IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA, INC., DSCC, and WARNOCK FOR GEORGIA, Plaintiffs, v. THE STATE OF GEORGIA, Defendant.	Civil Action No. 2022CV372734

PLAINTIFFS' REPLY IN SUPPORT OF THEIR EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR INTERLOCUTORY INJUNCTION

I. INTRODUCTION

The State's response confirms what Plaintiffs' opening memorandum has already shown—nothing in Georgia law arbitrarily precludes counties from offering their residents in-person early voting on the Saturday after Thanksgiving. To the contrary, Georgia law requires only that counties commence advance voting "[a]s soon as possible prior to a runoff," but in no event later than the second Monday prior to the runoff. O.C.G.A. § 21-2-385(d)(1)(B).

The statute's history removes any doubt on the matter. The General Assembly *deleted* the term "runoff" from the sentence at issue in 2017 while making *no other changes* to the provision. Its amendment was intended "to revise the period of time for advance voting with regard to Saturday voting." Sparks Aff., Ex. 7 (quoting HB 268 (2017)). Courts must respect the Legislature's deletion of specific words from statutes and not treat them as idle acts. And, in fact, courts already have respected that choice here—in 2020 the Houston Superior Court concluded that the second sentence of § 21-2-385(d)(1)(B) does not apply to runoffs because it "specifically

leaves out 'runoff' when establishing Saturday advance voting." *See The New Georgia Project v. Katherine Shelton, et. al.*, 2020 v 123366, Order at 2 (Ga. Super. Ct. Dec. 18, 2020) (Sparks Aff., Ex. 9), *aff'd*, No. A21A0808 (Ga. Ct. App. Jan. 2, 2021). For these reasons, it is not surprising that several Georgia counties opted to provide advance voting on Saturday, December 26—the day after the Christmas holiday—prior to the 2021 runoffs for Georgia's two U.S. Senate seats. The Secretary of State made no complaint at the time because—until less than a week ago—he (correctly) understood that counties lawfully could offer Saturday voting after a holiday for runoffs. Both the State and Intervenors ignore this critical history.

Finally, the equities clearly favor granting the requested relief. Both the State and Intervenors assert that not all counties could manage to hold advance voting on November 26 if the relief were granted, and they argue that this result undermines "uniformity" in advance voting days throughout the state. But there is *always* variation in the availability of advance voting among the counties: Section 21-2-385(d)(1) requires each county to commence advance voting "as soon as possible," presupposing that some counties will decide to hold more advance voting days than others. Moreover, allowing counties to conduct advance voting on November 26 is consistent with the manner in which last year's runoff was held and the public statements that State officials made just over a week ago. It is the *State*—not Plaintiffs—that has attempted to re-write Georgia's runoff rules at the 11th hour. This Court should grant the relief requested to remedy the State's unlawful and last-minute restriction on the advance voting opportunities afforded in Georgia law.

II. ARGUMENT

A. Plaintiffs are likely to succeed on the merits.

1. Section 21-2-385(d)(1) permits counties to hold in-person, advance voting *for runoffs* on the Saturday after an immediately preceding Thursday or Friday holiday.

As Plaintiffs' opening brief explained, in O.C.G.A. § 21-2-385(d)(1)(B) the Legislature chose to refer variously to a "runoff," a "primary or election," and a "primary, election, or runoff." *See* Pls.' Mem. at 6-9. These distinctions were deliberate, as reflected by the Legislature's choice to apply different rules to different kinds of elections. *Compare* O.C.G.A. § 21-2-385(d)(1)(A) (setting time for advance voting to commence for a "primary or elect") *with id.* § 21-2-385(d)(1)(B) (setting time for advance voting to commence for a "runoff"). They make "clear that the legislature knew how to specify" rules that applied to runoffs when it so desired. *Avila v. State,* 333 Ga. App. 66, 70 (2015). And when drafting the holiday exception at issue here, the Legislature consciously chose to have it apply only to a "primary or election," but not a "runoff."

This text is clear enough on its own, but it is confirmed by the fact that the General Assembly *deleted* the word "runoff" from the holiday exception in 2017. It added the holiday exception to Saturday voting at issue here in 2016. *See* 2016 Ga. Laws Act 347 § 4. That legislation provided for in-person advance voting on the second Saturday prior to an election *unless* "such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday," in which case advance voting would instead be "held on the third Saturday prior to such primary, election, *or runoff*." *Id.* (emphasis added). In other words, the 2016 law guaranteed a second Saturday early voting day for each kind of election under Georgia law—primary, election, and runoff—unless the holiday exception applied, in which case the advance voting day was moved to the third Saturday before the contest.

