

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

GEORGIA COALITION FOR THE PEOPLES' AGENDA, INC., as an organization; ASIAN AMERICANS ADVANCING JUSTICE-ATLANTA, INC., as an organization; GEORGIA STATE CONFERENCE OF THE NAACP, as an organization; NEW GEORGIA PROJECT, INC., as an organization; GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC., as an organization; PROGEORGIA STATE TABLE, INC., as an organization; THE JOSEPH AND EVELYN LOWERY INSTITUTE FOR JUSTICE AND HUMAN RIGHTS, INC, as an organization; and COMMON CAUSE, as an organization;

Plaintiffs,

v.

BRIAN KEMP, in his official capacity as Secretary of State for the State of Georgia,

Defendant.

Civil Action

Case No. 1:18-cv-04727-ELR

**EXPEDITED TREATMENT
REQUESTED**

**PLAINTIFFS' EMERGENCY
MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiffs seek targeted emergency relief for the November 2018 election to permit Georgia citizens inaccurately flagged as potential non-citizens as a result of the flawed “exact match” voter registration process codified by HB 268 to produce an acceptable form of documentary proof of citizenship to a poll worker on Election Day in order to cast a regular ballot. Defendant Kemp has determined, with no mandate from the text of HB 268, that registrants inaccurately flagged as potential non-citizens must show documentary proof of citizenship to a “deputy registrar” on Election Day in order to vote a regular ballot. But deputy registrars will not be present at all polling stations at all times; if one is not present the registrant will either have to go looking for one somewhere in the county, or vote a provisional ballot and come back later to prove their citizenship.

Many of these voters submitted their documentary proof of citizenship *with their voter registration application*. But outdated, inaccurate information in the database used in the “exact match” system nonetheless flags these registrants as potential non-citizens. As Plaintiffs explain in the corresponding Memorandum of Law, the “deputy registrar” requirement is an unconstitutional burden on the fundamental right to vote, and it serves no purpose: poll workers are capable of reviewing the proof of citizenship, and are already trained to review photo

identification. Plaintiffs respectfully request the Court grant the following preliminary injunctive relief for the November 2018 election:

1. Allow county election officials to permit eligible voters who registered to vote, but who are inaccurately flagged as non-citizens, to vote a regular ballot by furnishing proof of citizenship to poll workers or deputy registrars.
2. Permit voter registration applicants inaccurately flagged as non-citizens who wish to vote by mail to furnish their proof of citizenship electronically, by mail, or by fax;
3. Require Defendant to transmit any Order of this Court granting preliminary or final injunctive relief to county boards of elections;
4. Require Defendant to cause the counties to post a list of acceptable documentation to prove citizenship, which includes a naturalization certificate, birth certificate issued by a state or territory within the United States, U.S. passport, and other documents or affidavits explicitly identified by Georgia law and listed on the Georgia Secretary of State's website, at polling places on Election Day; and
5. Require Defendant to conduct training of poll workers to ensure they understand and can properly confirm citizenship status consistent with Georgia law.

Dated: October 19, 2018

Respectfully submitted,

By: /s/ Bryan L. Sells

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served a copy by electronic mail upon the following attorney of record for the defendant:

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