.gov/election-officials/pcea>.

⁶A full archive of these data are available at <https://cces.gov.harvard.edu/>.

representative sample of 61,000 American adults, including 2,002 Georgians.⁷⁸

Data from the CES is a standard tool for helping political scientists to understand and study American elections.⁹ The data are also an invaluable tool for understanding polling place wait times at the state and sometimes local level. In each even-year study since 2006,¹⁰ in-person voters have been asked, “Approximately how long did you have to wait in line to vote?” Voters are given the option to respond: “Not at all”, “Less than 10 minutes”, “10 - 30 minutes”, “31 minutes - 1 hour”, or “More than 1 hour”. Respondents who indicate that they waited more than an hour are asked a follow-up question where they can type in the amount of time they waited.

For the analysis in this report, I analyzed these data in two ways. First, I considered the proportion of voters who waited more than 30 minutes to cast their ballot. This follows the benchmark set by the PCEA Report, which indicated that states and localities should work to get this percentage to zero. The second way that I analyzed the CES data was by converting the responses to the survey question into minutes and hours. Following the convention used throughout the literature,¹¹ the wait time of each respondent was coded based on the midpoint of their response to the survey question. Those who responded “Not at all” were coded as having waited 0 minutes; those responding “Less than 10 minutes” were coded with a 5 minute wait; “10 - 30 minutes” became 20 minutes; and “31 minutes - 1 hour” was 45 minutes. For respondents who indicated they waited “More than 1 hour”, I recorded their response to the open-ended follow up question.¹²

When the data were first collected about 15 years ago, there were questions about the validity of using the CES data to study election lines. In the time since, several studies have solidified the case for its use. Research using other survey data sources, particularly the Survey of the Performance of American Elections (SPAEE), reach similar conclusions to research using the CES.¹³ Other non-survey-based studies have also validated the survey-

⁷⁸The principle investigators for the 2020 study were Dr. Stephen Ansolabehere (Harvard University), Dr. Brian Schaffner (Tufts University), and Sam Luks (YouGov). Researchers from over 50 universities and colleges across the country and world participated in the creation and analysis of the study.

⁹The appendix includes a table of the CES national and Georgia sample size in all years

¹⁰The website for the study includes a list of over 100 peer-reviewed academic studies that have utilized this CCES. There are even more published papers than are included on this list: <https://cces.gov.harvard.edu/publications>.

¹¹The one exception is 2010. The wait time question was not asked in this year, and thus omitted from my analyses.

¹²See, for example, Stephen Pettigrew. 2017. "The Race Gap in Precinct Wait Times: Why Minority Precincts are Underserved by Local Election Officials." *Political Science Quarterly* 132.

¹³Following the convention in the literature, anybody who said they waited more than an hour, but did not answer the follow-up, was assigned the average of the wait times of other people in their state who waited more than an hour and did answer the follow-up.

¹⁴Charles Stewart III. 2020. “How We Voted in 2020: A Topical Look at the Survey of the Performance of American Elections.” MIT Election Data and Science Lab. <http://electionlab.mit.edu/sites/default/files/2021->

based estimation approach. One such study was conducted in North Carolina, where election officials reported wait times during the 2014 election. These reports had a statistically significant correlation¹⁴ with the survey-based reports of wait times by voters throughout the state.¹⁵ Other studies have used wait time reports by polling place observers,¹⁶ line length reports from poll workers,¹⁷ and even cell phone tracking data¹⁸ to help understand wait times at polling places. In each case, these other methodologies reach similar conclusions as research which uses survey-based measures.

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03/HowWeVotedIn2020-March2021.pdf

¹⁴A statistically significant correlation is one that is unlikely to have arisen due to purely random chance.

¹⁵MIT Election Data and Science Lab. August 2018. "Elections Performance Index Methodology Report." <https://elections-blog.mit.edu/sites/default/files/2020-08/2016-epi-methodology.pdf>, pp 79-81.

¹⁶Stein, et. al. 2019. "Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-County Study." *Political Research Quarterly* 73(2).

Douglas M. Spencer and Zachary S. Markovits. 2010. "Long Lines at Polling Stations? Observations from an Election Day Field Study." *Election Law Journal: Rules, Politics, and Policy* 9.

¹⁷Matthew Weil, Tim Harper, Charles Stewart III, and Christopher Thomas. 2019. "The 2018 Voting Experience: Polling Place Lines." Bipartisan Policy Center.

John C. Fortier, Matthew Weil, Charles Stewart III, Tim Harper, and Stephen Pettigrew. 2018. "Improving the Voter Experience. Reducing Polling Place Wait Times by Measuring Lines and Managing Polling Place Resources." Bipartisan Policy Center.

United States Government Accountability Office. "Observations on Wait Times for Voters on Election Day 2012." GAO-14-850.

¹⁸M. Keith Chen, Kareem Haggag, Devin G. Pope, and Ryne Rohla. 2021. "Racial Disparities in Voting Wait Times: Evidence from Smartphone Data." Conditionally accepted at *The Review of Economics and Statistics*.

Section 3: Wait times in recent elections in Georgia

Since at least the 2006 general election,¹⁹ voters in Georgia have experienced polling place lines that are significantly longer than voters throughout the rest of the country. In the November 2020 election, over 900,000 Georgia voters waited longer than 30 minutes to cast their ballot. In all, 24.6% of early in-person and Election Day voters in Georgia waited in a line for longer than the PCEA-recommended 30 minute maximum. This percentage is significantly higher ($p < 0.01$) than the percentage of in-person and Election Day voters in all other states – 17.2%.

In terms of minutes, the average Georgia voter in 2020 waited 27.4 minutes to cast their ballot. This means that the *average* wait time experienced by Georgians was nearly as long as the PCEA’s recommendation for the *maximum* wait time. For non-white voters, the average wait was even longer—34.2 minutes—while white Georgia voters waited on average 24.3 minutes.²⁰ While lines in 2020 tended to be longer in parts of the country, in-person voters outside of Georgia only waited an average of 17.8 minutes.²¹

3.1 Georgia voters are more likely to face longer than 30 minute waits to vote

This pattern of election wait times being significantly longer in Georgia than elsewhere is not a unique 2020-phenomenon. My analysis of past CES data finds that, on average, Georgia voters are nearly twice as likely to experience an unacceptably long wait to vote and spend more than 50 percent more minutes in line than voters elsewhere. Figure 3.1 shows the percentage of voters who waited more than 30 minutes to vote in Georgia and in all other states. The left side of the graph shows that in the 2006, 2014, and 2018 midterm elections, 3.8% of in-person voters outside of Georgia waited more than a half hour, while 8.8% of in-person Georgia voters waited this long ($p < 0.01$ for this difference).²² Similarly, in presidential elections between 2008 and 2020, 22.0% of Georgia voters waited 30 minutes,

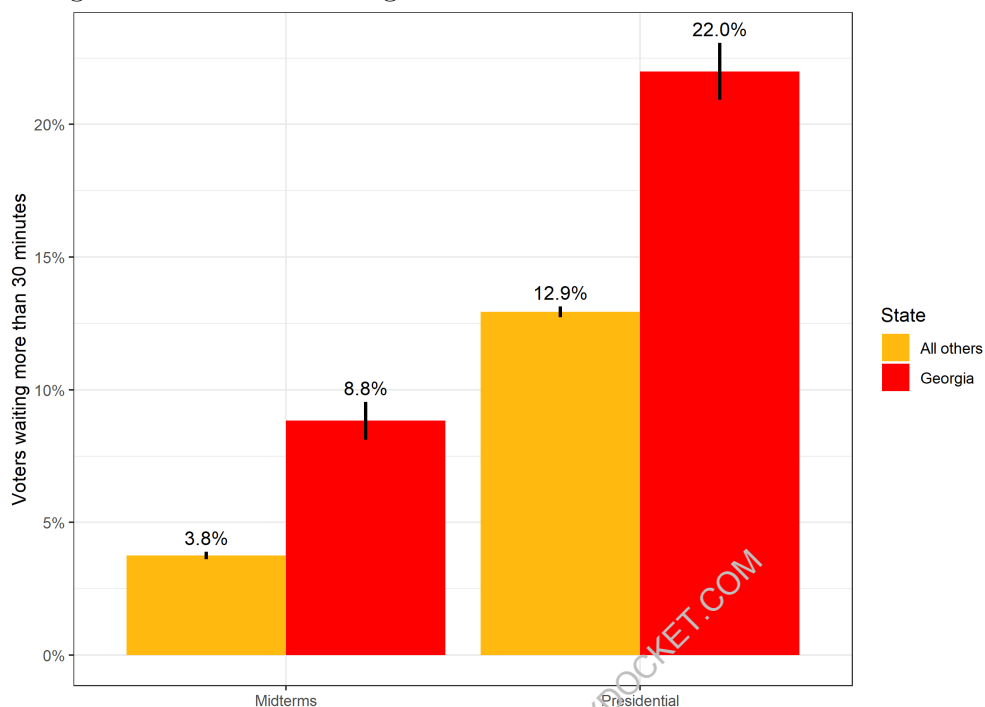
¹⁹This is the first year these data were collected.

²⁰This difference in average wait times between white and non-white Georgians is statistically significant ($p > 0.01$)

²¹This difference of 9.5 minutes between wait times inside and outside of Georgia is statistically significant ($p < 0.01$).

²²I also replicated all the analyses in this section on data from the 2008 through 2020 Survey of the Performance of American Elections (SPAEE). These results yield nearly identical conclusions to the CES data, and are provided in appendix section A.2.

Figure 3.1: Voters waiting more than 30 minutes in recent elections



while just 12.9% of non-Georgia voters did.²³

Figure 3.2 highlights the extent to which Georgia stands out among other states. In midterm elections, the percentage of Georgia voters experiencing a 30 minute wait was higher than every state except one. And in presidential years, this percentage was higher in Georgia than every state except two. When I pull apart the data even further, I find that in years with available data, Georgia has never been better than eighth worst among its peers in presidential elections, and tenth worst in midterms.²⁴

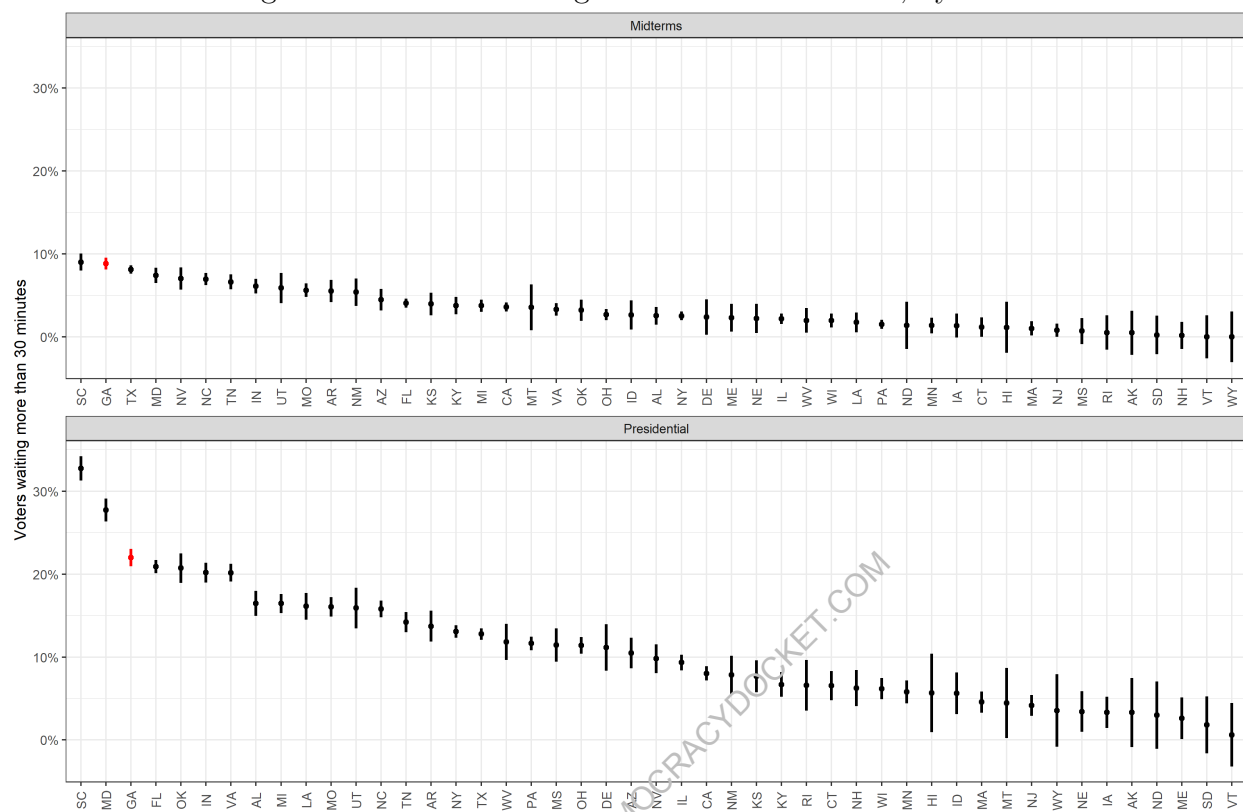
One feature of Georgia elections that could account for these long wait times is the fact that Georgia typically has large numbers of voters who cast ballots during the early voting period. Across the country, wait times tend to be longer during early voting than on Election Day, so this could potentially explain why Georgia's lines are longer than nearly all other states.

Figure 3.3 shows that this does not explain away the long line problem in Georgia. While early voters do tend to wait longer than their Election Day counterparts, Georgians still tend to be significantly more likely to face a long line than non-Georgians. Roughly 1-in-5 early voters in Georgia (20.1%) waited more than 30 minutes, while only 13.2% of early voters

²³The figures in Appendix section A.3 shows that these patterns are not unique to drawing the line at 30 minutes. Georgia voters are also significantly more likely to wait longer than 60 minutes to vote as well.

²⁴Figures showing the results in each state are found in appendix section A.4.

Figure 3.2: Voters waiting more than 30 minutes, by state



outside of Georgia waited that long. And on Election Day, 14.2% of Georgia voters faced an unreasonably long wait, compared to just 8.4% of voters from other states.

3.2 Georgia voters spend more time in line than voters in nearly every other state

Another standard approach that political scientists use to study election lines is by considering the average number of minutes that voters waited. After converting the survey responses into hours and minutes (following the methodological approach described in section 2), I considered whether the patterns identified in the prior sub-section hold up using this different measure of line length.

Figure 3.4 underscores that no matter the approach used to measure line length, Georgia stands out as having particularly lengthy wait times. The left side of the graph shows that Georgia voters have average wait times that are significantly longer ($p < 0.01$) than non-Georgians. It's particularly striking that in midterm elections, the average Georgia voter waits nearly twice as long as voters in other states – 12.4 minutes compared to 6.4 minutes.

