

**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' RENEWED MOTION FOR A
PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned cases respectfully renew their motion for an Order enjoining Defendants in the above-captioned cases from enforcing—during the 2024 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”). Plaintiffs maintain the portion of their First Amendment claim as to the zone within 150 feet from the outer edge of any polling place building, but they do not seek relief against that portion of the statute for purposes of this Motion and seek preliminary relief as to the Supplemental Zone only.

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 initial preliminary injunction motion, *see* ECF Nos. 171, 171-1–27, 216, 216-1–5—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. It does so by restricting their ability to engage in core expressive

conduct without justification. Enforcing this law during the 2024 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 24th day of April, 2023.

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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: April 24, 2023

/s/ Davin M. Rosborough

Davin M. Rosborough
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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 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: April 24, 2023

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**AME & GEORGIA NAACP PLAINTIFFS' BRIEF IN SUPPORT OF
RENEWED MOTION FOR A PRELIMINARY INJUNCTION**

INTRODUCTION

On August 19, 2022, this Court held that Plaintiffs were “substantially likely to succeed on the merits” of their claim that Georgia Senate Bill (“S.B.”) 202’s criminal prohibition on providing food and drink to voters waiting in line (“line relief”) violates the First Amendment as it applies to individuals more than 150 feet from the outer edge of a polling place but within 25 feet from any voter (the “Supplemental Zone”). ECF No. 241 at 56. Nevertheless, it declined to enjoin the ban on line relief in the Supplemental Zone for the “November 2022 general elections and any related early voting period and runoff elections.” *Id.* at 74 n.30. The Court withheld a preliminary injunction solely because it determined that, under “the *Purcell* doctrine,” *id.* at 71, there was a risk that implementing a change a few months before the election “would impair the state’s interests in avoiding voter confusion,” *id.* at 72; *see Purcell v. Gonzalez*, 549 U.S. 1 (2006).

Now, with respect to relief for 2024 elections and beyond—with almost a year before Georgia’s next likely statewide primary election¹ and over 18 months before the next statewide general election—the *Purcell* doctrine is not implicated. Yet, the merits of Plaintiffs’ challenge to the line relief ban in the Supplemental Zone have

¹ To date, Georgia’s Presidential Preference Primary has not been set but is unlikely to happen until March of 2024 according to Defendants. *See* ECF No. 487 at 9 n.7.

not changed, and the equitable factors still strongly favor an injunction. Indeed, the evidence revealed during months of discovery tilts the balance even more in Plaintiffs' favor. For example, two of the State Defendants' witnesses—who had testified during the July 2022 preliminary injunction hearing—have now affirmed that the ban was primarily focused on addressing concerns related to the area that extends 150 feet from the outer edge of any building (the “Buffer Zone”) rather than the Supplemental Zone. Germany Dep. 96–98, 100 (Ex. A); Mashburn Dep. 93–94 (Ex. B). Mr. Germany also confirmed the ban was enacted for content-based reasons: fear that voters would perceive line relief as attempts at partisan influence, irrespective of partisan intent. Germany Dep. 96–98. Several county election officials, including State Defendants' witness Lynn Bailey, similarly focused their purported concerns with line relief on the 150-foot zone rather than the Supplemental Zone, *see* Bailey Dep. 140 (Ex. C); Athens-Clarke Dep. 151–52 (Ex. D), or expressed no concerns about line relief occurring, *see* Kidd Dep. 137 (Ex. E).

Plaintiffs therefore renew their Preliminary Injunction Motion to enjoin S.B. 202's line relief ban within the Supplemental Zone for 2024 elections and beyond.² That injunction should be in place even if no trial is completed by that time.

² Plaintiffs maintain the portion of their First Amendment claim as to the zone within 150 feet of the polling place entrance, but they do not renew it in this motion.

BACKGROUND

Plaintiffs incorporate by reference their factual evidence and briefing from their initial preliminary injunction motion, *see* ECF Nos. 171, 171-1–27, 216, 216-1–5, and do not repeat it here for efficiency purposes. Plaintiffs address relevant new evidence obtained during discovery below.

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). This Court already found that each factor decisively favors an injunction against enforcement of the line relief ban in the Supplemental Zone, and that only election-timing considerations precluded issuing such an injunction. *See generally* ECF No. 241. With fact discovery closed, the evidence continues to support Plaintiffs on all factors, while the *Purcell* doctrine is not yet implicated for 2024 elections. Therefore, Plaintiffs should prevail on their renewed motion.

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

A. S.B. 202’s Line Relief Ban Criminalizes Speech And Expressive Conduct That Is Protected Under The First Amendment.

S.B. 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, by criminalizing the utterance of particular words and phrases, the law plainly imposes First Amendment burdens.

Second, constitutional protection for freedom of speech “does not end at the spoken or written word” but also protects expressive conduct. *Texas v. Johnson*, 491 U.S. 397, 404 (1989). As this Court recognized, in determining whether conduct qualifies as expressive, “the Supreme Court confirmed in *Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston*, ‘a narrow, succinctly articulable message is not a condition of constitutional protection.’ 515 U.S. 557, 569 (1995).” ECF No. 241 at 32. Rather, nonverbal acts intended to convey a message where “at least some” viewers would understand those acts to communicate *some* message qualify, even if they would not “necessarily infer a *specific* message.” *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252, 1270 (11th Cir. 2004); ECF No. 241 at 32; *see also NetChoice, LLC v. Att’y Gen., Fla.*, 34 F.4th 1196, 1217 (11th Cir. 2022) (reaffirming this standard for evaluating whether conduct is expressive under the First Amendment).

This Court found “substantial evidence that Plaintiffs intend to convey a message that voting is important and that voters should remain in line to ensure their participation in the democratic process,” and that the “evidence is also clear that voters infer ‘some’ message from Plaintiffs’ efforts.” ECF No. 241 at 31. It also correctly found that “the context of the activities in this case largely mirrors the context of the food-sharing events in *FLFNB*,” a case in which the Eleventh Circuit found the plaintiffs’ food distribution conduct at a park to be expressive. *Id.* at 32 (citing *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, 901 F.3d 1235 (11th Cir. 2018) (“*FLFNB*”)). Subsequently, another federal court endorsed this Court’s “well-reasoned and thorough opinion” in holding that New York’s line-relief prohibitions against provision of food or drink valued at more than \$1 covered expressive conduct protected under the First Amendment. *Brooklyn Branch of Nat’l Ass’n for Advancement of Colored People v. Kosinski*, No. 21 CIV. 7667 (KPF), 2023 WL 2185901, at *11 (S.D.N.Y. Feb. 23, 2023) (“*Brooklyn NAACP*”).

Nothing in discovery has rebutted this Court’s prior finding. As one County Defendant official explained in deposition, groups that performed line relief in Cobb County appeared to want direct contact with voters, rather than to provide food and drink to election officials to hand out to voters. Cobb Dep. 139–40 (Ex. F). This official’s testimony thereby confirms both the expressive intent underlying line relief

activities and the message that those activities are intended to communicate to voters. And the record still “shows that beneficiaries of Plaintiffs’ line warming activities understand the general purpose and message underlying Plaintiffs’ efforts.” ECF No. 241 at 11. Plaintiffs’ line relief efforts therefore remain expressive conduct protected by the First Amendment.

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

This Court correctly recognized that restrictions which “are justified only by reference to the content of the regulated speech are subject to strict scrutiny.” *Id.* at 34. It recognized that under “Supreme Court precedent, ‘[g]overnment regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.’ *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). ‘The government’s purpose is the controlling consideration.’ *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).” ECF No. 241 at 35. Even “facially content-neutral laws can nevertheless be content-based if they ‘cannot be “justified without reference to the content of the regulated speech”’ or if they ‘were adopted by the government “because of disagreement with the message [the speech] conveys.”’ *Reed*, 576 U.S. at 164 (alteration in original).” ECF No. 241 at 37.

The Court held that the line relief ban is a content-based restriction because (1) it “prohibits a specific category of speech or conduct around a polling place—

offering or giving items to voters waiting in line”—and (2) the “impetus” and “stated purpose” of the ban concerns what “volunteers were communicating to voters and that line warming activities could . . . be perceived as improper electioneering, political pressure or intimidation.”³ *Id.* at 38–39. Additionally, the ban “prohibits expression that offers to provide or actually provides items to voters in line, while it allows other forms of expression to those same voters that do not offer or provide such items.” *Id.* at 40. The *Brooklyn NAACP* court agreed, for similar reasons, that New York’s ban was content-based. *See* 2023 WL 2185901, at *14 (“Because the Line Warming Ban uniquely targets Plaintiff’s intended communication, but permits expression on other topics, it is a content-based regulation.”) (citations omitted).

Fact discovery—which is now complete—has further confirmed this Court’s findings and holding. Key defense witness and former General Counsel to the Secretary of State Ryan Germany even admitted during his deposition that the ban was driven by concerns about perceptions of political influence (regardless of partisan intent) by those providing line relief. Germany Dep. 96–97. In other words,

³ The Court also correctly held that Plaintiffs conducted their line relief activities in a public forum. *See id.* at 32 n.16; *Burson v. Freeman*, 504 U.S. 191, 196 (1992) (describing a law restricting speech within 100 feet of a polling place as operating “in quintessential public forums”).

the ban was motivated by concerns about the content of the speech, making it a content-based restriction subject to strict scrutiny.

C. The Line Relief Ban In The Supplemental Zone Cannot Survive First Amendment Scrutiny.

Criminalizing the provision of food and water to voters waiting in line outside the 150-foot zone is unjustifiable no matter the level of First Amendment scrutiny, and particularly the applicable strict scrutiny standard. In its prior ruling, this Court applied the modified strict scrutiny standard from *Burson v. Freeman*, 504 U.S. 191 (1992), which “lowered the narrow tailoring requirement,” ECF No. 241 at 43, to ask whether the restriction represents an unreasonable and “significant impingement” on First Amendment rights. This Court correctly found that prohibiting line relief “in the Supplemental Zone is unreasonable and significantly impinges on Plaintiffs’ constitutional rights,” *id.* at 56, because it applies no matter the distance from the poll entrance, *id.* at 55.

Additional evidence obtained in discovery further supports the unreasonable nature of the Supplemental Zone ban. In depositions, the State Defendants’ own witnesses from the preliminary injunction hearing focused their testimony on the Buffer Zone as the reason for, and focus of, the line relief ban. Defendant State Election Board Member Mashburn, for example, testified that the line relief ban was intended to create a bright-line rule because of an increasing number of “incursions

into the hundred and fifty foot” zone. Mashburn Dep. 93–94. Both Defendant Mashburn and Ryan Germany also referred to the historical precedent of restrictions within “150 feet away from the polling place” and the 150-foot “bubble,” Germany Dep. 100–101; State Elections Bd. Dep. 103–04 (Ex. G), without even addressing the Supplemental Zone ban.

Some election officials had no concern with line relief occurring even within the 150-foot zone, let alone the Supplemental Zone. As one example, Douglas County Elections Director Milton Kidd testified that he did not understand the line relief ban because it “was very useful for Douglas County to be able to have external organizations [provide line relief] and not have to worry about that as an organizational function with all that is going on at a polling location.” Kidd Dep. 137.⁴ Yet even those administrators who preferred a 150-foot ban distinguished it from a ban in the Supplemental Zone. Defendants’ witness and former Richmond County Elections Director Lynn Bailey testified that, when she was Director, her “instruction was always keep it outside 150 feet, and then do what you want.” Bailey

⁴ See also Decl. of Dwight C. Brower (ECF No. 171-5) ¶ 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.”).

Dep. 140. And Defendant Athens-Clarke Elections Director Charlotte Sosebee testified that she “wouldn’t have a problem” with line relief in the Supplemental Zone. Athens-Clarke Dep. 151–52.

Because the Supplemental Zone ban criminalizes Plaintiffs’ First Amendment activities limitless distances from the polls, and because there is no evidence the ban is necessary or even useful, it fails even the *Burson* modified strict-scrutiny test.

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).

After discovery, it remains true that the line relief ban “has already deterred Plaintiffs and other organizations from engaging in line warming activities,” and “[b]ecause the lost opportunity for expression cannot be remedied after the fact, . . . the irreparable harm factor of the preliminary injunction test is satisfied as to . . . the Supplemental Zone.” ECF No. 241 at 59. As Plaintiffs’ declarations show, the ban even for the Supplemental Zone prevented them from conducting line relief during the 2022 elections, and, absent a preliminary injunction, will prevent them from resuming line relief in 2024 and beyond. *See* Briggins Decl. ¶¶ 8–9 (Ex. H); Jackson

Decl. ¶¶ 12–15 (Ex. I); Khabani Decl. ¶¶ 14–15 (Ex. J); Mattox Decl. ¶¶ 7–8 (Ex. K); Kilanko Decl. ¶¶ 5, 10 (Ex. L).

This high risk of irreparable harm remains in part because long lines continue to be an issue in Georgia elections. Not only has “Georgia has historically had a very bad problem with line length,” State Elections Bd. Dep. 95, but in the 2022 general election runoff, “[t]here were areas that saw long lines,” according to State Elections Director Blake Evans. Evans Dep. 181 (Ex. M). For example, Cobb County had waits at some locations of “up to two hours.” Cobb Dep. 135. In Gwinnett County, it was still “somewhat common” to have wait times over an hour, and lines during the runoff “[d]efinitely” extended beyond 150 feet from the polls. Gwinnett Dep. 41 (Ex. N); *see also* Fulton Dep. 206 (Ex. O) (lines over an hour during same period); Pettigrew Jan. 2023 Expert Report 35 (Ex. P) (showing data that on the Friday before the runoff, 21 of 24 Fulton County early voting locations had waits of at least over 60 minutes, and 11 of 16 sites in DeKalb County had wait times of over an hour).

Because an “infringement of First Amendment rights balances the equities in Plaintiffs’ favor, and neither Defendants nor the public have a legitimate interest in enforcing an unconstitutional statute[,] . . . Plaintiffs have satisfied their burden as to the third and fourth prongs of the preliminary injunction test.” ECF No. 241 at 61.

III. The *Purcell* Principle Does Not Weigh Against The Limited Relief Sought Here Because No Election Is Close At Hand.

In its ruling on Plaintiffs’ prior motion, the Court declined to issue a preliminary injunction as to the Supplemental Zone solely because “the *Purcell* doctrine preclude[d] the issuance of an injunction at th[at] time.” *Id.* at 71. Without any trial date set or summary judgment deadline, Plaintiffs now seek relief for elections occurring in 2024 (and beyond to the extent no final relief has been ordered) to avoid *Purcell* problems a second time. According to Defendants, Georgia’s “Presidential Preference Primary . . . is not likely to happen until March” 2024, ECF No. 487 at 9 n.7, and the next presently scheduled statewide election is not until the week of May 20, 2024, *see* O.C.G.A. § 21-2-150. With eleven months until the earliest possible affected election, *Purcell* is simply not implicated.⁵ Compare *Wisc. Legislature v. Wisc. Elections Comm’n*, 142 S. Ct. 1245, 1248 (2022) (awarding relief on constitutional claim and ordering new maps drawn just

⁵ Plaintiffs would also meet each prong of Justice Kavanaugh’s four-part *Purcell* test from his *Merrill v. Milligan* stay concurrence if it applied, but Justice Kavanaugh sought to apply this test only “with respect to an injunction issued close to an election” 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring). The cases Justice Kavanaugh cited all involved injunctions within a few months of Election Day. *See id.* at 880. In *Merrill* itself, it was the interceding deadlines in the “seven weeks” before absentee voting that raised concern, not the four months to Election Day. *Id.* at 879–80. Because Plaintiffs seek relief over 11 months before any potential election, this test is inapplicable.

under five months before the election), and *Jacksonville Branch of NAACP v. City of Jacksonville*, No. 3:22-CV-493-MMH-LLL, 2022 WL 7089087, at *4 (M.D. Fla. Oct. 12, 2022) (“application of the *Purcell* principal is not warranted” where “the election itself is over five months away” and neither the “Eleventh Circuit or the Supreme Court has applied *Purcell* under similar timeframe.”) (citations omitted), with *Merrill v. Milligan*, 142 S. Ct. 879, 879–880 (2022) (Kavanaugh, J., concurring) (citing complex, interceding deadlines in the “seven weeks” before absentee voting began); *League of Women Voters of Fla., Inc. v. Fla. Sec’y of State*, 32 F.4th 1363, 1371 (11th Cir. 2022) (finding relief sought for election beginning in less than four months and with local elections ongoing brought the case within “*Purcell*’s outer bounds”). Were *Purcell* a basis to deny relief this far in advance of any election, it would cease to be an election-timing principle and become, in practice, an all-out ban on changes to election rules.

This holds particularly true here, where “the *Purcell* considerations are arguably less significant in this case as compared to, perhaps, a redistricting case.” ECF No. 241 at 73. Local and state election officials testified during discovery that there would be only minimal burdens, if any, in implementing changes to the line relief ban. See Evans Dep. 227–28 (State Elections Director testifying that if the line relief ban were struck down, he’s “not sure there [would be] anything there for a

county to implement.”); Hall Dep. 61 (Ex. Q) (“Q. “If the ban on line relief activities in S.B. 202 were to be changed or removed, would your office have to undertake any changes to adapt to that change? A. I don’t believe so.”); Cobb Dep. 144 (“we wouldn’t have to implement anything.”). And if the Court does not act now, there is no certainty, based on the present schedule and lack of a trial date, that a final decision or permanent injunction could be issued before the 2024 elections, much less sufficiently in advance to implement that injunction under *Purcell*.

CONCLUSION

Because all the factors supporting a preliminary injunction against enforcement of the line relief ban in the Supplemental Zone continue to strongly favor Plaintiffs (and even more so following discovery), and *Purcell* concerns are not implicated for the 2024 elections, Plaintiffs respectfully request the Court grant their motion for the 2024 elections and beyond.

Respectfully submitted, this 24th day of April, 2023.

/s/ Pichaya Poy Winichakul

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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: April 24, 2023

/s/ Davin M. Rosborough

Davin M. Rosborough
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 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: April 24, 2023

/s/ Davin M. Rosborough

Davin M. Rosborough
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 DAVIN M. ROSBOROUGH
IN SUPPORT OF AME & GEORGIA NAACP PLAINTIFFS'
RENEWED MOTION FOR A PRELIMINARY INJUNCTION**

I, Davin M. Rosborough, hereby declare as follows:

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 serve as counsel for Plaintiffs Sixth District of the African Methodist Episcopal Church, Delta Sigma Theta Sorority, Georgia ADAPT, and Georgia Advocacy Office in the above-captioned matter.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of the March 7, 2023 deposition transcript of C. Ryan Germany.

4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts the March 14, 2023 deposition transcript of T. Matthew Mashburn.

5. Attached hereto as **Exhibit C** is a true and correct copy of excerpts of the October 6, 2022 deposition transcript of Lynn Bailey.

6. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of the September 23, 2022 deposition transcript of the Athens-Clarke Board of Elections & Voter Registration.

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

8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts of the November 29, 2022 deposition transcript of the Cobb County Board of Elections and Voter Registration.

9. Attached hereto as **Exhibit G** is a true and correct copy of excerpts of the March 7, 2023 deposition transcript of the Georgia State Election Board.

10. Attached hereto as **Exhibit H** is a true and correct copy of is a true and correct copy of the declaration of Reginald R. Jackson dated April 17, 2023.

11. Attached hereto as **Exhibit I** is a true and correct copy of is a true and correct copy of the declaration of Rhonda Briggins dated April 17, 2023.

12. Attached hereto as **Exhibit J** is a true and correct copy of is a true and correct copy of the declaration of Shafina Khabani dated April 13, 2023.

13. Attached hereto as **Exhibit K** is a true and correct copy of is a true and correct copy of the declaration of Glory Kilanko dated April 19, 2023.

14. Attached hereto as **Exhibit L** is a true and correct copy of is a true and correct copy of the declaration of Shannon Mattox dated April 13, 2023.

15. Attached hereto as **Exhibit M** is a true and correct copy of excerpts of the February 23, 2023 deposition transcript of Joseph Blake Evans.

16. Attached hereto as **Exhibit N** is a true and correct copy of excerpts of the January 12, 2023 deposition transcript of the Gwinnett County Board of Registration & Elections.

17. Attached hereto as **Exhibit O** is a true and correct copy of excerpts of the April 5, 2023 deposition transcript of the Fulton County Board of Registration and Elections.

18. Attached hereto as **Exhibit P** is a true and correct copy of the Expert Report and declaration of Dr. Stephen Pettigrew dated January 13, 2023.

19. Attached hereto as **Exhibit Q** is a true and correct copy of excerpts of the March 9, 2023 deposition transcript of the Hall County Board of Elections and Registration.

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

Dated: April 24, 2023

/s/ Davin M. Rosborough
Davin M. Rosborough

Counsel for Plaintiffs

C. RYAN GERMANY
IN RE: GEORGIA SENATE BILL 202

March 07, 2023

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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.)
)
- - - - -)

VIDEOTAPE DEPOSITION OF
C. RYAN GERMANY

Tuesday, March 7, 2023, 9:01 a.m. (EST)

HELD AT:

Taylor English Duma LLP
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339

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

C. RYAN GERMANY
IN RE: GEORGIA SENATE BILL 202

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: We're back on the
3 record at 11:51.

4 BY MS. RICHARDSON:

5 Q Mr. Germany, last year did you submit a
6 declaration in support of Defendants' Opposition to
7 Plaintiffs' Motion for Preliminary Injunction?

8 Do you recall submitting a declaration?

9 MR. FIELD: Object to form. Which case?

10 A In what case?

11 Q In this matter.

12 MS. RICHARDSON: Thank you for the
13 clarification.

14 A I don't doubt -- I don't doubt that I did
15 that.

16 (Whereupon, Plaintiffs' Exhibit-217 was
17 marked for identification.)

18 BY MS. RICHARDSON:

19 Q I'm handing you what has been marked by
20 the court reporter as Plaintiffs' Exhibit 217, is
21 your declaration, and that was submitted for
22 Defendants' Opposition to Plaintiffs' Motion for
23 Preliminary Injunction.

24 If we could go to Paragraph 35.

25 Let's actually start at Paragraph 34, Mr.

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1 Germany.

2 It reads: "However, SB 202 also provided
3 that this provision" --

4 MS. RICHARDSON: Strike that.

5 BY MS. RICHARDSON:

6 Q Let's start at Paragraph 35.

7 "Under these updated ant-solicitation
8 provisions, third-party organizations may not send
9 representatives to approach voters waiting in line
10 with money, food, or drink. But these organizations
11 may provide food and drink outside the buffer zone
12 as long as they are not providing it only to voters
13 or as an inducement to vote.

14 "This struck the same balance that
15 Director Harvey suggested when he said 'the simpler,
16 the better on this subject,' as 'the appearance
17 could be that voters are being rewarded for voting
18 with beverages and food.' As 'polling place are
19 meant to be a sanctuary from political influence,'
20 Director Harvey explained, 'it is better to
21 sacrifice some refreshments than to allow a
22 perception of political influence from any group if
23 it comes to that.'"

24 What did you mean by "a perception of
25 political influence"?

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1 A I was --

2 MR. FIELD: Object to --

3 A -- I was quoting from what I think was an
4 Official Election Bulletin that the Secretary of
5 State's Office had sent. I don't recall if it was
6 before the November 2020 or before the January 2021
7 runoff election, but that dealt with this -- the
8 issue of kind of handing out food and drink at
9 polling places.

10 Q Fair to say the Secretary of State's
11 Office was concerned about a perception of political
12 influence from groups that were handing out food and
13 drink around the polling place?

14 A I know that the complaints that we
15 received about it, that seemed to be driving some of
16 the complaints. So, yes.

17 Q The political influence was driving some
18 of the complaints?

19 A No. I think what was driving the
20 complaints was there was a perception that, hey,
21 this group is, is here and they are, you know,
22 partisan motivated more so than anything else.

23 Q Anything else driving those complaints?

24 MR. FIELD: Object to form.

25 A The complaints that we got from voters?

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1 Q Yes.

2 A I think -- there seemed to be some
3 confusion that, like, hey, I thought -- I think to
4 the voters it seemed to feel like campaigning, which
5 they knew, hey, this is not allowed.

6 So I don't know, you know -- I don't know
7 -- there might have been a perception of -- I think
8 part of it was a perception of this is a partisan
9 group, and part of it was this -- I didn't think
10 this was allowed.

11 Q Let's look at the actual complaints,
12 starting with Exhibit A.

13 Would you agree this is an email from SEB
14 member Matt Mashburn, Matthew Mashburn, to you,
15 regarding intrusions into the 150 foot bubble?

16 A Yes.

17 Q It starts: "To Ryan first: Dear
18 Secretary Raffensperger, fellow Board Members and
19 Counsel Germany: As always, the bad people take
20 advantage what was once was a good thing and ruin it
21 for everybody."

22 Who were the bad people? What did you
23 take that to mean?

24 A I took that to mean that the people are
25 doing things that, if not intentionally, it kind of

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IN RE: GEORGIA SENATE BILL 202

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1 -- should have been known, hey, this is going to
2 cause some blowback in terms of pushing the envelope
3 on the rules.

4 Q On the next page is a photo. Was this a
5 photo that SEB member Matthew Mashburn sent along
6 with that email?

7 A That's what it appears to be.

8 Q Would you agree that in this photo there
9 are several black voters?

10 A Um, assuming that people who are kind of
11 waiting are waiting in line to vote, then, yes,
12 there would be black and white voters there.

13 Q Do you know who the man in the blue shirt
14 with the camera is?

15 A I see a man kind of on -- I'm not sure
16 that I see him holding a camera. Is this -- the man
17 standing on kind of a sidewalk?

18 Q Uh-hum. Yes.

19 A It does look like he's holding something.
20 I can't tell what it is.

21 Q Do you know who that is?

22 A No.

23 Q Did you know when you submitted this
24 declaration?

25 A Who the person in that photo was?

C. RYAN GERMANY
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1 Q Yeah.

2 A No.

3 Q Did you ever ask Mr. Mashburn who that
4 was?

5 A No.

6 Q Do you know if that's a member of the
7 Democratic Party?

8 A I have no idea who that is.

9 Q Do you see the African-American gentleman
10 standing at the forefront of the photo?

11 A Yes.

12 Q Does it look like he's preparing some
13 food?

14 A It looks like he's setting up some, some
15 food, yes.

16 Q Would you agree that he is away, standing
17 away from the voters in line?

18 MR. FIELD: Object to form.

19 A Um, I'm not sure what -- I mean it's hard
20 to -- what do you mean by away? I don't know. I
21 think, you know, historically what away has been
22 considered as 150 feet away from the polling place,
23 and I'm not sure if he's that far away or not.

24 There's usually a sign that says -- at
25 every polling place that says, hey, here is where

C. RYAN GERMANY
IN RE: GEORGIA SENATE BILL 202

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1 150 feet is and is not. So it's meant to be
2 apparent to people where that line is.

