

**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><i>Plaintiffs,</i></p> <p>v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21- cv-01284-JPB

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION UNDER THE AMERICANS WITH DISABILITIES ACT
AND REHABILITATION ACT**

Plaintiffs file this Notice to alert the Court of an order issued by the U.S. District Court for the Southern District of Mississippi that addresses matters raised in a pending Motion for a Preliminary Injunction in this case (ECF No. 546). Yesterday, Judge Henry Wingate issued an Abbreviated Order enjoining Mississippi

Senate Bill 2358 in *Disability Rights Mississippi et al. v. Fitch et al.*, Civil Action No.: 3:23-CV-350-HTW-LGI.¹

Senate Bill 2358 made it a misdemeanor to “knowingly collect and transmit a ballot that was mailed to another person” with exceptions for “family members,” “household members,” and “caregivers.” Order at 2-3. Plaintiffs, including Disability Rights Mississippi (Mississippi’s designated Protection and Advocacy Organization), individuals with disabilities, and their assistors, asked the Court to enjoin the law because it threatened to disenfranchise people who rely upon assistance with returning their ballots. *See id.* at 4-6.² The Court issued the requested injunction because (1) the threat of criminal penalties for assistance “promise[d] to chill” disabled citizens from exercising their fundamental right to vote and (2) because various terms, particularly “caregiver,” were left undefined in the law, exacerbating the cumulative chilling effect. *Id.* at 5-6. Though Defendants submitted one possible definition of “caregiver” in their briefing, the Court noted the statute itself included no such definition, and the Court could not ascertain whether individual Plaintiffs’ assistors counted as “caregivers.” *Id.* Finally, the Court noted

¹ A copy of the Order is attached hereto as Exhibit 1.

² The *DRMS* plaintiffs sought relief under Section 208 of the Voting Rights Act, however, the Court’s reasoning about irreparable harm, the public interest, and the balance of the equities focused on the same issues as those presented by Plaintiffs’ motion under the ADA.

that Defendants had not provided any evidence of a “widespread ballot harvesting problem.” *Id.*

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Respectfully submitted, this 26th day of July, 2023.

/s/ Pichaya Poy Winichakul

Bradley E. Heard (Ga. Bar No. 342209)
bradley.heard@splcenter.org

Pichaya Poy Winichakul (Ga. Bar No.
246858)

poy.winichakul@splcenter.org

Matletha N. Bennette (pro hac vice)

matletha.bennette@splcenter.org

SOUTHERN POVERTY LAW
CENTER

150 E. Ponce de Leon Ave.,
Suite 340

Decatur, Georgia 30030

Telephone: (404) 521-6700

Facsimile: (404) 221-5857

Jess Unger (pro hac vice)

jess.unger@splcenter.org

Sabrina S. Khan (pro hac vice)

sabrina.khan@splcenter.org

SOUTHERN POVERTY LAW
CENTER

1101 17th Street NW, Suite 705

Washington, DC 20036

Telephone: (202) 728-9557

/s/ Adam S. Sieff

Adam S. Sieff (pro hac vice)

adamsieff@dwt.com

Daniel Leigh (pro hac vice)

danielleigh@dwt.com

Brittni A. Hamilton (pro hac vice)

brittnihamilton@dwt.com

DAVIS WRIGHT TREMAINE LLP

865 South Figueroa Street, 24th Floor

/s/ Sophia Lin Lakin

Sophia Lin Lakin (pro hac vice)

slakin@aclu.org

Davin M. Rosborough (pro hac vice)

drosborough@aclu.org

Jonathan Topaz (pro hac vice)

jtopaz@aclu.org

Dayton Campbell-Harris (pro hac vice)

dcampbell-harris@aclu.org

Casey Smith (pro hac vice)

csmith@aclu.org

ACLU FOUNDATION

125 Broad Street, 18th Floor

New York, New York 10004

Telephone: (212) 519-7836

Facsimile: (212) 549-2539

Susan P. Mizner (pro hac vice)

smizner@aclu.org

ACLU FOUNDATION, INC.