Figure 3.3: Voters waiting more than 30 minutes, by mode of vote

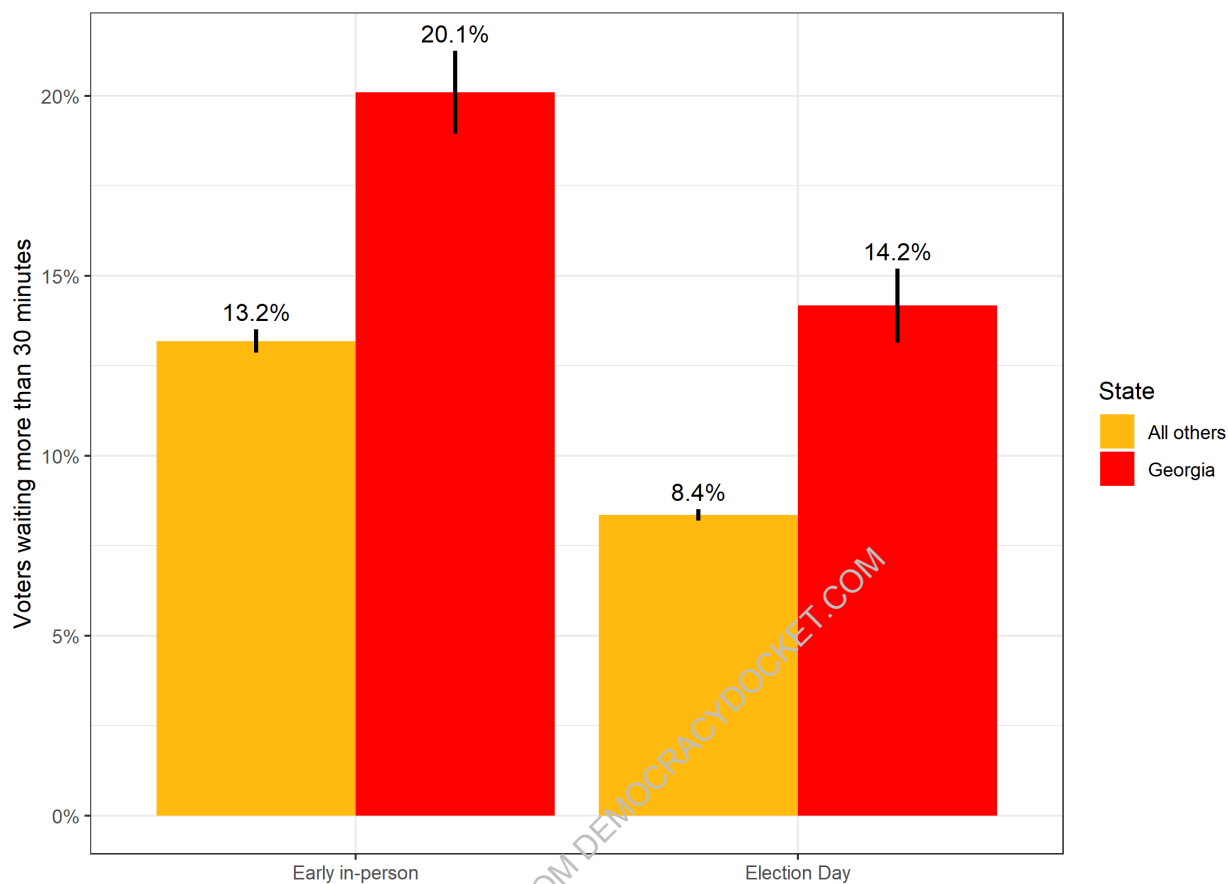
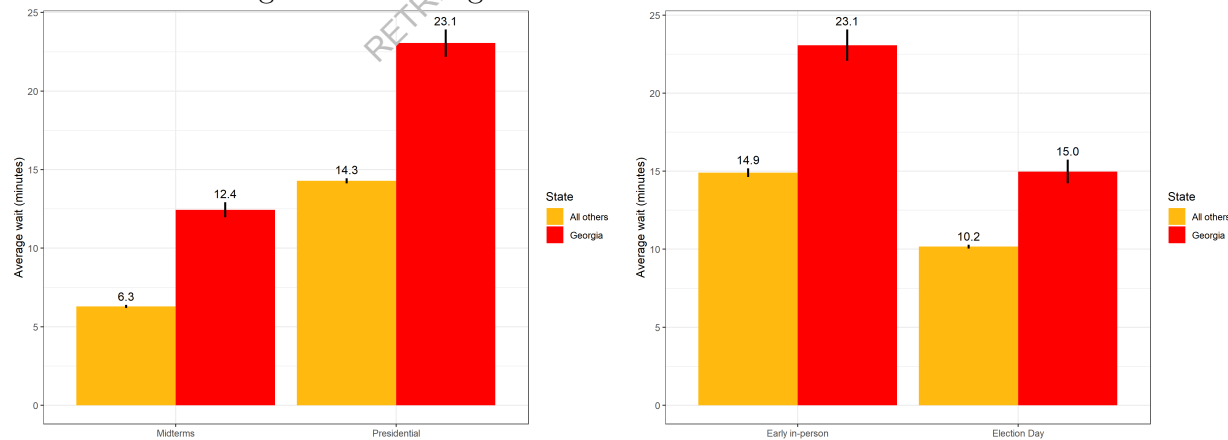
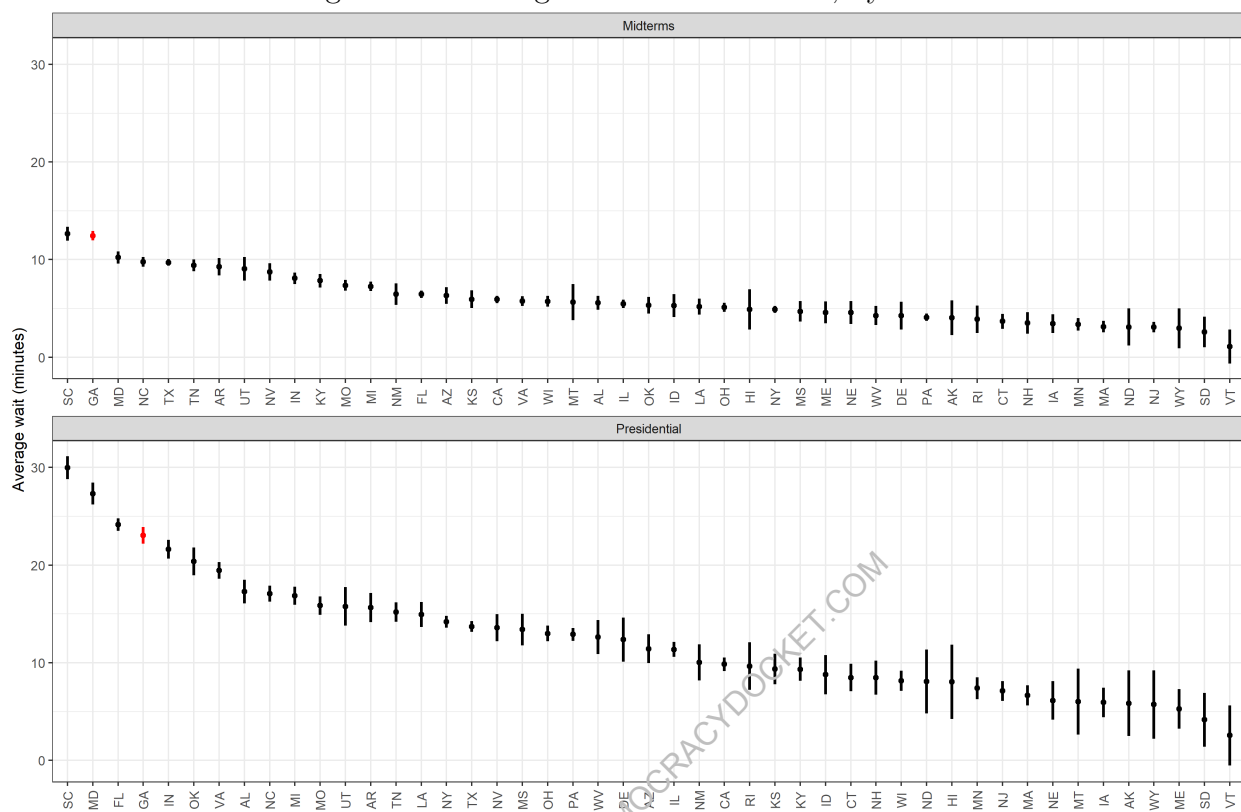


Figure 3.4: Average wait time of voters in recent elections



The right side of the graph shows that breaking down the data by mode of vote (i.e. early in-person or Election Day in-person) reveals a similar pattern of Georgia voters experiencing particularly long waits.

Figure 3.5: Average wait time of voters, by state



In midterm elections, the average wait time of voters (see Figure 3.5) in Georgia is longer than every state except South Carolina. And in presidential elections, Georgians wait longer than voters in all but three states. When the data are broken down into individual years, Georgia still fares no better than fifth worst in midterms and seventh worst in presidential elections (see appendix section A.4).

The consistency of these results paints a clear picture, and raises the question of whether the differences between Georgia and other states is simply because the demographic profile of Georgia voters is meaningfully different from other states. To test this possibility, I follow the convention of the academic literature and use linear regression (OLS) to control for demographic factors like age, education, race, and gender.²⁵ Each of these attributes are known in the political science literature to be strong predictors of voter turnout and line length, so controlling for them in a regression allows me to test whether Georgia's long lines are attributable to something more than these factors.

Table 1 shows the results of nine separate regressions using different subsets of the data

²⁵In the regressions, I operationalize race as whether or not the voter is white and education as whether or not she has a bachelors degree. Age is coded in years, and gender is coded as a dichotomous variable.

Table 3.1: Voters waiting over 30 minutes, from regressions with demographic controls

Year	Voters	Other states	Georgia	Difference	P value
All	All in-person	9.5% (0.1)	16.7% (0.4)	7.1pp. (0.4)	<0.01
Midterms	All in-person	3.8% (0.1)	9.3% (0.4)	5.6pp. (0.4)	<0.01
Presidential	All in-person	12.9% (0.1)	21.3% (0.5)	8.5pp. (0.6)	<0.01
All	Early in-person	13.2% (0.2)	19.8% (0.6)	6.6pp. (0.6)	<0.01
Midterms	Early in-person	4.8% (0.2)	9.4% (0.7)	4.6pp. (0.7)	<0.01
Presidential	Early in-person	16.9% (0.2)	25.3% (0.8)	8.4pp. (0.8)	<0.01
All	Election Day	8.2% (0.1)	13.2% (0.5)	5.0pp. (0.5)	<0.01
Midterms	Election Day	3.5% (0.1)	9.2% (0.6)	5.8pp. (0.6)	<0.01
Presidential	Election Day	11.1% (0.1)	16.3% (0.8)	5.2pp. (0.8)	<0.01

Table 3.2: Average wait time, from regressions with demographic controls

Year	Voters	Other states	Georgia	Difference	P value
All	All in-person	11.3 (0.1)	18.5 (0.3)	7.3min. (0.3)	<0.01
Midterms	All in-person	6.2 (0.1)	12.6 (0.3)	6.4min. (0.3)	<0.01
Presidential	All in-person	14.2 (0.1)	22.3 (0.4)	8.1min. (0.4)	<0.01
All	Early in-person	14.8 (0.1)	22.5 (0.5)	7.7min. (0.5)	<0.01
Midterms	Early in-person	7.0 (0.1)	12.7 (0.5)	5.6min. (0.5)	<0.01
Presidential	Early in-person	18.2 (0.2)	27.8 (0.7)	9.6min. (0.7)	<0.01
All	Election Day	9.9 (0.1)	14.0 (0.4)	4.1min. (0.4)	<0.01
Midterms	Election Day	6.0 (0.1)	12.5 (0.4)	6.5min. (0.4)	<0.01
Presidential	Election Day	12.4 (0.1)	15.3 (0.6)	2.8min. (0.6)	<0.01

based on election type (midterm, presidential, all years) and vote mode (early in-person, Election Day, or both). No matter how the data are sliced, Georgia consistently has a higher percentage of voters who waited more than 30 minutes to cast their ballot. These differences, which are statistically significant in every regression ($p < 0.01$), range from Georgians being 4.6 to 8.5 percentage points more likely to encounter a line that is longer than the PCEA's 30-minute ceiling of acceptability. This pattern persists when we look at each individual election year. In every year for which we have data, there is a consistent pattern of Georgians waiting significantly longer to vote (whether on Election Day or early) than voters in other states.²⁶

Table 2 presents similar results, this time using average wait time as the outcome variable in the regression. Like before, Georgians wait significantly ($p < 0.01$) longer than

²⁶There are 15 instances where Georgians waited significantly longer than non-Georgians. I find zero cases where the average wait for Georgians is significantly shorter than elsewhere. There were three cases (2012 early voters and 2012 and 2020 Election Day voters) where there was not a significant difference in waiting times between Georgians and non-Georgians. These results are found in appendix section A.5.

non-Georgians. The biggest of these discrepancies occurs in presidential elections among early in-person voters, who wait 9.6 minutes longer in Georgia (27.8 minutes) than in other states (18.2 minutes).

3.3 Non-white voters in Georgia wait significantly longer to vote

One major concern about long lines being a chronic problem is that some voters must budget a lengthy portion of their day every time they want to cast a ballot, while other voters may go years without ever standing in a line. As I discuss in this section, non-white voters are more likely to be in the first category, and white voters are more likely to be in the second.

Political science researchers have noted this consistent relationship between race and wait times. It is one of the most robust findings to emerge from these studies. Researchers have found that non-white voters tend to wait longer than white voters by using survey data,²⁷ leveraging poll closing times,²⁸ stationing observers outside of polling places to record information about the flow of voters,²⁹ partnering with local officials to have poll workers record information about line lengths throughout the day,³⁰ and using cell phone tracking data.³¹ Every one of these research approaches has shown that lines tend to be shorter in precincts with higher proportions of white voters and longer in precincts with higher proportions of non-white voters.

Figure 3.6 illustrates that this trend holds in Georgia. This bar graph shows the average number of minutes³² that Georgia voters waited to vote, broken down by whether the voter

²⁷Pettigrew 2017.

Charles Stewart III. 2013. "Waiting to Vote in 2012." *Journal of Law & Politics* 28(4).

Charles Stewart III and Stephen Ansolabehere. 2015. "Waiting to Vote." *Election Law Journal: Rules, Politics, and Policy* 14(1).

²⁸Stephen Pettigrew. 2021. "The Downstream Consequences of Long Waits: How Lines at the Precinct Depress Future Turnout." *Electoral Studies* 71.

Michael C. Herron and Daniel A. Smith. 2015. "Precinct Closing Times in Florida During the 2012 General Election." *Election Law Journal: Rules, Politics, and Policy* 14(3).

Christopher Famighetti, Amanda Melillo, and Myrna Pérez. 2014. "Election Day Long Lines: Resource Allocation." Brennan Center for Justice.

²⁹Stein, et al. 2020.

Spencer and Markovits 2010.

³⁰Weil, Harper, Stewart, and Thomas 2019.

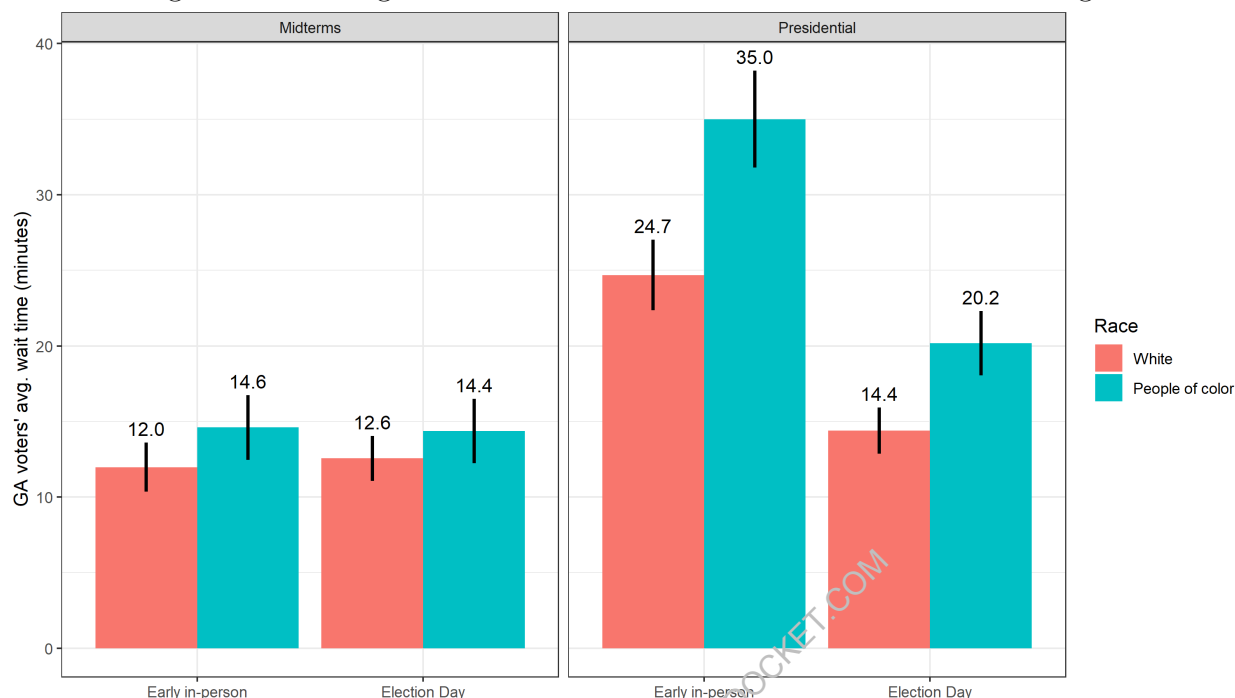
Fortier, Weil, Stewart, Harper, and Pettigrew 2018.

United States Government Accountability Office. 2013.

³¹Chen, Haggag, Pope, and Rohla 2021.

³²The black bars are 95% confidence intervals around the mean, which is noted at the top of each bar. A confidence interval is similar to a margin of error. In this instance, our best guess of the true average number of minutes is the top of each colored bar, and the black bars signify the margin of error around that best guess.

Figure 3.6: Average wait time of white and non-white voters in Georgia



was white or a person of color.³³ As these results show, white voters tend to have shorter average wait times than voters of color, in both presidential and midterm general elections and in both early in-person and Election Day voting.³⁴

For presidential elections, non-white voters tend to wait more than 10 minutes longer than white voters during early in-person voting and nearly 6 minutes longer on Election Day (both differences are statistically significant at $p < 0.01$). It is also notable that on Election Day in presidential elections, white voters wait about as long as non-white voters do on Election Day in midterm elections, even though turnout tends to be as much as 50 percent higher in presidential elections than midterms.

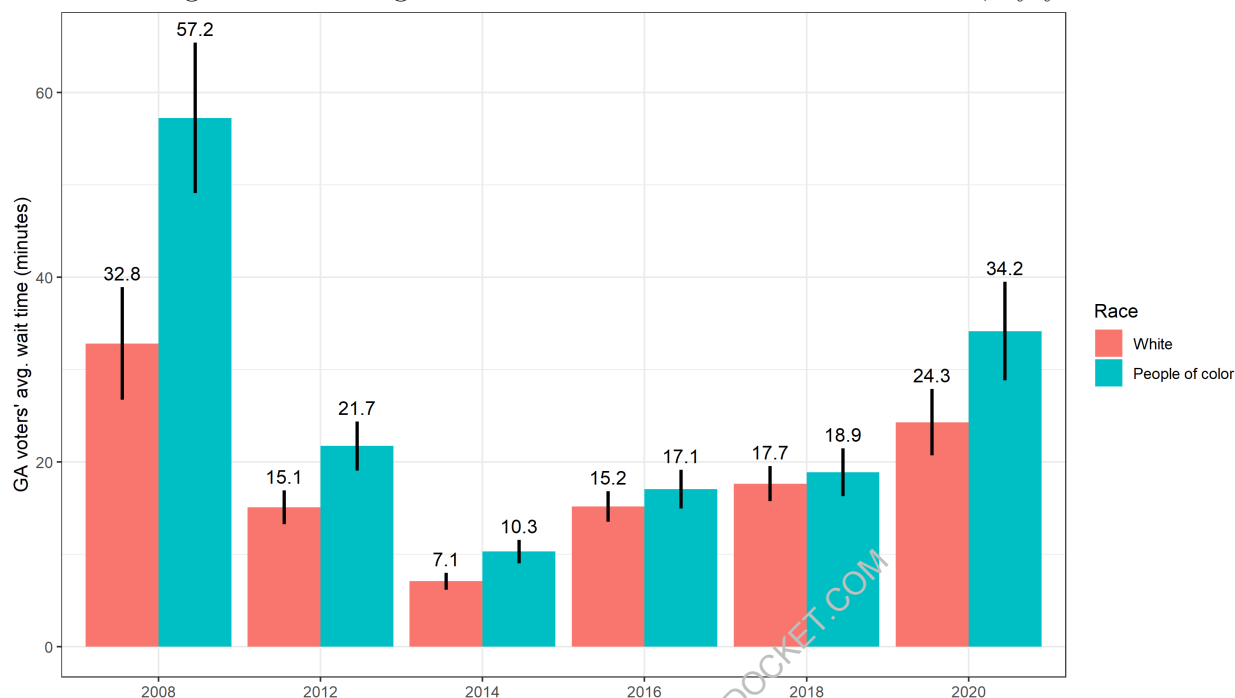
Lines tend to be shorter for everybody during midterm elections, so the discrepancy between white and non-white voters is smaller. Still, my analysis finds that the 2.6 minute difference during early voting for midterms is statistically significant ($p < 0.10$). As I discuss in Section 4 this makes polling places in areas resided in predominantly by people of color much more susceptible to dramatic increases in wait times as a result of SB202.