3 Q So he's not talking to voters, is he?

4 MR. FIELD: Object to form.

5 A Well, this photograph does not appear to
6 be like that.

7 Q And it doesn't appear like he's
8 campaigning?

9 MR. FIELD: Object to form.

10 A I can't say that from a photograph.

11 Q Did you know when you wrote this
12 declaration that you relied on this exhibit?

13 A Did I know what?

14 MR. FIELD: Object to form.

15 Q Whether or not he was talking to voters,
16 campaigning, what he was doing there?

17 MR. FIELD: Object to form.

18 A I know nothing about this photograph other
19 than what -- than what it shows.

20 Q Let's turn the page and look at the next
21 photo that was included in your declaration.

22 Do you know what's going on here in this
23 photo?

24 A I do not.

25 Q Would you agree that many of the voters --

C. RYAN GERMANY
IN RE: GEORGIA SENATE BILL 202

March 07, 2023
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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of C. RYAN GERMANY was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 230 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of March, 2023.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

T. MATTHEW MASHBURN
IN RE GEORGIA SENATE BILL 202

March 14, 2023

1

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

REMOTE/IN-PERSON VIDEOTAPED DEPOSITION

OF

T. MATTHEW MASHBURN

March 14, 2023

12:13 a.m.

1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339

Penny McPherson Walker, CCR-B-914, RPR

T. MATTHEW MASHBURN
IN RE GEORGIA SENATE BILL 202

March 14, 2023

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1 assisting another person with an absentee ballot, 12:18:13
2 prior to SB 202, that was legal at the time but it 12:18:17
3 would now be illegal under SB 202? 12:18:21

4 A. None that -- none specifically -- no 12:18:28
5 specific instances that come to mind. Huh-uh. No. 12:18:32

6 THE WITNESS: Sorry, Court Reporter. I 12:18:37
7 said huh-uh. I'm sorry. 12:18:38

8 Q. (By Mr. Jedreski) And the last provision 12:18:39
9 that I want to go through like this relates to line 12:18:40
10 relief, and I say that because I know you've already 12:18:44
11 given quite a bit of testimony on line relief. 12:18:48

12 A. Right. 12:18:50

13 Q. But kind of for the record could you just 12:18:50
14 summarize what changes SB 202 made with respect to 12:18:53
15 provision of food and water or relating to 12:18:57
16 interaction with voters in line? 12:18:59

17 A. Right. The -- what SB 202 does, in my 12:19:01
18 mind, is it creates a bright line so that everybody 12:19:07
19 knows what's allowed and what's prohibited, whereas 12:19:10
20 I, I personally, previously thought it was very 12:19:15
21 clear: There's no interaction between anybody and 12:19:18
22 the voters within a hundred and fifty feet. 12:19:22

23 But as I talked to people about it, I was 12:19:27
24 informed that it was not clear. And so in my mind 12:19:29
25 what SB 202 does is say: Okay, now we're going to 12:19:33

T. MATTHEW MASHBURN
IN RE GEORGIA SENATE BILL 202

March 14, 2023
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1 have a clear line. And then people raised a couple 12:19:37
2 of issues. They said: "Okay, well, what about 12:19:40
3 water? Certainly you can distribute water." And 12:19:43
4 then the counties were like: "Wait a minute. We 12:19:46
5 don't have the people. We're barely -- we're barely 12:19:48
6 making it as it is." 12:19:51

7 So they reached a compromise of, okay, 12:19:52
8 we'll have an unattended receptacle for water to 12:19:56
9 address the concerns about water, and my experience 12:20:01
10 is that most places that are precincts -- not all of 12:20:03
11 them but most of them -- have water fountains on the 12:20:06
12 inside, and people just go. But, you know, that was 12:20:10
13 kind of a compromise to address every -- you know, 12:20:14
14 people's concerns: "Well, what about water?" 12:20:16

15 But just, in my experience, it had just 12:20:18
16 gotten to where incursions into the hundred and fifty 12:20:20
17 foot had gone from being very, very rare to just, you 12:20:27
18 know, an organized, you know, very organized effort, 12:20:31
19 and the poll managers were getting confused as to -- 12:20:38

20 (Telephone conversation from Zoom heard in 12:20:38
21 the background.) 12:20:38

22 THE WITNESS: And so it was getting 12:20:59
23 very -- the poll managers were getting inundated 12:21:00
24 with questions: "Well, is this okay, or is that 12:21:03
25 okay, or is this okay or that okay?" 12:21:04

T. MATTHEW MASHBURN
IN RE GEORGIA SENATE BILL 202

March 14, 2023
95

1 And so, in my mind, SB 202 just creates a 12:21:05
2 clean, bright line that says, okay, you can do 12:21:08
3 this; you can't do this. Although there are -- 12:21:11
4 you know, I'm sure there are constitutional 12:21:14
5 questions that constitutional scholars can 12:21:16
6 debate. 12:21:20

7 Q. (By Mr. Jedreski) Sure. So you mentioned 12:21:20
8 a moment ago that there -- to address the situation 12:21:22
9 of water, someone needing water, that the response is 12:21:24
10 that there's water available within the poll -- most 12:21:27
11 polling stations; is that right? 12:21:32

12 A. No. The statute actually specifically 12:21:32
13 says water can be distributed in an unattended 12:21:36
14 receptacle. So water is specifically allowed in the 12:21:41
15 statute. 12:21:43

16 Q. In like a bin or something; you know, I 12:21:44
17 imagine like a big Tupperware water bottle or some 12:21:45
18 big cooler with cups. Is that what you mean by -- 12:21:45
19 when you think of unattended receptacle, is that what 12:21:49
20 you're thinking of? 12:21:52

21 A. I'm thinking of that they could put cases 12:21:53
22 of water out if they wanted to or they could have a 12:21:56
23 (connection lagging) Crystal Springs type, you know, 12:21:56
24 thing that they might have in the building 12:21:56
25 (inaudible). 12:22:20

T. MATTHEW MASHBURN
IN RE GEORGIA SENATE BILL 202

March 14, 2023
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C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 205 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 16th day of March 2023.

Penny Walker

PENNY MCPHERSON WALKER, CCR-B-914

LYNN BAILEY
UNITED STATES vs THE STATE OF GEORGIA

October 06, 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
LYNN BAILEY

Thursday, October 6, 2022, 9:28 a.m. (EST)

HELD AT:

USAO-SD. Ga.
600 James Brown Boulevard, Suite 200
Augusta, Georgia 30901

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

LYNN BAILEY
UNITED STATES vs THE STATE OF GEORGIA

October 06, 2022
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1 provision in the final version of SB 202.

2 SB 202, or Senate Bill 202, bans
3 distributing food and water to voters in line when
4 the voters are within 150 feet of the outer edge of
5 the polling place building. Would you agree?

6 A I would.

7 Q Prior to the passage of SB 202, do you
8 recall any volunteers handing out food or water or
9 other refreshments to voters waiting in line in
10 Richmond County?

11 A I recall being contacted by different
12 groups to provide that to voters, and my instruction
13 was always keep it outside 150 feet, and then do
14 what you want.

15 Q Do you --

16 A As long as it's legal.

17 Q Go ahead.

18 Do you remember which organizations
19 contacted you about this?

20 A I don't. We're going back even to 2016,
21 you know, in some instances, and I really don't.
22 Some were church organizations. Some were civic
23 groups. So different organizations. I never kept a
24 list.

25 But I do know that we had -- moving into

LYNN BAILEY
UNITED STATES vs THE STATE OF GEORGIA

October 06, 2022

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1 2022, it was much more pervasive and broad-based,
2 these requests were. Just as requests for musicians
3 wanting to come and play music, and things like
4 that. So there was a wide array of different things
5 being offered to -- you know, at the polling place.

6 And my board's position across the board
7 was always that whatever those types of activities
8 are are fine but they need to be 150 feet away.

9 So we've always considered that as truly a
10 buffer zone for voters.

11 Q You mentioned church organizations, I
12 think, that wanted to engage in what I'll call line
13 warming efforts.

14 A Uh-huh. (Affirmative.)

15 Q To your knowledge, were these often black
16 churches?

17 A Some were.

18 Q Most?

19 A I would say most.

20 Q The civic groups that you mentioned
21 wanting to engage in these, again, line warming
22 efforts, were many of them black-led civic groups?

23 A Most.

24 Q The music that you mentioned before, were
25 the musicians mostly black if you saw them?

LYNN BAILEY
UNITED STATES vs THE STATE OF GEORGIA

October 06, 2022
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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of LYNN BAILEY was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 223 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of October, 2022.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

Ex. D

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

IN RE GEORGIA SENATE BILL 202

MASTER CASE
FILE NUMBER
1:21-MI-55555-JPB

CERTIFIED COPY

VIDEOCONFERENCE VIDEOTAPED

30(B)(6) DEPOSITION OF

ATHENS-CLARKE COUNTY BOARD
OF ELECTIONS & VOTER REGISTRATION
THROUGH CHARLOTTE SOSEBEE

September 23, 2022

10:05 a.m.

One Press Place

Suite 200

Athens, Georgia

Tom Brezina, CRR, RMR, CCR-B-2035

02:21:35 1 Q And how far in advance of each election
02:21:37 2 are the poll workers trained to conduct their
02:21:41 3 activities on that particular Election Day?

02:21:46 4 A We try to train our poll workers about
02:21:50 5 two weeks in advance of an election, so we usually
02:21:56 6 try to not be training somebody two weeks before the
02:22:00 7 election. So there's training going on probably a
02:22:02 8 month before the election. Yeah, about a month.

02:22:14 9 MS. HAMILTON: I'd like to go off the
02:22:15 10 record for just two minutes. Just want to
02:22:17 11 confer with --

02:22:19 12 THE VIDEOGRAPHER: Sure. Going off the
02:22:19 13 record at 2:22.

02:22:21 14 (A recess was taken.)

02:27:16 15 THE VIDEOGRAPHER: Going back on the
02:27:16 16 record at 2:27.

02:27:20 17 BY MS. HAMILTON:

02:27:21 18 Q I'd like to ask just a few more
02:27:24 19 specific questions about line relief and line
02:27:27 20 management.

02:27:28 21 A Okay.

02:27:29 22 Q So in your opinion is there a
02:27:31 23 difference in line management if an individual is
02:27:36 24 providing line relief outside of the 150-foot buffer
02:27:41 25 zone but within 25 feet of a voter?

02:27:48 1 A No. I wouldn't have a problem with
02:27:50 2 that. Yeah.

02:27:53 3 Q And your office, would there be any
02:27:56 4 different ways that they have to go about managing
02:27:59 5 that particular area?

02:28:04 6 A No. Just making sure that it --
02:28:06 7 they're beyond the 150 feet would be sufficient.

02:28:12 8 Q So could that area be on the sidewalk?

02:28:14 9 A Yes.

02:28:20 10 Q Is there any evidence of, you know,
02:28:21 11 problems or complaints with line relief activities
02:28:25 12 happening outside of the 150-foot buffer but within
02:28:30 13 25 feet of voters?

02:28:33 14 A Not that I'm aware of.

02:28:37 15 Q And as long as, you know, that line
02:28:41 16 relief is happening well away from the area outside
02:28:43 17 of the polling entrance, is that something that your
02:28:46 18 office would be -- find manageable?

02:28:49 19 A Yes.

02:28:58 20 Q So now I'd like to pivot to just kind
02:29:01 21 of summing up a lot of the things that we've spoken
02:29:03 22 about in going over these provisions and just
02:29:10 23 getting your last -- your last thoughts on them.

02:29:13 24 So, you know, now you've answered questions about,
02:29:17 25 you know, over half a dozen provisions of SB 202.

C E R T I F I C A T E

STATE OF GEORGIA)

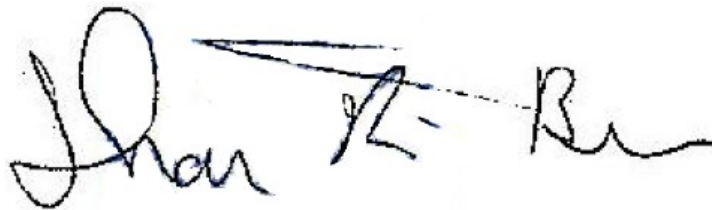
COUNTY OF GWINNETT)

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 5th day of October,
2022.

A handwritten signature in blue ink, appearing to read "Thomas R. Brezina", is written over a horizontal line.

THOMAS R. BREZINA, B-2035

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 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

May 05, 2022
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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

MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

May 05, 2022
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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of MILTON D. KIDD was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 215 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of May, 2022.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

Ex. F

JANINE EVELER 30b6
UNITED STATES vs THE STATE OF GEORGIA

November 29, 2022

1

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

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30(B)(6) VIDEOTAPED DEPOSITION OF  
COBB COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION  
(MS. JANINE EVELER)  
November 29, 2022  
10:02 a.m.  
995 Roswell Street  
Marietta, Georgia 30060

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

1 A Yes. Monday through Friday this week, uh-huh.

2 Q What have -- to the best of your knowledge,  
3 what have the line lengths been thus far into the voting  
4 period for the different days?

5 A At -- at some locations we had up to two hours,  
6 but most of the time it's been 30 minutes.

7 Q Do you allow people with disabilities who have  
8 difficulty waiting in lines to go to the front of the  
9 line?

10 A We do.

11 Q And how does a person with a disability request  
12 this?

13 A They have to state their request to a poll  
14 worker.

15 Q Is there any signage or other printed  
16 information informing voters with disabilities about that  
17 ability?

18 A There is.

19 Q And where is that generally posted?

20 A It's near where the line would form. Sometimes  
21 the line gets longer than that point, and the practice is  
22 to put a poll worker at the end of the line and to help  
23 direct people.

24 Q Prior to the passage of SB 202, did volunteers  
25 sometimes pass out food or water or other refreshments to

1 monitoring, as far as any -- whether any sort of message  
2 was being conveyed, your understanding at the time was  
3 that the only types of messages that would be prohibited  
4 were those that you'd consider electioneering, correct?

5 A Correct.

6 Q Ultimately, do you recall that this -- the  
7 Vote.org food truck was -- there was an investigation  
8 about whether this was proper under current law?

9 A There was an investigation at the State  
10 Election Board level. I don't recall what happened with  
11 that.

12 Q Would it surprise you that to find that there  
13 was a finding of no violation ultimately?

14 A No, it wouldn't surprise me at all.

15 Q Was it your understanding that some of the  
16 groups that were providing line relief wanted the contact  
17 with voters rather than having an election official hand  
18 the food or drink out for them?

19 A I would say --

20 MR. WHITE: Object to the form.

21 THE WITNESS: I would say based on reactions  
22 from offers to take the items to the voters for our poll  
23 workers, for them to leave them with the poll workers and  
24 the poll workers would distribute and that they didn't  
25 want to do that, that that would indicate that they

1 wanted that contact, yes.

2 Q BY MR. ROSBOROUGH: Okay. Do you have any  
3 understanding of why they wanted that contact?

4 A I can't speculate.

5 Q Okay. I'm going to hand over what we will mark  
6 as Exhibit 43. This is COBB 27515.

7 (Deposition Exhibit 43 was marked for  
8 identification.)

9 Q BY MR. ROSBOROUGH: Do you recognize this  
10 document?

11 A Not really.

12 Q Do you recognize this as a guidance regarding  
13 line relief prior -- from February 2020?

14 A I recognize Elizabeth Monyak as a -- as  
15 Associate County Attorney in our County Attorney's  
16 Office, and the date says 2/24/2020.

17 Q Okay. And I'm just going to read the -- so  
18 the -- this document is titled "Prohibitions on Election  
19 Day (Reference O.C.G.A. Section 21-2-414)"; is that  
20 correct?

21 A Yes.

22 Q And it reads at the top, "Georgia's election  
23 law bars the following four activities in a designated  
24 zone near polling places on any day when ballots are  
25 being cast: Solicitation of votes in any manner or by

1 Q Do you recall getting any complaints about line  
2 relief prior to the 2020 election cycle?

3 A Yes, I think we did, but I think, like I said  
4 earlier, it became very popular in 2020. Because there  
5 were long lines, we -- we had, you know, pizzas being  
6 delivered to voters. There was all kinds of, you know,  
7 bands set up to entertain people. It was just a lot of  
8 things going on, and that made it a little chaotic.

9 Q If the criminal line relief ban as enacted in  
10 SB 202 were struck down and you were to revert to your  
11 previous policy as we just discussed, what would that  
12 take in terms of implementation for your office?

13 MS. LaROSS: Objection as to form.

14 THE WITNESS: Well, we wouldn't have to  
15 implement anything. It would -- it would be the same  
16 situation, I assume, as before, where we had lots more  
17 activity out in the line, and I'm not sure whether there  
18 is electioneering or if there is materials with campaign  
19 information. It -- it would just be more -- more workers  
20 that were out there, you know, watching the line.

21 Q BY MR. ROSBOROUGH: So how long prior to an  
22 election -- or prior to a day of voting, I should say,  
23 would you need to feel like you could properly implement  
24 the change back to the previous state of the law?

25 A Well, again, we wouldn't do anything to

JANINE EVELER 30b6  
UNITED STATES vs THE STATE OF GEORGIA

November 29, 2022  
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CERTIFICATE OF REPORTER

STATE OF GEORGIA     )  
                                          )  
COUNTY OF DEKALB     )

I, Marcella Daughtry, a Certified Reporter in the State of Georgia and State of California, do hereby certify that the foregoing deposition was taken before me in the County of DeKalb, State of Georgia; that an oath or affirmation was duly administered to the witness, JANINE EVELER; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true and accurate record of the proceeding, all done to the best of my skill and ability;

The witness herein, JANINE EVELER, has requested signature.

I FURTHER CERTIFY that I am in no way related to any of the parties nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have set my hand in my office in the County of DeKalb, State of Georgia, this 9th day of December, 2022.

*Marcella Daughtry*

Marcella Daughtry, RPR, RMR  
GA License No. 6595-1471-3597-5424  
California CSR No. 14315