The legislature amended § 21-2-385(d)(1)(B) again in 2017, this time by striking just a single word from the provision: "*runoff*." 2017 Ga. Laws Act 250 § 18; *see also* Sparks Aff., Ex. 7 (HB 268 (2017)). The holiday exception otherwise remained the same: prohibiting second Saturday advance voting after a holiday but now only for a "primary or election" and not a "runoff." *Id.*[1] The Legislature made its intent clear by captioning the 2017 act, in relevant part, as an amendment "to revise the period of time for advance voting with regard to Saturday voting." *Id.* And that revision plainly applied to runoff contests specifically, as no other part of § 21-2-385(d)(1) was changed. The legislature's choice of caption is important:

> In construing legislation, nothing is more pertinent, towards ascertaining the true intention of the legislative mind in the passage of the enactment, than the legislature's own interpretation of the scope and purpose of the act, as contained in the caption. The caption of an act of the legislature is properly an index to the contents of the statute as construed by the legislature itself—a summarizing of the act, made right at the time when the discussion of every phase of the question is fresh in the legislative mind.

Lamad Ministries, Inc. v. Dougherty Cnty. Bd. of Tax Assessors, 602 S.E.2d 845, 850 (Ga. App. 2004) (citing *Copher v. Mackey*, 467 S.E.2d 362, 364 (Ga. App. 1996)).

The State's interpretation of § 21-2-385(d)(1)(B) seeks to undo the legislature's handiwork, grafting the term "runoff" back into a statute from which the General Assembly specifically deleted it. That would, in effect, overturn the 2017 act, particularly given that the legislature made *no other amendments* to § 21-2-385(d)(1)(B) in the bill. It would give the statute identical meaning and effect before and after the amendment but the Court "cannot attribute to the General Assembly the

[1] Contrary to any suggestion by Defendant or Intervenors, it is not plausible that the General Assembly struck the word "runoff" because it believed it to be redundant. The 2017 act left untouched numerous other references to "primary, election, or runoff," including the command that advance voting "shall end on the Friday immediately prior to each primary election, or runoff." 2017 Ga. Laws Act 250 § 18; *see also* Sparks Aff., Ex. 7. Moreover, deleting the term "runoff" for redundancy would not have "revise[d] the period of time for advance voting with regard to Saturday voting"—the Legislature's stated purpose.

intent to do a useless act by the specific deletion in language." *Holcomb v. Gray*, 214 S.E.2d 512, 513 (Ga. 1975). Even if the term "primary or election" may *sometimes* be read as referring to runoffs in *other* parts of the electoral code, that is not the case where the Legislature specifically chose to draw distinctions between "primaries," "elections," and "runoffs," as it did in § 21-2-385(d)(1). *See Glinton v. And R, Inc.*, 524 S.E.2d 481, 482 (Ga. 1999) ("[S]pecific statutes govern over more general statutes[.]"); *see also Citibank (S.D.), N.A. v. Graham*, 315 Ga. App. 120, 122 (2012) (noting that reference of a term elsewhere in same statute shows decision not to do so in particular instance is "a matter of considered choice").[2] The State's suggestion that the terms "runoffs" and "elections" are a "distinction without a difference," State's Resp. at 9, is fundamentally incompatible with § 21-2-385(d)(1), which calls out "runoffs" specifically when it intends for rules to apply to such contests. Georgia law is clear that the legislature's choice to delete "runoff" from the provision must be respected and cannot be treated as an idle act: "Where a statute is amended to delete a word it is presumed that the legislature made the change to effect some purpose, and desired to make a change in the existing law." *Fredrick v. State*, 353 S.E.2d 41, 43 (Ga. App. 1987) (collecting statutes). The "inescapable conclusion from this deletion is that the legislature intended" to omit runoffs from the holiday exception contained in § 21-2-385(d)(1)(B). *Caldwell v. Liberty Mut. Ins. Co.*, 282 S.E.2d 885, 888 (Ga. 1981).

Indeed, at least one court within Georgia has *already* reached this conclusion, holding just two years ago that the second sentence of § 21-2-385(d)(1)(B) does not apply to runoffs because the provision "specifically leaves out 'runoff' when establishing Saturday advance voting." *See The New Georgia Project v. Katherine Shelton, et. al.*, 2020 v 123366, Order at 2 (Ga. Super. Ct.