Figure 3.7 shows that these patterns are not driven by just one or two elections. In

³³Throughout this section, I will use “people of color” to denote anybody who is not both white and non-Hispanic.

³⁴I also replicated this analysis using the percentage of voters waiting more than 30 minutes as the outcome of interest. This analysis also found that non-white voters were more likely to experience long lines in each of these four categories. The figure with these results can be found in Figure A.9 in Appendix Section A.6.

Figure 3.7: Average wait time of white and non-white voters, by year

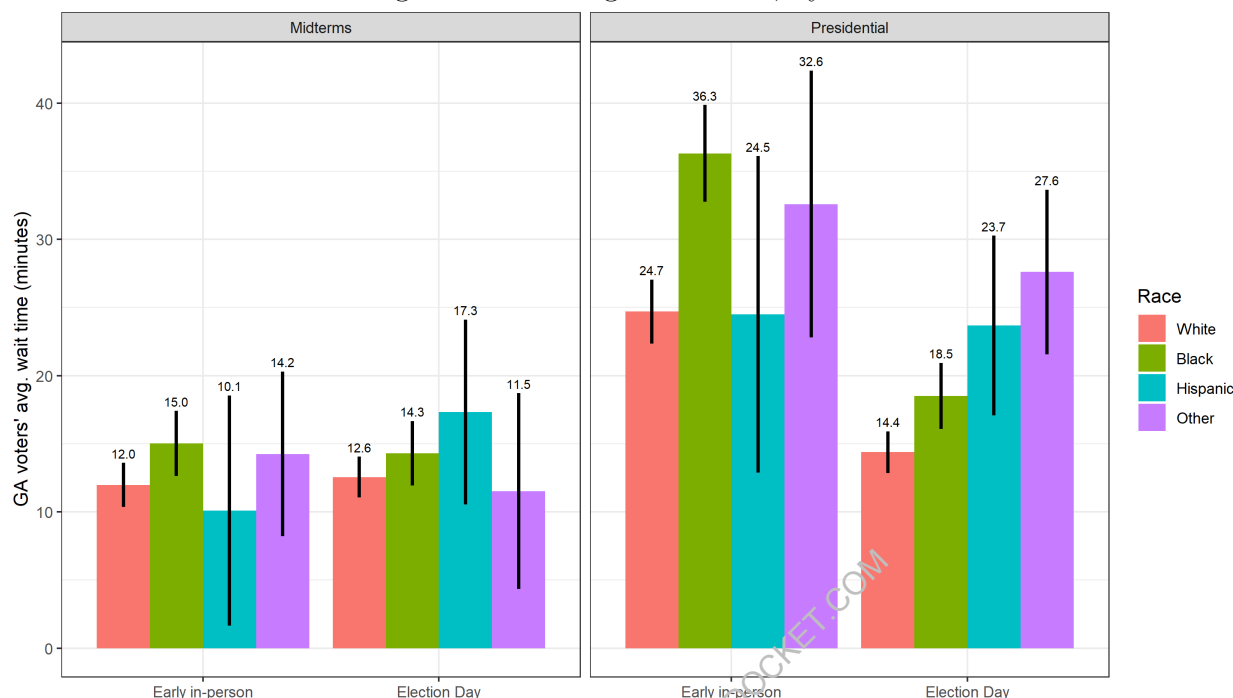


every general election where data exist, I find that people of color in Georgia have an average wait time that is longer than the average for white Georgia voters. In 2020, this difference was nearly ten minutes ($p < 0.01$). Comparing the changes from 2016 to 2020 illustrates that the added strain of pandemic-related protocols in precincts had dramatically different impacts on areas with significant minority populations, compared to areas predominantly with predominantly white residents. Even though the race gap in wait times was relatively small in 2016, compared to 2012 and 2008, the gap ballooned in 2020. The average wait time among people of color increased by 100% from 2016 to 2020, while it only increased by 60%. This is further evidence that predominantly non-white polling places operate much closer to their operational capacity than white precincts, meaning that added strain from administrative changes due to the pandemic or from SB202 will have a much bigger impact on them.

Digging a little more closely into the data, Figure 3.8 separates voters of color into three categories: Black, Hispanic, and all other racial groups.³⁵ The patterns here are most clear for Black voters, who consistently experience longer lines than white voters. With the exception of Election Day voting during midterms, the average wait time for Black voters is significantly longer than those of white voters. I also find that Hispanic voters wait significantly longer

³⁵The analogous graph showing these results for the percent waiting more than 30 minutes is in Figure A.10 in the appendix.

Figure 3.8: Average wait time, by race



than white voters on Election Day during presidential elections. They also reported longer average wait times in presidential early voting and midterm Election Day voting, although those results are not statistically significant, owing to the fact that Hispanic voters are a much smaller group of Georgians than white or Black voters, so data about them were limited.

3.3.1 Accounting for other disparities between white and non-white voters

Of course, one possible explanation for these differences by race could be that white voters tend to live in very different types of places than non-white voters. If, for example, Black voters are more likely to live in urban areas, and the logistics of voting are more complicated in urban areas, then that could provide an explanation for the results shown in the previous graphs. Similarly, researchers have found that education is strongly predictive of whether somebody turns out to vote [See, for example Rachel Milstein Sondheimer and Donald P. Green. 2009. “Using Experiments to Estimate the Effects of Education on Voter Turnout.” *American Journal of Political Science* 54(1).], and there are significant differences in the rates of college education between white and non-white voters.

In my research, published in *Political Science Quarterly* answers the question of whether

the racial gap in wait times is driven by factors like these.³⁶ To do that study, I used regression and other statistical techniques to compare white and non-white voters who lived in similar contexts to each other. In essence, I compared (for example) white voters in Fulton County to voters of color in Fulton County, and college-educated white voters to college-educated voters of color. Using data from across the US, I find that although factors like these do explain a small piece of the racial gap in wait times, they do not provide a full explanation. Even after controlling for these other factors, I still find that precincts resided in predominantly by people of color have an average wait time that is twice as long as precincts with residents who are predominantly white. And I find that minority voters are six times more likely than white voters to wait longer than 60 minutes to vote. In my analysis of data from Georgia, I utilized these same statistical techniques to assess whether the racial differences in Georgia wait times is attributed to, for example, an urban-rural divide.

Figure 3.9 provides our first indication that the patterns in Georgia are not simply a consequence of population density. The figure shows the average wait time of white voters across all available years (on the x-axis) and the average wait of people of color (on the y-axis). Each dot represents a county in Georgia. Because Georgia is divided into 159 counties, data were extremely thin in many of them. The graph here presents data from only the 47 counties with data from at least five white voters and five people of color, across all the years of responses.³⁷

What the graph shows is that even within counties, where differences in population density tend to be much smaller than density differences between counties, people of color are more likely to wait in a longer line to vote. In two-thirds of these counties non-white voters reported a longer average wait time than the white voters in their county.³⁸

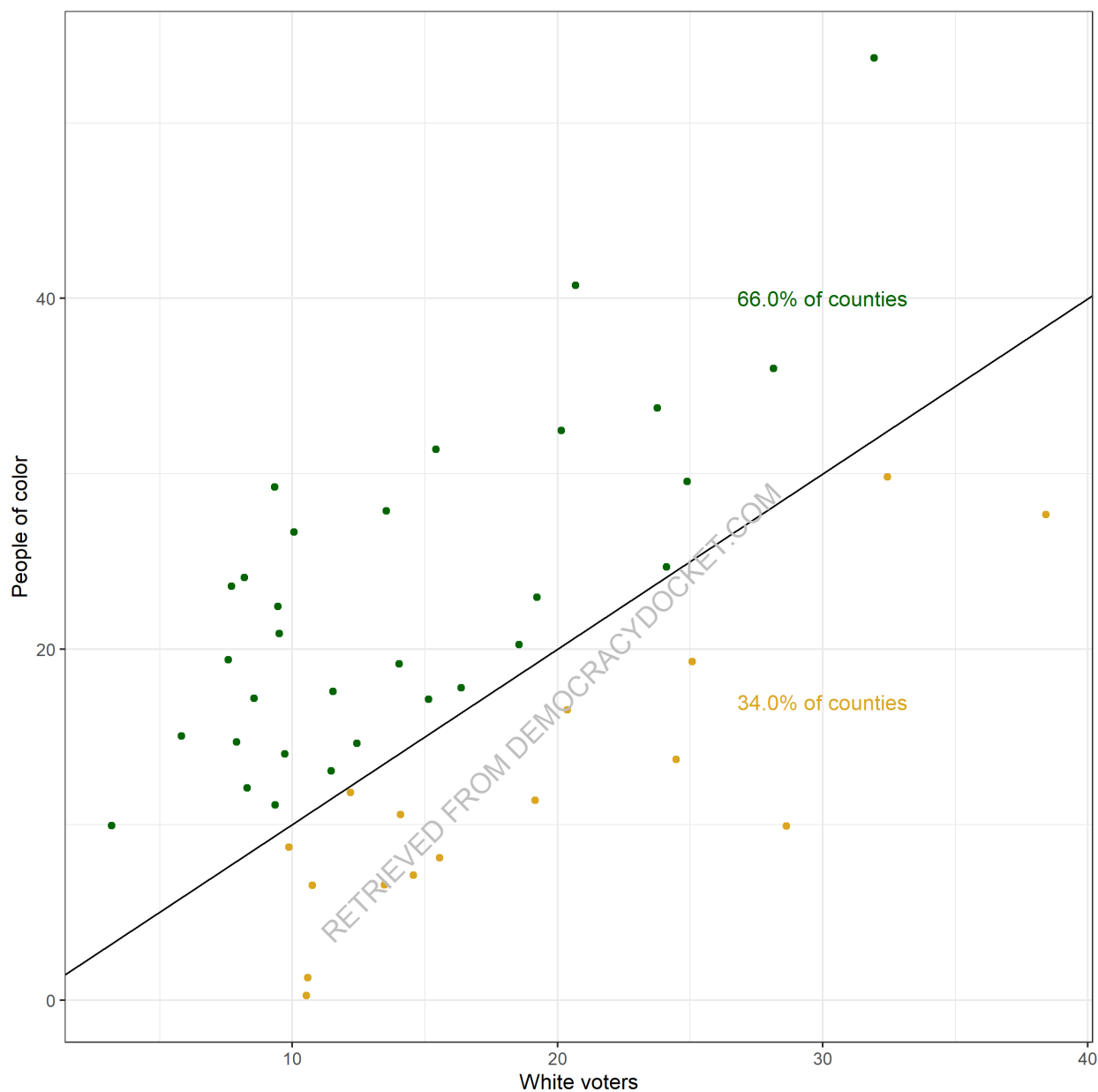
To further analyze this relationship, I went a step further in my analysis and used regression to simultaneously control for race, age, education, and early versus Election Day voters, while comparing voters within the same county and same election (using county and year fixed-effects). In one set of these regressions, race was coded as white/people of color,

³⁶Stephen Pettigrew. 2017. "The Race Gap in Precinct Wait Times: Why Minority Precincts are Underserved by Local Election Officials." *Political Science Quarterly* 132.

³⁷Out of the 112 "missing" counties, 41 counties had either zero white survey respondents or zero non-white respondents, 30 counties had just one white or non-white respondent, and 20 counties had just two white or non-white respondents. I am constrained by the small sample sizes in most Georgia counties from choosing a threshold higher than 5. Research suggests, however, that line lengths are highly correlated within small geographic regions like counties. This means that estimating a county's average wait time requires a smaller sample size than if this geographic correlation did not exist. For further analysis on this point, see Appendix 2 in my research in "The Downstream Consequences of Long Waits." *Electoral Studies*. 71. June 2021.

³⁸When I calculate this statistic using all 112 counties where we have at least one white and one non-white respondent, the value is 58.5%, although nearly half of the counties included in that calculation have just one or two white or non-white survey-takers.

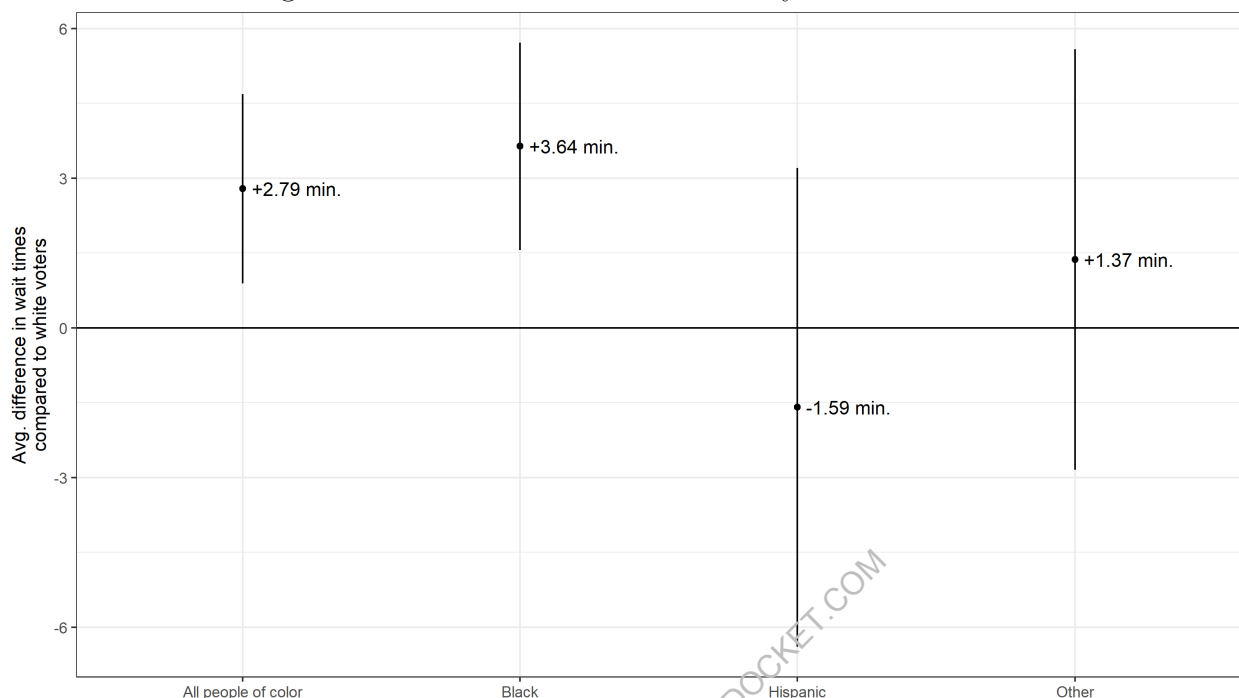
Figure 3.9: Average wait times in recent elections, by county



while in another set of these regressions I used four racial categories: white, Black, Hispanic, and other race.

