

**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

Civil Action No.
1:21-CV-2575-JPB

v.

REPUBLICAN NATIONAL
COMMITTEE, et al,

Intervenor Defendants

GEORGIA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs,

v.

Civil Action No.
1:21-CV-01259-JPB

BRAD RAFFENSPERGER, *et al.*,

Defendants

THE CONCERNED BLACK CLERGY
OF METROPOLITAN ATLANTA,
INC., *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants

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

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

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Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs in the above-captioned cases move for entry of a preliminary injunction enjoining the State of Georgia, the Georgia State Election Board, and the Georgia Secretary of State (“Defendants”), from enforcing certain provisions of Georgia Senate Bill 202 (2021) regarding the holding of runoff elections, as likely violative of the Fourteenth and Fifteenth Amendments to the United States Constitution. The relevant provisions include (1) SB 202’s truncated timeline for holding runoff elections, which reduces the runoff period from nine weeks to four weeks; (2) condensing the early voting period in runoff elections from three weeks to one week, with no mandatory weekend voting; and (3) eliminating the window for voters to register between a general election and runoff election while remaining eligible to vote in the runoff election. Alternatively, Plaintiffs request any other and further relief the Court deems just and proper under these circumstances.

Plaintiffs move for injunctive relief regarding the challenged provisions at this time, and based on the evidence adduced in discovery, to ensure sufficient time for implementation prior to any potential 2024 runoffs for primary or general elections. *Cf. Purcell v. Gonzalez*, 549 U.S. 1 (2006).

In support of their motion, and for the reasons set forth in Plaintiffs’ accompanying Memorandum of Law, Plaintiffs assert that (1) they have a

substantial likelihood of success on the merits of their claims; (2) absent an injunction, SB 202's runoff restrictions will irreparably harm Black voters and deny them the opportunity to participate equally in the political process (and have already done so); (3) Plaintiffs' interest in participating in the political process on an equal footing and in exercising their constitutionally protected right to vote outweighs Defendants' interest in implementation of the challenged provisions; and (4) an injunction will serve the public interest.

Plaintiffs file an accompanying Memorandum of Law in Support of their Motion for a Preliminary Injunction, relevant exhibits containing evidentiary materials, and a proposed order granting the motion.

Date: June 9, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

Pursuant to Local Rule 7.1(D), I certify that the foregoing document was prepared in Times New Roman 14-point font in compliance with Local Rule 5.1(C).

/s/ Leah C. Aden

Leah C. Aden

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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2023, I caused the foregoing to be electronically filed with the clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Leah C. Aden

Leah C. Aden

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