[2] For this same reason, the fact that courts, like laypeople, sometimes casually refer to runoffs as "elections" is not relevant to interpreting the specific statutory provision at issue here. *See* State's Resp. at 13; Intervenors' Resp. at 6.

2020) (Sparks Aff., Ex. 9). In contrast, the court noted, other parts of the same section "clearly delineate[] primary, election and runoff with specific language for each." *Id.*[3]

Given the provision's plain text, its clear legislative history, and its prior judicial interpretation, it should not be surprising that some counties already *have* since conducted in-person advance voting for runoffs on a Saturday immediately following a holiday. For example, in 2020, ahead of the January 6, 2021 runoff for Georgia's two U.S. Senate seats, Fulton County promoted "Saturday Voting" on "Saturday, December 19 *and December 26*" from 8:30 a.m. to 6 p.m. on its official Fulton County Government Facebook page. *See* Sparks Aff., Ex. 5. Similarly, Gwinnett County held "advance in person [voting] every day, *including weekends*, from December 14 to December 31," except for on December 24 and 25. *Id.*, Ex. 6 (emphasis added). Indeed, 11 Alive News recently reported that during the January 2021 runoff "some metro Atlanta counties had advance voting on the Saturday after Christmas." Gabriella Nunez & Kelsey Stanger, *Yes, Georgia Did Allow Saturday Early Voting During Senate Runoff Races*, 11 Alive News (November 16, 2022), https://www.11alive.com/article/news/verify/did-georgia-allow-saturday-early-voting-2020-runoffs/85-72ae0ccf-aa93-4969-b433-1147713af201.

These Saturday advance voting days drew no complaint from the Secretary's office or the State Election Board in 2020, even though they should have been impermissible under the

[3] In candor, counsel previously took the opposite, ultimately unsuccessful, view of the statute in that litigation on behalf of another party. That makes no difference here, where different parties take the view that ultimately prevailed and was adopted by the Court. Even *if* the same parties were involved, no estoppel could apply, as "the party to be estopped must have convinced the first court to adopt its position; a litigant is not forever bound to a losing argument." *Levinson v. United States*, 969 F.2d 260, 264-65 (7th Cir. 1992); *see also Roberts v. State*, 604 S.E.2d 781, 782 (Ga. 2004) (explaining judicial estoppel applies only where a litigant "*succeeds* in maintaining" a previously asserted position (quoting *New Hampshire v. Maine*, 532 U.S. 742, 749 (2001) (emphasis added)); *Gavaldon v. StanChart Sec. Int'l, Inc.*, No. 12CV3016-LAB MDD, 2014 WL 1292907, at *4 (S.D. Cal. Mar. 28, 2014) (explaining judicial estoppel "does not prevent a litigant from taking a position inconsistent with a position it never prevailed on").

Secretary's current interpretation. This about-face cannot be justified by any subsequent amendment to § 21-2-385(d)(1)(B).[4] The reason why such advance voting occurred anyways is clear—the Secretary (correctly) did not believe at the time that the holiday exception applied to runoffs.

The State next contends that, under Plaintiffs' interpretation, "the legislature intended to exclude run-off elections from all of the provisions for advance voting in the second sentence of Section 385(d)(1)." State's Resp. at 14; *see also* Intervenors' Resp. at 10-12. To be sure, the statute is less than artfully drafted. But the State has already largely drawn the same conclusion by simply ignoring the same sentence's command that advance voting "shall be conducted on the second and third Saturdays." O.C.G.A. § 21-2-385(d)(1). The State has, without explanation, apparently decided that *half* of that sentence applies to runoffs—specifically the holiday exception—but not the *other half* that requires Saturday voting in the first place. While Plaintiffs' reading admittedly is that the whole sentence does not apply to runoffs, that is far more sensible than the State's suggestion of simply dissecting the sentence at will, picking and choosing and among its provisions. That is particularly so given the Legislature's choice to *delete* any reference to "runoff" in the sentence.