39 Drumm Street

San Francisco, CA 94111

Telephone: (415) 343-0781

Brian Dimmick (pro hac vice)

bdimmick@aclu.org

ACLU FOUNDATION, INC.

915 15th Street NW

Washington, D.C. 20005

Telephone: (202) 731-2395

/s/ Caitlin May

Rahul Garabadu (Ga. Bar 553777)

rgarabadu@acluga.org

Caitlin May (Ga. Bar No. 602081)

cmay@acluga.org

Los Angeles, California 90017-2566
Telephone: (213) 633-6800
Facsimile: (213) 633-6899

Matthew R. Jedreski (pro hac vice)
mjedreski@dwt.com

Grace Thompson (pro hac vice)
gracethompson@dwt.com

Danielle E. Kim (pro hac vice)
daniellekim@dwt.com

Kate Kennedy (pro hac vice)
katekennedy@dwt.com

Shontee Pant (pro hac vice)
shontee pant@dwt.com

DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104-1610
Telephone: (206) 622-3150
Facsimile: (206) 757-7700

David M. Gossett (pro hac vice)
davidgossett@dwt.com

Courtney T. DeThomas (pro hac vice)
courtneydethomas@dwt.com

DAVIS WRIGHT TREMAINE LLP
1301 K Street NW, Suite 500
Washington, D.C. 20005-7048
Telephone: (202) 973-4288
Facsimile: (202) 973-4499

Attorneys for Plaintiffs

*Georgia Muslim Voter Project, Women
Watch Afrika, Latino Community Fund
Georgia, and The Arc of the United
States*

Cory Isaacson (Ga. Bar No. 983797)

cisaacson@acluga.org

ACLU FOUNDATION OF
GEORGIA, INC.

P.O. Box 77208

Atlanta, Georgia 30357

Telephone: (678) 981-5295

Facsimile: (770) 303-0060

/s/ Leah C. Aden

Leah C. Aden (pro hac vice)

laden@naacpldf.org

John S. Cusick (pro hac vice)

jcusick@naacpldf.org

Alaizah Koorji

akoorji@naacpldf.org (pro hac vice)

NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.

40 Rector Street, 5th Floor

New York, New York 10006

Telephone: (212) 965-2200

Facsimile: (212) 226-7592

Anuja Thatte (pro hac vice)

athatte@naacpldf.org

NAACP LEGAL DEFENSE AND
EDUCATION FUND, INC.

700 14th Street, NW

Washington, DC 20005

Telephone: (202) 682-1300

/s/ Debo P. Adegbile

Debo P. Adegbile (pro hac vice)

debo.adegbile@wilmerhale.com

Alexandra Hiatt (pro hac vice)

alexandra.hiatt@wilmerhale.com

WILMER CUTLER PICKERING
HALE AND DORR LLP

250 Greenwich Street
New York, New York 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

George P. Varghese (pro hac vice)
george.varghese@wilmerhale.com
Stephanie Lin (pro hac vice)
stephanie.lin@wilmerhale.com
Arjun Jaikumar (pro hac vice)
arjun.jaikumar@wilmerhale.com
Sofia Brooks (pro hac vice)
sophie.brooks@wilmerhale.com
Mikayla Foster (pro hac vice)
mikayla.foster@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP

60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

Tania Faransso (pro hac vice)
tania.faransso@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave. NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

Nana Wilberforce (pro hac vice)
nana.wilberforce@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
350 South Grand Avenue, Suite 2400
Los Angeles, California 90071
Telephone: (213) 443-5300

Facsimile: (213) 443-5400

*Attorneys for Plaintiffs
Sixth District of the African Methodist
Episcopal Church, Delta Sigma Theta
Sorority, Georgia ADAPT, and Georgia
Advocacy Office*

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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: July 26, 2023

/s/ Casey Smith
Casey Smith
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2023, 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: July 26, 2023

/s/ Casey Smith
Casey Smith
Counsel for Plaintiffs