Figure 3.10 presents the main results for these two regression. Each bar represents the average difference in wait times for each racial group, as compared to white voters, after controlling for all the factors listed above. In the regression comparing white voters to all people of color, I find that people of color tend to wait 2.79 minutes longer than white voters,

Figure 3.10: Wait times in all election years since 2006



and this difference is statistically significantly different from a difference of zero ($p < 0.01$).³⁹ In the second regression, I find that Black Georgia voters wait significantly longer ($p < 0.01$) than white voters by 3.64 minutes. I do not find that Hispanic voters and voters of other races/ethnicities have significant differences in average wait times than white voters, but this is attributable to small sample sizes resulting in large margins of error around the wait time estimates for those groups.⁴⁰

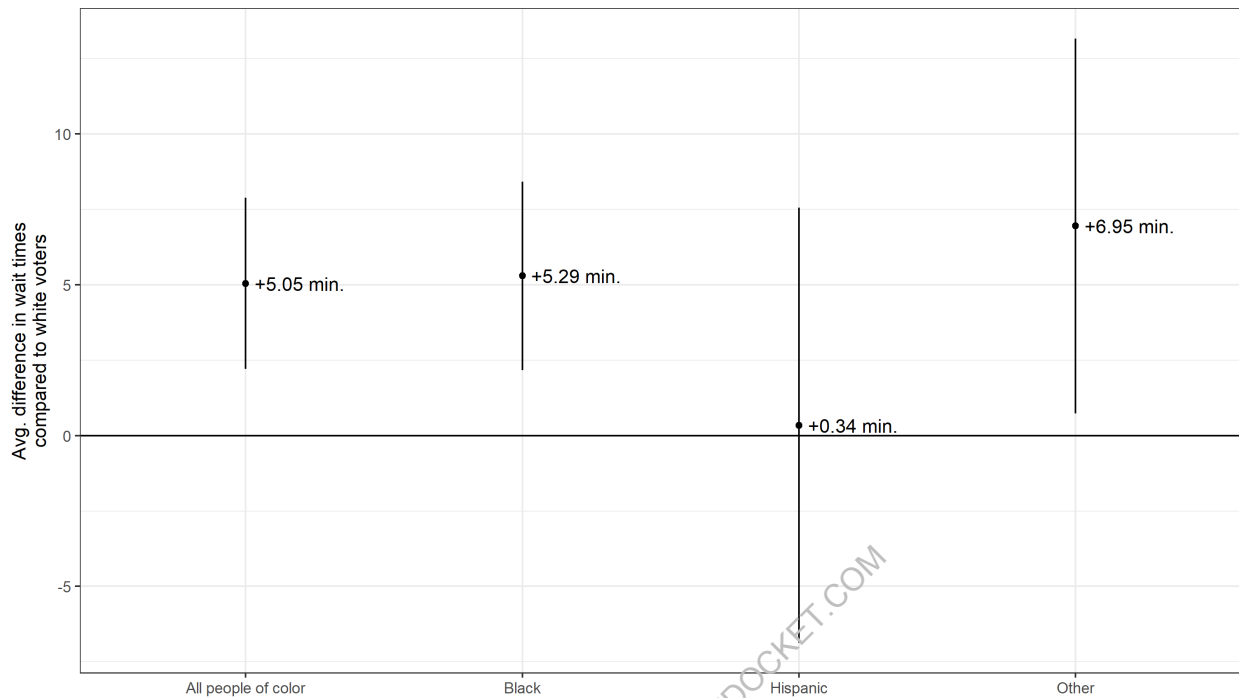
The results from pooling all election years does find evidence of a significant racial gap in wait times, although the magnitude of this effect is not enormous. This owes largely to the fact that midterm elections often can have shorter lines, so this makes for a smaller potential racial gap. When I separate out the data and only look at presidential election years, in Figure 3.11, I find that the sizes of the effects grow.⁴¹ Non-white voters wait 5.05 minutes longer than white ones ($p < 0.01$) and Black Georgians wait 5.29 minutes longer ($p < 0.01$). Also, after disentangling presidential and midterm elections, I find that voters in other racial groups (primarily Asian-Americans and Native Americans) wait 6.95 minutes longer than white voters in presidential elections ($p < 0.05$). I do not find a statistically

³⁹A full table of these regression results is available in Table A.4 in Appendix Section A.6.

⁴⁰For context, the 2020 CES study had only 83 Hispanic respondents in Georgia. Only 47 of them voted and only 25 voted in person. For this type of statistical test where we're comparing voters from across the state, a sample size of 25 is unlikely to be big enough to draw conclusions.

⁴¹A full table of these regression results is available in Table A.5 in Appendix Section A.6.

Figure 3.11: Wait times in presidential election years



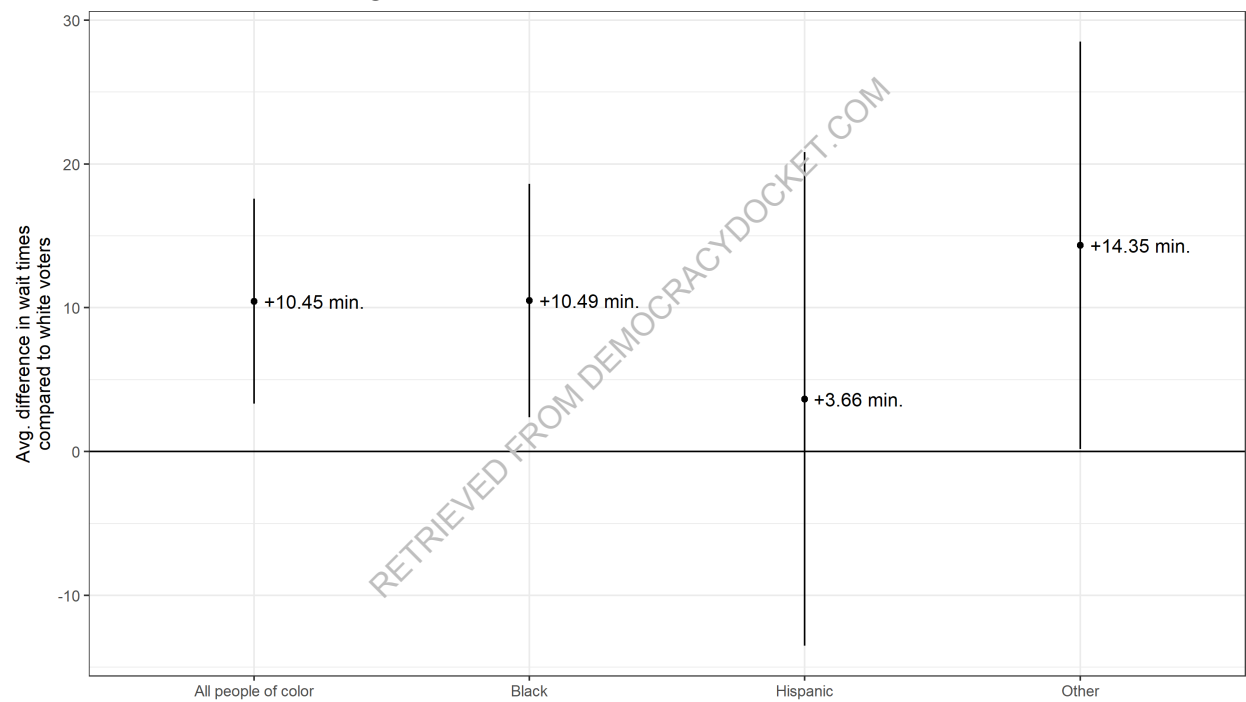
significant result for Hispanic voters, although this seems to be in part driven by the fact that there are only 170 Hispanic voters in this specific subset of the data, compared to 2,589 white voters.

Lastly, I analyzed what these differences looked like in the November 2020 election. Based on Figure 3.12, voters of color waited 10.45 minutes longer, on average, than white voters in 2020 ($p < 0.01$).⁴² Black voters waited 10.49 minutes longer ($p < 0.05$), and voters of other races waited 14.35 longer ($p < 0.05$).

These findings are particularly relevant when we consider the potential impact of SB202 on election lines. As I will describe in the next section, researchers have found that applying equal amounts of additional strain on two precincts can have dramatically different effects on the length of lines in those precincts, depending on the amount of strain those precincts were under prior to the new strain being applied. Precincts in predominantly Black neighborhoods tend to already be under more strain and closer to operating capacity than precincts in predominantly white neighborhoods, so the changes in SB202 will have substantially larger impacts on line length in precincts that serve mostly Black voters, even if white and non-white voters react to SB202 in similar ways.

⁴²A full table of these regression results is available in Table A.6 in Appendix Section A.6.

Figure 3.12: Wait times in November 2020



Section 4: Impact of SB202's line relief ban on wait times

One of the changes that most directly pertains to voters waiting in line is Section 33 of SB202. This section amends Code Section 21-2-414(a) by banning any person from giving or offering any food or drink to a voter standing in line. The section further prohibits any person, including all non-profit, non-partisan groups from setting up water or snack stations that are within 150 feet of a polling place or within 25 feet of any voter standing in line.

These new rules mean that if an organization wanted to set up such a table under those guidelines, voters would be required to leave line and travel at least 25 feet to retrieve a cup or bottle of water, potentially risking their place in line. This is especially problematic after polls have closed, because leaving the line to get water makes it possible that the voter would lose their chance to vote at all. This is particularly concern during statewide primary and primary run-off elections, which tend to be scheduled in the hot months of May or June in Georgia.

The language of the law is indiscriminant and absolute in describing this ban on offering food or water to anybody in line. It makes it a crime for a voter to share their water bottle with another voter in line. If an organization sets up a table for distributing water that is in compliance with this law, and a voter leaves the line to go to that table, that voter could face criminal penalties for bringing a second cup or bottle to another person who stayed in line. The law does allow for (but does not mandate) poll workers to set up self-service water stations, but voters are still required to leave the line to use it. And those voters could face criminal penalties for retrieving extra water bottles for others in line.

This provision of SB202 has been described as a way to cut down on vote buying or other types of corruption. Georgia's Election Code already makes it a felony for somebody to "offer to give or receive . . . money or gifts for the purpose of . . . voting for a particular candidate in any primary or election."⁴³ And I know of no research that shows that this type of vote buying or corruption has ever occurred at polling places in Georgia in modern elections.

I am similarly unaware of any other state that has banned all food or beverage distributions, irrespective of intent or the minimal value of such items. Given this, and given the fact that Georgia's election law already has an explicit ban on vote buying, the consequence of including this provision in SB202 is that it will make the voting experience worse for voters

⁴³O.C.G.A. 21-2-570

in areas with chronically long lines, while having no impact on vote buying.

I also know of no other state that defines the boundary line for electioneering or campaigning near a polling place using a movable reference point—the location of voters in line. It is not uncommon for polling places in some areas of Georgia to have lines that extend well beyond 600 feet. In the 2020 general election, for example, journalists documented lines that extended more than a thousand feet from the polling place.⁴⁴

The impact that this restriction has on Georgia voters is clear. Imagine that a non-profit organization sets up a water station at the beginning of the day that is 300 feet away from a polling place—fully in compliance with Georgia’s election code. As the line of voters grows and shrinks throughout the day, this water station could oscillate inside or outside of the 25-foot boundary defined by SB202, despite the station never changing its physical location. This makes it virtually impossible for organizations to remain in compliance with the law, particularly because they are most likely to set up refreshment stations at polling places where lines are expected to be the longest. This discourages these organizations from setting up these relief stations at all, making the experience of waiting in a long line even worse for Georgia voters.

This provision of SB202 will have a particular impact on voters who live in areas that already tend to have long lines. As I showed in my earlier analysis, racial minority (particularly Black) voters in Georgia tend to face longer wait times than white voters. Any law that makes waiting in a long line more difficult or uncomfortable will have the biggest impact on people who are most likely to encounter such a line. In Georgia, those voters tend to be non-white.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 13, 2022.



Stephen Pettigrew, PhD

⁴⁴See: <https://www.theguardian.com/us-news/2020/oct/13/more-than-10-hour-wait-and-long-lines-as-early-voting-starts-in-georgia>; <https://www.independent.co.uk/news/world/americas/us-election/georgia-election-early-voting-long-lines-2020-election-b1041310.html>; <https://www.nbcnews.com/politics/2020-election/early-voting-begins-georgia-long-lines-high-turnout-n1242995>

Appendix A: Supplemental material for analyses

A.1 Sample sizes of CCES data

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Table A.1: Total number of respondents in the CCES/CES surveys

Year	Nationwide	Georgians
2006	36,421	1,188
2008	32,800	889
2012	54,535	1,759
2014	56,200	1,732
2016	64,600	2,062
2018	60,000	1,925
2020	61,000	2,002

A.2 Analysis of SPAE data

Figure A.1: Voters waiting more than 30 minutes (SPAE data)

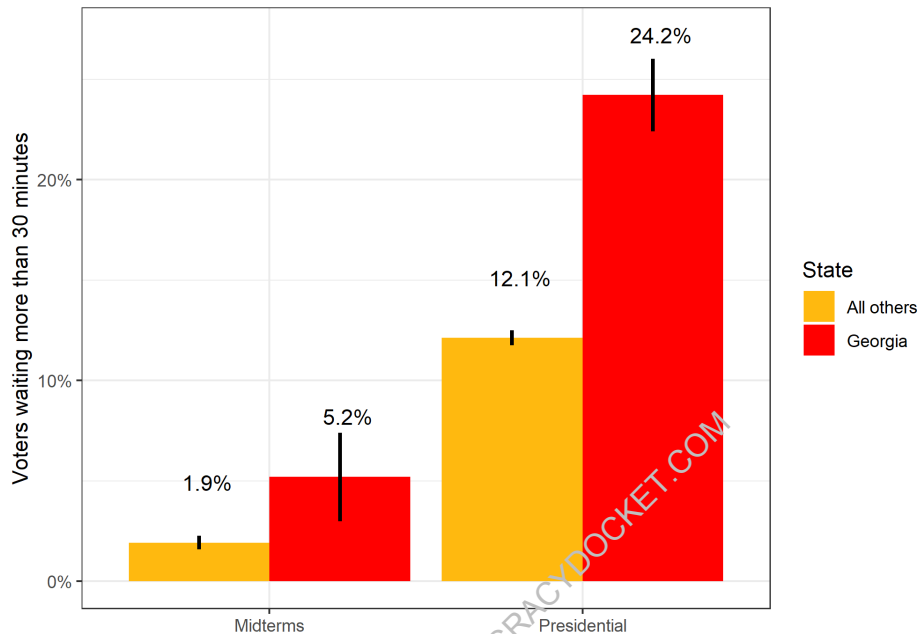
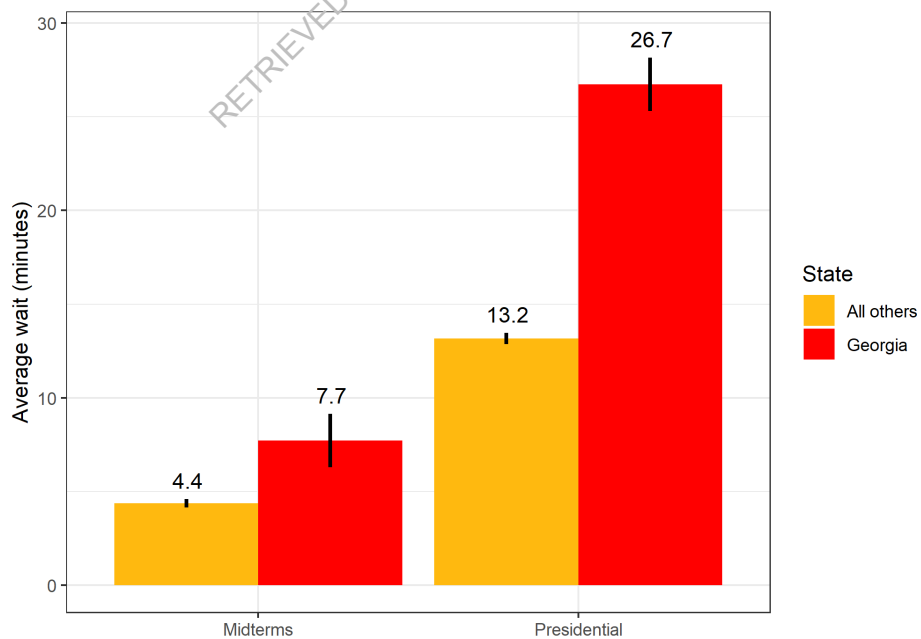


Figure A.2: Average wait time (SPAE data)



A.3 Voters waiting more than 60 minutes

Figure A.3: Voters waiting more than 60 minutes

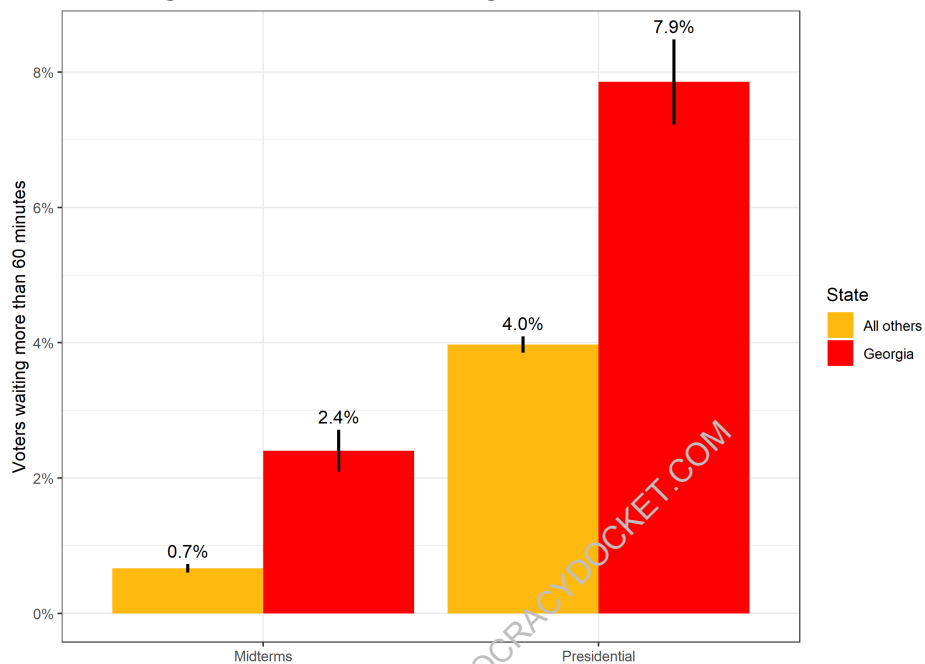
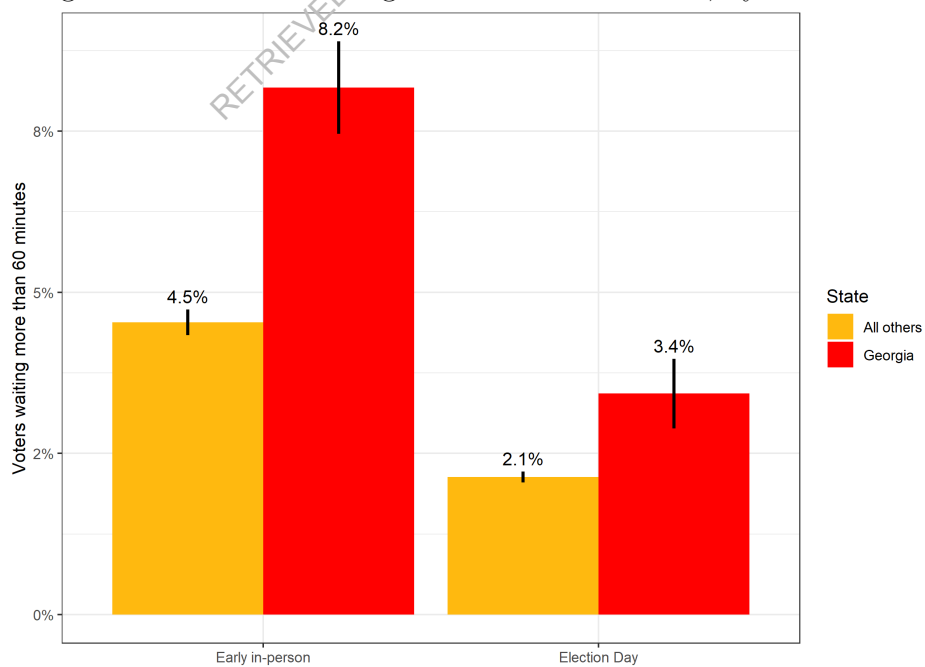


