

**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 RAFFENSBERGER, 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' SECOND RENEWED MOTION
FOR A PRELIMINARY INJUNCTION**

Plaintiffs in the above-captioned cases respectfully renew their motion under Rule 65 of the Federal Rules of Civil Procedure for an Order enjoining Defendants in the above-captioned cases from enforcing—during the 2026 elections and until any final relief in the case is granted—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 items including food and drink, to an elector “[w]ithin 25 feet of any voter standing in line to vote at any polling place” (the “Supplemental Zone”), as applied in the following manners.

First, Plaintiffs seek relief only as applied to their own line relief activities—providing food, drink, and other comfort items of nominal value to express solidarity and support in the face of long voting lines—in the Supplemental Zone. As the Eleventh Circuit acknowledged and left undisturbed, this Court has already conducted the requisite analysis for as-applied relief. *In re Georgia Senate Bill 202*, 160 F.4th 1171, 1177 (11th Cir. 2025) (recognizing this Court’s analysis of “the plaintiffs’ own line-relief efforts,” and “the downstream questions regarding content-neutrality, the requisite level of scrutiny, and governmental interests and tailoring”). Plaintiffs believe and request that the Court can reinstate this relief as applied to Plaintiffs with expedition and can do so before ruling on Plaintiffs’ slightly broader second request for relief below. For this reason, Plaintiffs have

attached two proposed orders: one order granting as-applied relief and deferring ruling on the quasi-as-applied relief, and another order granting both forms of relief.

Second, Plaintiffs ask the Court for quasi-as-applied relief to further enjoin the Ban only as it applies to individuals and other non-Plaintiff, non-partisan groups providing food, drink, or gifts of nominal value within the Supplemental Zone to convey messages of solidarity and encouragement to voters. As the Supreme Court and Eleventh Circuit have recognized, plaintiffs may pursue relief that has both as-applied and facial qualities, stretching beyond the named plaintiffs in the case, but not seeking to strike down a provision in all its applications. *See Doe v. Reed*, 561 U.S. 186, 194 (2010); *McGuire v. Marshall*, 50 F.4th 986, 1003–04 (11th Cir. 2022).

For the reasons set forth in detail in Plaintiffs’ accompanying Brief in Support of Plaintiffs’ Renewed Motion for Preliminary Injunction and accompanying evidentiary support—and incorporating by reference their factual evidence and briefing from their prior preliminary injunction motions, *see* ECF Nos. 171-1–27, 216, 216-1–5, 535-1–19, 590, Plaintiffs have established that they are highly likely to succeed on the merits of their claim that this criminal ban within 25 feet of any voter no matter the distance from the polling place entrance violates the First Amendment both as applied to them and as applied to other non-partisan organizations and individuals engaging in life relief activities. It does so by

restricting the ability of these groups and individuals to engage in core expressive conduct without sufficient justification. Enforcing this law during the 2026 elections and until any final relief is ordered in this action would irreparably harm Plaintiffs and other similar organizations across the State; the balance of equities weighs in Plaintiffs' favor; and a preliminary injunction is in the public interest.

Plaintiffs do not request a hearing on this motion.

Respectfully submitted, this 22nd day of January, 2026.

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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: January 22, 2026

/s/ Davin M. Rosborough
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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2026, 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: January 22, 2026

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