The Intervenors' contorted argument on the same issue proves the point—their brief suggests the holiday exception applies to all elections, but that the guarantee of third Saturday

[4] It does not matter that the provision was amended in 2021 to provide that "voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days," 2021 Ga. Laws Act 9 § 28, because the statute plainly permits Saturday advance voting for runoffs and contains no text disallowing such advance voting. Further still, while the operative version of the law in 2020 permitted "counties and municipalities [to] extend the hours for voting," it limited that discretion "as otherwise provided in this paragraph." If, as the Secretary now insists, the holiday exception applied to runoffs, early voting on Saturday, December 26 would have been prohibited as "otherwise provided [for] in" § 21-2-385(d)(1)(B) and thus not authorized for advance voting.

voting applies only to primaries and generals. *See* Intervenors' Resp. at 9-10. According to them, that is because the phrase "primary or election" in the second clause of the sentence alone refers to primaries and general elections, but not runoffs. *Id.* at 10. That is nonsensical—the second clause refers to "*such* primary or election," referring back to the first clause's earlier mention of mandatory Saturday voting and optional Sunday voting "prior to a primary or election." O.C.G.A. § 21-2-385(d)(1)(B). The State and Intervenors may not have their cake and eat it too—the second sentence either applies to runoffs or it does not; there is no picking and choosing among bits and pieces.

The State's final interpretive argument—that Saturday and Sunday voting would not even be permissible under Plaintiffs' reading—is wrong. If the second sentence of § 21-2-385(d)(1) does not apply to runoffs, all that is left is the Legislature's command that advance voting begin "[a]s soon as possible prior to a runoff," but in no event later than the second Monday prior to the contest. That broad and urgent instruction grants counties the discretion to allow Saturday and Sunday voting. The Court need not speculate on the matter either—several counties *did* hold such Saturday and Sunday voting during the January 2021 runoff, all without complaint from the Secretary of State. *See supra* at 6. In sum, the State's interpretive arguments wilt in the face of the statute's text, the Legislature's purposeful deletion of "runoff" from the statute, and this history of judicial construction and practical application by county boards of election.

The Republican Intervenors separately, and briefly, argue the Secretary of State's guidance in the November 12 Bulletin should be accorded deference. *See* Intervenors' Resp. at 7. But, of course, it is the Legislature's chosen statutory text that ultimately controls: "Under . . . well-established rules of statutory construction, [courts] presume that the General Assembly meant what it said and said what it meant." *Patton v. Vanterpool,* 806 S.E.2d 493, 495 (Ga. 2017) (quotation

omitted). Regardless, any limited deference the Secretary of State may be due is diminished by the fact that he permitted the precise kind of Saturday voting Plaintiffs seek to allow her during the 2021 runoff, *see supra* at 6, then changed his view of the statute only days ago after announcing to a nationwide audience that counties *could* lawfully allow such voting during this runoff as well, *see* Pls.' Mem. at 2-3, 6.

2. Sovereign immunity does not bar either the declaratory or injunctive relief Plaintiffs seek.

In 2020, Georgia voters overwhelmingly voted to enact a constitutional amendment waiving the state's sovereign immunity and permitting parties to seek declaratory relief from violations of the Georgia Constitution, U.S. constitution, or state law. The result, in Article I, § 2, ¶ V of the Georgia Constitution provides that sovereign immunity is waived "for actions in the superior court seeking *declaratory relief* from acts of the state or any agency . . . of this state or officer or employee thereof outside the scope of lawful authority or in violation of the laws of the Constitution of this state or the Constitution of the United States." Ga. Const. art. I, § 2, ¶ V(b)(1) (emphasis added). Plaintiffs seek such *declaratory relief* in Count I of their complaint and nothing in the State's response explains why sovereign immunity bars this Court from issuing an order declaring the State's interpretation of § 21-2-385(d)(1)(B) to be wrong. That alone would grant relief to Plaintiffs, as several Georgia counties have indicated they will provide early Saturday voting if this Court rejects the Secretary's interpretation. *See* Sparks Aff., Exs. 1-4.