Figure A.4: Voters waiting more than 60 minutes, by vote mode



A.4 Wait times in each state

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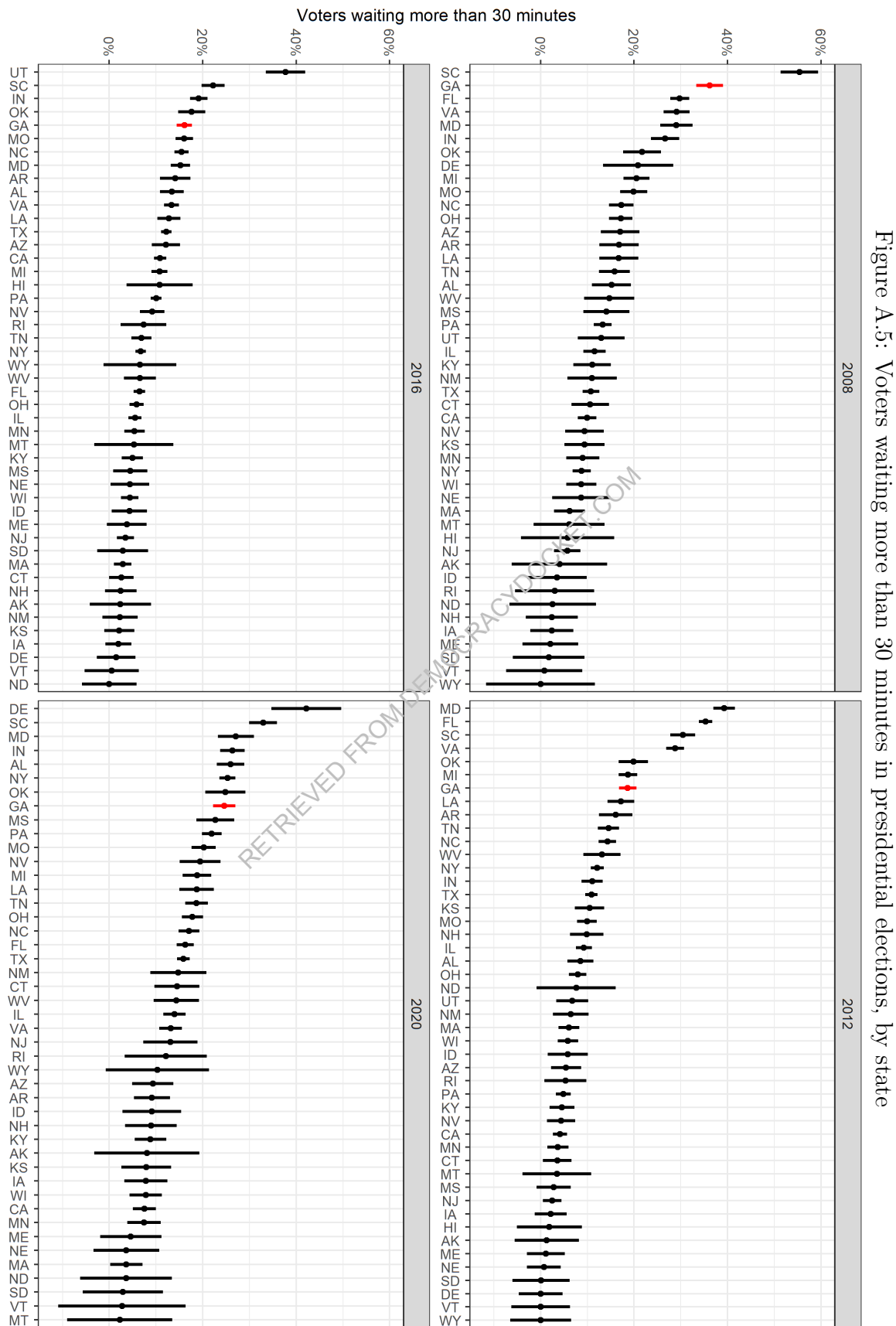
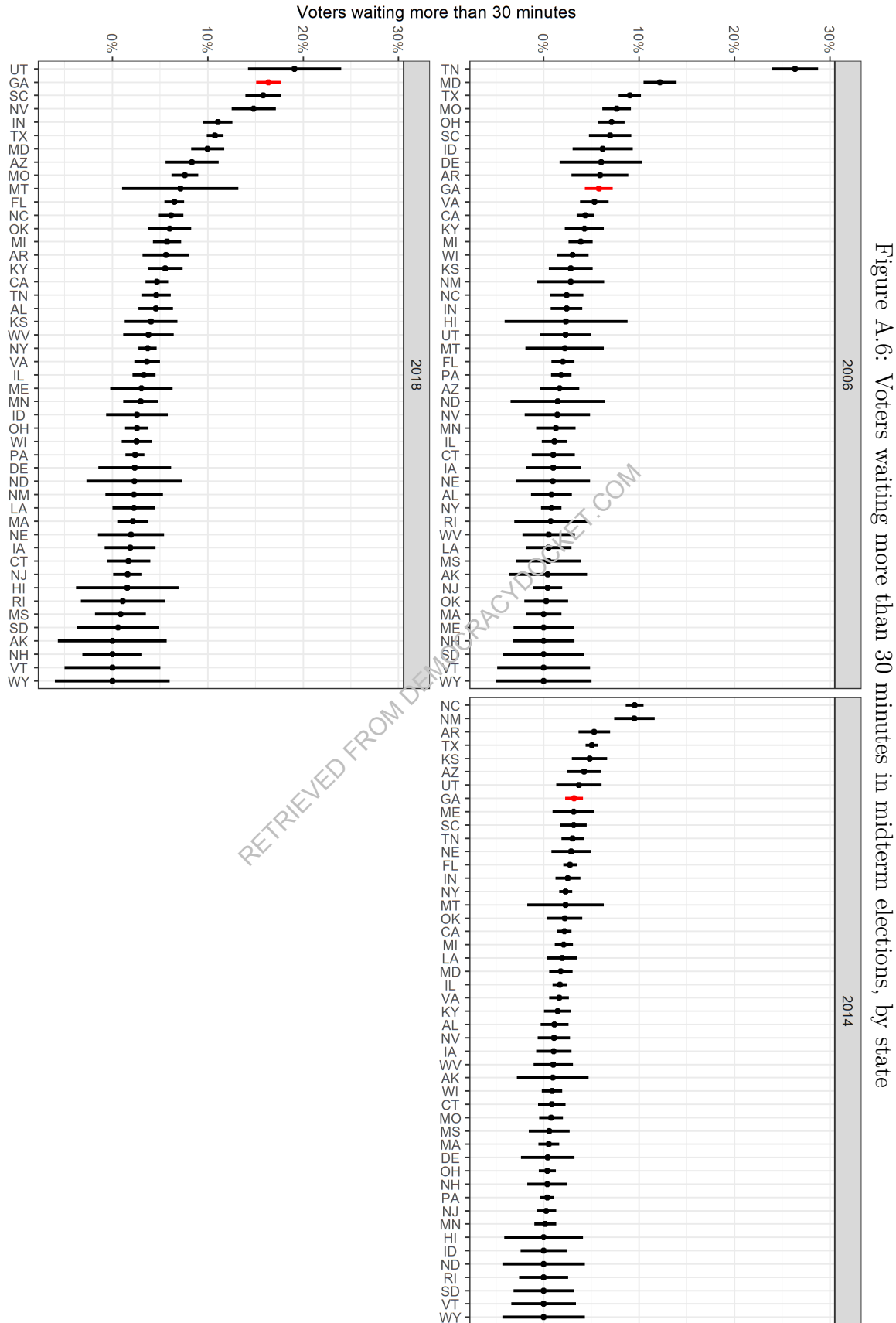
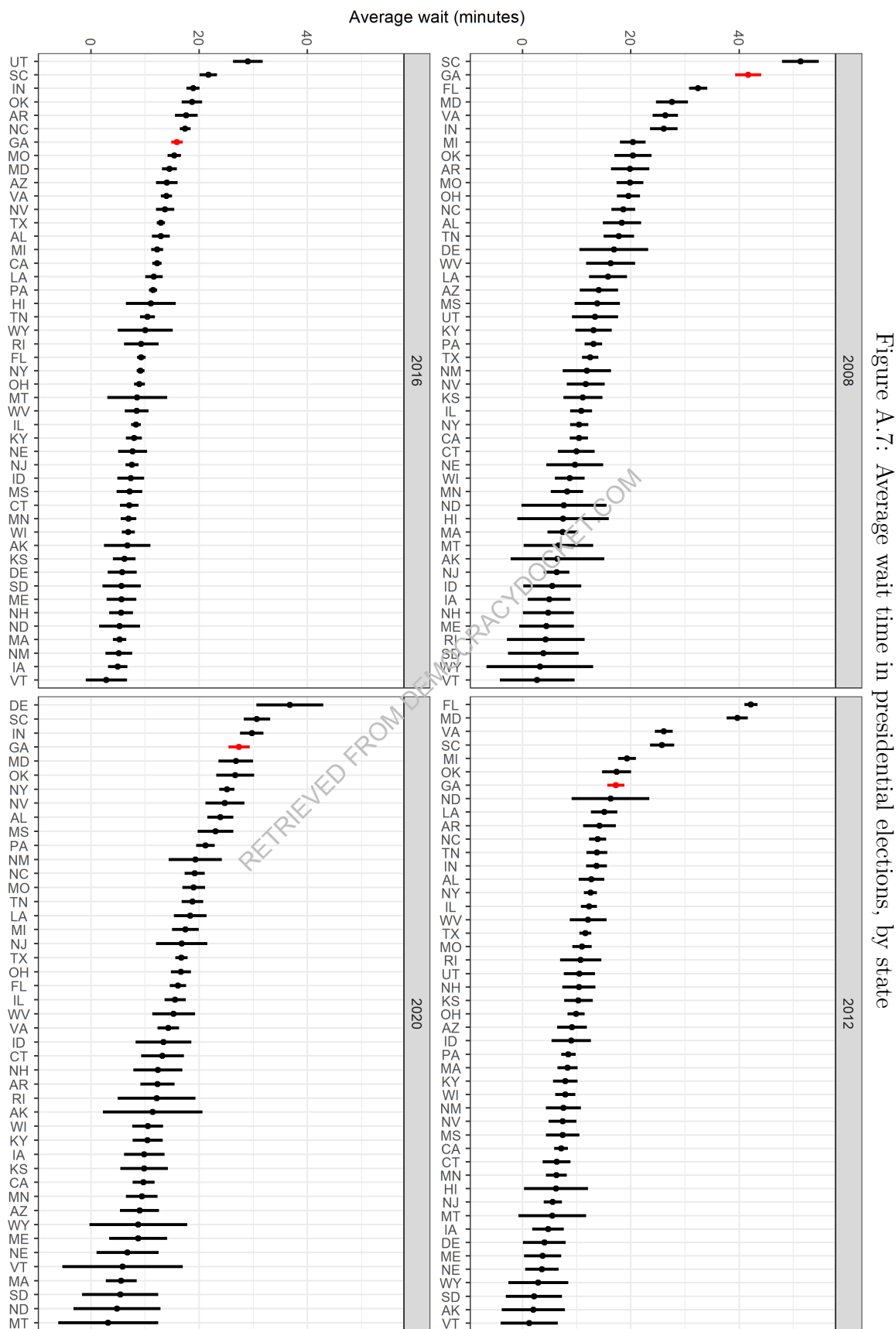


Figure A.5: Voters waiting more than 30 minutes in presidential elections, by state





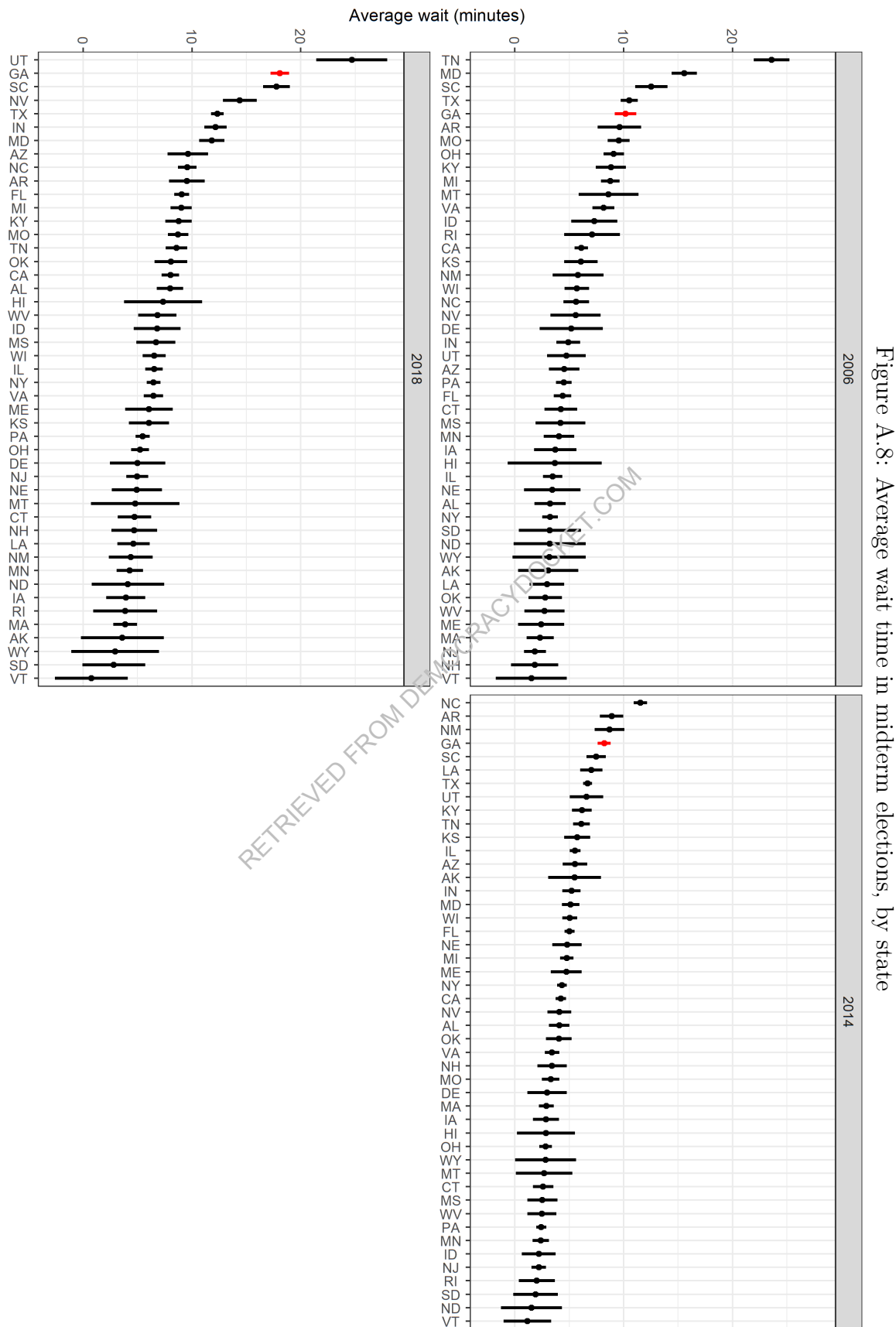


Table A.2: Voters waiting over 30 minutes, from regressions with demographic controls