THOMAS MATTHEW MASHBURN 30(b)(6)  
IN RE GEORGIA SENATE BILL 202

March 07, 2023

1

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

~~~~~

30(B)(6) VIDEOTAPED DEPOSITION OF
GEORGIA STATE ELECTION BOARD
(THOMAS MATTHEW MASHBURN)

March 7, 2023

9:59 a.m.

1600 Parkwood Circle, Suite 200

Atlanta, Georgia

Marcella Daughtry, RPR, RMR
Georgia License No. 6595-1471-3597-5424
California CSR No. 14315

1 State has been very busy on that one, too. But yeah,
2 we're acutely aware of line lengths.

3 Q And would you agree that historically in
4 Georgia there have been lines up to, you know, five,
5 eight hours even or beyond?

6 A Yeah. One of my earliest memory in elections
7 was as a child, my mother took me to vote, and we showed
8 up before the 5 o'clock news, and the 11 o'clock news we
9 were still in line. And people were driving by telling
10 us who had won, and we were still in line. So, you know,
11 that was when I was a child.

12 So Georgia has historically had a very bad
13 problem with line length, and -- and my involvement in
14 watching lines as -- as a monitor, a statewide election
15 monitor, statewide poll watcher, I have watched, you
16 know, lots and lots, hours. I don't know of anybody in
17 Georgia that's watched more people in line than me
18 because I have been doing it for 20 years.

19 And so just the -- so this board, in recent
20 memory, this board, in the time frame of this notice, has
21 been more proactive about trying to do something about
22 lines than I've ever seen in my lifetime.

23 Q Would you agree that waiting in those lines,
24 you know, and in your own experience, you -- you
25 referenced can be quite exhausting physically?

THOMAS MATTHEW MASHBURN 30(b)(6)
IN RE GEORGIA SENATE BILL 202

March 07, 2023
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1 A Yeah. I haven't seen anybody pass out like
2 some of the people say on the -- on the talking heads on
3 TV, but you -- you don't like to stand in line for
4 eight -- eight or nine hours. So the key is to not make
5 people comfortable in a ridiculously long line, just make
6 the ridiculously long line go away.

7 Q Would you agree that to folks waiting in very
8 long lines, receiving any bottles of water and perhaps
9 food if they are getting hungry waiting hours on end can
10 provide some sort of relief and encourage them to stay?

11 A Yeah, that -- that had just gotten out of
12 control. We had people giving out like phone chargers
13 for free. And we had, you know, candidates showing up
14 with pizza -- pizza and stuff, only in their district.
15 So it had just gotten out of control, and it just needed
16 to be dialed back. Because if you don't understand the
17 history of Georgia -- I'm not saying that you don't. I'm
18 sure you do. But this voter protection bubble is a big
19 innovation, because in Georgia's history, we have --
20 Georgia has a history where people in line were yanked
21 out of line and beat up by the sheriff. So there is
22 voter intimidation and harassment.

23 And so Georgia created this protection bubble
24 where the voter can have this refuge from people trying
25 to intimidate them or campaign them, campaign with them.

THOMAS MATTHEW MASHBURN 30(b)(6)
IN RE GEORGIA SENATE BILL 202

March 07, 2023
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CERTIFICATE OF REPORTER

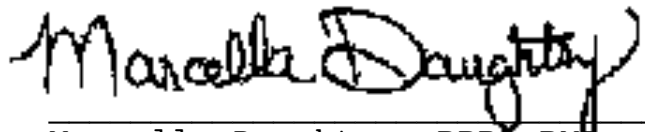
STATE OF GEORGIA)
)
COUNTY OF DEKALB)

I, Marcella Daughtry, a Certified Reporter in the State of Georgia and State of California, do hereby certify that the foregoing deposition was taken before me in the County of DeKalb, State of Georgia; that an oath or affirmation was duly administered to the witness, THOMAS MATTHEW MASHBURN; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true and accurate record of the proceeding, all done to the best of my skill and ability;

The witness herein, THOMAS MATTHEW MASHBURN, has requested signature.

I FURTHER CERTIFY that I am in no way related to any of the parties nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have set my hand in my office in the County of DeKalb, State of Georgia, this 20th day of March, 2023.



Marcella Daughtry, RPR, RMR
GA License No.
6595-1471-3597-5424
California CSR No. 14315

Ex. H

**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

**SUPPLEMENTAL 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. I previously provided a declaration in this case on May 20, 2022.
3. Delta Sigma Theta Sorority, Inc. (“Deltas”) 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.

4. Within the Deltas, I have served as Chair of Strategic Partnerships since 2022. Before this role, I was one of the Social Action Chairs of the National

Social Action Commission (“Commission”) between 2019 and 2022. The Commission spearheads initiatives that mobilize our members, chapters, and national leaders to advocate for Deltas’ predetermined positions and actions. In my role as a Social Action Chair, I was responsible for advancing Deltas’ positions and actions by implementing and overseeing those efforts at the national, state, and local levels. Some of the positions that I worked on implementing included: voter registration, education, and mobilization efforts; monitoring legislation at the national, state, and local levels; and encouraging Deltas to run for elected office. Before serving as a Social Action Chair, I served a two-year term as the Southern Regional Social Action Coordinator for the Deltas between 2014 and 2017. 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 the Deltas between 2012 and 2014, focusing on implementing similar voter education and registration initiatives, among other priorities.

5. Through my role as Chair of Strategic Partnerships and previous positions within the Deltas, I am familiar with, and receive frequent updates and proposals for activities of the Deltas, including those on behalf of our chapters and

Sorors in Georgia.

6. Under the law, Deltas understand that S.B. 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 without any conditions attached. From our understanding, these restrictions apply within 150 feet of a polling place (“buffer zone”) or 25 feet of any voter in line (“supplemental zone”)—no matter how far from the entrance of the polling place they stand.

7. Deltas’ line-relief activities include both the act of providing voters with basic necessities and the message conveyed through those actions. The act of providing line relief conveys a message that words alone cannot adequately convey. This is why Deltas believe line-relief efforts also re-affirm the dignity of Black voters by showing a community is standing with them and supporting them. None of this can be accomplished standing 25 feet away from voters.

8. Deltas have not provided line-relief in any elections in 2021, 2022, or 2023 that have occurred since S.B. 202 has been implemented because of the criminal penalties S.B. 202 has imposed.

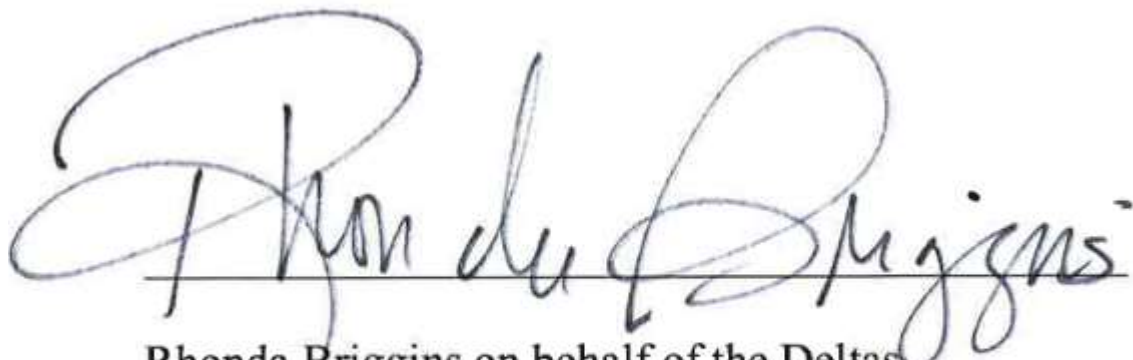
9. If S.B. 202’s line-relief ban was lifted, Deltas’ chapters and Sorors in Georgia who had engaged in line-relief activities prior to S.B. 202’s

implementation would resume those efforts. Deltas would resume line-relief activities even if only the 25-foot supplemental zone restriction were no longer in place but the 150-foot buffer zone remained. While the presence of the 150-foot buffer zone would still restrict our efforts, we would be able to and intend to resume our line-relief efforts in a limited fashion by interacting with voters waiting on long lines past the 150-foot zone without the fear of criminal prosecution.

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

April 17, 2023


Rhonda Briggins on behalf of the Deltas

**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

SUPPLEMENTAL DECLARATION OF REGINALD T. JACKSON

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 on my personal knowledge:

1. I am the presiding prelate of the Sixth District of the African Methodist Episcopal Church (“AME Church”).
2. I am a Black man and am registered to vote in Fulton County.
3. The Sixth District is one of twenty worldwide districts of the AME Church. The Sixth District constitutes the entire State of Georgia. There are more than 500 member churches that are part of the Sixth District.
4. 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 in the district.
5. Through my role as Bishop of the AME Church, I am familiar with, and receive frequent updates and proposals for activities of member churches across the State of Georgia.
6. Our member churches engaged in handing out food, water, chairs, and other provisions to voters standing in lines at the polls (also known as “line relief”) for decades across the State of Georgia through the 2021 U.S. Senate runoff

elections.

7. Many of our line relief activities took place in predominantly Black neighborhoods across the state.

8. The line relief efforts that member churches engaged in included handing out food, water, and other provisions to voters who were standing within 150 feet of a polling location. If the line extended beyond 150 feet of a building, volunteers also approached voters who were standing in lines past that point.

9. Our churches participated in line relief activities because AME Church members, most of whom are Black, 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 line for hours to cast their ballot. For our church, providing this support was 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).

10. By providing line relief, our members sent 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 showed voters that their community supported them in their efforts to

cast a ballot.

11. The message that AME Church volunteers sent to voters waiting in lines was the same, whether volunteers were approaching voters waiting within 150 feet of the polling place or voters waiting in lines that extend beyond 150 feet of the polling place.

12. To my knowledge, member churches have not engaged in any type of line relief activities after the passage of Senate Bill 202 (“S.B. 202”) in March of 2021.

13. AME churches would like to conduct more line relief activities in future elections.

14. AME churches would resume at least some of its line relief activities even if the line relief ban were lifted only as to activities within 25 feet of voting lines that extend beyond 150 feet of the polling place.

15. AME churches would be able to resume these activities almost immediately after it was notified which portions of the line relief ban were lifted.

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

4/17/2023

Executed on _____.

DocuSigned by:

Reginald T. Jackson

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REGINALD T. JACKSON

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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 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 39 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. In the 2020 general election, 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 within 150 feet of the polling place. If the line extended beyond 150 feet of the building, we would also take turns bringing food and water from the table those voters waiting in line. This work necessarily involved approaching voters within 25 feet of the voting line.

6. 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.

7. 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.

8. 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.

9. The message GAMVP sends to voters waiting in line is the same regardless of whether GAMVP is approaching voters waiting in lines within 150 feet of the polling place or voters waiting in lines that extend beyond 150 feet of the polling place.

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. GAMVP would like and would be able to resume at least some of its line relief activities even if the line relief ban were lifted only as to activities within 25 feet of voting lines that extend beyond 150 feet of the polling place.

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

Executed on 4/13/2023

DocuSigned by:

Shafina Khabani

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SHAFINA KHABANI

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Ex. K

**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 SHANNON MATTOX
(pursuant to 28 U.S.C. § 1746)**

My name is Shannon Mattox. 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 and am registered to vote in Cobb County, Georgia.
2. I am 46 years old and I identify as Black.
3. I am the State Director and a member of The Arc Georgia, a state affiliate of The Arc of the United States.
4. The Arc Georgia is committed to making sure that voting is accessible to everyone who is eligible to vote.

5. Prior to the passage of SB 202, The Arc Georgia, had participated in handing out food and water to voters waiting in line at the polls (“line relief”). For instance, members of the Arc Georgia participated in line relief activities in the January 2021 Georgia Senate Runoff. When The Arc Georgia members participated in line relief activities in the past, they would approach voters waiting in line within 150 feet of a polling place. If the line extended beyond 150 feet of the building, they would also approach those voters waiting in line. Regardless of the line length, the Arc Georgia members’ relief activities involved approaching voters within 25 feet of the voting line.

6. Stacey Ramirez, a member of The Arc Georgia, previously submitted a declaration in this case on May 11, 2022, regarding the critical message she conveyed to voters by providing voters waiting in line with food and water.

7. As a result of SB 202, the Arc Georgia has ceased its line relief activities entirely.

8. The Arc Georgia would like and would be able to resume at least some of its line relief activities even if the line relief ban were lifted only as to activities within 25 feet of voting lines that extend beyond 150 feet of the polling place.

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

Executed on 4/13/2023.

DocuSigned by:

Shannon Mattox

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Shannon Mattox

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Ex. L

**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
(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. As part of my work with Women Watch Afrika, 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”). When I participated in line relief, I would approach voters waiting in line within 150 feet of a polling place. If the line extended beyond 150 feet of the building, I would also approach those voters waiting in line. Regardless of the line length, my line relief activities involved approaching voters within 25 feet of the voting line.

Prior to SB 202’s enactment, Women Watch Afrika had been participating in line relief for more than five years.

5. Once SB 202 was enacted, Women Watch Afrika stopped its line relief activities because imposes criminal penalties that prevented us from approaching voters in line no matter how far they were from the outside of the polling place. The law is confusing and we did not want to put our staff or volunteers at risk.

6. 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.

7. 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.

8. These messages that Women Watch Afrika sends to voters through our line relief activities is the same regardless of whether Women Watch Afrika is approaching voters waiting in lines within 150 feet of the polling place or voters waiting in lines that extend beyond 150 feet of the polling place.

9. Women Watch Afrika is non-profit C3, so we do not do partisan anything.

10. Women Watch Afrika would like and would be able to resume at least some of its line relief activities even if the line relief ban were lifted only as to activities within 25 feet of voting lines that extend beyond 150 feet of the polling place.

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

Executed on April 19, 2023

DocuSigned by:

Glory Kilanko

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Glory Kilanko
Founder and CEO of Women Watch Afrika

JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023

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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
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Defendants.)
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DEPOSITION OF
JOSEPH BLAKE EVANS

Thursday, February 23, 2023, 9:02 a.m. (EST)

HELD AT:

Taylor English Duma LLP
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339

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

JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023
180

1 voting locations.

2 And then to some extent voter behavior.

3 You could have -- one thing we've seen, you might go
4 two and a half weeks of advance voting with very,
5 very short to no lines, but then voters -- the last
6 two days the turnout tends to pick up. So the
7 closer you get to the very end, sometimes the lines
8 pick up a little bit.

9 So those are kind of high level things
10 that I've seen that lead to lines.

11 Q Are you aware of --

12 A Also -- I'm sorry to talk over you.