The State responds by selectively quoting the *next* sentence in the amendment, which concerns *injunctive*, rather than *declaratory*, relief. *See* State's Resp. at 7-8. It explains that sovereign immunity is "further waived so that a court awarding declaratory relief . . . may, only after awarding declaratory relief, enjoin such acts to enforce its judgment." Ga. Const. art. I, § 2, ¶ V(b)(1). Nothing in that sentence bars either the declaratory relief Plaintiffs seek or the full

injunctive relief requested in Plaintiffs' emergency motion. If the Court agrees with Plaintiffs' reading of § 21-2-385(d)(1)(B), it may "award[] declaratory relief" to that effect, satisfying the prerequisite for also granting injunctive relief. The State's response grafts the phrase "in a final judgment on the merits," *see* State's Resp. at 8, on top of "awarding declaratory relief," but the State's language is *nowhere* in the constitutional text and the State cites no case limiting it in such a manner. The amendment instead says only that injunctive relief may issue to "enforce its judgment,"—*not* a "final judgment on the merits." The two are not synonymous—both the Georgia Supreme Court and General Assembly routinely refer to *interlocutory* "judgments." *See, e.g.*, *In Int. of K.S.*, 814 S.E.2d 324, 326 (Ga. 2018) (discussing the term "interlocutory judgment" in statute); *Moon v. State*, 696 S.E.2d 55, 59 (Ga. 2010) (Nahmias, J., concurring) (discussing an "interlocutory judgment of a trial judge upon an equitable petition" (quoting *Collins v. Carr*, 42 S.E. 373 (Ga. 1902)); *Bandy v. Elmo*, 626 S.E.2d 505, 506 (2006) (discussing appellate review of "interlocutory judgments"). There is no reason to limit the amendment's reach as the State suggests, particularly as doing so would mean that courts could *never* issue interlocutory injunctive relief under the amendment regardless of how harmful or blatantly the government acts.

Even if correct, the State's argument is academic. Section 9-11-65 of Georgia Rules of Civil Procedure, like Federal Rule 65, permits the Court to "order the trial of the action on the merits to be advanced and consolidated with the hearing of the application." O.C.G.A. § 9-11-65(a)(2). As the State admits, the "sole issue in this case is one of statutory interpretation" regarding § 21-2-385(d)(1)(B)—the Court's construction of the statute will already be tantamount to final judgment. Given the straightforward nature of the issue before it, if the Court believes that injunctive relief is appropriate, it possesses the discretion to consolidate the November 18 hearing on Plaintiffs' motion with a trial on the merits and then grant injunctive relief to enforce its final

judgment. *See, e.g., Budlong v. Graham*, 414 F. Supp. 2d 1222, 1228 (N.D. Ga.) ("The decision of whether to engage in such consolidation rests within the discretion of the trial court." (citing *Abraham Zion Corp. v. Lebow,* 761 F.2d 93, 101 (2d Cir. 1985)), *vacated in part on other grounds,* 488 F. Supp. 2d 1245 (N.D. Ga. 2006) (noting that "consolidation is a preferable result where, as here, the dispute at issue is essentially legal in character and the material facts are undisputed"); *Penthouse Int'l, Ltd. v. McAuliffe*, 454 F. Supp. 289, 294 n.1 (N.D. Ga. 1978) (similar); *see also* O.C.G.A. § 9-5-8 (assigning power to grant injunction to "the sound discretion of the judge").

B. The remaining equitable factors continue to support granting relief.

Intervenors and the State assert that Plaintiffs have not suffered irreparable harm because failure to obtain advance voting on November 26 would not prevent voters from being "entirely unable to vote." Intervenors' Resp. at 13; State's Resp. at 15-16. That is not the law. Courts have repeatedly "held that *infringement* on the fundamental right to vote constitutes irreparable injury." *Democratic Nat'l Committee v. Bostelmann*, 447 F. Supp. 3d 757 (W.D. Wis. 2020); *see Obama for America v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) ("A restriction on the fundamental right to vote . . . constitutes irreparable injury."); *Williams v. Salerno,* 792 F.2d 323, 326 (2d Cir. 1986) (holding that plaintiffs "would certainty suffer irreparable harm if their right to vote were impinged upon"). For this reason, courts routinely find irreparable harm from an illegal restriction on the opportunity to vote, even if the vote is not denied entirely. *See, e.g., League of Women Voters of North Carolina v. North Carolina*, 769 F.3d 224, 248 (4th Cir. 2014) (finding irreparable harm from elimination of same-day registration and out-of-precinct voting); *Bostelmann*, 447 F. Supp. 3d 769 (W.D. Wis. 2020) (finding irreparable harm from shortened voter registration deadline).