Year	Voters	Other states	Georgia	Difference	P value
2008	All in-person	14.4% (0.3)	34.3% (1.5)	19.9pp. (1.5)	<0.01
2012	All in-person	11.8% (0.2)	17.4% (1.0)	5.5pp. (1.0)	<0.01
2014	All in-person	2.1% (0.1)	2.6% (0.5)	0.6pp. (0.5)	0.254
2016	All in-person	9.1% (0.2)	15.4% (0.9)	6.3pp. (0.9)	<0.01
2018	All in-person	5.4% (0.1)	16.2% (0.7)	10.8pp. (0.7)	<0.01
2020	All in-person	17.4% (0.3)	24.5% (1.2)	7.1pp. (1.2)	<0.01
2008	Early in-person	19.9% (0.7)	38.6% (2.2)	18.7pp. (2.3)	<0.01
2012	Early in-person	16.7% (0.5)	21.3% (1.6)	4.6pp. (1.7)	<0.01
2014	Early in-person	2.5% (0.2)	4.4% (0.8)	1.9pp. (0.8)	0.017
2016	Early in-person	11.2% (0.4)	17.4% (1.2)	6.2pp. (1.3)	<0.01
2018	Early in-person	6.3% (0.3)	13.0% (1.0)	6.6pp. (1.0)	<0.01
2020	Early in-person	19.5% (0.4)	27.8% (1.5)	8.3pp. (1.6)	<0.01
2008	Election Day	12.8% (0.3)	28.0% (2.2)	15.2pp. (2.2)	<0.01
2012	Election Day	10.3% (0.2)	14.4% (1.3)	4.0pp. (1.3)	<0.01
2014	Election Day	2.0% (0.1)	1.6% (0.6)	-0.4pp. (0.6)	0.510
2016	Election Day	8.3% (0.2)	12.6% (1.2)	4.3pp. (1.3)	<0.01
2018	Election Day	5.0% (0.2)	20.2% (1.0)	15.2pp. (1.0)	<0.01
2020	Election Day	15.4% (0.3)	17.0% (2.2)	1.6pp. (2.2)	0.473

A.5 Differences in line length between Georgia and other states, using regression with demographic controls

Table A.3: Average wait time, from regressions with demographic controls

Year	Voters	Other states	Georgia	Difference	P value
2008	All in-person	15.1 (0.2)	39.8 (1.3)	24.7min. (1.3)	<0.01
2012	All in-person	13.6 (0.2)	15.9 (0.9)	2.3min. (0.9)	<0.01
2014	All in-person	4.4 (0.1)	7.5 (0.3)	3.1min. (0.3)	<0.01
2016	All in-person	10.9 (0.1)	15.2 (0.6)	4.3min. (0.6)	<0.01
2018	All in-person	8.0 (0.1)	17.9 (0.4)	9.9min. (0.5)	<0.01
2020	All in-person	17.9 (0.2)	27.1 (1.0)	9.2min. (1.0)	<0.01
2008	Early in-person	21.2 (0.6)	49.6 (2.2)	28.4min. (2.3)	<0.01
2012	Early in-person	18.2 (0.5)	18.9 (1.6)	0.7min. (1.6)	0.668
2014	Early in-person	4.6 (0.2)	7.1 (0.6)	2.5min. (0.6)	<0.01
2016	Early in-person	12.6 (0.2)	17.1 (0.8)	4.4min. (0.9)	<0.01
2018	Early in-person	8.6 (0.2)	16.5 (0.6)	7.9min. (0.7)	<0.01
2020	Early in-person	20.5 (0.3)	32.2 (1.3)	11.7min. (1.4)	<0.01
2008	Election Day	13.3 (0.2)	24.9 (1.7)	11.6min. (1.7)	<0.01
2012	Election Day	12.2 (0.2)	13.5 (1.0)	1.3min. (1.1)	0.214
2014	Election Day	4.4 (0.1)	7.6 (0.4)	3.2min. (0.4)	<0.01
2016	Election Day	10.3 (0.1)	12.7 (0.8)	2.4min. (0.8)	<0.01
2018	Election Day	7.8 (0.1)	19.5 (0.6)	11.7min. (0.7)	<0.01
2020	Election Day	15.6 (0.2)	15.4 (1.6)	-0.2min. (1.6)	0.898

A.6 Relationship between race and line length

Figure A.9: Percentage of white and non-white voters waiting 30+ minutes

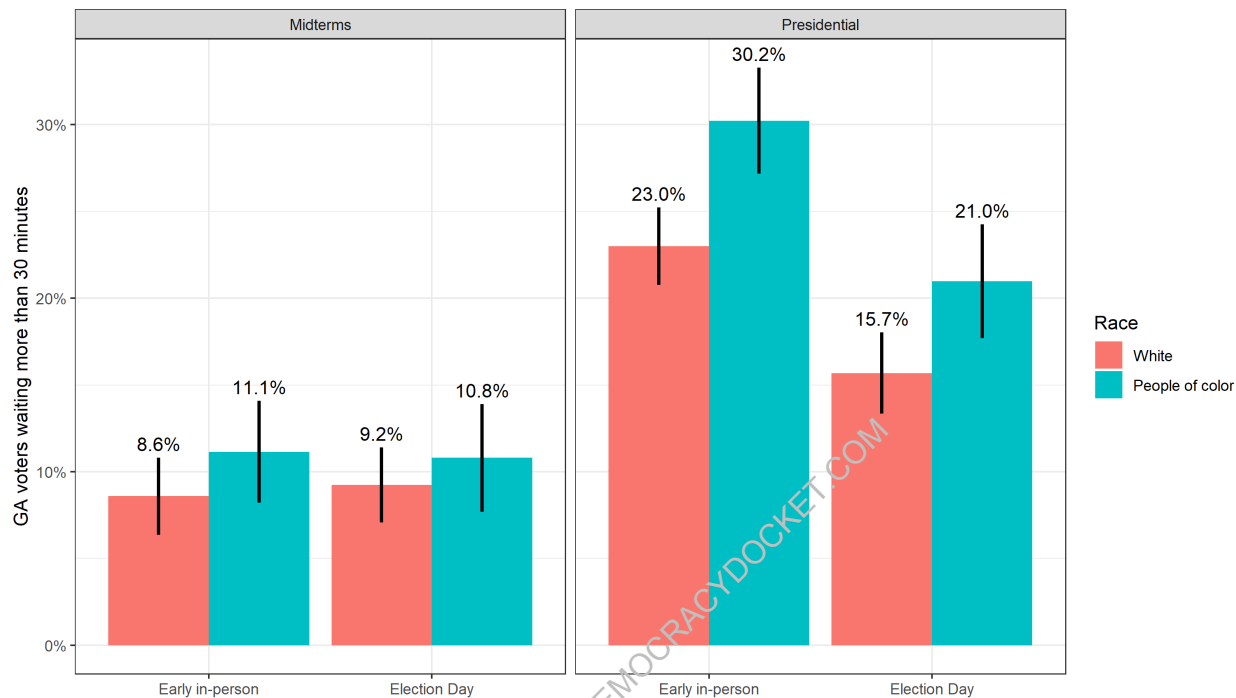
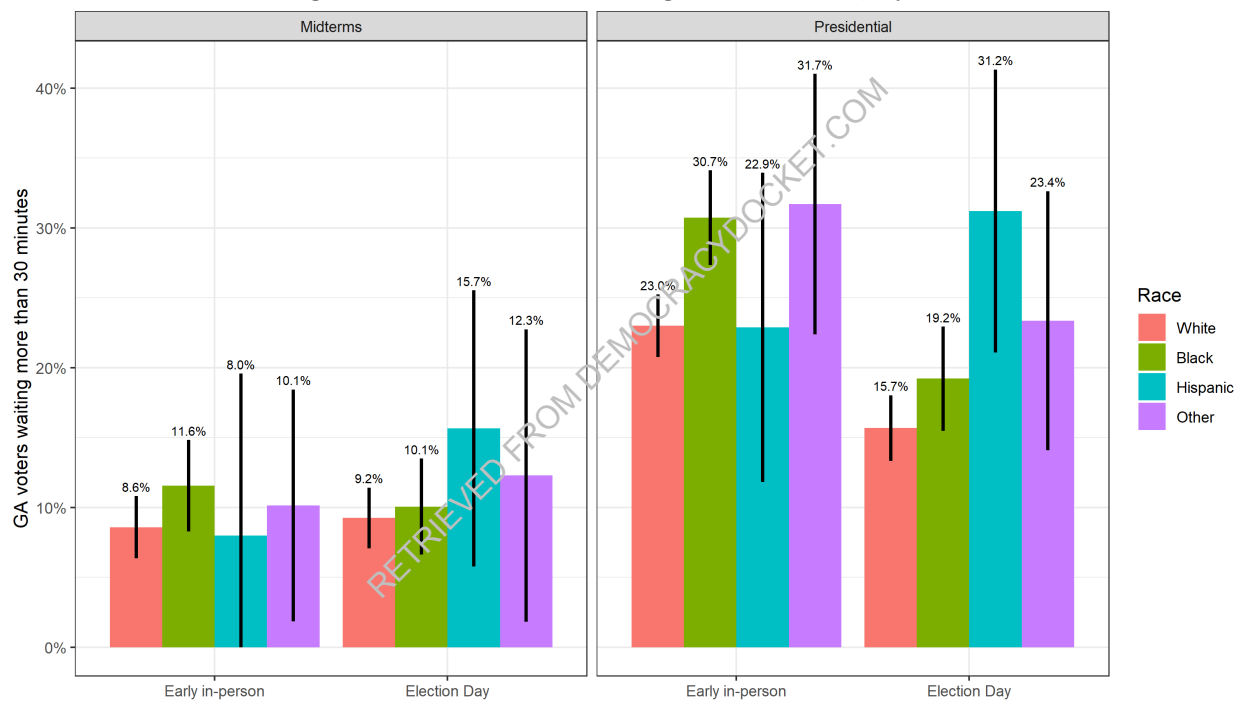


Figure A.10: Percent waiting 30+ minutes, by race



Regression results that corresponds with Figure 3.10:

Table A.4: Wait times since 2006

	DV: Minutes waiting to vote	
	(1)	(2)
People of color	2.79** (0.97)	
Black		3.64*** (1.06)
Hispanic		-1.59 (2.45)
Other race		1.37 (2.15)
Age	-0.07** (0.03)	-0.07** (0.03)
Bachelors	1.07 (0.92)	1.22 (0.92)
EDay voters	-7.50*** (0.88)	-7.43*** (0.88)
Intercept	29.96 (63.87)	34.51 (63.89)
Observations	5,884	5,884
R ²	0.17	0.18

Note: County and year fixed effects included
 * p<0.05; ** p<0.01; *** p<0.001

Regression results that corresponds with Figure 3.11:

Table A.5: Wait times in presidential elections

	DV: Minutes waiting to vote	
	(1)	(2)
People of color	5.05*** (1.45)	
Black		5.29*** (1.59)
Hispanic		0.34 (3.68)
Other race		6.95* (3.17)
Age	-0.07 (0.04)	-0.08 (0.04)
Bachelors	0.89 (1.39)	0.82 (1.40)
EDay voters	-15.06*** (1.30)	-15.05*** (1.30)
Intercept	2.54 (74.79)	7.34 (74.86)
Observations	3,755	3,755
R ²	0.14	0.14

Note: County and year fixed effects included
 * p<0.05; ** p<0.01; *** p<0.001

Regression results that corresponds with Figure 3.12:

Table A.6: Wait times in November 2020

	DV: Minutes waiting to vote	
	(1)	(2)
People of color	10.45** (3.64)	
Black		10.49* (4.14)
Hispanic		3.66 (8.76)
Other race		14.35* (7.23)
Age	0.26* (0.11)	0.25* (0.11)
Bachelors	3.09 (3.40)	3.05 (3.42)
EDay voters	-17.00*** (3.64)	-17.04*** (3.66)
Intercept	8.05 (60.38)	8.25 (60.42)
Observations	897	897
R ²	0.23	0.23

Note:

County and year fixed effects included

* p<0.05; ** p<0.01; *** p<0.001

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Appendix B: Curriculum Vitae

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Stephen S. Pettigrew

University of Pennsylvania

pettigr@sas.upenn.edustephenpettigrew.com**Work Experience****University of Pennsylvania**Deputy Executive Director: [Robert A. Fox Leadership Program](#)Director of Data Sciences: [Program on Opinion Research](#)
[and Electoral Studies](#)

Philadelphia, PA

Dec. 2017–pres.

Dec. 2017–pres.

NBC News

Senior Analyst: Decision Desk and Data Analytics Lab

New York, NY

Dec. 2017–pres.

MIT Election Data and Science Lab

Project Manager

Data Scientist

Cambridge, MA

Apr. 2017–Nov. 2017

Sept. 2011–Apr. 2017

Education**Harvard University**

PhD: Political Science

Dissertation: *Long Lines and Voter Purges: The Logistics of Running Elections*
in America

Master of Arts: Statistics

Cambridge, MA

May 2017

Mar. 2014

University of Georgia

Master of Arts: Political Science and International Affairs

Bachelor of Arts: Political Science & History (Double Major)

Athens, GA

May 2011

May 2011

Peer-Reviewed Publications[“Trumped by Trump? Public Support for Vote By Mail During the COVID-19 Pandemic.”](#) *Election Law Journal*. Forthcoming.[“The Downstream Consequences of Long Waits: How Lines at the Precinct Depress Future Turnout.”](#) *Electoral Studies* 71. June 2021.[“Protecting the Perilous Path of Election Returns: From the Precinct to the News.”](#) with Charles Stewart. *Ohio State Technology Law Journal*. 15: (2). Summer 2020.[“Abstention, Protest, and Residual Votes in the 2016 Election.”](#) with Michael Alvarez, Charles Stewart, and Cameron Wimpy. *Social Science Quarterly*. 101: (3). March 2020.[“The Race Gap in Wait Times: Why Minority Precincts are Underserved by Local Election Officials.”](#) *Political Science Quarterly* 132: (3). Fall 2017. pp 527-547.[“Comment on ‘Estimating the Reproducibility of Psychological Science’](#)” with Daniel Gilbert, Gary King, and Tim Wilson. *Science* 351: (6277). March 4, 2016.

“Hosting the Olympic Games: An Overstated Advantage in Sports History.” with Danyel Reiche. *International Journal of the History of Sport* 33: (6-7). March-April 2016. pp 635-647.

“How the West will be Won: Using Monte Carlo Simulations to Estimate the Effects of NHL Realignment.” *Journal of Quantitative Analysis in Sports* 10 (3). September 2014. pp 345-356.

“Strategic Politicians, Partisan Roll Calls, and the Tea Party: Evaluating the 2010 Midterm Elections,” with Jamie Carson. *Electoral Studies* 32: (1). March 2013. pp 26-36.

Other Political Science Publications

“Uncertainty over a blue wave: NBC News finds Democratic and GOP voter registrations at same level as past election cycles” *NBC News*. Oct. 16, 2018. With John Lapinski, Stephanie Perry, and Rezwana Uddin.

“Improving the Voter Experience: Reducing Polling Place Wait Times by Measuring Lines and Managing Polling Place Resources” *Bipartisan Policy Center*. April 2018. With John Fortier, Tim Harper, Charles Stewart, and Matthew Weil.

“The United States is Getting Better at Running Elections.” *The Monkey Cage*. August 9, 2016. With Charles Stewart

“Elections Performance Index: Methodology 2014” *The Pew Charitable Trusts*. August 2016.

“These are the Two Pivotal Senators if There’s a Vote to Replace Scalia.” *The Monkey Cage*. February 14, 2016.

“The 2014 Elections that Ended in a Tie.” *FiveThirtyEight*. December 5, 2014.

“Elections Performance Index: Methodology 2012” *The Pew Charitable Trusts*. April 2014.

“Republican Advantages in Candidate Recruitment in 2014 have Led to an Increasingly Polarized House of Representatives.” with Jamie Carson. *London School of Economics American Politics and Policy Blog*. September 17, 2013.

“Elections Performance Index: Methodology 2008-2010” *The Pew Center for the States*. February 2013.

Professional Talks and Testimony

Testimony before the Subcommittee on Elections for the Committee on House Administration of the United States House of Representatives. Hearing on “Voting in America: The Potential for Polling Place Quality and Restrictions on Opportunities to Vote to Interfere with Free and Fair Access to the Ballot.” June 11, 2021. [Link to written testimony](#).

Panel on Efficiency, Security and Equity. Georgia College and State University. Election Integrity Symposium. Spring 2021.

“What Happens Behind the Scenes on Election Night.”
University of Texas at Tyler. March 2021.
University of Pennsylvania (Wharton). December 2021.
New York University. October 2019.
Columbia University. October 2019.
University of Georgia. October 2019.
Dartmouth College. May 2019.
[Second Measure](#). August 2018.

Stephen Pettigrew

“Everything is Data: How to Use Numbers to Answer the Questions You’ve Always Had.” University of Georgia Honors Program. October 2015.

Guest lecturer in “Election Law and Participation” seminar. Bates College. May 2015.

Teaching Experience

PSCI207: Applied Data Science (UPenn) S2018, S2019, F2019, S2021

with Dr. John Lapinski and Samantha Sangenito

Topics: R programming • Survey research • Experiments

PSCI107: Introduction to Data Science (UPenn) Fall 2020

with Dr. Marc Trussler

Topics: R programming • Data science

17.20: Introduction to the American Political Process (MIT) Spring 2016

with [Dr. Devin Caughey](#)

Topics: American political institutions • Mass opinion and behavior

Gov2002: Causal Inference Fall 2015

with [Dr. Matt Blackwell](#)

Topics: Experimental design • Instrumental variables • Regression discontinuity • Matching

Harvard University Certificate of Distinction in Teaching (2015)

Gov2001: Advanced Quantitative Research Methodology Spring 2014, 2015

with [Dr. Gary King](#)

Topics: Maximum likelihood estimation • Predictive modeling • Missing data

Harvard University Certificate of Distinction in Teaching (2014, 2015)

Gov1540: The American Presidency Fall 2013, 2014, 2015

with [Dr. Roger Porter](#)

Topics: Presidential power • Interbranch relations • Elections • Presidential decision making

Harvard University Certificate of Distinction in Teaching (2015)

Harvard Government Math Pre-fresher Aug. 2013, 2014

Topics: Probability • Matrix algebra • Calculus • Optimization • R programming

Conference Presentations

“Protecting the Perilous Path of Election Returns: From the Precinct to the News.” Symposium on Elections in the Era of Technological Threats and Opportunities. Moritz College of Law. Ohio State University. January 2020. Columbus, OH. With Charles Stewart.