13 Q Go ahead.

14 A Sometimes you have enough check-in
15 stations but the poll workers are not trained
16 appropriately, so it's taking too long to check
17 people in.

18 Q That's actually a good segue.

19 Actually, before we go to that, is it your
20 recollection in your role that during the senatorial
21 runoff this past late fall that there were some long
22 lines during early voting?

23 A You mean December 2022?

24 Q Correct. And there might have been some
25 November dates leading up to that, but, yeah, the

JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023
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1 runoff which occurred ultimately in early December
2 2022.

3 A There were areas that saw long lines
4 during that time period.

5 Q Based on your experience, do you believe
6 the compressed runoff period contributed to that?

7 MR. TYSON: I'll object to form.

8 A So I think, you know, it kind of goes
9 back. There's multiple contributing factors.

10 I think obviously when you look at for a
11 general election you got three weeks, for a runoff
12 you have less than that. That is to some degree a
13 factor.

14 Also, counties do select a number of
15 advance voting locations. So as I mentioned
16 earlier, number of advance voting locations is a
17 factor.

18 But to answer your question, is the -- I
19 think you said shortened or condensed time period,
20 that would be a factor.

21 Q I'd like to go back to the topic of
22 check-in actually that you were just mentioning as a
23 factor.

24 MR. ROSBOROUGH: Can we mark this as
25 Exhibit 177.

JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023
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1 consider whether or not they could write rules that
2 could -- it depends on if they would want to write
3 rules. But I mean in theory, if that were taken
4 out, counties would be able to adjust the number of
5 drop boxes they had, hypothetically.

6 Q And is the same true with regards to the
7 physical location of the drop boxes, if that portion
8 specifically of SB 202 were eliminated, that it
9 would be up to counties whether to change the
10 location of those drop boxes or not?

11 MR. TYSON: Object to form.

12 A Again, depends on if the State Elections
13 Board took any action, that kind of thing.
14 Theoretically, if nothing else and the law changed,
15 then it seems like they could move the location.

16 Q Regarding the provisions on what I'll
17 refer to as line relief, in other words, the ban on
18 providing food and water and other items of value to
19 voters who are waiting in line, do you know the
20 provision of SB 202 to which I'm referring?

21 A Yes.

22 Q Okay. If a ban on providing food or water
23 to outside groups were lifted, any changes would
24 primarily be implemented by counties, correct?

25 MR. TYSON: Object to form.

JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023
228

1 A I'm not sure there's anything there for a
2 county to implement.

3 Q Fair enough.

4 And in terms of -- are you aware of the
5 provision in SB 202 which imposed new criminal
6 penalties for ballot collection?

7 A Yes.

8 Q If those penalties were struck down, in
9 your experience is there anything your office would
10 need to do, apart from issuing guidance to counties?

11 MR. TYSON: Object to form.

12 A Not that I'm aware.

13 Q And you're aware of the provision in SB
14 202 which changed the rules regarding the acceptance
15 of out-of-precinct provisional ballots; is that
16 right?

17 A Yes.

18 Q If a court were to strike down the changes
19 that SB 202 made to those provisions, based on your
20 experience what would your office need to do to
21 implement those?

22 MR. TYSON: Object to form.

23 A We would -- going back to the original
24 answer, I would speak with our counsel, with our
25 attorneys, and then based on their guidance we could

JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023
230

C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of JOSEPH BLAKE EVANS was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 229 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of March, 2023.



Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

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

ZACHARY MANIFOLD
UNITED STATES vs THE STATE OF GEORGIA

January 12, 2023

40

1 A They are.

2 Q And these non-issuing clerks, do they also
3 monitor lines for electioneering activities?

4 A They do. I cannot recall of any instance
5 this year where I had a report of a problem.

6 Q With the non-issuing clerks, how would
7 they monitor the line if a person is providing line
8 relief inside of the 150 foot electioneering zone?

9 A If they're inside of 150 feet, they would
10 let that person know they cannot be there inside
11 that 150 feet.

12 Q And to your knowledge, would monitoring
13 the lines be any different if a person was providing
14 line relief in the supplemental zone?

15 A I -- you know, there is the supplemental
16 zone, and now I can't remember -- I remember it
17 changed. I remember there was guidance at some
18 point. Maybe some time this year there was guidance
19 on the buffer zone or the supplemental zone outside
20 of 150 feet.

21 I cannot, without looking at it or reading
22 it, I can't remember what all that entailed, but
23 there was some guidance on that.

24 Q Is it common for lines to extend past the
25 150 foot zone?

ZACHARY MANIFOLD
UNITED STATES vs THE STATE OF GEORGIA

January 12, 2023

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1 A At advance -- at advance in person voting,
2 that is somewhat common. I would say, again, when
3 you get over that hour, that hour wait, you're
4 probably getting pretty close to that 150 buffer
5 zone.

6 So I would say most of the time --
7 probably for the December runoff it could have been
8 outside that, outside that zone. Most of the time,
9 I think May, June, and November, like I said, I
10 don't think we had an hour long wait most places, so
11 it was probably not that 150 feet.

12 Q Do you recall if during the December 2022
13 runoff if those lines went beyond the 150 feet?

14 A Definitely.

15 Q And you mentioned before that Kelvin
16 Williams may know what the policy for line relief
17 was prior to SB 202; is that correct?

18 A He would know, yes.

19 Q Okay. If the ban relief -- a ban on line
20 relief activities in SB 202 was lifted, what
21 changes, if any, would your office have to engage
22 in?

23 A If there was a removal of that?

24 Q Yes.

25 A You know, I think staff would -- I think

ZACHARY MANIFOLD
UNITED STATES vs THE STATE OF GEORGIA

January 12, 2023
193

C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of ZACHARY MANIFOLD was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 192 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of January, 2023.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

NADINE WILLIAMS 30(b)(6)
IN RE GEORGIA SENATE BILL 202

April 05, 2023

1

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

IN RE:)	Master Case No.
)	
GEORGIA SENATE BILL 202)	1:21-MI-55555-JPB
)	
)	

- - - - -

RULE 30(b)(6) DEPOSITION OF FULTON COUNTY BOARD OF
REGISTRATION AND ELECTIONS

BY NADINE WILLIAMS, a Witness,

Taken by Counsel for the Plaintiffs

Before Richard Bursky, RMR, CRR

Certified Court Reporter

At the Offices of the Fulton County Attorney

141 Pryor Street, SW, Atlanta, Georgia

On April 5, 2023, commencing at 10:05 a.m.

- - - - -

NADINE WILLIAMS 30(b)(6)
IN RE GEORGIA SENATE BILL 202

April 05, 2023
206

1 Q So in subsequent elections, your wait times
2 went down, correct?

3 A Yes.

4 Q That happened even before SB202 was passed,
5 correct?

6 A Yes.

7 Q So it was not the result of the changes in
8 SB202, but rather the other changes that Fulton County
9 made in response to what happened in June of 2020,
10 right?

11 A Yes.

12 Q Did Fulton County experience wait times longer
13 than one hour during advanced voting in the 2022
14 general election?

15 A Yes, not for the general, but the runoff.

16 Q We will get to the runoff in a second, but in
17 general was that the case?

18 A No, I don't believe there was any.

19 Q What about for Election Day in the general
20 2022?

21 A No.

22 Q Now for the runoff, did Fulton County
23 experience wait times longer than an hour?

24 A For advanced voting, yes, but for Election
25 Day, no.

NADINE WILLIAMS 30(b)(6)
IN RE GEORGIA SENATE BILL 202

April 05, 2023
296

CERTIFICATE OF COURT REPORTER

STATE OF GEORGIA)

COUNTY OF HENRY)

I hereby certify that the foregoing deposition was reported as stated in the caption, by the method of stenography, and the questions and answers thereto were reduced to typewriting by me; that the foregoing pages represent a true, correct, and complete transcript of the evidence given on April 5, 2023 by the witness, NADINE WILLIAMS, who was first duly sworn by me.

This the 8th day of April, 2023.



Richard Bursky, RMR, CRR, CCR
Certified Court Reporter #2509

Ex. P

IN RE GEORGIA SENATE BILL 202

MASTER CASE NO.
1:12-MI-55555-JPB

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

Plaintiffs,

v.

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

Defendants.

Case No. 1:21-CV-01259-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

Case No. 1:21-CV-01284-JPB

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

Plaintiffs,

v.

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

Defendants.

Case No. 1:21-CV-01728-JPB

Expert Report of Dr. Stephen Pettigrew

Dr. Stephen Pettigrew
University of Pennsylvania
Program on Opinion Research and Election Studies
Ronald O. Perelman Center for Political Science and Economics, Suite 406
133 S. 36th Street
Philadelphia, PA 19104

On behalf of Plaintiffs in the three above captioned cases.

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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 to provide my analysis and opinions concerning long lines to vote in Georgia and their consequences, 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. Comparable data from the 2022 election is not yet available.
- 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.

- SB202 is likely to have a negative impact on the length of lines throughout Georgia, particularly in precincts that serve racial minorities. While other administrative changes (separate from those in SB202) may have a positive impact on the line length, the provisions in SB202 will lessen or negate the potential impact of those changes.
- Although SB202 requires an expansion of early voting hours, that change will have almost no impact on long lines. Prior to SB202, most counties already offered at least as many hours as required by SB202. The Georgia counties with the longest lines already offered the most hours of early voting, and will not be required to add hours under the new law.
- Waiting in a long line makes a voter less likely to vote in subsequent elections. Policies that make election lines longer reshape the electorate and put a thumb on the electoral scale. In Georgia, this means discouraging Black and other racial minority voters from turning out, while having a smaller impact on white voters' turnout.
- Voters who experience a long wait to vote are less confident in the integrity of the electoral system as a whole. They are less likely to believe their and others' votes were accurately recorded in the final vote count.

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 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 Election For the *Bipartisan Policy Center*.²

¹<https://elections.mit.edu>

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

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 above-mentioned plaintiffs 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? How might these impacts differ across racial groups?
- What are the impacts that long lines have on voters? How do long wait times impact voter turnout in subsequent elections? How do they impact voter confidence in the electoral system as a whole?

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 not previously testified as an expert at trial or by deposition. I have provided a copy of my full Curriculum Vitae at the end of this report.

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 have experienced significantly longer lines to vote than white Georgia voters.

Based on my analysis of the SB202, I understand 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 worse for people who live in areas afflicted with long lines to vote.

My analysis also finds that SB202's restrictions on mail voting will have a significant impact on the number of people showing up to vote in-person. This will have a negative impact on the length of lines to vote in Georgia, and will counteract any positive gains made by other changes to election procedure separate from SB202. The potential impact of SB202 will be larger in precincts with significant minority populations that already function near their operational capacity. Although the bill does require, for the first time, two days of Saturday voting during the early/advanced voting period, I find that this requirement will have no impact on voting hours in most counties—particularly those that tend to have long lines—because they offered two days of Saturday voting prior to SB202.

The effect of SB202 on long lines will be strongest in runoff elections. Because the period between an primary or general election and the subsequent runoff election has been shortened by SB202 from 9 weeks to 4 weeks, there will be considerably less time for early voting to occur. SB202 changed the early voting requirements for runoffs, mandating that early voting

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>.

begin “as soon as possible. . . but no later than the second Monday immediately prior to such runoff.” Because early voting must conclude by the Friday before a runoff, this leaves just five required days for early voting and zero required weekend days. Prior to SB202, Georgia required 16 days of early voting for a runoff election.

These changes will have one of three consequences on line length and turnout during runoffs. Voters may continue voting the same way they would in the absence of this law, and the lines during early voting will be dramatically longer because the same number of people will try to vote during a shortened early voting period. Alternatively, voters may switch from voting early to voting on Election Day, and Election Day lines will be longer. Or, third, voters will not vote and turnout will go down, even if line length stays the same. As I will show later in this report, the limited data available from the December 2022 Senate runoff election suggests that the first scenario played out, and lines were catastrophically long during the shortened early voting period.

Because of all these changes, SB202 will make exacerbate the problems that it purports to address. Section 2, paragraph 4 of SB202 states that the purpose of the legislation is to “address the lack of elector confidence in the election system.” Yet researchers who study confidence in electoral system have consistently found that voter confidence is closely tied together with the quality of the experience they have at the polling place. Research by political scientists suggests that by adding to the length of lines, SB202 will actually make voters less confident in the electoral system as a whole, less likely to believe that their vote was counted correctly, and less likely to believe that the contents of their ballot will be kept secret.

SB202 also has the potential to diminish turnout. My research, and that of others, has found that voters who encounter long lines are less likely to turn out to vote in future elections. All other things equal, roughly one out of every hundred voters who waits at least 30 minutes to vote will not turn out in the next election. Because the effects of the law will be felt more strongly by Black and other racial minority groups, SB202 puts a thumb on the electoral scale and makes it more difficult for people of color to vote.

This report provides analyses that made me reach each of these 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 the impact that SB202 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.

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 is 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 The 2022 version of this study is not yet available.

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.

2.1 Converting survey responses to minutes 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

This approach of substituting the mid-point of each category to represent a voter’s wait time has an important consequence for the analyses throughout this report. When comparing

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.

⁸The appendix includes a table of the CES national and Georgia sample size in all years

⁹The 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>.

¹⁰The one exception is 2010. The wait time question was not asked in this year, and thus omitted from my analyses.

¹¹See, 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.