Moreover, there is no merit to Intervenors' argument that "Plaintiffs are not the appropriate party to allege [irreparable] harm" from the challenged restriction on advance voting. Intervenor Opp. at 12-13. Plaintiff DPG has brought this action on behalf of its "members and constituents

from across Georgia, including many eligible voters who regularly support and vote for candidates affiliated with the Democratic Party." Compl. ¶ 8. Thus, even if the irreparable injury was exclusively for voters, Plaintiff DPG is an appropriate party to bring this action because it has filed suit on behalf of voters. In any event, Plaintiffs DPG, DSCC, and Warnock for Georgia have each suffered irreparable harm in their own right because the restriction impedes their ability to increase voter turnout and thus pursue their core missions as organizations. Pls.' Mem. at 13.

Intervenor and the State further argue "[t]here is also harm to the public that can result from last-minute court orders changing election rules." State's Resp. at 17; *see also* Intervenors' Resp. at 17-18. But it is the *State*—not Plaintiffs—who have attempted to re-write Georgia's election rules at the last minute. The State applied Plaintiffs' interpretation of the Saturday provision in the 2021 runoff. *See* Sparks Aff., Exs. 5, 6 (demonstrating that Fulton and Gwinnett Counties held advance voting on Saturday, December 26th for the January 2021 runoff). And consistent with this past practice, both the Secretary of State and the Secretary's Chief Operating Officer asserted just over a week ago that counties had the option to hold advance voting on November 26—before abruptly changing course three days later. *See* Compl. ¶ 17. Granting the requested relief now would ensure that advance voting for the runoff is held just like last year's runoff. And for this reason, there is no merit to the Intervenors' argument that the requested relief would alter the status quo. Intervenors Resp. at 16. The requested relief would *preserve* the status quo.

Nor is there merit to the argument that the requested relief would undermine the Legislature's goal in achieving "uniformity" among counties in advance voting. State's Resp. at 18; Intervenors' Resp. at 17-18. As an initial matter, the statute already makes *Sunday* voting discretionary in some cases, ensuring some measure of variation across counties. Moreover,

Saturday early voting during runoffs is likewise *discretionary* for counties, as the 2021 runoffs show. *See* Pls.' Mem. at 6. As such, there will always be variation among the counties regarding the dates on which advance voting will occur. Just like in the 2021 runoff, some counties may elect to hold advance voting on a particular Saturday, *see* Sparks Aff., Exs. 5, 6, and others may not. Indeed, the very fact that O.C.G.A. § 21-2-385(d)(1)(B) requires counties to hold advance voting for runoffs "*as soon as possible*" further presupposes a lack of uniformity, as some counties will manage to begin advance voting sooner than others.

III. CONCLUSION

For the reasons above, as well as in Plaintiffs' supporting memorandum of points and authorities, supporting affidavits, and the exhibits contained therein, Plaintiffs respectfully ask that the Court grant the relief requested in their motion for a temporary restraining order and/or interlocutory injunction.

[signature on following page]

Respectfully submitted, this 17th day of November, 2022.

KREVOLIN & HORST, LLC

/s/ Adam M. Sparks
Joyce Gist Lewis
Georgia Bar No. 296261
Adam M. Sparks
Georgia Bar No. 341578
Jessica G. Cino
Georgia Bar No. 577837
One Atlantic Center
1201 W. Peachtree Street, NW, Ste. 3250
Atlanta, GA 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
jlewis@khalawfirm.com
sparks@khlawfirm.com
cino@khlawfirm.com

Uzoma N. Nkwonta*
Christopher D. Dodge*
Daniel C. Osher*
Graham White*
Marcos Macine-McQueen**
ELIAS LAW GROUP LLP
10 G St. NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
Facsimile: (202) 968-4498
unkwonta@elias.law
cdodge@elias.law
dosher@elias.law
gwhite@elias.law
mmcqueen@elias.law

* *Pro Hac Vice application pending*
*** Pro Hac Vice application forthcoming*
Counsel for Plaintiffs

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA, INC., DSCC, and WARNOCK FOR GEORGIA, Plaintiffs, v. THE STATE OF GEORGIA, Defendant.	Civil Action No. 2022CV372734

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed a true and correct copy of PLAINTIFFS' REPLY IN SUPPORT OF THEIR EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR INTERLOCUTORY INJUNCTION with the Clerk of Court using the Odyssey eFileGA system, which will automatically send email notification of such filing, to all counsel of record, and further that I have emailed a true and correct copy of the within and foregoing to all known counsel of record.

This 17th day of November, 2022.

KREVOLIN & HORST, LLC

/s/ Adam M. Sparks
Adam M. Sparks
Georgia Bar No. 341578
sparks@khlawfirm.com
Counsel for Plaintiffs