“Education Weighting in the National Exit Poll” *American Association of Public Opinion Researchers Annual Conference*. May 2019. Toronto, ON.

“Moved Out, Moved On: Assessing the Effectiveness of Registration List Maintenance” *Election Sciences, Reform, & Administration Conference*. July 2016. Portland, OR.

“The Downstream Consequences of Long Waits: How Lines at the Precinct Depress Future Turnout” *American Political Science Annual Meeting*. September 2016. Philadelphia, PA.

“How Long Lines Affect Turnout.” *Society for Political Methodology Annual Meeting*. July 2016. Houston, TX.

“Home Advantage at the Olympics: Will Brazil Win More Medals than Usual?” *Who Will Win in Rio? Conference*. July 2016. Cambridge, MA.

Stephen Pettigrew

- “The Downstream Consequences of Long Waits: How Lines at the Precinct Depress Future Turnout” *Yale Center for the Study of American Politics Conference*. June 2016. New Haven, CT.
- “The Downstream Effects of Long Lines: How Long Waits at the Precinct Depress Future Turnout” *Midwest Political Science Association Annual Meeting*. April 2016. Chicago, IL.
- “A Population Model of Voter Registration and Deadwood” *Midwest Political Science Association Annual Meeting*. April 2016. Chicago, IL. With Charles Stewart.
- “Why the Home Advantage at the Olympic Games is Overrated: Relating Host Medals to Increased Participation” *World Congress on Elite Sport Policy*. November 2015. Melbourne, Australia. With Danyel Reiche.
- “A Population Model of Voter Registration and Deadwood” *New Research on Election Administration and Reform*. June 2015. Cambridge, MA. With Charles Stewart.
- “Time Tax: Which Groups Wait in the Longest Lines on Election Day?” *Western Political Science Association Annual Meeting*. April 2015. Las Vegas, NV.
- “Assessing the Offensive Productivity of NHL Players using In-game Win Probabilities.” *MIT Sloan Sports Analytics Conference*. February 2015. Boston, MA.
Best research paper award finalist
- “How the West will be Won: Using Monte Carlo Simulations to Estimate the Effects of NHL Realignment.” *New England Symposium on Statistics in Sports*. September 2013. Cambridge, MA.
- “Evaluating New Representatives: How Redistricting Disrupts Congressional Representation” *American Political Science Association Annual Meeting*. August 2013. Chicago, IL. With Brian Schaffner and Stephen Ansolabehere.
- “Redistricting and the Personal Vote in 2012” *2013 CCES Sundance Conference*. May 2013. Sundance, UT. With Stephen Ansolabehere.
- “The Electoral Value of Seniority: Does Incumbent Tenure Affect the Attitudes of Voters?” *Midwest Political Science Association Annual Meeting*. April 2013. Chicago, IL. With Stephen Ansolabehere.
- “Competition and Candidate Emergence Decisions in U.S. House Primaries, 2000-2010” *Midwest Political Science Association Annual Meeting*. April 2012. Chicago, IL.
- “Strategic Politicians, the Great Recession, and the Tea Party Movement: Evaluating the 2010 Midterm Elections.” *Midwest Political Science Association Annual Meeting*. March 2011. Chicago, IL. With Jamie Carson.

Sports Analytics Research and Publications

Winners View: Data analytics consultant

April 2016–June 2016

Philadelphia 76ers: Basketball analytics consultant

July 2014–November 2014

Rink Stats: My hockey analytics blog

June 2013–Present

Wall Street Journal

The Madness Machine

March 16, 2015

As NBA Playoffs Begin, Odds of Beating the Heat

April 19, 2014

Stephen Pettigrew

The Stanley Cup: What are the Odds?	April 16, 2014
NCAA Tournament: Our Sorry, Broken Brackets	April 7, 2014
2014 Sochi Olympics: Why Canada will Rule (Again) in Hockey	February 7, 2014

FiveThirtyEight

Is There Home-Field Advantage At The Olympics? With Danyel Reiche .	August 9, 2016
Playoff Hockey is 36 Percent More Bone-Crushing	April 15, 2015
How To Tell If A March Madness Underdog is Going to Win	March 19, 2015
After Signing Day, Wisconsin Makes The Best Of Its Recruits	February 4, 2015

Deadspin

How Those 3-on-3 Overtime Rules Would Cut Down NHL Shootouts	March 18, 2015
Are Outdoor Hockey Games Really Sloppier?	February 19, 2015
Are Teams Better or Worse in Must-Score Shootout Situations?	December 22, 2014
The <i>College Gameday</i> Curse is Real...For Some Teams With Lucas Puente .	September 5, 2014
11 Million Brackets vs. ESPN, CBS, and FOX Experts: Who was Better?	April 10, 2014
How the Long-Change OT Could Cut NHL Shootouts by a Third	March 12, 2014

Awards and Distinctions

APSA Elections, Public Opinion, and Voting Behavior Graduate Student Travel Award - Sept. 2016
 Best Research Paper Finalist - 2015 Sloan Sports Analytics Conference
 Harvard University Certificate of Distinction in Teaching (four times)
 Phi Beta Kappa
 University of Georgia Honors International Studies Scholar
 University of Georgia Charter Scholar
 Eagle Scout

Professional Service

Theses Advised

Bayley Tuch. 2020-2021. "Vote Mirages in the 2020 Election: How Vote-by-Mail Policies Impact the Reporting of Election Results." Undergraduate senior thesis. University of Pennsylvania.
 Winner of Philo Bennett Prize for best thesis in American politics and/or political theory.

Conferences Organized

[Election Sciences, Reform, and Administration Conference](#). University of Pennsylvania. July 2019.
[Political Analytics Conference](#). Harvard University. April 2016, March 2017, November 2018.
[Who Will Win in Rio? Understanding Political, Economic, and Athletic Success at the 2016 Olympic Games](#). Harvard University. July 2016.

Publicly Available Datasets

[November 2018 General Election Results \(county level\)](#)
[November 2016 General Election Results \(county level\)](#)
[U.S. House Primary Election Results \(1956-2010\)](#)
[Cumulative CCES Common Content \(2006-2012\)](#)
[Essential Files to Generate Pew Elections Performance Index](#)
[Cleaned 2014 Election Administration and Voting Survey Data](#)

Stephen Pettigrew

Cleaned 2012 Election Administration and Voting Survey Data

Cleaned 2010 Election Administration and Voting Survey Data

Cleaned 2008 Election Administration and Voting Survey Data

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Exhibit 20

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

THE CONCERNED BLACK CLERGY
OF METROPOLITAN ATLANTA,
INC., a Georgia nonprofit corporation,
et al.,

Plaintiffs,

v.

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

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.:
1:21-CV-01728-JPB

**STATE DEFENDANTS' RESPONSES AND OBJECTIONS
TO PLAINTIFFS' FIRST INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, State Defendants Brad Raffensperger, Sara Ghazal, Matthew Mashburn, Edward Lindsey, and Janice Johnston hereby respond to Plaintiffs' First Interrogatories.

confidence; (iv) a lack of uniform rules for advance voting dates and times; (v) a lack of uniform resource allocation across Georgia's counties; (vi) the elimination of drop boxes for returning absentee ballots; (vii) unmanageable and burdensome runoff elections; (viii) slower tabulation of ballots; (ix) voter intimidation at polling locations; (x) greater risks of ballot duplication; and (xi) less convenient early voting options. Additionally, an order enjoining SB 202 in close proximity to any election would cause substantial disruption and voter confusion. *See Purcell v. Gonzalez*, 549 U.S. 1 (2006). Indeed, the State is already preparing to conduct elections based on the provisions enacted in SB 202 and has significant interests in the orderly conduct of elections. Moreover, such an order would impede the ability of county elections officials to administer the general election.

7. Identify any and all election administration burdens You would face in the 2022 General Election in the event the Court enjoins the enforcement and implementation of the challenged provisions of S.B. 202, and, for each claimed burden, identify all actions You have taken or You intend to take to minimize that burden in the event the Court enjoins the enforcement and implementation of the challenged provisions of S.B. 202. For purposes of the previous sentence, the "challenged provisions of S.B. 202" include the provisions related to Absentee Voting, Absentee Ballot Drop Box Voting, Line Warming, Mobile Voting Units, Early In-Person Voting, or the provisions allowing for unlimited voter challenges.

RESPONSE: State Defendants object to this Interrogatory as its request to "identify any and all" burdens is overbroad, unduly burdensome,

and vague. State Defendants also object to this Interrogatory as improperly compound because it includes multiple discrete subparts.

Subject to and without waiving the foregoing objections, State Defendants respond that enjoining SB 202 would subject Georgia voters to the various burdens SB 202 expressly sought to remedy, as voters would again face: (i) diminished voter confidence due to allegations of voter suppression and voter fraud; (ii) increased court challenges based on subjective signature matching requirements; (iii) outdated absentee ballot processing requirements that place additional burdens on election officials and undermine voter confidence; (iv) a lack of uniform rules for advance voting dates and times; (v) a lack of uniform resource allocation across Georgia's counties; (vi) the elimination of drop boxes for returning absentee ballots; (vii) unmanageable and burdensome runoff elections; (viii) slower tabulation of ballots; (ix) voter intimidation at polling locations; (x) greater risks of ballot duplication; and (xi) less convenient early voting options. Additionally, an order enjoining SB 202 in close proximity to any election would cause substantial disruption and voter confusion. *See Purcell v. Gonzalez*, 549 U.S. 1 (2006). Indeed, the State is already preparing to conduct elections based on the provisions enacted in SB 202 and has significant interests in the orderly conduct of elections. Moreover, such an order would impede the ability of county elections officials to administer the general election.

Exhibit 21

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

IN RE GEORGIA SENATE BILL 202	Master Case No.: 1:21-MI-55555-JPB
<p>THE NEW GEORGIA PROJECT, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21-cv-01229-JPB

**SPALDING COUNTY DEFENDANTS' RESPONSE TO
PLAINTIFFS' FIRST INTERROGATORIES**

Defendants Ben Johnson, Chairman of the Spalding County Board of Elections and Voter Registration, Roy McClain, Secretary of the Spalding County Board of Elections and Voter Registration, and James Newland, Alfred Jester, and James A. O'Brien, members of the Spalding County Board of Elections and Voter Registration in their official capacities (the "Spalding County Defendants"), respond to Plaintiffs' First Interrogatories as follows:

law.

INTERROGATORY NO. 2: Describe in detail all election administration related actions that You would need to take in order to implement a court order enjoining the Challenged Provisions of SB 202, including specifically the provisions that:

- (i) impose new identification requirements for absentee voters, Section 25, SB 202, amending O.C.G.A. § 21-2-381(a)(1)(C)(i); Section 27, SB 202, amending O.C.G.A. § 21-2-384(b); Section 28, SB 202, amending O.C.G.A. § 21-2-385(a); Section 29, SB 202, amending O.C.G.A. § 21-2-386(a)(1)(B);
- (ii) reduce the number of days during which election officials may distribute absentee ballots, Section 27, SB 202, amending O.C.G.A. § 21-2-384(a)(2);
- (iii) impose new regulations on absentee ballot drop boxes, Section 26, SB 202, amending O.C.G.A. § 21-2-382(c)(1);
- (iv) prohibit the use of mobile polling places or voting stations, Section 20, SB 202, amending O.C.G.A. § 21-2-266(b);
- (v) prohibit state and local government officials from distributing unsolicited absentee ballot applications, Section 25, SB 202, amending O.C.G.A. § 21-2-381(a)(1)(C)(ii);
- (vi) require election officials to hold hearings on challenges to voters' qualifications within 10 business days after service of notice of the challenges, Section 15, SB 202, amending O.C.G.A. § 21-2-229(b); Section 16, SB 202, amending O.C.G.A. Section 21-2-230(f);
- (vii) require the rejection of ballots cast outside the voter's precinct before 5:00 pm on election day, Section 34, SB 202, amending O.C.G.A. §

21- 2-418(a)-(b); Section 35, SB 202, amending O.C.G.A. § 21-2-419(c)(2);

- (viii) prohibit any non-poll worker from providing food or water to individuals in line outside polling places, Section 33, SB 202, amending O.C.G.A. § 21-2-414(a);
- (ix) prohibit counties from mailing absentee ballots to voters who submitted applications when they were unregistered, but subsequently registered before the registration deadline, Section 25, SB 202, amending O.C.G.A. § 21-2-381(b)(5); and
- (x) require the rejection of any absentee application or ballot that fails to provide the elector's date of birth, Section 29, SB 202, amending O.C.G.A. § 21-2-386(a)(1)(B)-(C).

GENERAL RESPONSE

The Spalding County Defendants object to Interrogatory No. 2 to the extent it seeks a legal opinion or conclusion and further objects to the extent that it seeks information protected by the attorney-client privilege. Defendants further object that describing “all election administration related actions” required to comply with a Court Order enjoining an existing law is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving, these objections, the Spalding County Defendants state that, at a minimum, any changes to the law would require training and education of all Board of Elections staff and poll

workers to account for the new standards, along with appropriate notice to the public.

RESPONSE TO SUBPARTS

Subject to, and without waiving, the above objections, the Spalding County Defendants respond to the subparts of Interrogatory No. 2 as follows:

(i) impose new identification requirements for absentee voters, Section 25, SB 202, amending O.C.G.A. § 21-2-381(a)(1)(C)(i); Section 27, SB 202, amending O.C.G.A. § 21-2-384(b); Section 28, SB 202, amending O.C.G.A. § 21-2-385(a); Section 29, SB 202, amending O.C.G.A. § 21-2-386(a)(1)(B);

RESPONSE: If certain identification requirements for absentee voters are no longer required, the Spalding County Defendants will not consider these requirements in accepting absentee ballots. Poll workers would need to be trained on the relevant identification requirements and be provided with any relevant informational materials.

(ii) reduce the number of days during which election officials may distribute absentee ballots, Section 27, SB 202, amending O.C.G.A. § 21-2-384(a)(2);

RESPONSE: If the Spalding County Defendants are directed by Court Order to distribute absentee ballots for a different period of time than currently allowed, it will educate and train Board of Elections employees to comply with the change to the law. It may also require the Spalding County Defendants to procure more absentee ballot applications, absentee ballots, and other absentee

ballot supplies. If more votes are cast via absentee ballot, the Spalding County Defendants may require additional employees or personnel to review said applications.

(iii) impose new regulations on absentee ballot drop boxes, Section 26, SB 202, amending O.C.G.A. § 21-2-382(c)(1);

RESPONSE: The Spalding County Defendants are not aware of absentee ballot drop boxes being allowed under the Elections Code prior to the emergency measures taken during the pandemic. If restrictions on absentee ballot drop boxes are lifted, then the Spalding County Defendants would need to determine whether to have absentee ballot drop boxes, where they should be located, and how they should be monitored. Depending on these decisions, the Spalding Defendant would have to take necessary steps to train staff and personnel about any changes, along with taking appropriate steps to inform the public.

(iv) prohibit the use of mobile polling places or voting stations, Section 20, SB 202, amending O.C.G.A. § 21-2-266(b);

RESPONSE: The Spalding County Defendants state that no action would be required if the prohibition on use of mobile polling places or voting stations are repealed as Spalding County has not used mobile polling places or voting stations in prior elections.

(v) prohibit state and local government officials from distributing unsolicited absentee ballot applications, Section 25, SB 202, amending O.C.G.A. § 21-2-381(a)(1)(C)(ii);

RESPONSE: The Spalding County Defendants state that no action would be required on the part of the Spalding County Defendants if state and local government officials are allowed to distribute unsolicited absentee ballot applications. If such distribution is allowed, it may require the Spalding County Defendants to procure more absentee ballots and related supplies. A potential increase in votes being cast by absentee ballot might also require additional employees and personnel to process the same.

(vi) require election officials to hold hearings on challenges to voters' qualifications within 10 business days after service of notice of the challenges, Section 15, SB 202, amending O.C.G.A. § 21-2-229(b); Section 16, SB 202, amending O.C.G.A. Section 21-2-230(f);

RESPONSE: The Spalding County Defendants would not be required to hold said hearings if this provision of the law was enjoined.

(vii) require the rejection of ballots cast outside the voter's precinct before 5:00 pm on election day, Section 34, SB 202, amending O.C.G.A. § 21-2-418(a)-(b); Section 35, SB 202, amending O.C.G.A. § 21-2-419(c)(2);

RESPONSE: If this provision were enjoined, the Spalding County Defendants understand they would be required to issue a provisional ballot. An increase in provisional ballots might require the Spalding County Defendants to obtain additional provisional ballots and related ballot supplies. An increase

in votes cast by provisional ballot might also require additional employees and personnel to process the same. Finally, the Spalding County Defendants would have to engage in additional training and education for poll workers.

(viii) prohibit any non-poll worker from providing food or water to individuals in line outside polling places, Section 33, SB 202, amending O.C.G.A. § 21-2-414(a);

RESPONSE: To the extent the Spalding County Defendants have the authority to prohibit or allow activities in a line to vote, the Spalding County Defendants would not interfere with efforts by non-poll workers to distribute food or water if a Court Order so requires.

(ix) prohibit counties from mailing absentee ballots to voters who submitted applications when they were unregistered, but subsequently registered before the registration deadline, Section 25, SB 202, amending O.C.G.A. § 21-2-381(b)(5); and

RESPONSE: The Spalding County Defendants would mail absentee ballots as required by Court Order. This would conceivably require the Spalding County Defendants to obtain additional absentee ballots and related materials. The Spalding County Defendants would also have to train employees to comply with any changes to the current law.