¹²Following 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.

the average wait time of two groups, this midpoint imputation strategy is likely to understate how big of a gap exists between their wait times. To understand why, imagine that group A had a higher percentage of people who selected the “More than 1 hour” category than group B. It follows, then, that the (true, but unknown) average wait time of the people in group A who selected “31 minutes - 1 hour” was higher than the average wait time of people in group B who selected that option. This is because if group A had more people who waited longer than 1 hour, then they also would have a higher percentage of people who waited (for example) between 55 and 60 minutes.

Figure 2.1: Distribution of simulated wait times for two hypothetical groups

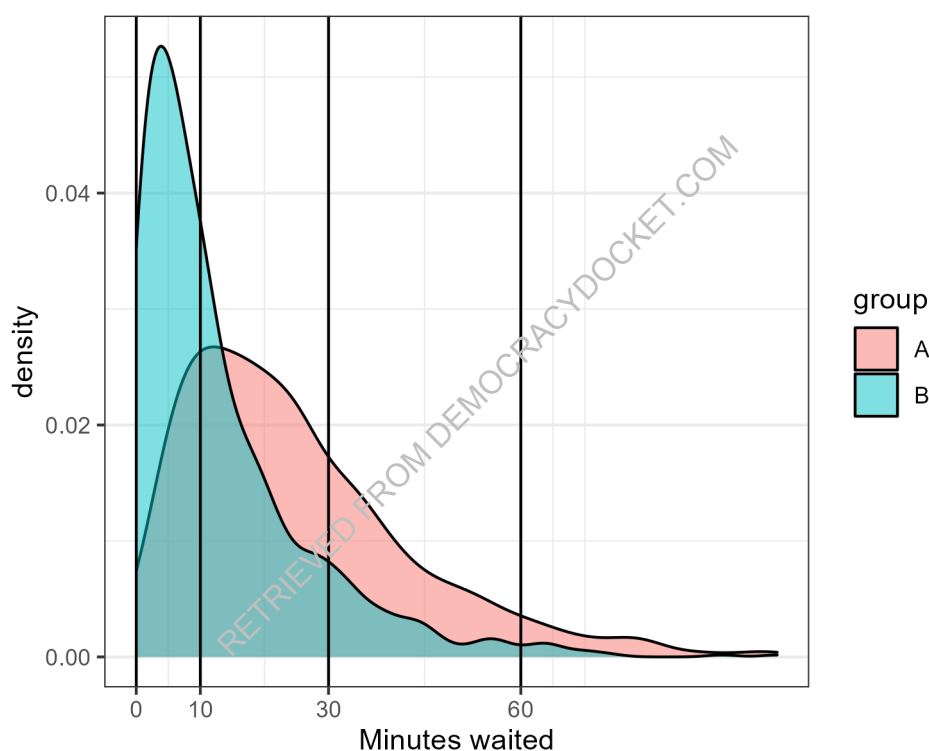


Figure 2.1 illustrates this point. The graph shows the distribution of simulated wait times from two hypothetical groups of 1000 people. Because the data were simulated, I can calculate the actual average wait time for people in group A to be 25.2 minutes, and the average in group B is 13.0 minutes—a gap of 12.2 minutes. When grouping the data into bins using the vertical lines in the graph, and then apply the midpoint imputation approach described above, the estimate of the average wait time for group A is 26.2 and group B’s is 14.4—a gap of 11.8 minutes.¹³

¹³This simulation analysis highlights that in some cases, the midpoint imputation approach may estimate group average wait times that are too high. For this reason, throughout this report I focus on comparisons of average wait times between groups, rather than focusing on the precise estimate of the average wait for an

Table 2.1: Actual average wait times within each response category (simulated data)

Response	Group A	Group B
Not at all	0 min	0 min
Less than 10 min	6.4 min	5 min
10 to 30 min	19.4 min	17.3 min
30 to 60 min	41.1 min	39.8 min
More than 1 hr	73.2 min	70.2 min

This imputation approach underestimated the true gap between the groups. Table 2.1 shows that this is because within the “Less than 10”, “10 to 30 min”, “30 to 60 min”, and “More than 1 hr” categories, the actual average wait time of people in group A was higher than the actual average for people in group B.¹⁴

The fact that this midpoint imputation approach underestimates gaps between groups has big implications for the analyses throughout this report. For example, in the next section, I compare Georgia’s average wait time to the average wait in all other states, finding a large and statistically significant gap. The difference is meaningful, even without accounting for the likelihood that the true difference is probably higher than my estimate. Similarly, when I find that non-white Georgians wait significantly longer to vote than white Georgians, my estimates are probably underestimating the racial gap we would find if we knew the exact number of minutes and seconds that every Georgia voter waited.

When the CCES was first conducted about 15 years ago, there were questions about the validity of using the 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.¹⁵ Other non-survey-based studies have also validated the survey-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 correlation¹⁶ with the survey-based reports of wait times by voters throughout the

individual group. By always having a reference group as a point of comparison, I ensure that even if the exact estimate of an individual group is too high, I am drawing conclusions based on differences between group estimates that are likely to be too low.

¹⁴This does not apply to the “Not at all” category, where everybody had a wait time of exactly 0 minutes.

¹⁵Charles 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/2021-03/HowWeVotedIn2020-March2021.pdf>

¹⁶A statistically significant correlation is one that is unlikely to have arisen due to purely random chance.

state.¹⁷ Other studies have used wait time reports by polling place observers,¹⁸ line length reports from poll workers,¹⁹ and even cell phone tracking data²⁰ to help understand wait times at polling places. In each case, these other methodologies reach similar conclusions as research which uses survey-based measures.

2.2 Self-reported versus verified voters

There is one other methodological consideration to using survey data. Political scientists have long noted that survey respondents tend to report having turned out to vote at rates that are higher than the true turnout rate. This means that in a survey like the CES, there are some respondents who say that they voted (and perhaps even report how long they waited to vote) even though they did not actually vote. We see this in the 2020 CES, where 91% of respondents who indicated that they had voted. The turnout in Georgia in that election was 68%.²¹

One solution to this problem is a process called voter verification. To do vote verification, the company or organization administering the survey attempts to match the people who replied to the survey with publicly available voter file information from states. Survey respondents are thus categorized as a “verified voter” (i.e. successfully matched to the voter registration file, which indicates that they voted), a “verified non-voter” (successfully matched to the voter registration file, which indicates that they did not vote), and a “non-verified voter” (not successfully matched to the voter file).

Ideally, all survey respondents who actually voted would be matched to the voter file, and the turnout rate calculated would be exactly the same as the true turnout rate (based on total ballots cast). Unfortunately, the vote verification process is not close to ideal. The vote

¹⁷MIT 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.

¹⁸Stein, 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.

¹⁹Matthew 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.

²⁰M. 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*.

²¹See: <http://www.electproject.org/2020g>

verification process in the 2020 CES suggests that Georgia's turnout rate was just 51%. This is almost as far away from the true turnout of 68% as the estimate based on self-reported turnout. This presents a difficult choice between analyzing the wait times of all self-reported voters, or only analyzing the wait times of verified voters. Throughout this report I chose to analyze self-reported voters, for reasons that I will explain here.

The biggest consideration is that restricting the analysis to verified voters would needlessly diminish the sample size of the analysis. This may not be a big deal when analyzing the country as a whole, but for this report, I'm restricting my focus to Georgia, where there were only 2002 people who responded to the CES in 2020. Restricting to verified Georgia voters cuts this number to 1,160, the sample diminishes further when we consider that only 290 of those verified voters were Black.

The loss of sample size from restricting the analysis to verified voters could be justified if it provided an unbiased picture of the electorate. Unfortunately, political science research has found that the vote verification process produces results that are biased in several ways. More than one-in-ten Americans are not listed in the commercial databases used for vote verification, and another 12% of people have errors in their records.²² More importantly, certain demographic groups are more difficult to identify in the vote verification process.²³ Voters who tend to move more often—like young people and poor people—are also more difficult to identify in voter registration records.²⁴ Together, these sources of imprecision and bias in a verified voter-based analysis tarnishes the reliability of its results, and add the additional cost of a smaller sample.

With all that in mind, the question is whether the choice of analyzing self-reported or verified voters could change the results. In the case of the CES survey, the answer is no. The two panels in figure 2.2 show estimates of wait times for all self-reported voters (on the horizontal axis) and all verified voters (on the vertical axis). When estimating the percent of voters who waited over 30 minutes (top panel) or the average wait time (bottom panel), there is an extremely high correlation between the estimates based on self-reported voters and those based on verified voters. The correlation coefficients are 0.98 for both graphs.²⁵

Going a step further, I divided the survey respondents between those with a verified record of voting (same as the vertical axis in Figure 2.2) and those who said they voted, but did not have a verified record (similar to the horizontal axis of Figure 2.2, but removing

²²Simon Jackman and Bradley Spahn. 2021. "Politically Invisible in America." *PS: Political Science and Politics*. 54(4).

²³Ruth Igielnik, Scott Keeter, Courtney Kennedy, and Bradley Spahn. 2018. "Commercial Voter Files and the Study of U.S. Politics." *Pew Research Center*.

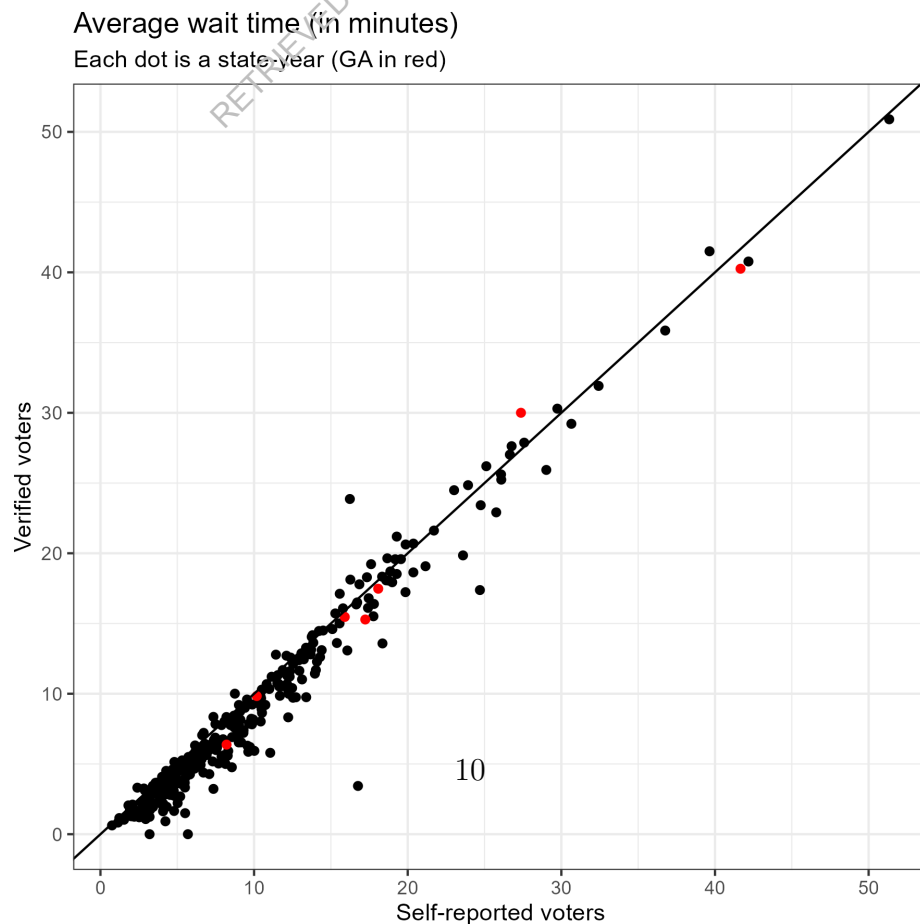
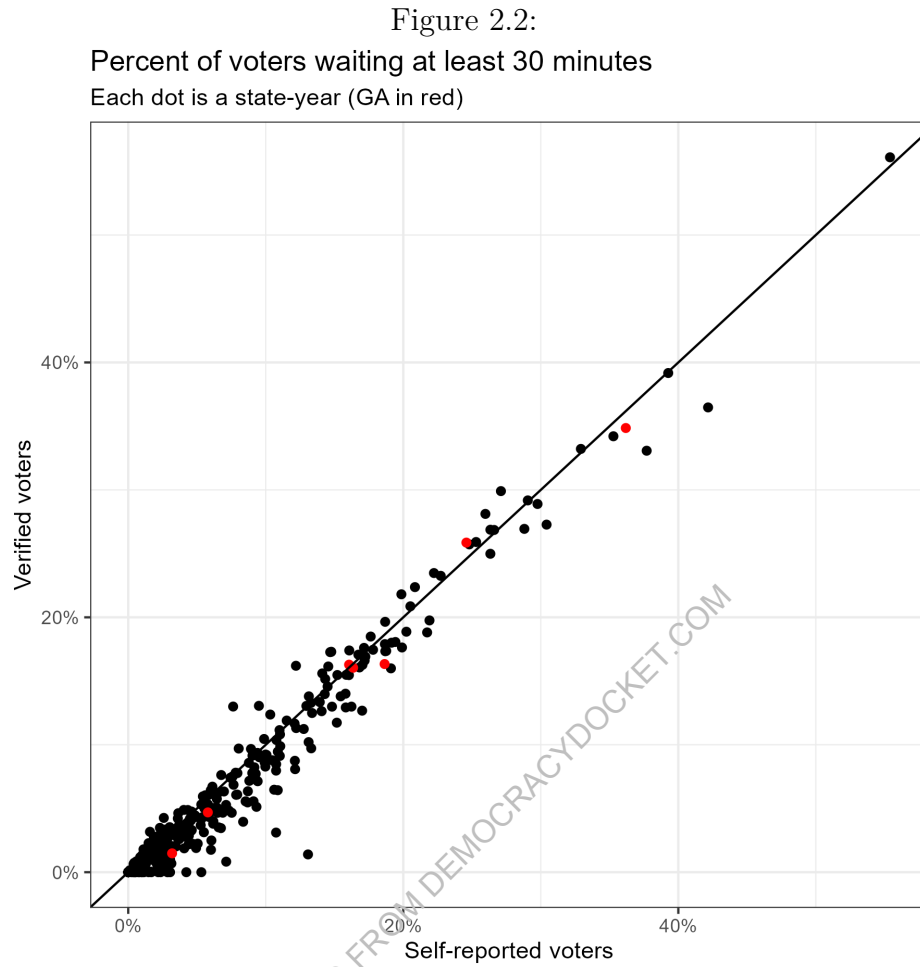
²⁴Ansolahehere S, Hersh E, Shepsle K. 2012. "Movers, Stayers, and Registration: Why Age is Correlated with Registration in the U.S." *Quarterly Journal of Political Science*. 17 (4).

²⁵Regression shows that each of these correlations are statistically significant ($p < 0.001$).

those with a verified vote record). Even this more difficult statistical test finds very strong correlations. The correlation in the percent of each group waiting over 30 minutes is 0.81, and the correlation in average wait times is 0.84.²⁶

What these strong correlations tell us is that there are not big differences between the self-reported voters with and without a verified voting record. For the results throughout this report to be caused by the choice of analyzing self-reported voters, there must be systematic differences between the wait times reported by verified voters and those reported by non-verified, but self-reported voters. Furthermore, for this analysis choice to affect estimates of the gap between white and non-white voters, at least one of two things would have to be true. Non-white respondents who did not vote (even though they said they did) would have to report wait times that were higher than what they would have experienced had they voted. Or alternatively, white respondents who inaccurately claimed to have voted would have to report wait times that were lower than they would have experienced had they voted. In other words, their responses would have to be systematically out-of-sync with the experience of other people in their neighborhood with a similar demographic profile. The results above suggest that these systematic differences do not exist in the data. Analyzing self-reported voters does not create bias, and it provides a larger sample size for the analysis.

²⁶Both of these correlations are statistically significant ($p < 0.001$).



Section 3: Wait times in recent elections in Georgia

Since at least the 2006 general election,²⁷ 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.²⁸ 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.²⁹

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 uniquely 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).³⁰ Similarly, in presidential elections between 2008 and 2020, 22.0% of Georgia voters waited 30 minutes,

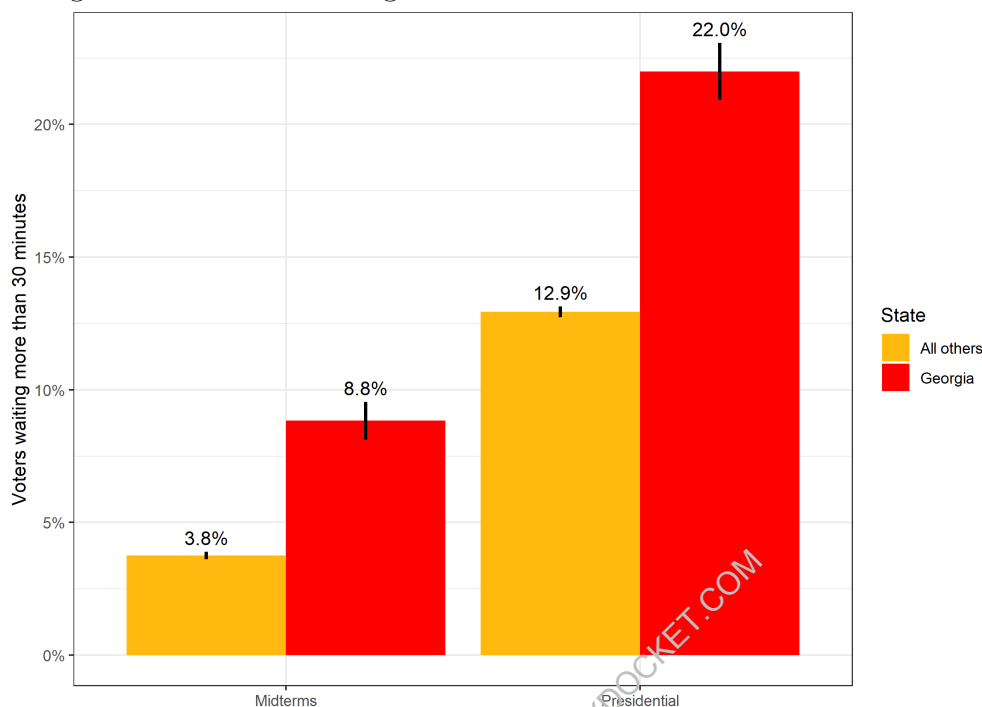
²⁷This is the first year these data were collected.

²⁸This difference in average wait times between white and non-white Georgians is statistically significant ($p > 0.01$)

²⁹This difference of 9.5 minutes between wait times inside and outside of Georgia is statistically significant ($p < 0.01$).

³⁰I 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.³¹

Figure 3.2 highlights the extent to which Georgia stands out from 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.³²

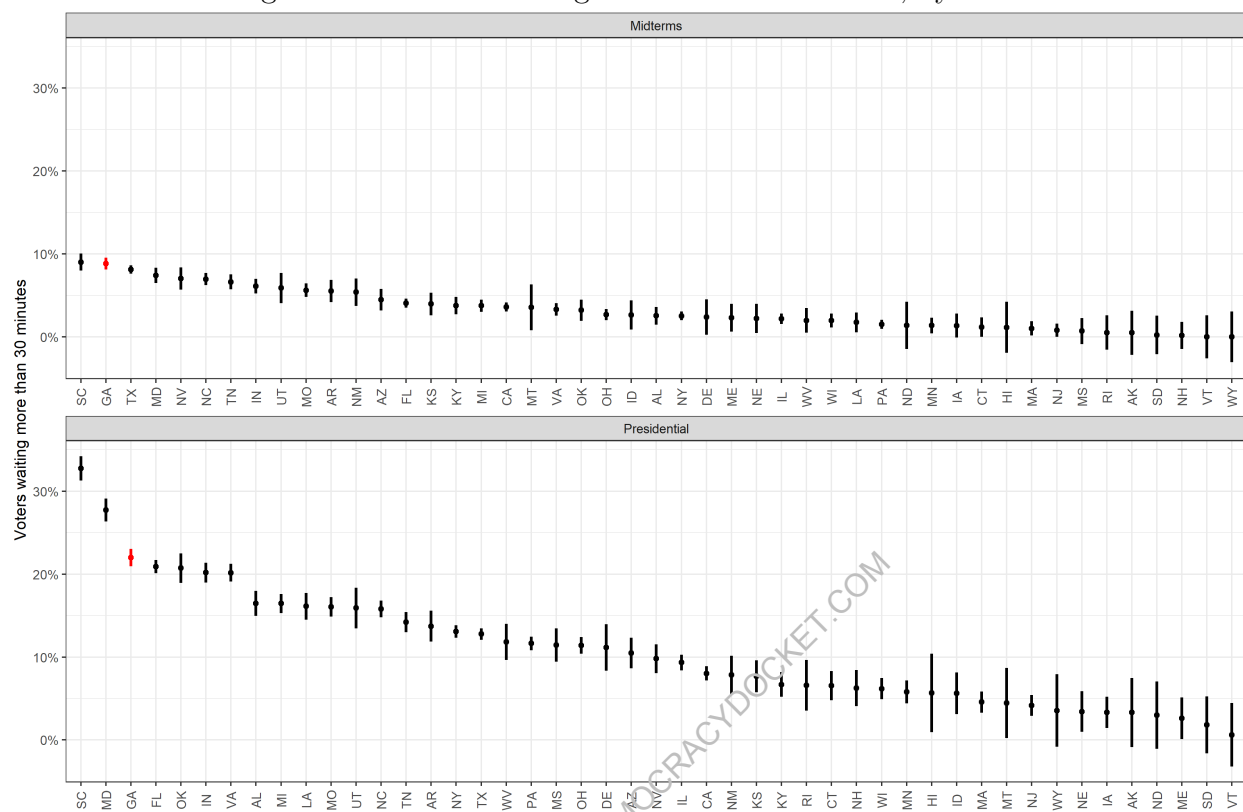
One feature of Georgia elections that could account for these long wait times is the fact that Georgia typically has large numbers of voters who cast ballots during the early voting period. Across the country, wait times tend to be longer during early voting than on Election Day, so this could potentially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

³¹The 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.

³²Figures 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

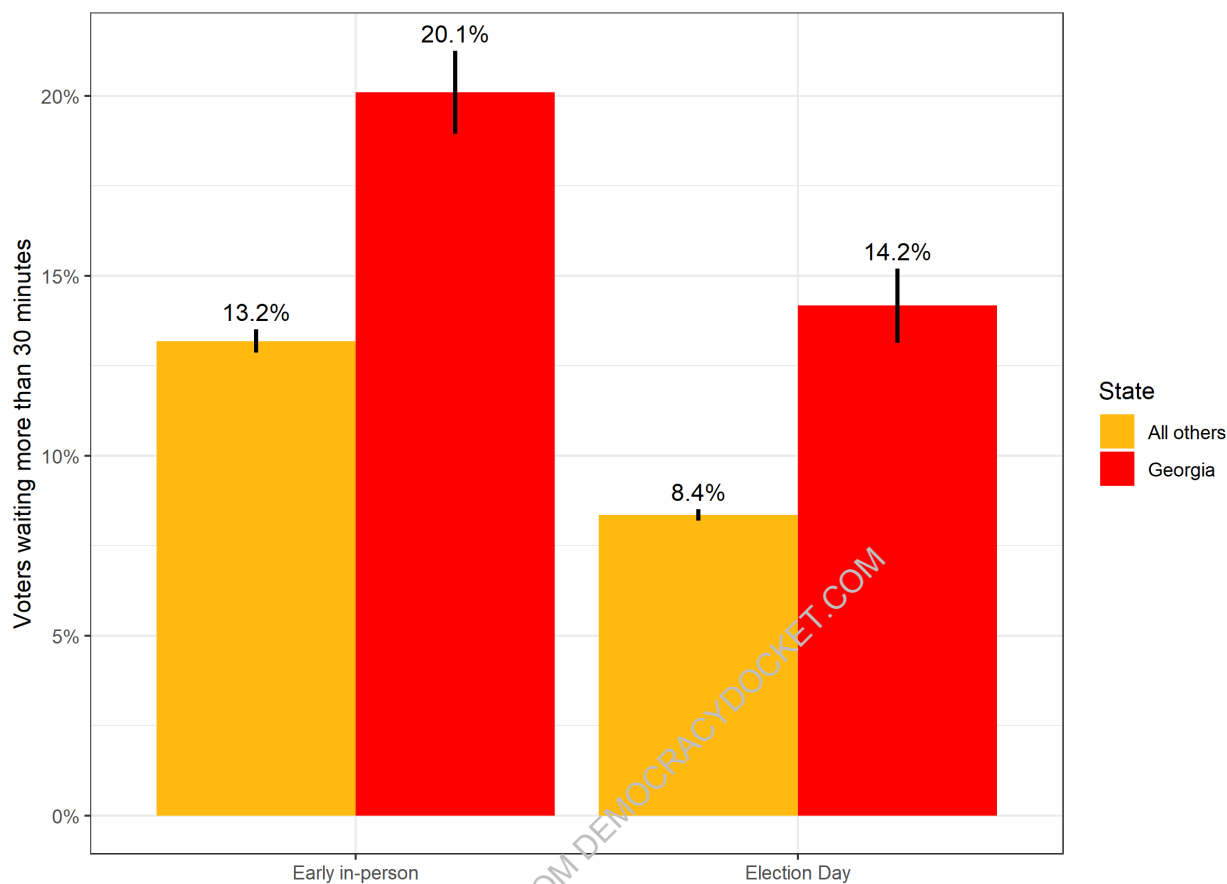
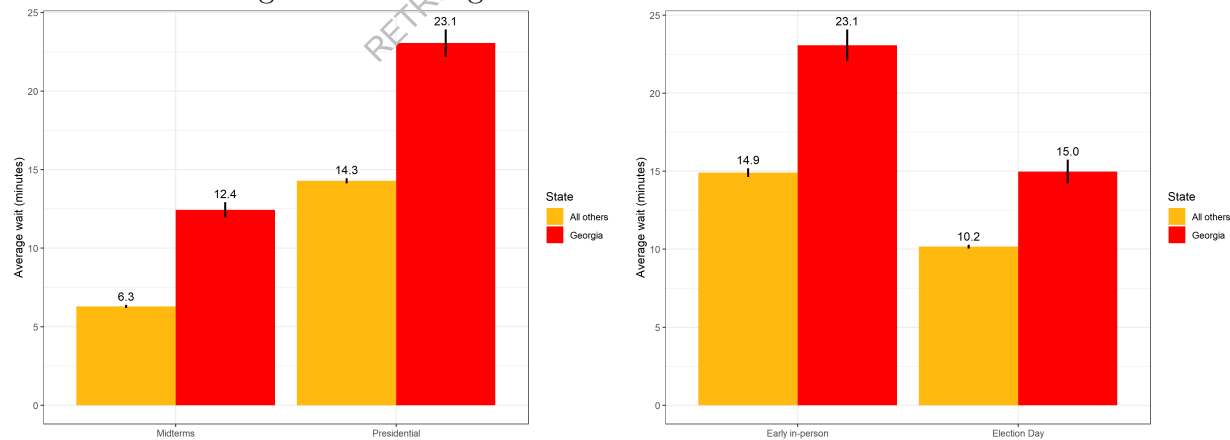
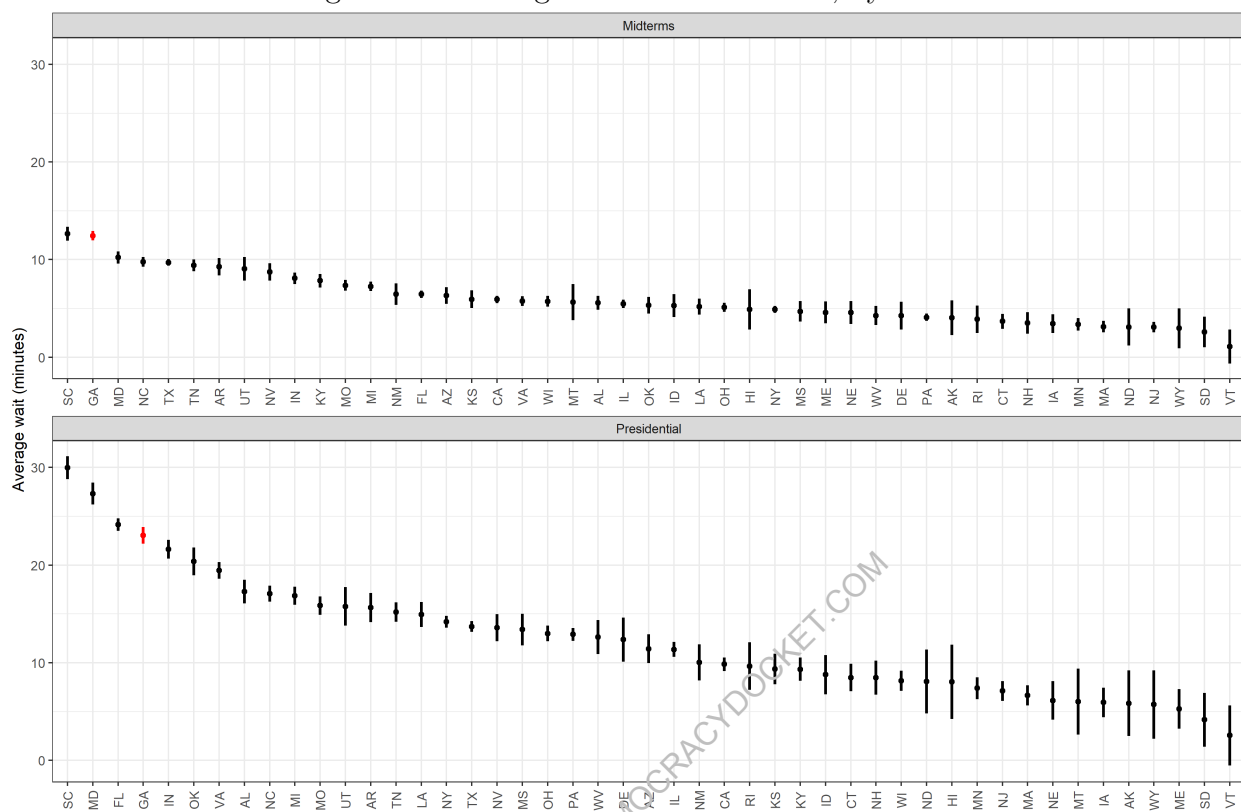


Figure 3.4: Average wait time of voters in recent elections



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.³³ 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

³³In 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.³⁴

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

³⁴There 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,³⁵ leveraging poll closing times,³⁶ stationing observers outside of polling places to record information about the flow of voters,³⁷ partnering with local officials to have poll workers record information about line lengths throughout the day,³⁸ and using cell phone tracking data.³⁹ 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 percentage of Georgia voters who waited at least 30 minute to vote,⁴⁰ broken down by whether the voter

³⁵Pettigrew 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).

³⁶Stephen 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.

³⁷Stein, et al. 2020.

Spencer and Markovits 2010.

³⁸Weil, Harper, Stewart, and Thomas 2019.

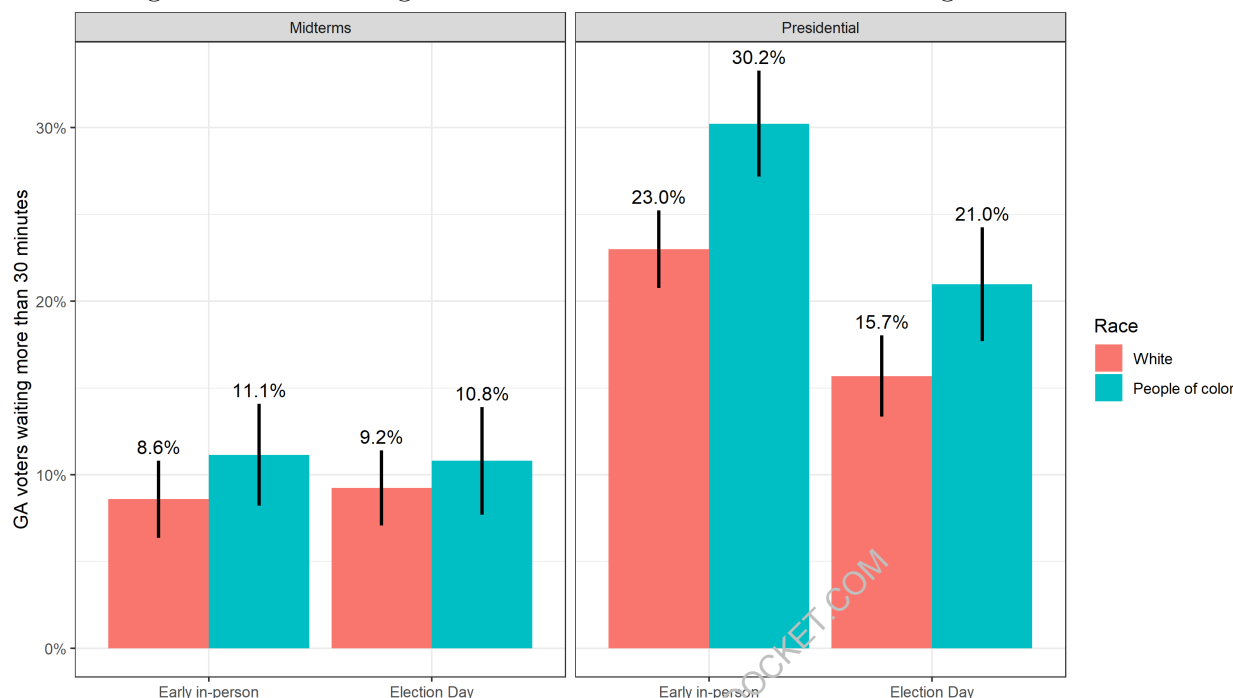
Fortier, Weil, Stewart, Harper, and Pettigrew 2018.

United States Government Accountability Office. 2013.

³⁹Chen, Haggag, Pope, and Rohla 2021.

⁴⁰The black bars are 95% confidence intervals around the estimate. A confidence interval is similar to a margin of error. In this instance, our best estimate of the true percentage is the top of each colored bar, and the black bars signify the margin of error around that best estimate.

Figure 3.6: Percentage of white and non-white voters waiting 30+ minutes



was white or a person of color.⁴¹ As these results show, white voters are less likely than voters of color to have to wait at least 30 minutes to vote, particularly in presidential elections.⁴²

For presidential elections, non-white voters are about 7.2 percentage points more likely to experience a 30 minute wait during the early voting period than white voters.⁴³ And they are 5.3 percentage points more likely to experience a 30 minute line on a presidential Election Day.⁴⁴

Lines tend to be shorter for everybody during midterm elections, so the discrepancy between white and non-white voters is smaller. Still, my analysis estimates that people of color are slightly more likely to experience a long line during early and Election Day voting for a midterm. 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.

Digging a little more closely into the data, Figure A.10 separates voters of color into

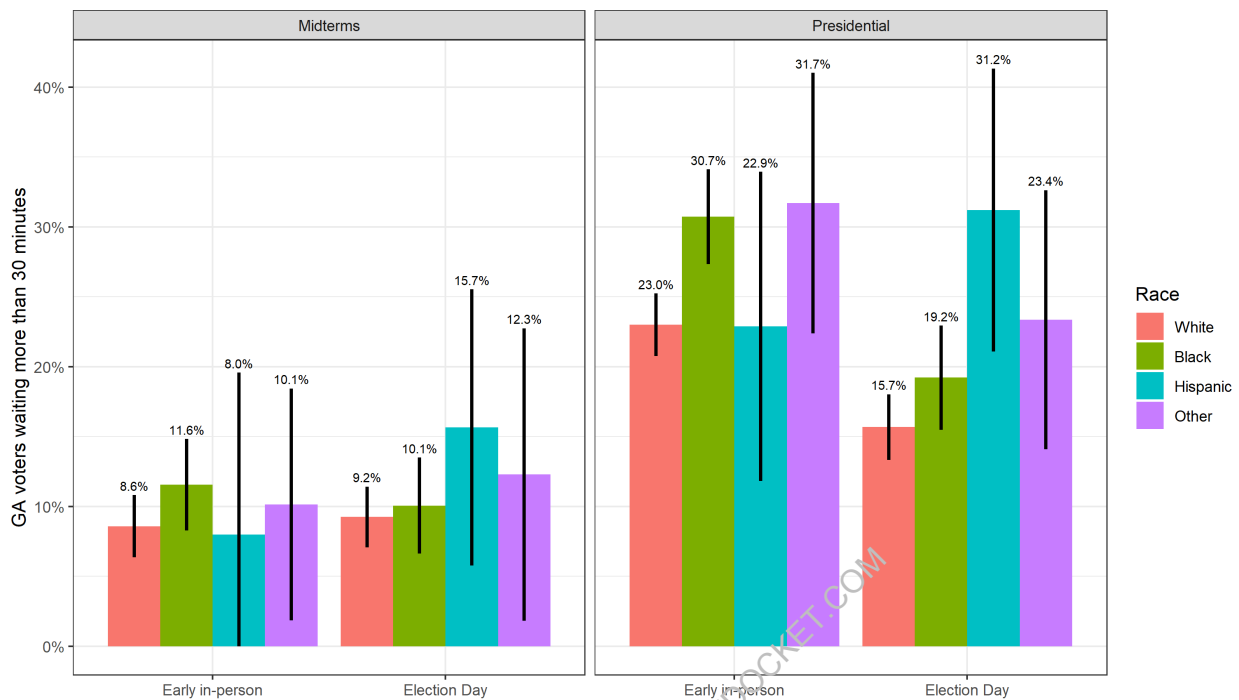
⁴¹Throughout this section, I will use “people of color” to denote anybody who is not both white and non-Hispanic.

⁴²I also replicated this analysis using the average wait time (in minutes) as the outcome of interest. This analysis also found that non-white voters’ average wait was significantly longer than white voters. The figure with these results can be found in Figure A.9 in Appendix Section A.6.

⁴³Statistically significant at $p < 0.001$

⁴⁴Statistically significant at $p < 0.01$.

Figure 3.7: Percent waiting over 30 minutes, by race

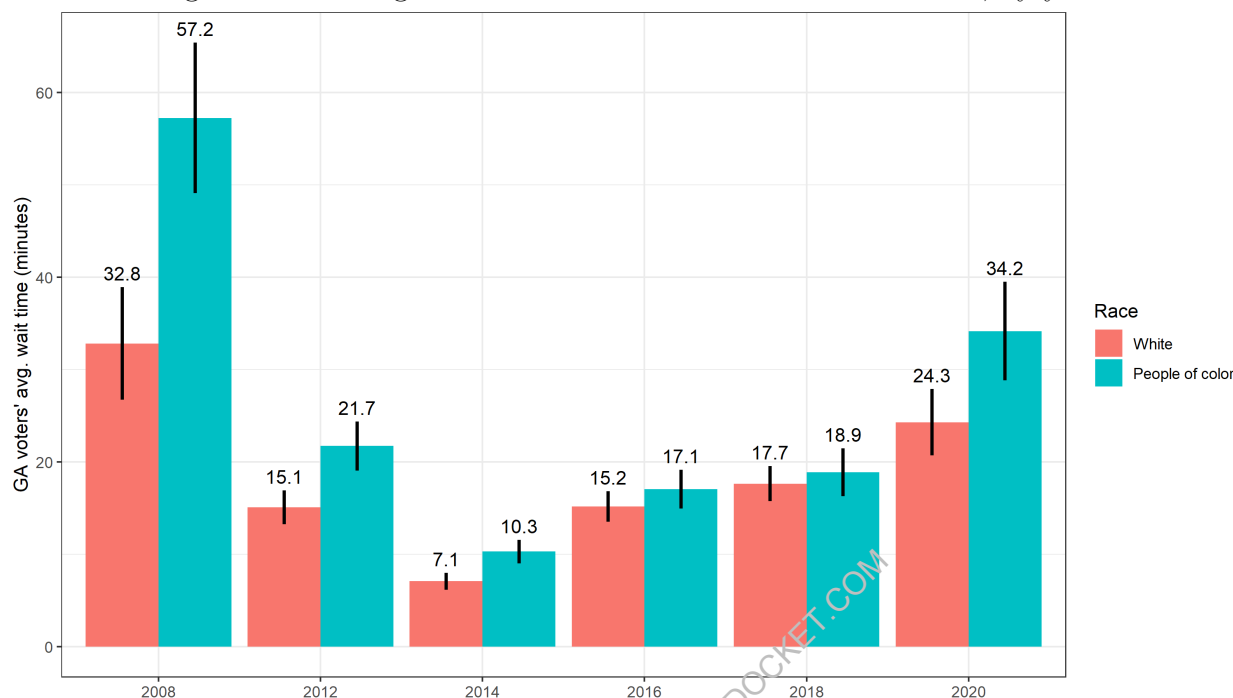


three categories: Black, Hispanic, and all other racial groups.⁴⁵ The patterns here are most clear for Black voters, who are consistently more likely than white voters to experience a long line. With the exception of Election Day voting during midterms, the average wait time for Black voters is significantly longer than those of white voters. I also find that Hispanic voters wait significantly longer 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.

Figure 3.8 shows that these patterns are not driven by just one or two elections. In 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

⁴⁵The analogous graph showing these results for the percent waiting more than 30 minutes is in Figure 3.7 in the appendix.

Figure 3.8: Average wait time of white and non-white voters, by year



time among people of color increased by 100% from 2016 to 2020, while it only increased by 60% for white voters. 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.

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

What explains these racial disparities in wait times for Georgia voters? 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,⁴⁶ and there are significant differences in the rates of college education between white and non-white voters. Higher turnout rates can also create longer lines—particularly if local

⁴⁶See, 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).

election officials do not anticipate or have the resources to deal with the extra congestion at polling places.

