

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

IN RE: GEORGIA SENATE BILL 202

No. 1:21-MI-55555-JPB  
ALL CASES

**ORDER**

This matter is before the Court on Intervenors' Motion for Expedited Summary Judgment on Challenges to Birthdate Requirement [Doc. 882]. This Court finds as follows:

On August 18, 2023, this Court enjoined certain counties<sup>1</sup> from rejecting absentee ballots based on any error or omission regarding a voter's birthdate on the outer envelope that contains the absentee ballot. [Doc. 613]. The order is currently on appeal. [Docs. 639, 643 and 666].

On October 30, 2023, State Defendants' and Intervenors moved for summary judgment on Plaintiffs' claim that the birthdate requirement violates the Materiality Provision. The parties completed briefing on May 14, 2024. On August 1, 2024, Intervenors filed the instant motion asking the Court to expedite ruling on summary judgment in light of the upcoming November election.

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<sup>1</sup> The counties include Bibb, Chatham, Clarke, Clayton, Cobb, Columbia, DeKalb, Fulton, Gwinnett, Hall and Richmond.

“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). The district court retains only the authority that relates to “collateral matters not affecting the questions presented on appeal.” Weaver v. Fla. Power & Light Co., 172 F.3d 771, 773 (11th Cir. 1999).

Here, Intervenor has failed to demonstrate why expedited relief is warranted in this case, especially since this issue is the subject of a currently pending appeal. Accordingly, the Motion to Expedite [Doc. 882] is **DENIED**.

**SO ORDERED** this 23rd day of August, 2024.



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**J. P. BOULEE**  
United States District Judge