(x) require the rejection of any absentee application or ballot that fails to provide the elector's date of birth, Section 29, SB 202, amending O.C.G.A. § 21-2-386(a)(1)(B)-(C).

RESPONSE: The Spalding County Defendants would not reject an

absentee application or ballot that fails to provide the elector's date of birth and otherwise complies with the requirements to cast a ballot.

Dated this 13th day of May, 2022.

BECK, OWEN & MURRAY
Attorneys for the Spalding County
Defendants

/s/ Karl P. Broder

Karl P. Broder

Georgia Bar No. 185273

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100 South Hill Street
Griffin, Georgia 30223
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Exhibit 22

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In the Matter Of:

IN RE GEORGIA SENATE BILL 202

1:21:MI-55555-JPB

MILTON D. KIDD

May 05, 2022

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MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

May 05, 2022

1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

IN RE)
)
GEORGIA SENATE BILL 202)
)
Plaintiff,)
vs.) Civil Action No.
) 1:21:MI-55555-JPB
)
Defendants.)
)
- - - - -)

DEPOSITION OF
MILTON D. KIDD

Thursday, May 5, 2022, 10:09 a.m. (EST)

HELD AT:

Thompson Hine LLP
Two Alliance Center
3560 Lenox Road, Suite 1600
Atlanta, Georgia 30326

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

May 05, 2022
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1 email or through written materials?

2 A Verbally.

3 Q Since you've been in Douglas County, in
4 the elections office in Douglas County, has your
5 office received complaints about third parties who
6 are engaging in line warming activities?

7 MS. LaROSS: Objection as to form.

8 A Can you restate the question?

9 Q Since you've been in the elections office
10 in Douglas County, has your office received any
11 complaints about third parties who are engaging in
12 line warming activities at a polling place?

13 A Not about third parties, no.

14 Q Have you received complaints about others
15 doing line warming activities at polling places?

16 A We've had questions as to whether or not a
17 candidate that's not on the ballot could be
18 participating in these types of activities, a
19 candidate or elected official that's not on the
20 ballot participate in these type of activities as
21 well.

22 Q Has your office, since you've been in
23 Douglas County, has your office received any other
24 complaints about line warming activities at polling
25 places?

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IN RE GEORGIA SENATE BILL 202

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1 A No.

2 Q And has your office ever learned that
3 volunteers who were engaging in line warming
4 activities were advocating for or against a
5 particular candidate?

6 A No.

7 Q Has your office ever learned that any
8 volunteers engaging in line warming activities in
9 Douglas County where instructing voters how to vote?

10 A No.

11 Q Under SB-202 is there a provision
12 specifically related to poll workers providing water
13 to voters?

14 A Yes.

15 MS. LaROSS: Objection as to form.

16 Q Can you describe your understanding of
17 that provision?

18 A 202 requires poll workers -- or gives poll
19 workers the ability to set up an un -- what they
20 considered an unmanned station with water or any
21 food items that you wish to distribute to voters in
22 line.

23 Q How many polling places will Douglas
24 County have on the Election Day for the May 2022
25 primary?

MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

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1 A Twenty-five.

2 Q And how many advanced voting sites do you
3 have for the May 2022 primary?

4 A Seven.

5 Q Do you have these self-service water
6 receptacles at those seven advanced voting sites?

7 A No.

8 Q Why not?

9 A Because I don't have the personnel to set
10 them up and continually monitor them.

11 Q Will you have the self-service water
12 receptacles at the 25 polling places on Election Day
13 for the May primary?

14 A No. That is not the activities that would
15 typically be performed by my office.

16 MS. LaROSS: Objection as to form.

17 Q Do you know how much it would cost the
18 county to set up a water receptacle at each polling
19 place in May 2022 primary?

20 A I have not looked into that information.

21 Q Before SB-202 was passed by the General
22 Assembly, did you speak with any members of the
23 General Assembly or their staff about the line
24 warming provision in SB-202?

25 A Once again, in discussions of this bill

MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

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1 with Representative Alexander, I am confident that
2 this particular portion did come up.

3 Q And prior to the passage of SB-202, were
4 you -- what was your opinion on this provision?

5 A I did not understand this provision. It
6 was very useful for Douglas County to be able to
7 have external organizations take these features and
8 not have to worry about that as an organizational
9 function with all that is going on at a polling
10 location.

11 MS. LaROSS: Objection as to form.

12 Q Before SB-202 was passed by the General
13 Assembly, did you discuss this provision of SB-202
14 with anyone from the Secretary of State's Office?

15 A Yes.

16 Q Do you remember who you spoke to?

17 A The State Elections Director and his
18 staff. Once again, we were all aware of previous
19 incarnations of the bill and the final passage of
20 the bill and routinely discussed --

21 MS. LaROSS: Objection --

22 A -- as it was moving through the
23 legislation.

24 MS. LaROSS: Objection as to form.

25 Q The discussions that you just mentioned

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

IN RE GEORGIA SENATE BILL 202	Master Case No.: 1:21-MI-55555- JPB
<p>SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	<p>Civil Action No.: 1:21-cv-01284- JPB</p>
<p>GEORGIA STATE CONFERENCE OF THE NAACP, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRAD RAFFENSPERGER, in his official capacity as the Secretary of State for the State of Georgia, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	<p>Civil Action No.: 1:21-cv-01259- JPB</p>

**DECLARATION OF JULIE M. HOUK IN SUPPORT OF AME &
GEORGIA NAACP PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR
A PRELIMINARY INJUNCTION**

I, Julie M. Houk, hereby declare:

1. All facts set forth herein are based on my personal knowledge, and if called upon to testify as to the contents of this Declaration, I could and would do so.

2. I am an attorney with the Lawyers' Committee for Civil Rights Under Law and am serving as counsel for Plaintiffs Georgia State Conference of the NAACP, Georgia Coalition for the People's Agenda, Inc., League of Women Voters of Georgia, Inc., GALEO Latino Community Development Fund, Inc., Common Cause, and Lower Muskogee Creek Tribe in the above-captioned matter.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the declaration of Treanna ("Aunna") Dennis dated May 24, 2022.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the declaration of Gerald Griggs dated May 24, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 25, 2022

/s/ Julie M. Houk

Julie M. Houk

Counsel for Plaintiffs

Exhibit 1

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

IN RE GEORGIA SENATE BILL 202

Master Case No.:
1:21-MI-55555-JPB

GEORGIA STATE CONFERENCE
OF THE NAACP, et al.,

Plaintiffs,

v.

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

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, et al.,

Intervenor-Defendants.

Civil Action No.:
1:21-CV-07159-JPB

DECLARATION OF TREAUNNA (“AUNNA”) DENNIS

Pursuant to 28 U.S.C. § 1746, I, Treanna (“Aunna”) Dennis, declare as follows:

1. I am the Executive Director of Common Cause Georgia (“Common Cause GA”), am over 18 years of age, and am competent to make this declaration.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
3. Plaintiff Common Cause is a national organization which has an office based in Atlanta, Georgia, known as Common Cause Georgia (“Common Cause GA”),

where it conducts its Georgia relative programmatic work, including its work relating to voting rights and elections among other work.

4. I became the Executive Director of Common Cause GA in June 2020 and can attest to the effect of SB 202 on the organization's ability to continue to engage in line relief activities, among other aspects of its work.
5. Common Cause GA encourages voter participation in Georgia, including among Black voters and other voters of color, as well as among other traditionally underrepresented communities. Common Cause GA's support of voting rights is central to its mission. The organization has committed, and continues to commit, time and resources to nonpartisan election protection, advocacy, voter education, and outreach activities to ensure that voters are registered to vote and will have their ballots counted as cast.
6. As part of the organization's voter participation efforts, Common Cause GA provided free personal protective equipment (PPE), food, and water to persons, including voters, at or around polling sites, in Fulton County during the 2020 Primary and Runoff election cycles.
7. Common Cause GA staff and volunteers handed out PPE packets, which included masks, hand sanitizer, and non-partisan voter information. Common Cause GA staff and volunteers provided PPE to any person, including, but not limited to, voters who wanted or needed it, regardless of political affiliation.

8. Common Cause GA also provided subgrants to two organizations in rural Georgia to pass out PPE to persons during the 2020 General Election cycle. Our subgrantees provided these packets to persons on a nonpartisan basis.
9. In particular, some election officials expressed their thanks for the donations of PPE packets during the 2020 election cycle, because it allowed them to conserve their resources for future elections.
10. These efforts are central to the mission of Common Cause GA because they help to provide equitable access to the democratic process and encourage voter participation. Common Cause GA's line relief efforts send the message to voters that we care about their wellbeing. It communicates that we recognize the difficulty in standing in hours-long lines and the need to preserve people's physical health while doing so. It also shows voters that their community supports them in their efforts to cast a ballot, and that they should continue to stay in line to make their voice heard.
11. Words alone do not communicate the same message to voters as line relief does.
12. Voters have expressed their appreciation for Common Cause GA's line relief efforts.
13. Many Black voters, other voters of color, and low-income voters lacked access to PPE in the height of the COVID-19 pandemic, especially outside of the Atlanta metro area.
14. Black voters and other voters of color are frequently forced with having to wait in long lines to vote at precincts located in communities of color. The provision of

food and drinks allows voters and persons accompanying them, such as caregivers, children, and others, to continue to stay in line until they can cast their ballot.

15. As a result of the passage of Georgia Senate Bill 202 (“SB 202”) and the criminal penalties associated with line relief activities, Common Cause GA cannot engage in its normal voter participation efforts of passing out PPE, food, and drinks outside of polling locations. Common Cause GA is concerned about the need for persons at or near polling sites to have PPE during the 2022 election cycle as the COVID-19 virus is continuing to be present in Georgia and they could become infected or spread the virus to others.
16. SB 202 will make it harder to vote, especially for Black voters and other voters of color who face long lines at precincts in their communities. Many of these voters are unable to leave an already long line to obtain food, water or PPE and return later to vote. Common Cause GA expects that it will be forced to stop providing line-relief in future elections because of the criminalization of this activity, which impacts the organization’s ability to encourage voter participation in real time.
17. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24 day of May 2022 at Atlanta, Georgia.

A handwritten signature in black ink, appearing to read "Treanna C. Dennis", written over a horizontal line.

Treanna (“Aunna”) Dennis

Exhibit 2

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

IN RE GEORGIA SENATE BILL 202

Master Case No.:

1:21-MI-55555-JPB

GEORGIA STATE CONFERENCE
OF THE NAACP, et al.,

Plaintiffs,

v.

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

Defendants,

Civil Action No.:

1:21-CV-07159-JPB

DECLARATION OF GERALD GRIGGS

Pursuant to 28 U.S.C. § 1746, I, Gerald Griggs, declare as follows:

1. I am the President of the Georgia State Conference of the National Association for the Advancement of Colored People ("Georgia NAACP"), am over 18 years of age, and am competent to make this declaration.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.

3. Plaintiff Georgia NAACP is a non-partisan, interracial, nonprofit membership organization that was founded in 1941.
4. Its mission is to eliminate racial discrimination through democratic processes and ensure the equal political, educational, social, and economic rights of all persons, in particular African Americans. It is headquartered in Atlanta and currently has approximately 10,000 members across the state of Georgia.
5. The Georgia NAACP works to protect voting rights through litigation, advocacy, legislation, communication, and outreach, including work to promote voter registration, voter education, get out the vote (“GOTV”) efforts, election protection, and census participation.
6. The Georgia NAACP has branches in counties across the state of Georgia that are involved in voter registration, voter assistance, voter education, election protection, grassroots mobilization, and GOTV efforts, including Sunday early voting events, such as “Souls to the Polls.”
7. The Georgia NAACP engages in voter outreach efforts, including voter education on voting in-person during early voting, voting by mail and voting in person on election day.
8. I became the President of the Georgia NAACP in May 2022. Prior to becoming the State Conference President, I served as 3rd Vice President from 2018-2020. I also have participated in the Georgia NAACP’s efforts to hand out free food, water, and other provisions at the polls (known as “line relief”) since 2016 and can

attest to the effect of SB 202 on the organization's ability to continue to engage in line relief activities, among other aspects of its work.

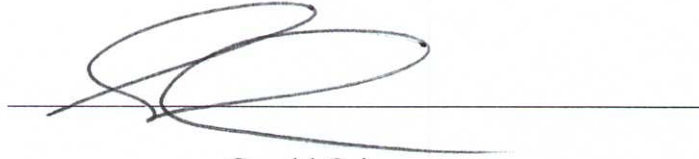
9. An important part of Georgia NAACP's voter participation efforts is providing line relief to voters forced to stand in long lines to cast their ballot. Georgia NAACP began this work in 2016.
10. Georgia NAACP selects polling locations to provide line relief based on whether they primarily serve Black and other communities of color; polling locations with long lines based on reports from poll monitors, often in communities of color; and polling locations with reports of long lines from previous election cycles.
11. Prior to the 2020 election cycle, Georgia NAACP staff and volunteers provided snacks and water to persons standing in line and in the vicinity of polling locations and focused its line relief efforts at polling locations within Black and other communities of color. Georgia NAACP offered these items on a non-partisan basis to any person, including voters, regardless of political affiliation.
12. Georgia NAACP continued these efforts in the 2020 election cycle and also offered and donated personal protective equipment ("PPE"), such as masks and hand sanitizer, to persons standing in line and in the vicinity of polling locations serving Black and other communities of color.
13. Georgia NAACP's 2020 line relief program spanned across nineteen (19) counties which, collectively, included about 80% of the Black voter population in Georgia.

14. Staff and volunteers provided the water, snacks, and PPE on a non-partisan basis to any person, including voters, regardless of political affiliation.
15. Georgia NAACP decided to include PPE in the donations during our line relief efforts in 2020 because we saw that many Black voters, other voters of color, and low-income voters often lacked access to PPE in the height of the COVID-19 pandemic, especially outside of the Atlanta metro area.
16. Georgia NAACP remains concerned about the need for persons at or near polling sites to have PPE during the 2022 election cycle as the COVID-19 virus is continuing to be present in Georgia and they could become infected or spread the virus to others.
17. Georgia NAACP's line relief efforts have been welcomed by the voters and other individuals who accepted our donations of PPE, water or snacks and some poll officials have also expressed their thanks for the Georgia NAACP's line relief efforts.
18. These efforts are central to the mission of Georgia NAACP because they help Black voters and other voters of color who are frequently forced to wait in long lines to vote at precincts located in communities of color. The provision of food and drinks allow voters, as well as persons accompanying them, such as caregivers, children, and others, to endure the all too frequent long lines and delays they encounter at their polling locations.

19. Georgia NAACP's line relief efforts send the message to voters that we care about their wellbeing. It communicates that we recognize the difficulty in standing in hours-long lines and the need to preserve people's physical health while doing so. It also shows voters that their community supports them in their efforts to cast a ballot. Words alone cannot communicate the same type of message that line relief does.
20. Prior to the enactment of Georgia Senate Bill 202 ("SB 202"), Georgia NAACP staff and volunteers provided PPE, snacks, and water both to persons standing in line within and outside of 150 feet of a polling location or within 25 feet of voters.
21. SB 202 effectively criminalized this simple message of kindness by prohibiting the donation of food, water and even PPE directly within 150 feet of a polling location or within 25 feet of voters and their companions waiting in the long lines to vote - sometimes for many hours.
22. Allowing the GA NAACP and its volunteers to pass out water, snacks and PPE directly to voters in line is clearly the most effective way of communicating this message through line relief since these individuals may be reluctant to get out of line for fear that they will lose their place in line after already waiting for long periods of time.
23. Georgia NAACP would have continued the work it engaged in prior to the enactment of SB 202 by providing these items directly to voters and others in line but for the new prohibitions of SB 202.

24. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24 day of May 2022 at Atlanta, Georgia.

A handwritten signature in dark ink, consisting of a large, stylized 'G' followed by a horizontal line, is written over a horizontal line.

Gerald Griggs

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

IN RE GEORGIA SENATE BILL 202	Master Case No.: 1:21-MI-55555-JPB
<p>SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21- cv-01284-JPB
<p>GEORGIA STATE CONFERENCE OF THE NAACP, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRAD RAFFENSPERGER, in his official capacity as the Secretary of State for the State of Georgia, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21-cv-01259-JPB

**[PROPOSED] ORDER ON AME & GEORGIA NAACP PLAINTIFFS’
MOTION FOR A PRELIMINARY INJUNCTION**

THIS MATTER comes before this Court on Plaintiffs' Motion for a Preliminary Injunction. Upon considering the motion and supporting authorities, the responses from Defendants and Intervenor-Defendants, and the evidence and pleadings of record, this Court finds that Plaintiffs are likely to succeed on the merits of their claims, that they will be irreparably harmed if this motion is not granted, that the balance of equities tip in Plaintiffs' favor, and that the requested equitable relief is in the public interest. It is hereby:

ORDERED that Plaintiffs' Motion for a Preliminary Injunction is **GRANTED**, and Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, are hereby **ENJOINED** from enforcing during the November, 2022, elections, and any other elections held before final judgment in this case, the provisions of O.C.G.A. § 21-2-414(a) imposing criminal penalties on those who "give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector ... [w]ithin 150 feet of the outer edge of any building within which a polling place is established" or "[w]ithin 25 feet of any voter standing in line to vote at any polling place."

IT IS SO ORDERED this the ____ day of ____, 2022.

Hon. J. P. Boulee
United States District Judge
Northern District of Georgia