My research, published in *Political Science Quarterly*, answers the question of whether the racial gap in wait times is driven by factors like these.⁴⁷ 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 a preliminary 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.⁴⁸

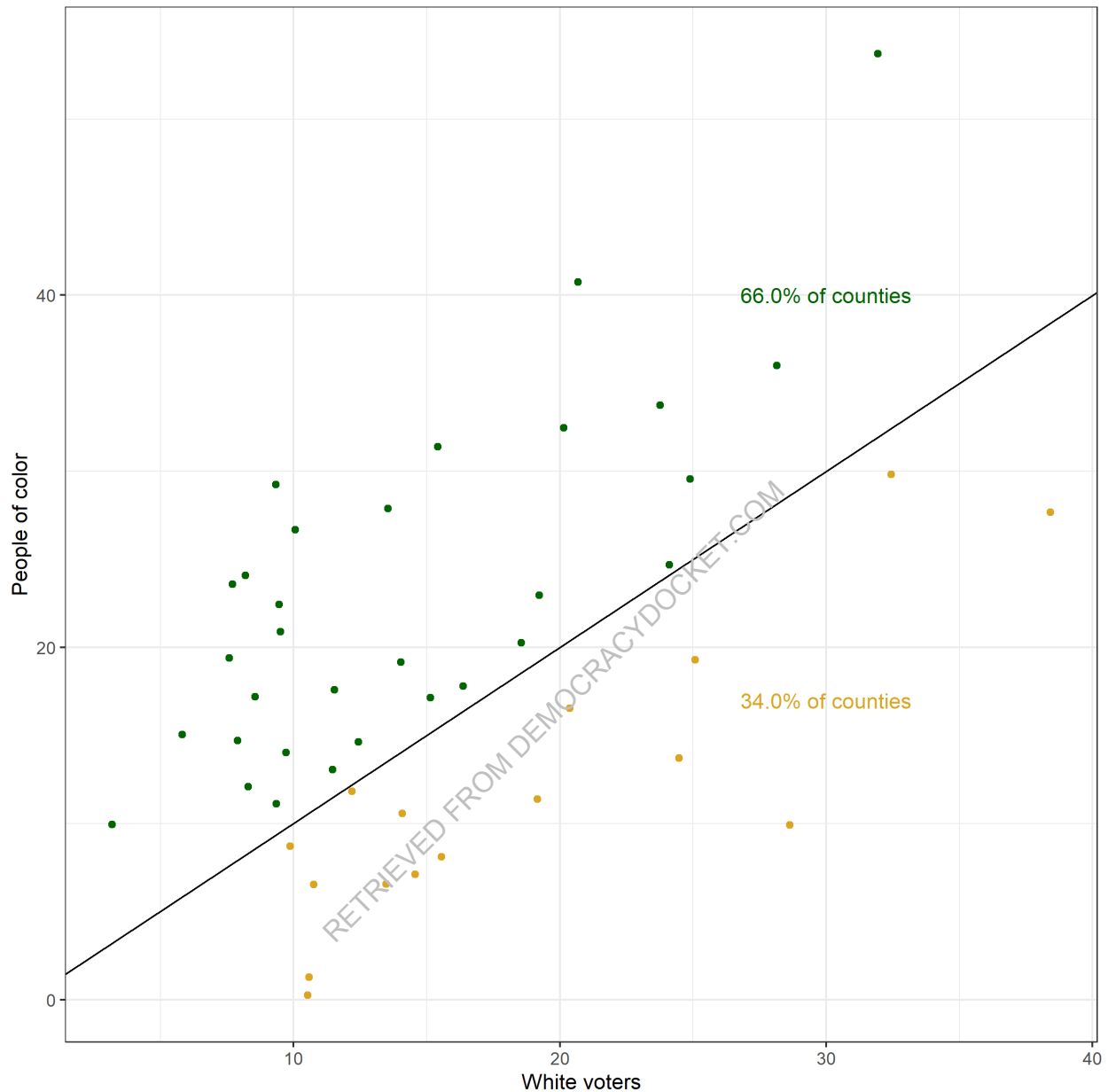
Although the sample size of individual counties are small, this graph provides some initial evidence that within counties, where differences in population density tend to be much smaller than density differences between counties, people of color are more likely to wait in a longer line to vote. In two-thirds of these counties non-white voters reported a longer average wait time than the white voters in their county.⁴⁹

⁴⁷Stephen Pettigrew. 2017. "The Race Gap in Precinct Wait Times: Why Minority Precincts are Underserved by Local Election Officials." *Political Science Quarterly* 132.

⁴⁸Out 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.

⁴⁹When 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.

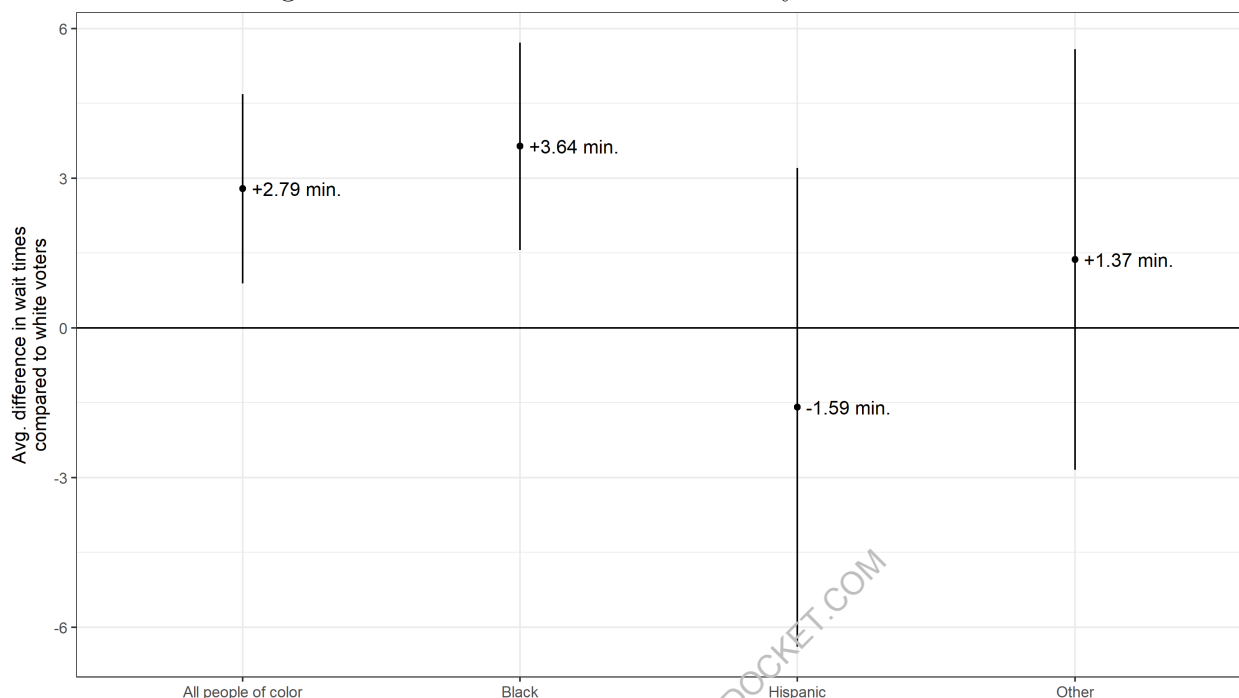
Figure 3.9: Average wait times in recent elections, by county



To further analyze this relationship using a larger sample, I estimated regressions that 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, 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

Figure 3.10: Wait times in all election years since 2006



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, and this difference is statistically significantly different from a difference of zero ($p < 0.01$).⁵⁰ 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.⁵¹

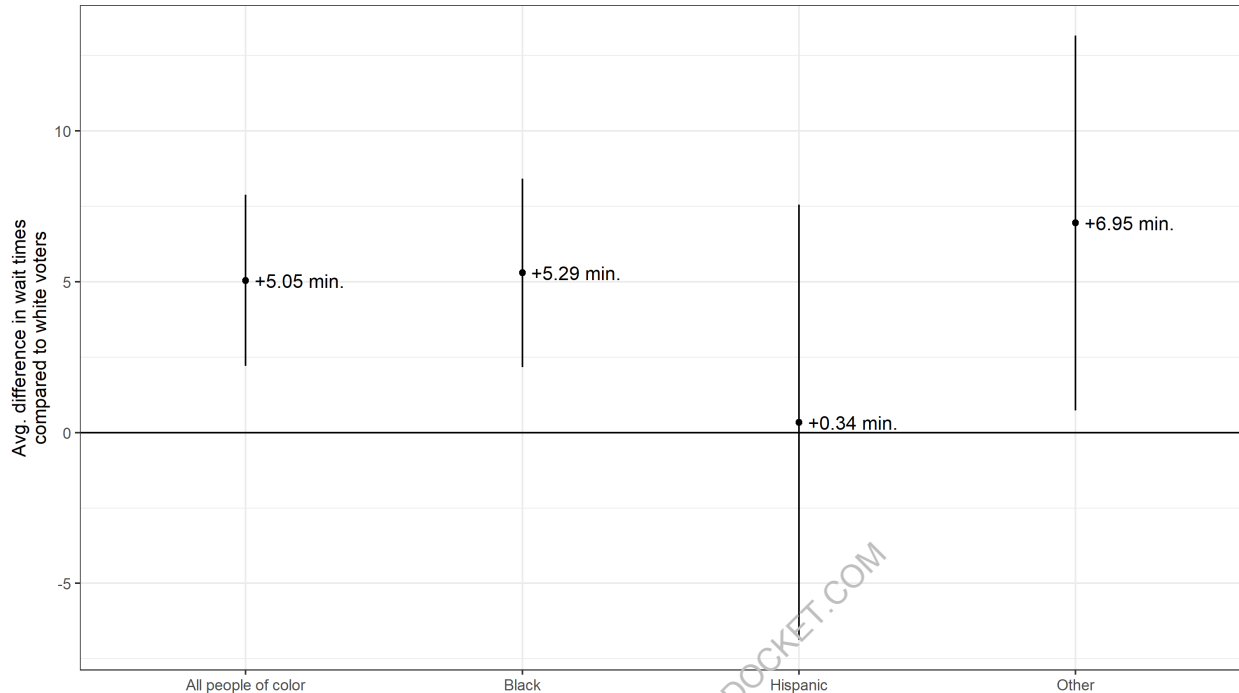
The results from pooling all election years does find evidence of a significant racial gap in wait times, although the magnitude of this effect is not enormous. This owes largely to the fact that midterm elections often can have shorter lines, so this makes for a smaller potential racial gap. When I separate out the data and only look at presidential election years, in Figure 3.11, I find that the sizes of the effects grow.⁵² 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

⁵⁰A full table of these regression results is available in Table A.4 in Appendix Section A.6.

⁵¹For 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.

⁵²A 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



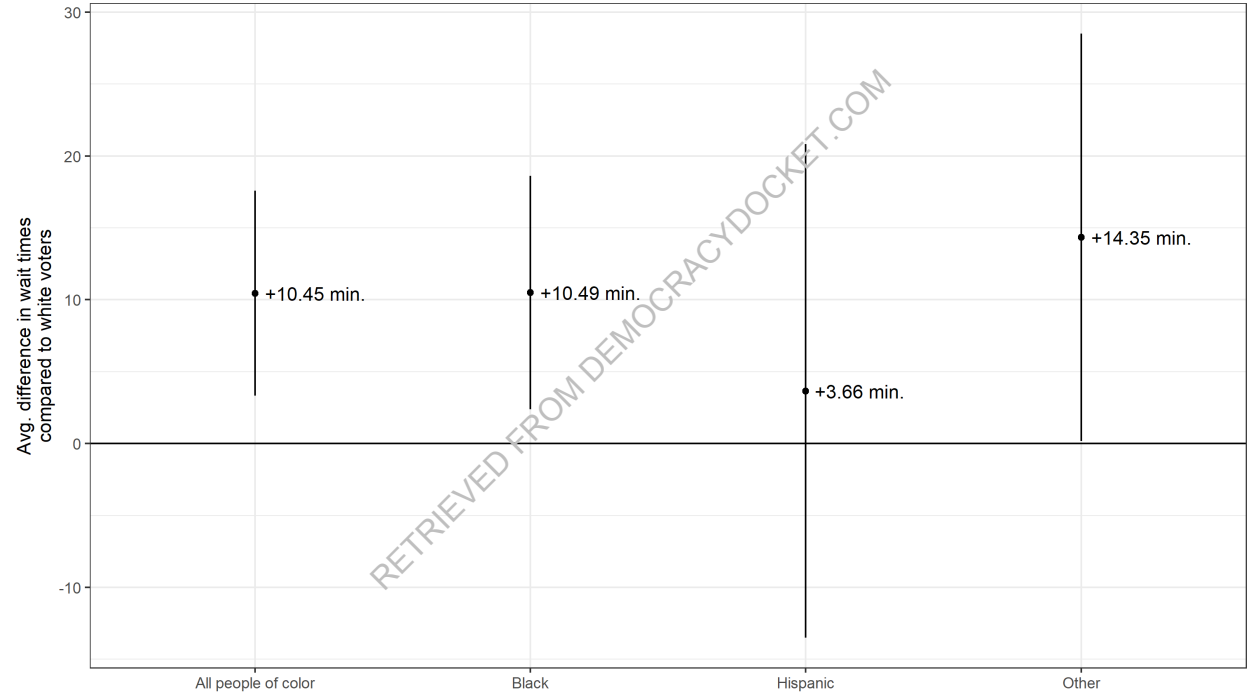
groups (primarily Asian-Americans and Native Americans) wait 6.95 minutes longer than white voters in presidential elections ($p < 0.05$). I do not find a statistically significant result for Hispanic voters, although this seems to be in part driven by the fact that there are only 170 Hispanic voters 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 ($p < 0.01$).⁵³ 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.

⁵³A 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

There are several provisions in SB202 that will have an impact on whether voters experience long lines to vote. Broadly speaking, these provisions fall into one of two categories. First, there are sections of the law that increase the burden on voters who are experiencing a long line. Second, there are changes that will increase the length of lines, particularly in areas with high concentrations of racial minority voters. The most impactful of these changes are the alterations to the vote-by-mail process and the runoff election schedule. These changes will have the consequence of either decreasing turnout overall or pushing more voters toward voting in-person, thereby increasing the length of lines.

It is also worth noting here that SB202 is not the only factor that may increase or decrease the length of lines in Georgia elections. The state or individual counties may alter their administrative procedures or voting technology, and those changes may have an impact on length length. But even if those changes have a positive impact on line length, that does not mean that SB202 does not have a net-negative impact on lines. And in fact, the money and effort spent by the state or counties on those line mitigation efforts may not be as necessary if SB202 were not the law.

4.1 SB202 places new burdens on voters waiting in line

4.1.1 Ban on providing food or water to voters in line

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 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."⁵⁴ 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 no matter the distance from the polling place, 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 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.⁵⁵

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

⁵⁴O.C.G.A. 21-2-570

⁵⁵See: <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>

where lines are expected to be the longest. This discourages those organizations from setting up these relief stations at all, making the experience of waiting in a long line even worse for Georgia voters.

In the absence of relief stations, SB202 sets up a realistic scenario of a voter being denied the ability to cast a ballot. At the time of polls closing, any voter that is in line can cast a ballot as long as they do not get out of line. A voter at the end of the day could be denied the right to vote if they step out of line to use a water fountain or to retrieve water from a line relief station that is set up in accordance with SB202's restrictions. This was not a problem prior to SB202 because line relief organizations could bring water bottles to voters standing in line.

This concern does not just apply to voters in line at the end of the day. When voting lines extend a long distance from the precinct building, a voter returning to the line after retrieving water are at the mercy of those around them in line to let them back in. Otherwise, they may have to join the end of the line or may leave entirely and not vote at all. None of this was a concern prior to SB202, because line relief organizations could provide water and snacks to voters while they stayed in line.

Lastly, SB202's strict rules about line relief make simple, helpful acts illegal. Imagine a voter who wishes to get water and those around them in line assure them that they can hold their spot in the line. If that voter returns with a second bottle of water for the person who held their spot, or even shared their water bottle with a family member, they would be committing a crime under SB202. The law is clear on this point: "nor shall any person give...any money or gifts, including, but not limited to, food or drink, to an elector." SB202 criminalizes getting out of line to refill a bottle of water at a water fountain and then sharing it with a family member or anybody else in line.

The line relief provisions in SB202 will have the largest 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 disproportionately impact on people who are most likely to encounter such a line. In Georgia, those voters tend to be non-white.

4.2 SB202 will negatively affect wait times

There are several provisions in SB202 that will have an impact on the logistics and flow of voters through polling places. Political scientists who study election lines have relied on the findings of queueing theory to help understand the impact that policy changes can have

on lines. Queueing theory is a branch of mathematics and operations research that provides explanations for how and why lines or queues form. The principles of queueing theory have been applied to the understanding of traffic on a highway, lines in grocery stores, computer processor efficiency, and in recent years, lines at polling places.

When it comes to election lines, queueing theory shows that one of the biggest things that can impact how long voters wait to vote is the number of voters who show up. Just as bottlenecks on the highway are more likely to occur when more cars are on the road at rush-hour, bottlenecks are more likely to occur at a polling place when too many voters show up at once. Poll workers can only check-in so many voters per hour and there are a finite number of voting machines on which to cast a ballot. When the number of arrivals push past the logistical capacity of the polling place, lines form. As the number of arrivals grows linearly, wait times grow exponentially.

These principles are closely related to another idea in queueing theory: the “elbow of death.” Researchers have colloquially used this term to describe when a polling place has reached its operational capacity and new voters arriving to vote cause wait times to grow exponentially.[Jacob Jaffe, Charles Stewart III, and Jacob Coblenz. 2018 “Modeling Voting Service Times with Machine Logs.” Available at: <https://dx.doi.org/10.2139/ssrn.3216178>] Adding just a few dozen voters to a precinct that has a reasonable average wait time (say, 10 minutes) can cause its average wait time to cascade to 30 or 45 minutes. As I show in the rest of this section, SB202 will cause lines to be longer for Georgians than they otherwise would have been, particularly among people of color.

4.2.1 Mail voting restrictions will push voters toward voting in-person or not voting at all

Many of the election administration changes made by SB202 impact the way that voters cast ballots by mail.⁵⁶ While it may not seem that these changes would impact wait times for in-person voters, queueing theory and political science research on voter behavior suggest otherwise. Put simply, increasing accessibility of mail voting is one of the most effective ways to shorten lines at polling places. As you increase the number of voters mailing in a ballot, you decrease the congestion at polling places, thereby decreasing the chances of a long line. SB202, however, adds several provisions that could make it less likely that voters will cast ballots by mail. The consequence of these changes is that it will either push more voters toward voting in-person (thereby increasing the length of lines) or being turned off from

⁵⁶Throughout this section I refer to “mail ballots” or “voting by mail.” I use these terms as synonyms to “absentee ballots” or “absentee voting,” and as contrasts to Election Day, early/advanced/absentee in-person voting.

voting at all.

Several major changes in SB202 impact the way in which voters can apply for and return a mail ballot. The law limits mail balloting by adding multiple restrictions on mail ballot applications. Amendments to Code Section 21-2-382(3)(A) place bans on any organization from sending mail ballot applications to any voter who has already requested one. Similarly, the law restricts any government officials from distributing mail ballot applications without prior request by a voter. Organizations are also banned from distributing pre-filled mail ballot applications. The law adds limits the number of dropboxes a county may set up for returning mail ballots.

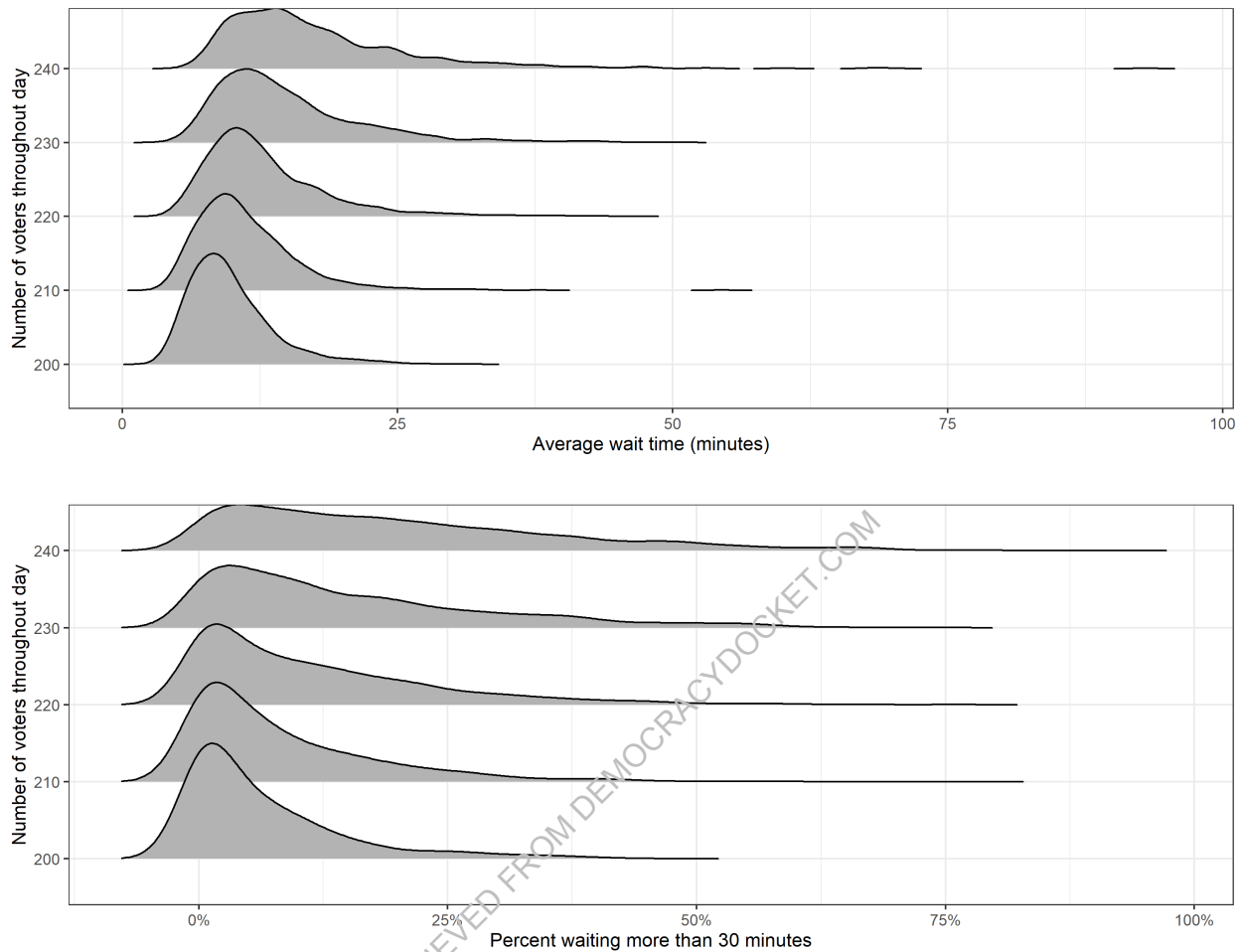
Any provision that tightens the rules for casting a mail ballot removes a critical tool available to local government for combating congestion at polling places. While it is beyond the scope of this report to estimate the exact impact that these changes will have on how many voters cast a mail ballot, it is reasonable to assume that these changes will not *increase* the rates of voting by mail, and are much more likely to decrease mail voting rates.

Even if these changes have a small impact on mail ballot rates in Georgia, they could have substantial impact on line length, particularly in areas with high concentrations of racial minorities where lines tend to already be long. To illustrate this, I used queueing theory principles to estimate how wait times are impacted by adding in-person voters who otherwise would have voted by mail. The idea of the simulations is to take two hypothetical precincts—one with short lines and one with long lines—and assess the impact that voters switching from mail to in-person voting would have on the wait times for people in those precincts.

In the first of these simulated precincts, I began with 200 voters arriving throughout the 12 hours that the polling place was open. To account for the queueing principle that clustered arrivals can impact wait times, roughly half of these voters arrived alone, one-third arrived with another person, and the remaining voters arrived in groups of three, four, or five. I calibrated number of seconds it takes to check-in a voter so that across simulations, the average wait time for voters was just 10 minutes. I then re-ran the simulation, each time increasing the number of in-person voters by 5 percentage points (i.e. from 200 voters, to 210, to 220, etc.).

The top of Figure 4.1 shows the average number of minutes voters waited to check-in across 1000 simulations of each scenario. There is a slight increase in the average wait time as the number of voters increases from 200 in increments of 5 percentage points. The bottom of the figure shows the percentage of voters who waited longer than 30 minutes. Again, while there is a slight increase in these percentages as the number of in-person voters increases, the changes are not dramatic.

Figure 4.1: Precinct A: 10 minute wait time when there are 200 voters



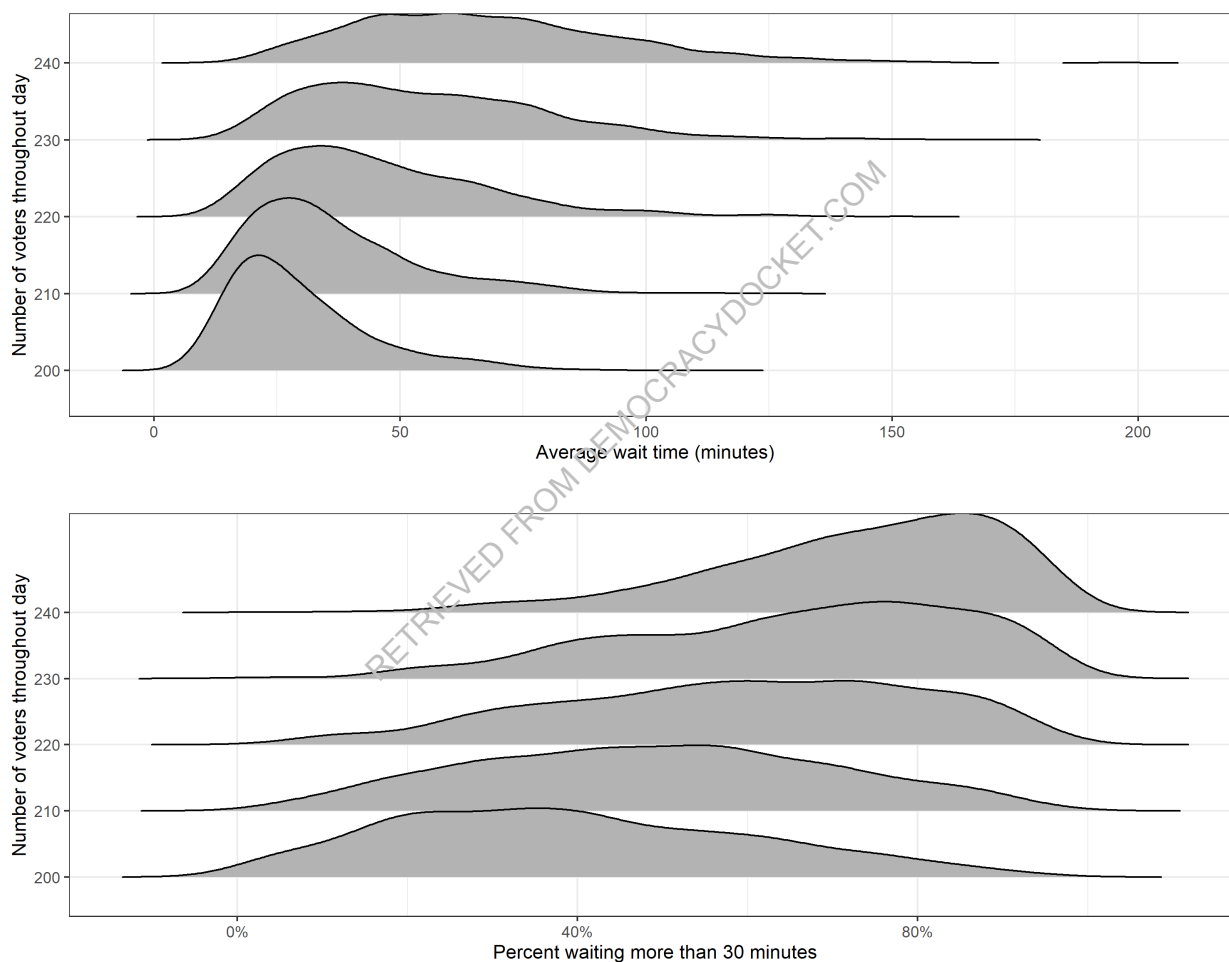
The scenarios presented in Figure 4.1 show the distribution of wait times and percent of voters experiencing a 30+ minute wait in Precinct A, depending on how many voters switch from voting by mail to voting in-person. Voters in this polling place can expect to see modest increases in the amount of time they wait in line, but even a 20 percentage point increase in the number of in-person voters (resulting from people switching away from mail voting) will not dramatically impact the experience of voters at polling places. When the number of in-person voters jumps from 200 to 240, the average wait time increase from 9.8 minutes to 17.6, while the percentage of voters experiencing a 30+ minute wait goes from 6.4% to 19.9%.

The scenarios in Precinct A are a sharp contrast to the simulations presented in Figure 4.2. In these simulations, I calibrated the model to mimic a precinct in Georgia that struggles to keep up with the volume of voters. In this case, 200 in-person voters puts the polling place at tremendous strain, with average wait times of approximately 30 minutes and about 40% of voters waiting more than half-an-hour to vote.

Table 4.1: Precinct A (standard errors in parentheses)

Number of Voters	Avg. wait in minutes	Voters waiting more than 30min.
200	9.8 (3.9)	6.4% (8.1)
210	11.2 (4.7)	8.5% (10.0)
220	13.0 (5.7)	11.5% (12.1)
230	14.9 (6.7)	15.0% (13.9)
240	17.6 (8.7)	19.9% (16.5)

Figure 4.2: Precinct B: 30 minute wait time when there are 200 voters



What Figure 4.2 and Table 4.2 illustrate is how dramatic an impact even a small increase in the number of voters can have. If just ten voters switch from casting a mail ballot to voting in-person, the expected percentage of voters at this precinct experiencing a 30-minute wait would jump from about 40% to nearly 50%. If the impact of SB202 on mail voting is even larger, then the downstream effect on polling place lines becomes catastrophic. An

Table 4.2: Precinct B (standard errors in parentheses)

Number of Voters	Avg. wait in minutes	Voters waiting more than 30min.
200	29.6 (14.7)	39.7% (21.2)
210	36.2 (17.2)	49.0% (21.0)
220	46.2 (21.8)	58.8% (21.1)
230	55.3 (24.7)	65.8% (19.8)
240	67.9 (27.0)	72.9% (16.6)

average wait time of 30 minutes becomes more than an hour when 40 additional voters show up at the polling place, and nearly three-quarters (72.9%) of voters will end up waiting in a line that is longer than 30 minutes.

The results in these graphs and tables highlight the principle of the “elbow of death.” Even small changes to a precinct (like ten additional voters) can have significantly larger impacts on places that are already near their capacity. When we take into account the fact that Black and other non-white Georgia voters already experience longer wait times than white Georgia voters, the implication becomes clear. Even if white and non-white Georgia voters switch from mail voting to in-person voting at the exact same rates, the impact of these switches will be much larger in non-white areas of the state, where precincts are already operating under strain.

My research on long lines also suggests another potential impact of tightening mail voting rules on voters experiencing long lines to vote. I have found that voters who live in an area with a long line in one election are significantly more likely to turn to voting-by-mail in subsequent elections.⁵⁷ This research shows that wide accessibility to mail voting can be a useful approach for combating long lines. SB202 makes this conversion from in-person voters into mail voters less likely by adding administrative barriers to voting by mail. The consequence is that those voters will either remain in-person voters in subsequent elections (making it more likely that long lines will persist) or they will abstain from voting entirely, thereby dropping overall turnout.

4.2.2 Shortening the runoff election schedule will increase line length or decrease turnout

Another major change in SB202 is that it changes the state’s runoff elections to be 4 weeks after a general or primary election, instead of the nine weeks it had been through 2020. This 28 day window between preliminary and runoff election makes the schedule for early

⁵⁷Pettigrew 2021.

in-person and mail voting extremely tight. First, the 28 day window is shortened by the fact that the results of the preliminary election are never known instantly.

Imagine that just one Georgia county does not complete its vote count and certification process until the Thursday after Election Day. In this scenario, a candidate could potentially request a recount, which they have two business days (Friday and the following Monday) to do. This would delay any preparation for a potential runoff election until just 21 days before the runoff. If the recount is granted, it would further cut into this 21 day window by at least a day or two.

Without knowing the results of the preliminary general or primary election, election clerks may not know which races will appear on the runoff ballot, making it impossible to send out mail ballots or prepare voting equipment for early voting. Voters may also not know whether a runoff will actually be held or (possibly) which candidates qualified, pending the results of the recount.

This leaves, at absolute most, 19 or 20 days to prepare for the runoff. Voters who wish to vote by mail must have their mail ballot application “received by the board of registrars or absentee ballot clerk no later than 11 days prior to the . . . runoff” (Section 25 (a)(1)(A)). Accounting for postal delivery time, this means they would have to submit the application by about 13 days before the runoff. This leaves less than a week for a voter to decide they want to vote by mail.

In the December 2022 Senate runoff, the biggest dropoff in turnout (compared to the November general election) was in the mail ballot counts. While the total number of ballots of all types in the runoff was about 90% of the ballot count in the general election, the number of runoff mail ballots was only 78% of the general election mail ballot count. This works out to be 54,821 fewer mail ballots counted in the Senate runoff than in the Senate general election.⁵⁸

The situation for early in-person voting is even worse. Prior to SB202, early in-person voting for runoff elections followed the same schedule as general and primary elections—16 mandated days of early voting. Under SB202, the early voting period for a runoff is now required to begin “no later than the second Monday immediately prior to such runoff” (Section 28 (d)(1)(B)). Because early voting ends on the Friday before the election, this leaves only 5 days of mandated early voting for a runoff. The lack of mandated weekend voting will have a bigger impact on racial minority voters (compared to white voters) because they tend to be more likely to vote on weekends than weekdays.⁵⁹ Counties have the option to begin early

⁵⁸These statistics were calculated by using the certified vote counts that are provided by the Georgia Secretary of State’s office: <https://results.enr.clarityelections.com/GA/>.

⁵⁹See, for example, Herron and Smith. 2014. “Race, Party, and Consequences of Restricted Early Voting in Florida in the 2012 General Election.” *Political Research Quarterly*. 67 (3).

voting earlier, but in 2022 only a handful of counties provided more than the 5 required days.

It is difficult to overstate the impact that these changes could have on line length for runoff elections. Fewer mail voters means either more in-person voters. Fewer days of early voting means either longer lines on the remaining early voting days or longer lines on Election Day. The only way that decreased mail voting and fewer early voting days does not impact the length of lines is if voter turnout goes down.

Although more comprehensive data were not available, I collected information about wait times during the runoff early voting period in a few counties where it was available in real time. Five counties—Clayton, Cobb, DeKalb, Fulton, and Gwinnett—displayed the current wait time at all their early voting locations. These counties are five of the six most populous counties in the state, making up more than a third (36%) of all the registered voters in the state.

On the Friday during the early voting period, I recorded every instance where a voting location updated the current wait time that displayed in each county's public dashboard. In all, I collected 742 wait time reports from the 66 early voting locations in these 5 counties. The data presented a clear picture that lines were catastrophically long on this day of early voting.

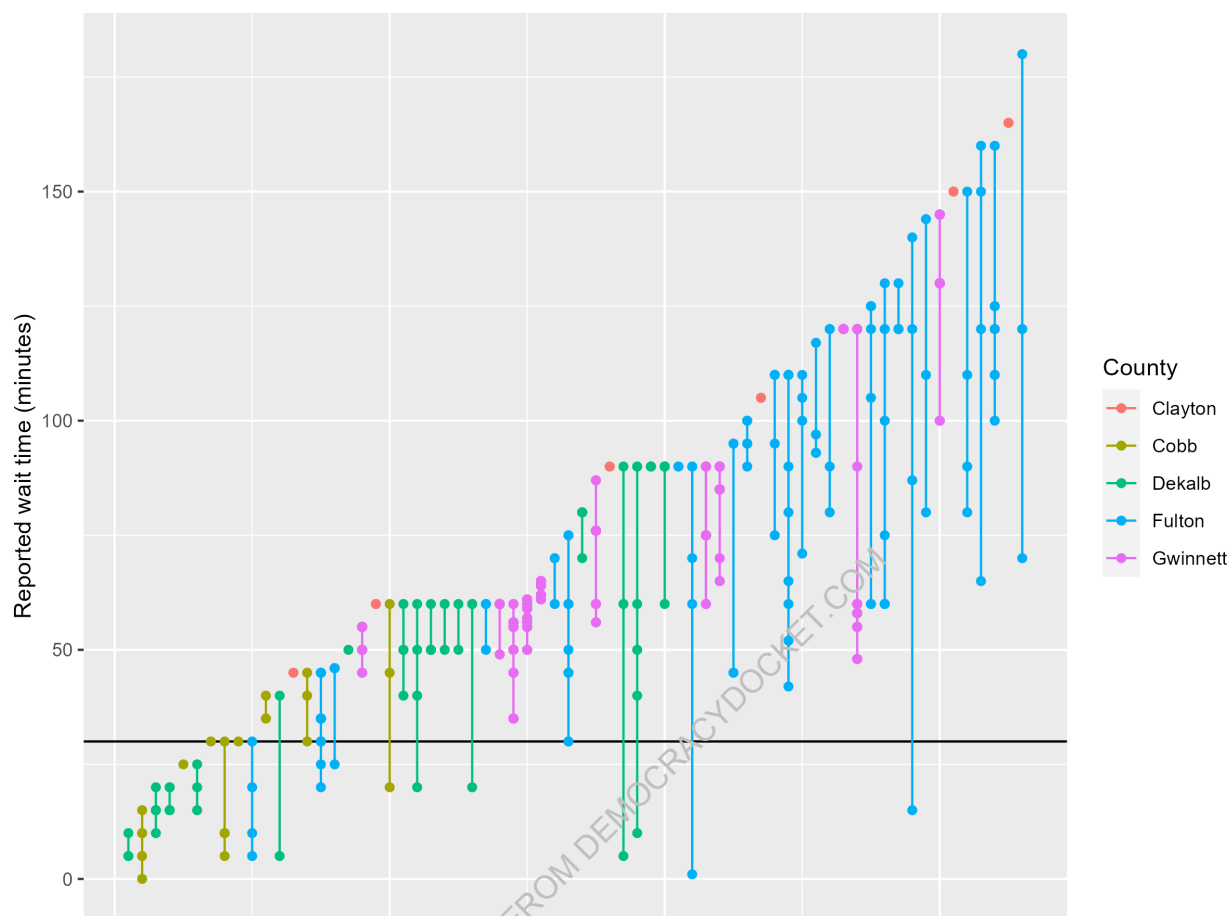
Of the 742 reports, 703 of them (94.7%) indicated that the wait time at the early voting location was currently at least 30 minutes. 496 reports (66.8%) indicated the line was longer than an hour. Of the 66 locations, 60 had a line of at least 30 minutes during the afternoon and evening that I captured the data. 48 locations had an hour-long line at some point on that day. And nearly a quarter of early voting sites (15) had a line that exceeded two hours.

Figure 4.3 provides a full picture of these 742 wait time reports. Each dot on the graph represents one of these reports. The all the reports from an specific early voting location are grouped vertically, with a bar extending from the shortest to the longest reported wait time at that location.

The figure shows that Fulton and Gwinnett Counties had the longest lines on this early voting day. Every single one of Fulton's 24 early voting locations had a line of at least 30 minutes at some point, and 21 of 24 had a line at least over 60 minutes. In Gwinnett County, all 11 early voting sites reported a wait of at least 45 minutes. Early voting sites in DeKalb County avoided lines in excess of two hours, but still have 11 of their 16 sites report a line over 1 hour. Lines in Cobb County were the best of these five counties, and yet 8 of their 12 early voting locations reported a line longer than 30 minutes.

If the wait times in these counties on Friday are indicative of what they were throughout the rest of the week, the 658,690 early voters in these five counties waited, on average, about 61 minutes to cast their ballot. These voters made up roughly 38% of all the early voters in

Figure 4.3: Wait times during early voting on Friday before runoff



the state. If you make the extremely generous assumption that early voters in the remaining 154 Georgia counties waited exactly 0 minutes to vote, you still end up with a statewide average wait time of over 23 minutes—nearly at the maximum reasonable wait time threshold prescribed by the PCEA Report.

4.2.3 Changes to early voting hours will not solve Georgia’s long line problem

Another major administrative change in SB202 is its rules on when early voting sites must be open. Previously, local election officials had more discretion in the days and hours that voters could cast a ballot prior to Election Day. Under SB202, counties are now required to offer early voting on every weekday and Saturday, beginning 22 days prior to Election Day and ending on the Friday before Election Day. During these days, advanced voting locations must be open from 9:00am through 5:00pm, and officials have the option to have them open

from 7:00am through 7:00pm. Sunday voting is not required under SB202, although county officials have the option of opening polling places on Sundays during the early voting period.

The bill claims that these changes in scheduling requirements will “dramatically increase the total voting hours” for Georgia voters. If it were the case that the law will have a dramatic impact on early voting hours, then it could have a positive impact on line length and wait times. However, my analysis below shows that these rules will have a minimal impact on line length for two reasons. First, most Georgia voters (and disproportionately white voters) live in a county that—prior to SB202—already offered at least as many hours of early voting as are required by SB202. Second, counties where lines were the longest in recent elections already tend to offer the most hours of early voting; the counties that will expand early voting hours under SB202 already had short lines.

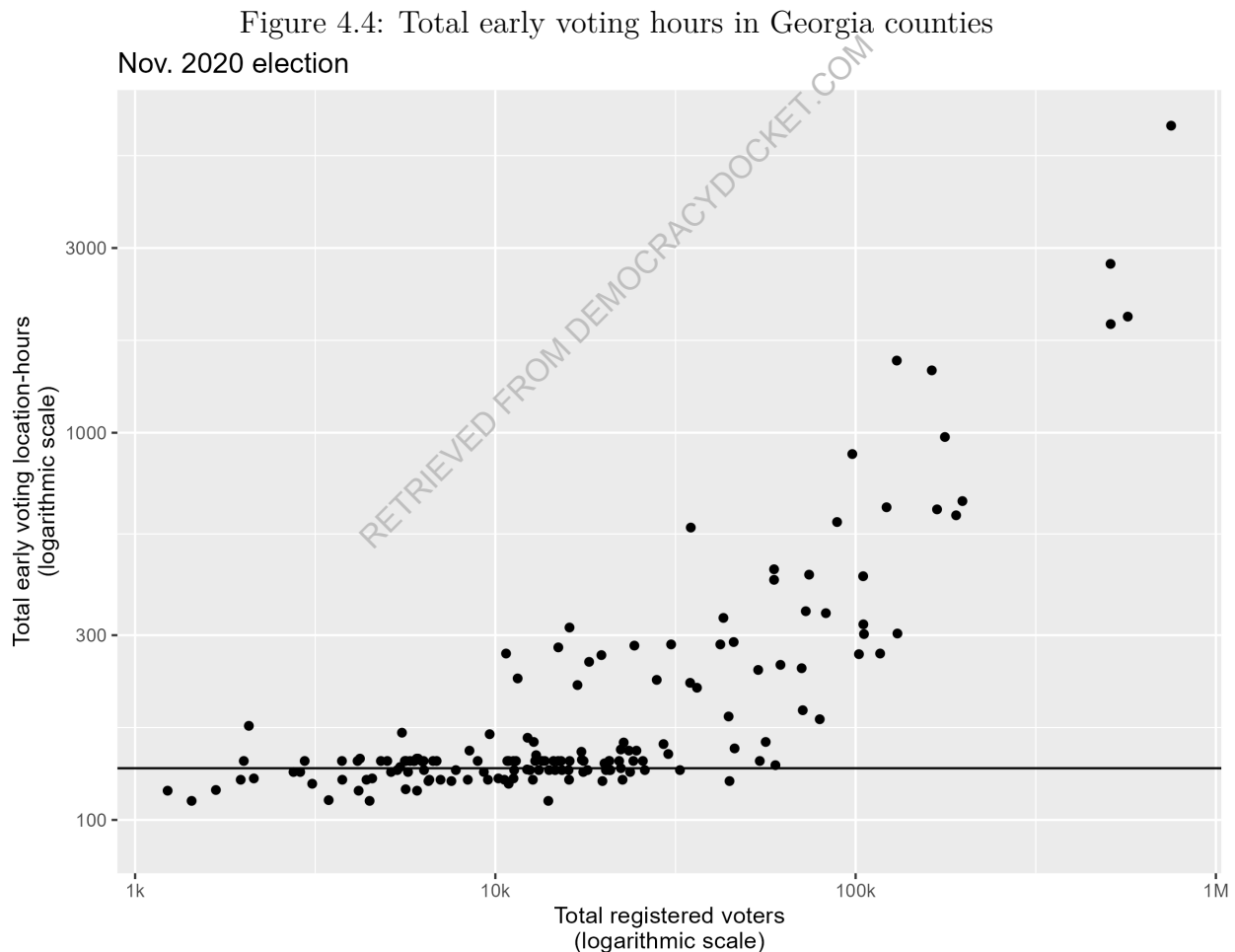


Figure 4.4 illustrates the first point. In it, each dot represents one Georgia county in the November 2020 election.⁶⁰ On the horizontal axis is the total number of registered

⁶⁰The data provided by the State did not include early voting hours for Cook County in 2020.

voters, and on the vertical axis is the total number of hours of early voting, adding up the number of hours each early voting site was open on each day. The black horizontal line at 136 represents the minimum number of hours of early voting required by SB202 (8-hours of voting on 15 weekdays, plus 8 hours of voting on 2 Saturdays). It is worth pointing out that SB202 provides guidance on the minimum number of early polling places a county must have open—only that they must have at least one site that is open during the 136 hours specified in the law.⁶¹ Of course, many large counties provide for many more than one early voting site. Fulton County, for example, had 37 early voting sites that were open about 8 hours a day for all 21 days of early voting—over 6,200 hours of early voting.

The clear take-away from Figure 4.4 is that counties that had fewer than 136 early voting hours in 2020 tended to be much smaller than the counties that met the requirements of SB202 before it was even adopted. 98 counties met the 136-hour standard, while 60 fell below that bar. Of those 60 counties, 20 of them had at least 134 hours and in most cases those counties needed to extend their Saturday closing time from 4:00pm to 5:00pm. The clear upward trend in this graph shows that larger counties are less likely to have to make changes to their early voting hours to comply with SB202.⁶²

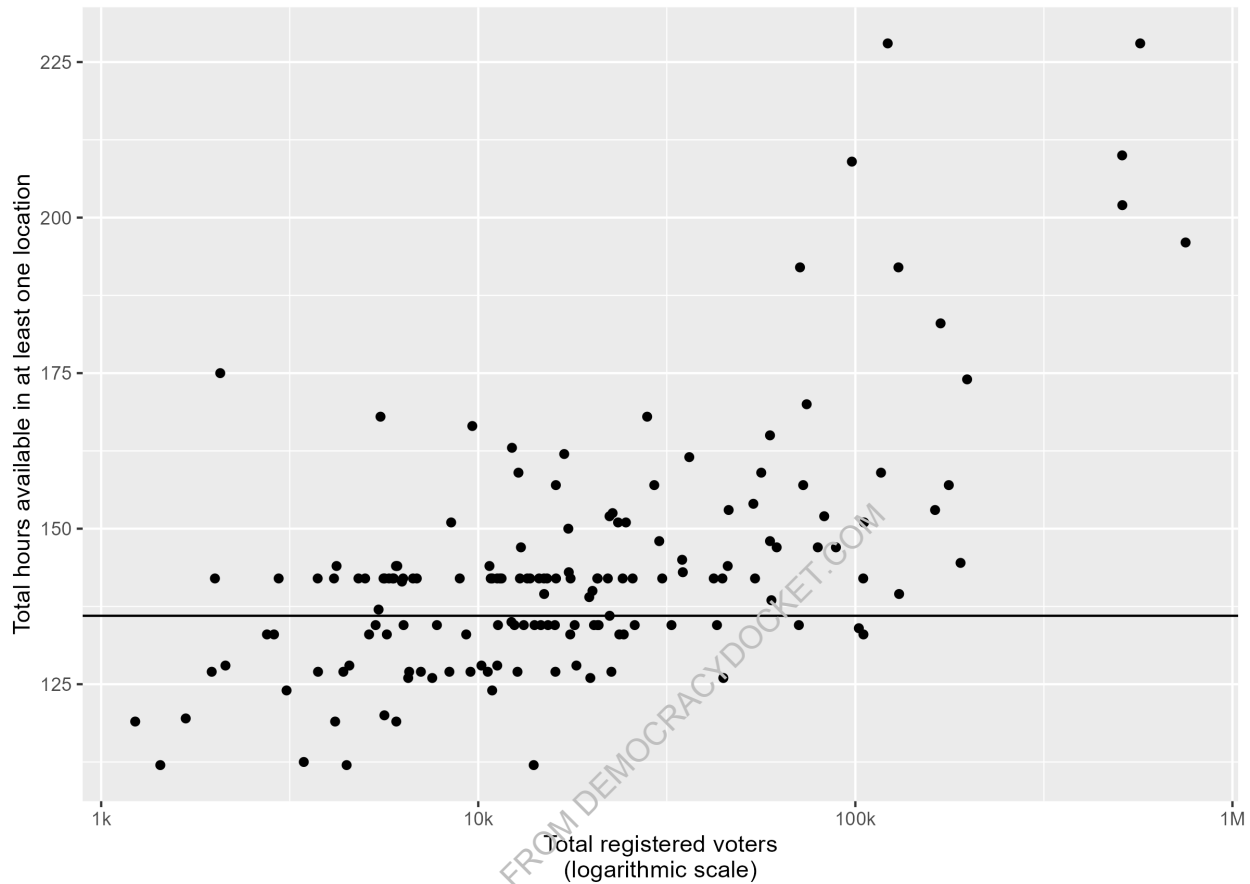
One possibility with this analysis is that by multiplying the available voting hours across all polling places, the graph may be masking counties that have lots of early voting sites but not many hours that they are open. Figure 4.5 assuages this concern. This graph is similar to the previous one, except this time the vertical axis shows the total number of early voting hours available in at least one location. If a county has five early voting sites open for 8 hours on the Friday before Election Day, that will only count as 8 hours in this graph, rather than 40 (as with the previous graph). The take-away from this graph is similar to the previous one. Counties with fewer voters are significantly more likely to fall below the 136-hour threshold, and thus require an expansion of early voting hours.

The reason this relationship between county size and hours of early voting is important is because it directly impacts how much SB202's changes can affect wait times. Table 4.4 provides an idea of how many voters will be affected by requiring every county to offer 136 hours of early voting. The 6.0 million voters represented in the top row of the table live in the 98 counties that will not have to add early voting hours to comply with SB202. The middle row represents the 483k Georgia voters who live in a county that will have to add less

⁶¹It is worth pointing out that while most Georgia counties will not have to add hours to comply with SB202, some will have to shift their opening/closing times on particular days to comply with the 9-to-5:00 requirement of SB202. Coweta County provides the most common example of this. In November 2020, the weekdays hours in Coweta were 8:30am to 4:30pm. In the May 2022 primary election, Coweta shifted its early voting hours to 9:00am to 5:00pm to comply with SB202.

⁶²This positive correlation between registered voters and total early voting hours is statistically significant ($p < 0.01$).

Figure 4.5: Available early voting hours in Georgia counties
Nov. 2020 election



than two hours to comply with the law. And the bottom row shows the 481k voters living in a county that will add more than two hours. This means that the wait times of 86.2% of Georgia's registered voters cannot be affected by the early voting provisions of SB202, since they live in a county that will not be required to expand early hours. Half of the remaining 13.8% of voters live in a county that will only be required to add a couple hours of early voting.

Georgia's voter registration data also makes it clear that whatever positive impacts will come from expanding early voting hours in these 60 counties will disproportionately

Table 4.3: How many voters will be impacted by expanded early voting requirements?

2020 early hours	sample	Reg. voters	Percent white	Percent Black
136+	783	6,029,607	50.6%	30.8%
134-135.5	62	482,977	69.4%	18.7%
<134	52	480,864	66.7%	22.6%

Table 4.4: How much can expanded early voting requirements help fix long lines?

2020 early hours	Avg. 2020 wait	Pct >30min in 2020
136+	28.8 min.	26.7%
134-135.5	19.2 min.	15.5%
<134	19.5 min.	10.1%

benefit white voters. Of the voters who live in counties that will not have to expand early voting, 50.6% are white and 30.8% are Black. The other two groups of voters are considerably more white—nearly 70%—and less Black—around 20%. This means that the group with that experiences the longest wait times to vote—Black voters—also has the least potential to be positively impacted by this provision in SB202.

The final reason that SB202's expanded early voting requirements are unlikely to alleviate long lines is that the counties most affected already have the shortest lines. Table 4.4 shows the 2020 wait time statistics for voters who live in counties that will or will not be affected by expanded early voting hours. As the table makes clear, voters who live in counties that had least 136 hours of early voting in 2020 experienced longer lines than those in counties that will expand early voting under SB202. Voters in the first category were 11.2 percentage points more likely to wait longer than 30 minutes to vote than voters who will experience a small increase in early voting hours.⁶³ And they were 16.6 percentage points more likely to experience a long wait than those in counties with larger expansions of early voting.⁶⁴

While setting minimum thresholds for early voting hours in Georgia is a welcome change to the law, I see no evidence in the data to suggest that this change will make a noticeable dent in the long wait times experienced by Georgia voters. The vast majority of voters live in counties that will not be required to change their early voting hours to comply with SB202. These voters also live in areas that tend to be afflicted by longer lines to vote—a problem that this provision of SB202 will not solve. Moreover, to the extent that the changes could have a small impact on wait times in some counties, that impact is more likely to be felt by white Georgia voters, who make up a significantly larger proportion of the voters impacted by this provision.

4.2.4 Shrinking precincts will not shorten lines

Another provision of SB202 that relates to line length is the requirement that a precinct be split apart if it had more than 2,000 voters and a line that persisted at least one hour past

⁶³Statistically significant at $p < 0.01$

⁶⁴Statistically significant at $p < 0.01$

poll closing time. While it seems logical that smaller polling places translate into shorter lines, this provision is unlikely to have the desired effect on line length, and may actually exacerbate the problem.

To understand why this is the case, it is important to understand that long wait times arise because the ratio of voters-to-resources (like poll workers, check-in machines, or vote-casting machines) is too high. My research (Pettigrew 2016) finds that under-resourced precincts is one of the biggest drivers of long lines. A precinct with 2,000 voters and 50 vote-casting machines is likely to have shorter lines than a precinct with 200 voters, but only 3 vote-casting machines.

Without requiring or providing money to counties to acquire additional resources for these problematic precincts, SB202 runs the risk of making the line problem worse for more voters. If you split a precinct in half and divvy the voting machines equally between them, you have not improved the voters-per-machine ratio. Lines are just as likely to develop. Even worse, if the resources cannot be equally divided (if, for example, there were 7 check-in stations in the old precinct), then the new precinct that received fewer resources is likely to experience lines that are even longer than before. And because lines grow non-linearly, the result could be that the average wait time across all voters in both precincts is actually worse than it would have been if the precincts had been kept as one. On top of all of that, research has shown that drawing new precinct boundaries can create voter confusion. A voter who finds out they are at the wrong location when they check-in to vote make the line longer for everybody behind them. SB202 also limits that voter's ability to vote by disallowing them from casting an out-of-precinct provisional ballot if it is earlier than 5:00pm.

Lastly, this change would not impact the vast majority of voters. In the November 2020 general election, only about 1-in-5 Georgia voters voted on Election Day. The other 80% of voters would not be affected by this change. And even among the 20% of Election Day voters, the majority of them do not live in a precinct that exceeds the 2,000 voters minimum for this provision to apply.

Section 5: Consequences of long lines

I turn now to the consequences that long lines have on voters. The most basic impact of waiting in a line is the time burden placed upon the voter—what has been referred to as a “time tax.”⁶⁵ Compared to those who live in areas with consistently short lines, voters who live in areas with chronically long lines must sacrifice more of their time to exercise their right to vote. This can be a particular burden for people who have less flexibility in their schedule, whether because they have constraints in their work schedule or because they have childcare or eldercare responsibilities.

In addition to these direct consequences of long lines, political scientists have considered two ways that lines can impact voters. First, they have estimated the impact that lines have on voter turnout in the current or future election. Second, they have considered the impact that lines have on voters’ confidence in the integrity of the electoral system as a whole.

5.1 Long lines decrease voter turnout in future elections

Perhaps the most impactful consequence of long lines is the effect that they have on voter turnout. There are two ways in which lines can have an impact on turnout. The first occurs when a voter joins the line but leaves before casting their ballot. This is referred to in queueing theory as “reneging.” Although it is difficult to collect data on reneging, the studies that do exist find, perhaps unsurprisingly, that longer lines tend to have higher numbers of people who renege by leaving the line.⁶⁶ Lines with as few as five people in them can significantly increase the chance that somebody will leave the line before voting.⁶⁷ Some of these voters may return at another time to cast a ballot, but limiting voting hours or early voting opportunities diminishes their opportunities to do so.

The second, and more significant, way in which long lines can impact voter turnout is by deterring voters from ever joining the line at all—referred to in queueing theory as “balking.” I have found in my own research, published in *Electoral Studies*, that the longer a voter waits in a line in one election, the less likely they are to vote in the next election.⁶⁸ Voters who

⁶⁵Elora Mukherjee. 2013. “Abolishing the Time Tax on Voting.” *Notre Dame Law Review* 85(1).
Donald L. Davison and Michael Krassa. 2019. “Time Taxes and Voting Queues: The Voting Rights Act after Shelby County, Alabama v. Holder (2013).” *National Political Science Review* 20(1).

⁶⁶Spencer and Markovits. 2010.

⁶⁷Stein, et al. 2020.

⁶⁸Stephen Pettigrew. 2021. “The downstream consequences of long waits: How lines at the precinct depress future turnout.” *Electoral Studies* 71.

waited more than one hour were 1.6 percentage points less likely to turnout in future elections than voters who waited less than 15 minutes. And those who waited between 31 and 60 minutes were one percentage point less likely compared to those where lines were short.

To arrive at these estimates, I used several different data sources and statistical approaches. Using demographic and turnout history information, I paired voters who lived in neighborhoods with long lines to voters in neighborhoods with short lines. This approach allowed me to conclude that, “When selecting two voters from the same state, who are the same race and similar age, have the identical turnout history, and live in neighborhoods with nearly identical demographic profiles, the voter who lives in the neighborhood with an average wait of more than an hour was 1.6 percentage points less likely to vote... than their counterpart in a neighborhood with an average wait of less than 15 minutes.”⁶⁹

Other researchers have found similar results using different data sources and empirical approaches. Cottrell, Herron and Smith (2020) using precinct-level data in Florida to compare voters in polling places with short lines to those with long lines.⁷⁰ They find that each hour an in-person voter spends waiting in line to vote is associated with a one percentage point drop in the likelihood of future turnout. They characterize this finding as “qualitatively similar” to the result in my own work.

While these effect sizes may seem small, it is important to remember the large number of people affected by long lines in Georgia. In the 2020 presidential election, 8.7 percent of in-person voters in Georgia waited more than 60 minutes to vote and another 15.9 percent waited between 31 and 60 minutes. There were over 3.67 million ballots cast in-person in the presidential race, meaning that approximately 319,000 Georgians waited longer than an hour and another 583,000 waited between 31 and 60 minutes.

Based on the estimates of the effects of long lines on turnout, this translates into nearly 9,000 voters who would not have turned out in 2022, due to their experience in a long line in 2020. In a state as closely divided as Georgia—President Biden won the state by just under 12,000 votes in 2020—a drop-off of several thousand voters can be hugely consequential on electoral outcomes. Even more consequently, I showed in Section 3.3 that long lines tend to afflict voters of color more than white voters. Because of this, dropoff in future turnout due to long lines will more heavily affect those communities of racial minorities. Policies, like SB202, that increase the length of lines diminish the political power of racial minorities.

⁶⁹Pettigrew, 2021.

⁷⁰David Cottrell, Michael C. Herron, and Daniel A. Smith. 2021. “Voting Lines, Equal Treatment, and Early Voting Check-In Times in Florida.” *State Politics & Policy Quarterly*. 21(2), pp 109-138.

5.2 Long lines diminish voter confidence in the integrity of elections

One of the main justifications provided in SB202 for changing Georgia’s election administration laws was that it would help improve confidence in the electoral system as a whole. The bill, which is titled the “Electoral Integrity Act of 2021,” alludes to a “significant lack of confidence in Georgia election systems” and suggests that the legislation is meant to “address the lack of elector confidence in the election system.” Political science research on the topic of voter confidence has found that one of the biggest drivers of a person’s confidence in the accuracy of an election’s results is whether or not their preferred candidate won.⁷¹ Voters who supported a winning presidential candidate are about 22 percentage points more likely to believe that their own vote was properly counted and 32 percentage points more likely to trust in the vote count in their county. This provides some explanation for why some Republican voters in 2020 were open to the message that the election had been stolen. Thinking specifically about Georgia, political science research would predict that voter confidence among Georgia Republicans—which was extremely low following Republican losses in most statewide races in 2020—should bounce back in 2022 after the Republicans won elections for all eight statewide Constitutional offices. This bounce-back in confidence would have happened regardless of whether SB202 existed or not.

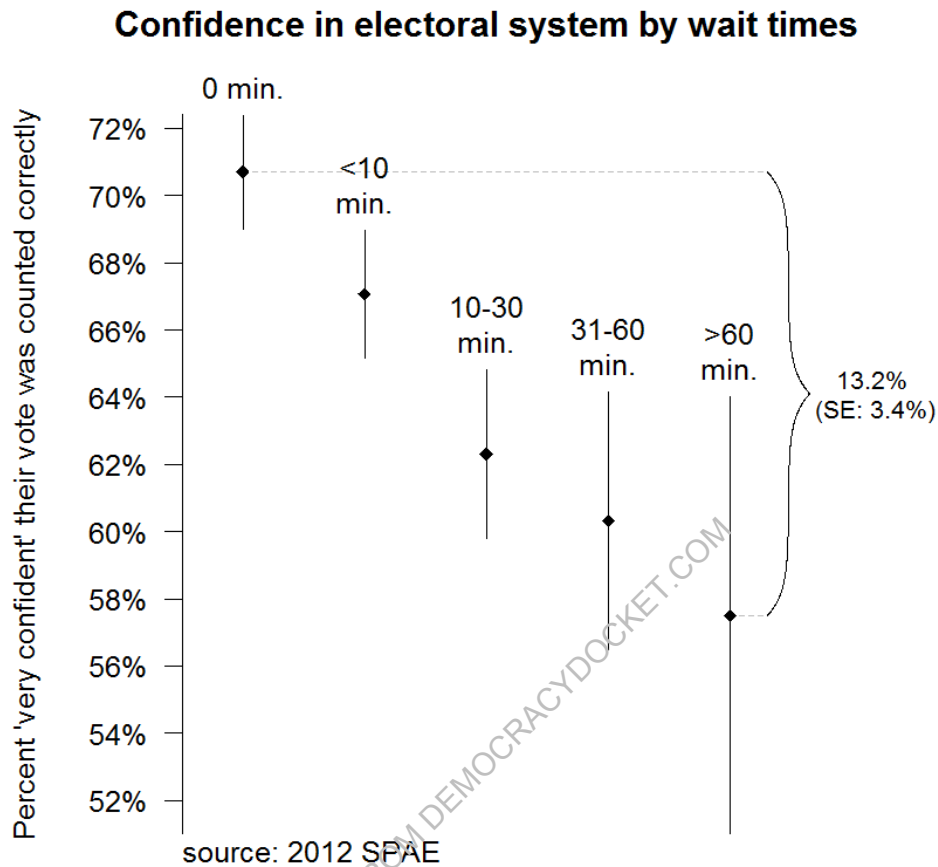
Although it is not possible to have a democratic system in which every voter’s preferred candidate wins, research has found that there are some ways in which legislators and policymakers can have an impact on voters’ perceptions of electoral integrity. The key way to do this is by improving the quality of the voting process, particularly when it comes to what might be referred to as the “customer service” aspect of elections. Voters who feel like they received good customer service at the polling place are more confident that poll workers will properly count their vote and that the final results are accurate.

Research has found that long lines are one of the biggest ways to erode voter confidence. My own research⁷² has found that the longer somebody waits in line to vote, the less confident they are that their vote was counted correctly. Figure 5.1 reproduces Figure A1 from that research. It shows that of voters who did not wait at all, 71% reported being “very confident” that their vote was counted properly. Only 61% of voters who waited between 31 and 60 minutes and just 58% of those who waited more than an hour had that confidence. These dropoffs, which are statistically significant ($p < 0.01$), demonstrate the important role that the precinct experience can have on voters’ overall beliefs about election integrity.

⁷¹Sances, Michael W. and Charles Stewart III. 2015. “Partisanship and confidence in the vote count: Evidence from US national elections since 2000.” *Electoral Studies* 40. 176-188.

⁷²Pettigrew, Stephen. 2021. “The downstream consequences of long waits: How lines at the precinct depress future turnout.” *Electoral Studies* 71.

Figure 5.1: Voter confidence in the electoral system, by wait time



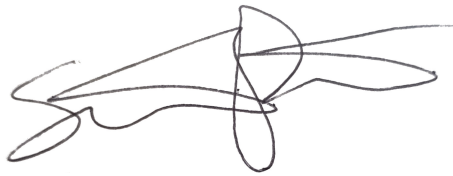
Other researchers have studied the issue of long lines and voter confidence and reached similar conclusions. Herron, Smith, Serra, and Bafumi find in their 2017 article that voters who waited in a long line were significantly less confident that their ballot would be counted properly.⁷³ They also find that those voters were also significantly less confidence that the contents of their ballot would remain a secret. The authors summarize their findings by saying, “voters who experience long lines may be disproportionately skeptical that their votes will be kept secret or will be counted” and that this finding, “should be a concern to all local election administrators.”

These findings suggest that SB202 has the potential to have a net-negative impact on voters’ confidence in the electoral system. As Georgia voters find it more difficult to vote by mail, they will either not vote at all or opt to vote in-person. If they choose the latter

⁷³Michael C. Herron, Daniel A. Smith, Wendy Serra, and Joseph Bafumi. 2017. “Wait Times and Voter Confidence. A Study of the 2014 Midterm Election in Miami-Dade County.” From *Races, Reforms, & Policy: Implications of the 2014 Midterm Elections*. Edited by Christopher J. Galdieri, et al. University of Akron Press.

approach, my analysis suggests that they make it more likely that all voters in their precinct will encounter long lines, casting doubt upon the integrity of the electoral system in the minds of those voters.

I declare under penalty of perjury that the foregoing is true and correct. I reserve the right to supplement this report in light of additional facts, testimony, and/or materials that may come to light. Executed on January 13, 2023 in Philadelphia, Pennsylvania.

A handwritten signature in dark ink, appearing to be 'Stephen Pettigrew', with a stylized, overlapping loop structure.

Stephen Pettigrew, PhD

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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)

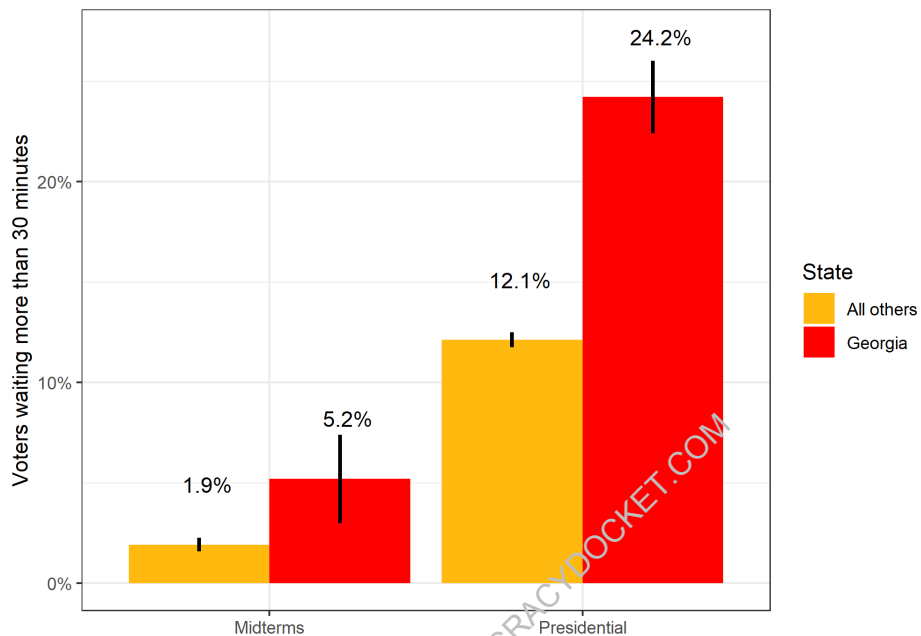
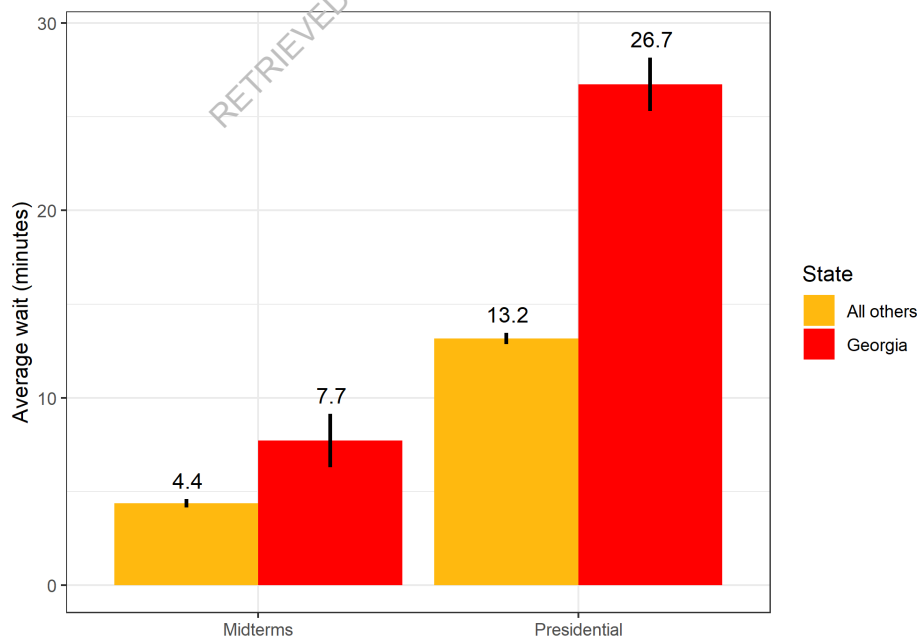


Figure A.2: Average wait time (SPAE data)



A.3 Voters waiting more than 60 minutes

Figure A.3: Voters waiting more than 60 minutes

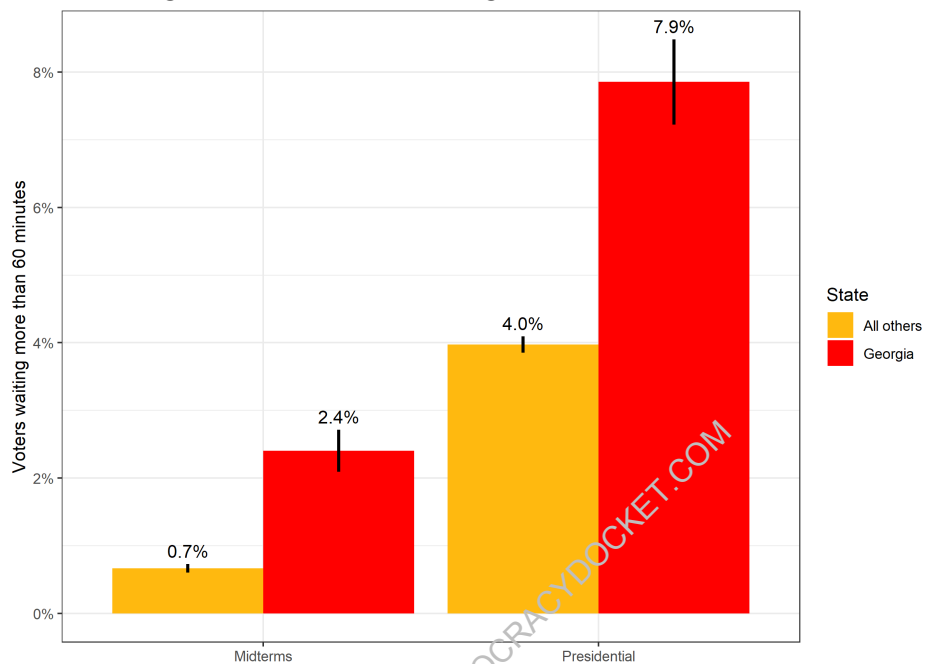
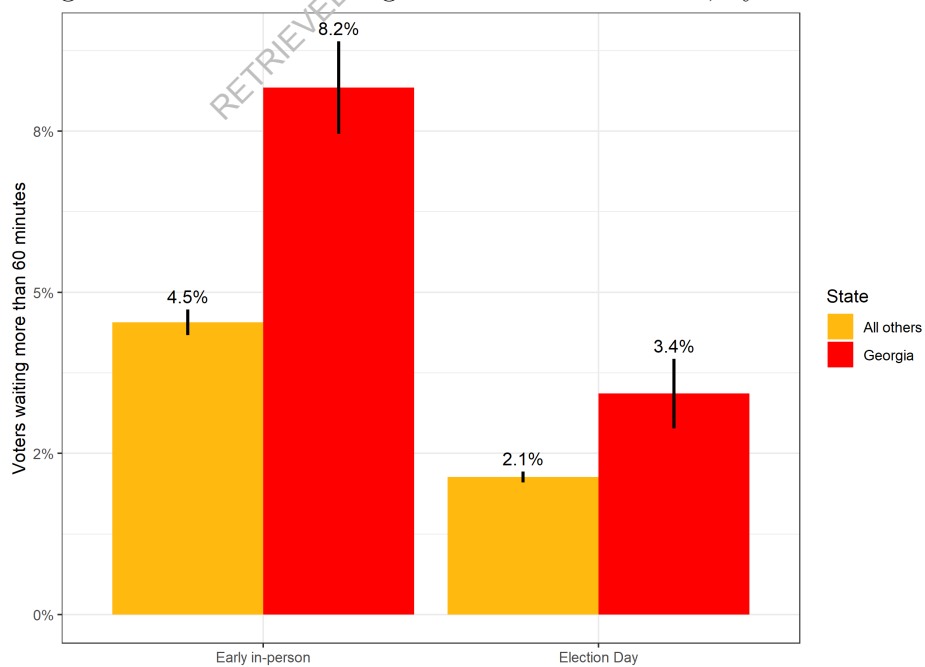


Figure A.4: Voters waiting more than 60 minutes, by vote mode



A.4 Wait times in each state

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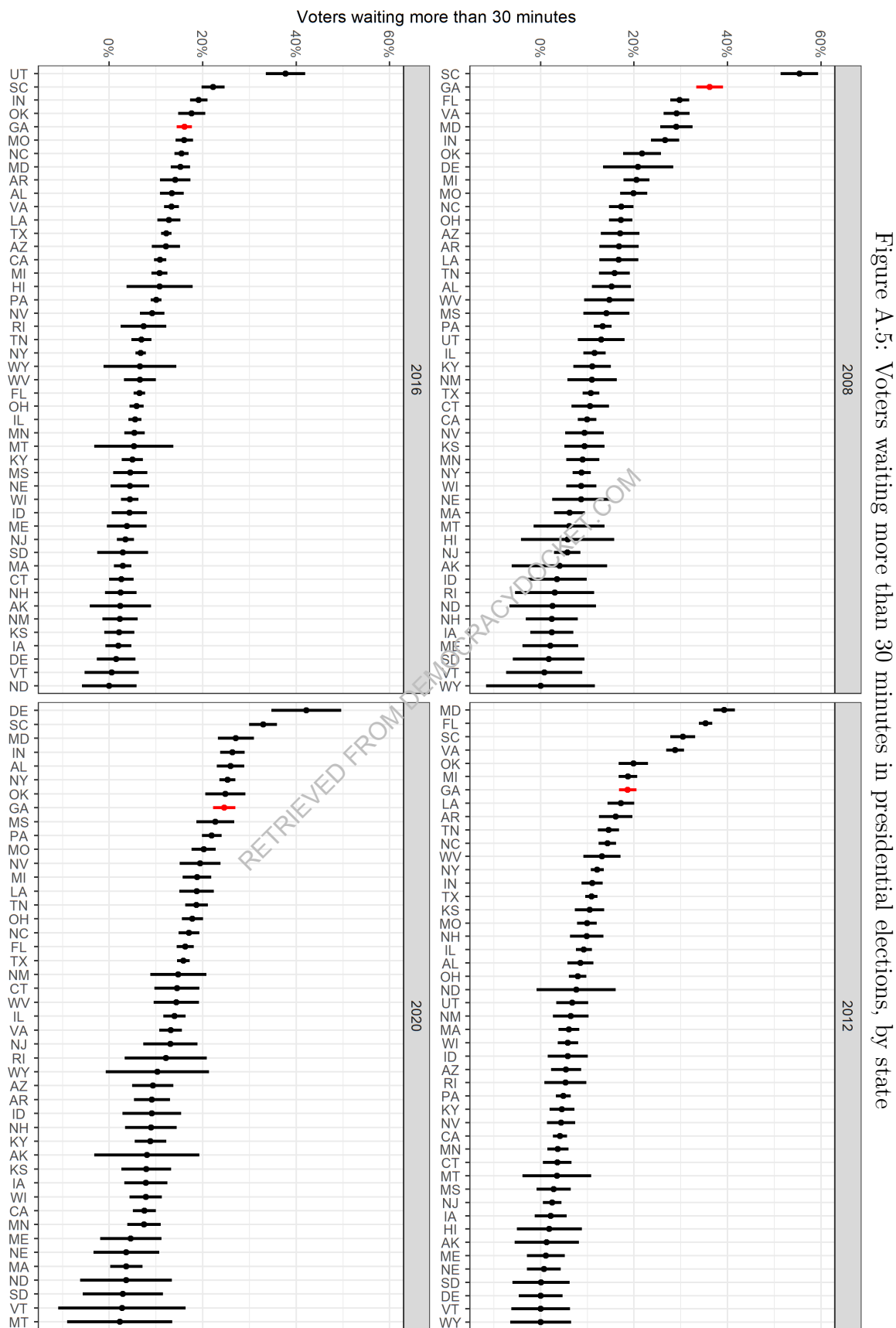


Figure A.5: Voters waiting more than 30 minutes in presidential elections, by state

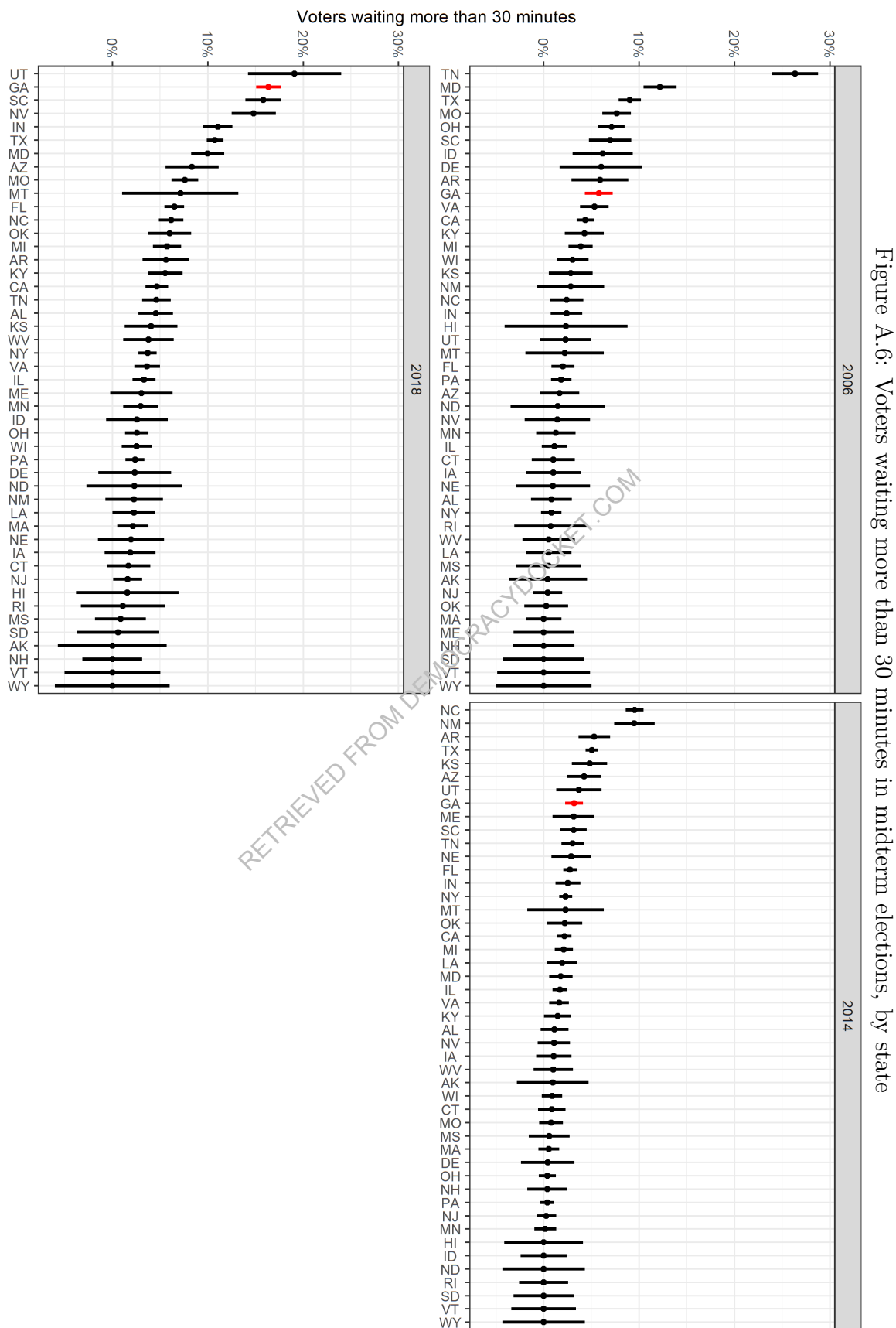
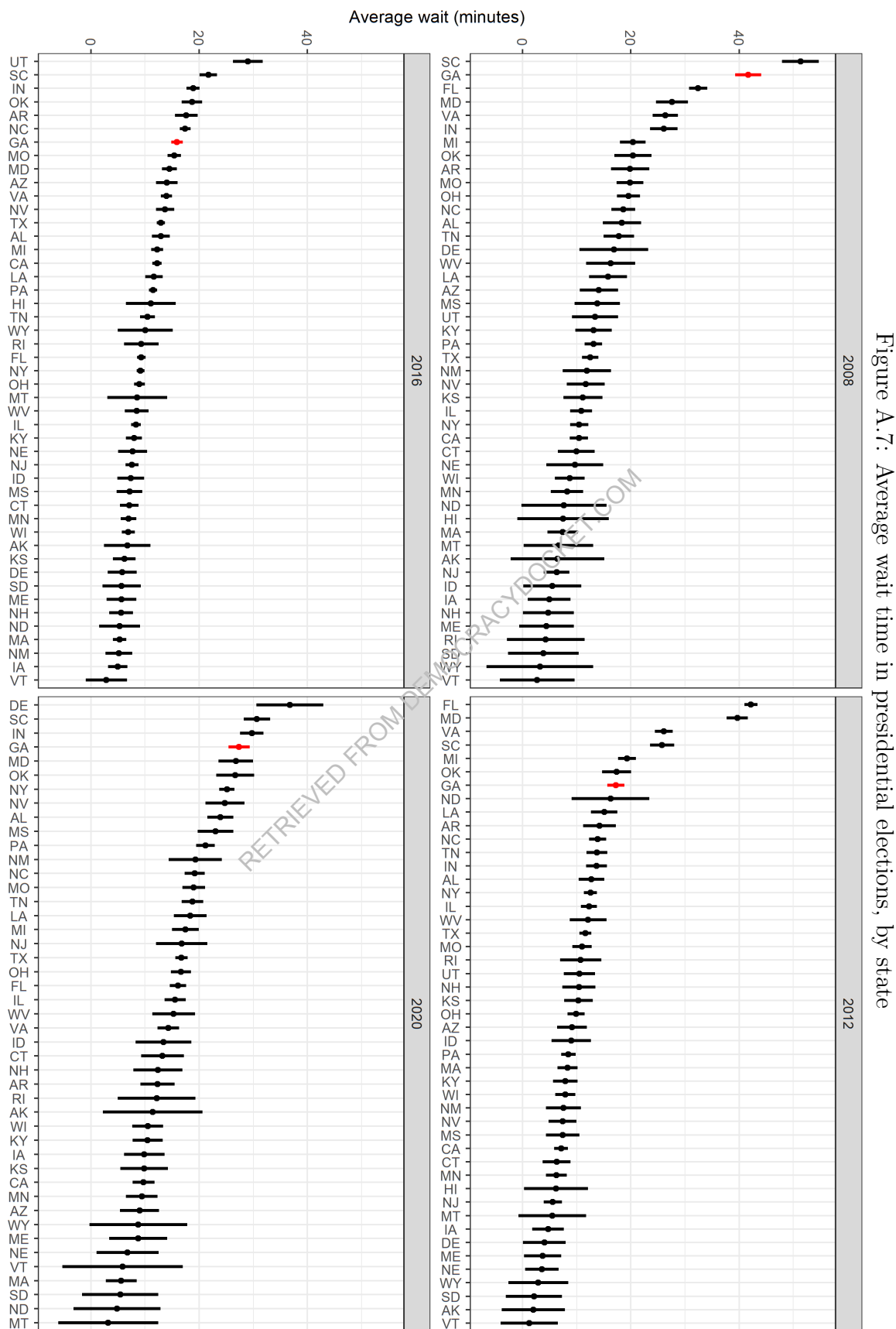


Figure A.6: Voters waiting more than 30 minutes in midterm elections, by state



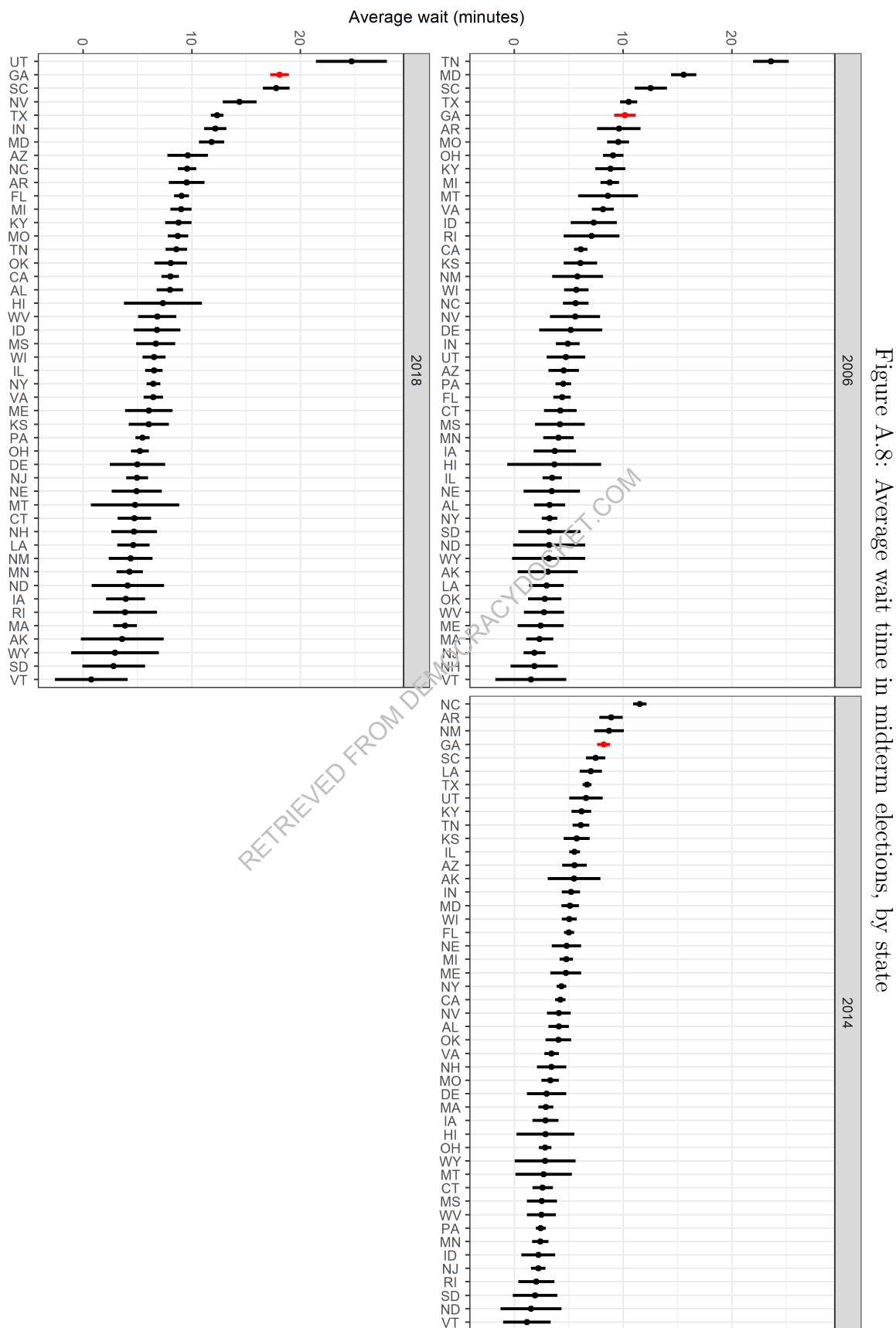


Table A.2: Voters waiting over 30 minutes, from regressions with demographic controls

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: Average wait time of white and non-white voters

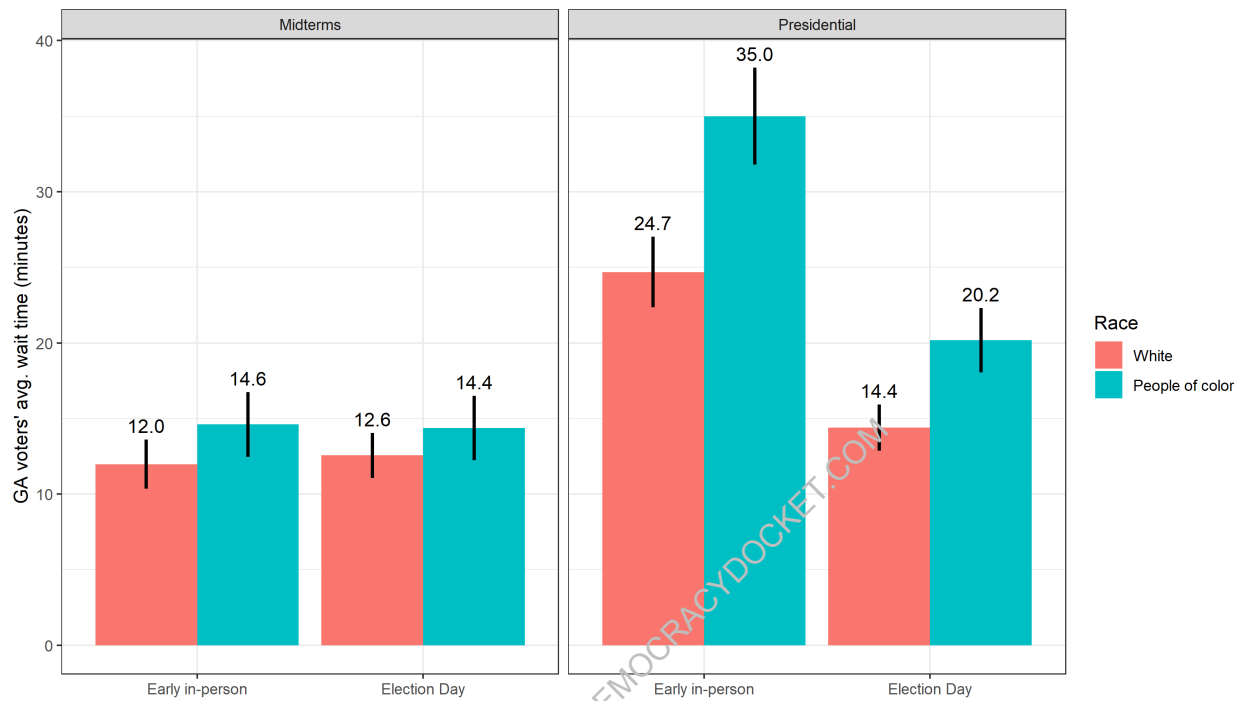
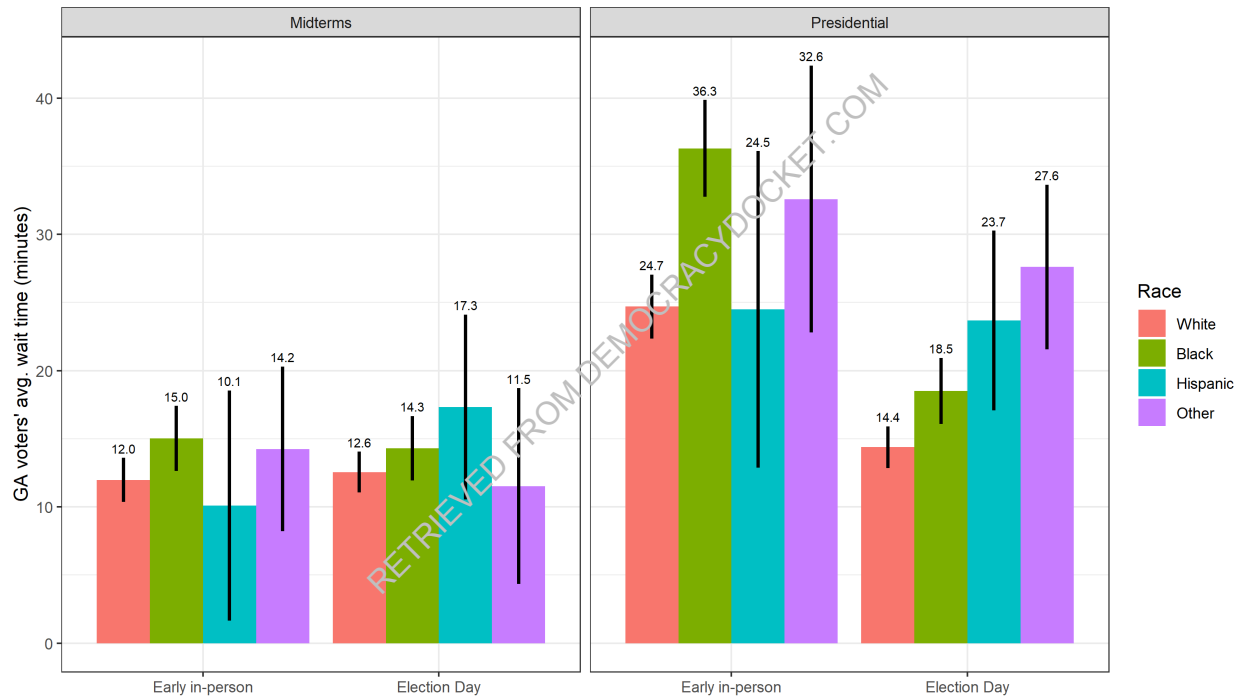


Figure A.10: Average wait time, by race



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

Appendix B: Curriculum Vitae

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Stephen S. Pettigrew

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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

RETRIEVED FROM DEMOCRACYDOCKET.COM

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

March 09, 2023

1

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

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30(B)(6) DEPOSITION OF  
HALL COUNTY BOARD OF ELECTIONS AND REGISTRATION  
(LORI WURTZ)  
March 9, 2023  
9:35 a.m.  
2875 Browns Bridge Road  
Gainesville, Georgia 30504

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

LORI WURTZ 30(b)(6)  
IN RE GEORGIA SENATE BILL 202

March 09, 2023

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1 monitor, and they monitor the line all throughout the  
2 day, inside and outside, if there is one outside.

3 Q If the ban on line relief activities in S.B.  
4 202 were to be changed or removed, would your office have  
5 to undertake any changes to adapt to that change?

6 A I don't believe so.

7 Q Okay. Are you familiar with the changes in  
8 S.B. 202 relating to out-of-precinct provisional voting?

9 A Yes.

10 Q It's your understanding that someone who  
11 arrives before 5:00 p.m. cannot vote provisionally out of  
12 precinct, correct?

13 A Yes.

14 Q Before S.B. 202 was passed, how would a poll  
15 worker process an out-of-precinct provisional ballot?

16 A They would pull a ballot that closely -- as  
17 closely as possible matches the voter's ballot and give  
18 that to them to vote.

19 Q And so when a voter came in to the wrong  
20 polling location and interacted with the poll worker, the  
21 poll worker would provide them with an out-of-precinct  
22 ballot, correct?

23 A Correct.

24 Q In your experience or in your knowledge, do  
25 some voters go to the wrong polling place because they

LORI WURTZ 30(b)(6)  
IN RE GEORGIA SENATE BILL 202

March 09, 2023  
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CERTIFICATE OF REPORTER

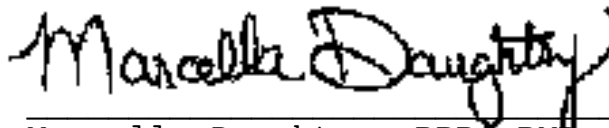
STATE OF GEORGIA       )  
                                      )  
COUNTY OF DEKALB     )

I, Marcella Daughtry, a Certified Reporter in the State of Georgia and State of California, do hereby certify that the foregoing deposition was taken before me in the County of DeKalb, State of Georgia; that an oath or affirmation was duly administered to the witness, LORI WURTZ; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true and accurate record of the proceeding, all done to the best of my skill and ability;

The witness herein, LORI WURTZ, has requested signature.

I FURTHER CERTIFY that I am in no way related to any of the parties nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have set my hand in my office in the County of DeKalb, State of Georgia, this 21st day of March, 2023.



Marcella Daughtry, RPR, RMK  
GA License No.  
6595-1471-3597-5424  
California CSR No. 14315

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| IN RE GEORGIA SENATE BILL 202                                                                                                                                                                                                                                                                                                                                                                                                                                           | Master Case No.:<br>1:21-MI-55555-JPB   |
| <p>SIXTH DISTRICT OF THE AFRICAN<br/>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<br/>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-<br>cv-01284-JPB |
| <p>GEORGIA STATE CONFERENCE OF THE<br/>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<br/>capacity as the Secretary of State for the<br/>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.:<br>1:21-cv-01259-JPB  |

**[PROPOSED] ORDER ON AME & GEORGIA NAACP PLAINTIFFS’  
RENEWED MOTION FOR A PRELIMINARY INJUNCTION**

THIS MATTER comes before this Court on Plaintiffs' Renewed Motion for a Preliminary Injunction. Upon considering the motion and supporting authorities in both this motion and Plaintiffs' initial motion in 2022, the responses from the Defendants, and the evidence and pleadings of record, this Court finds that Plaintiffs are highly 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 them, are hereby **ENJOINED** from enforcing during the 2024 elections, and in future elections until this Court renders a final judgment, the provisions of O.C.G.A. § 21-2-414(a)(3) so as to interfere with or 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."

IT IS SO ORDERED this the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Hon. J. P. Boulee  
United States District Judge  
Northern District of Georgia