

No. 24-13111

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ALABAMA STATE CONFERENCE OF THE NAACP, *et al.*,
PLAINTIFFS-APPELLEES,

v.

ATTORNEY GENERAL, STATE OF ALABAMA,
DEFENDANT-APPELLANT.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
No. 2:24-cv-420, Hon. R. David Proctor

**BRIEF OF THE DISTRICT OF COLUMBIA, CONNECTICUT,
DELAWARE, HAWAII, ILLINOIS, MARYLAND, MASSACHUSETTS,
MINNESOTA, NEVADA, NEW JERSEY, NEW YORK, OREGON,
VERMONT, AND WASHINGTON AS AMICI CURIAE IN SUPPORT OF
APPELLEES**

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Pursuant to Fed. R. App. P. 26.1 and 11th Cir. R. 26.1-1, 26.1-2, and 26.1-3, the undersigned counsel certifies that the following listed persons and parties, in addition to those listed in Appellant's opening brief and Appellees' response brief, may have an interest in the outcome of this case:

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INTEREST OF AMICI CURIAE

The District of Columbia, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New York, Oregon, Vermont, and Washington (collectively, “Amici States”) file this brief as amici curiae in support of appellees.

Amici States have a profound interest in ensuring that their residents have access to the ballot while at the same time protecting the integrity and security of their elections. Balancing those objectives is reserved principally to the states by the Constitution, which leaves to them the primary “power to regulate elections” consistent with principles of federalism. *Shelby County v. Holder*, 570 U.S. 529, 543 (2013) (quoting *Gregory v. Ashcraft*, 501 U.S. 452, 462 (1991)). No one disputes that states have significant discretion to structure their election systems as they see fit, within reason and as permitted by law, to pursue legitimate interests such as protecting ballot access and “preserving the integrity of [their] election process[es].” *Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647, 685 (2021) (quoting *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam)).

That said, although states have leeway to pursue bona fide state interests like election security, they cannot use such an interest as a means of overriding federal law and harming discrete groups of voters. The history of American democracy is replete with regrettable examples of states doing just that. *See* Orville Vernon

Burton, *Tempering Society's Looking Glass: Correcting Misconceptions About the Voting Rights Act of 1965 and Securing American Democracy*, 76 La. L. Rev. 1, 14 (2015) (explaining discriminatory disenfranchisement devices, like the poll tax, were once “justified as a means of preventing voter fraud”).

Here, portions of Alabama’s Senate Bill 1 (“S.B. 1”) violate important federal protections and harm vulnerable voters. Two provisions of S.B. 1 contravene the federal Voting Rights Act by impermissibly limiting the ability of disabled, blind, and low-literacy voters to submit or receive any other necessary assistance with absentee ballot applications—and they do so without any meaningful benefit to election security. In Amici States’ experience, it is possible to guarantee the rights of these voters while also guarding against fraud. Indeed, states have many tools to prevent election fraud without trammeling the ability of vulnerable residents to cast a ballot. S.B. 1 simply misses the mark.

Accordingly, Amici States urge this Court to affirm the narrow decision of the district court preliminarily enjoining the enforcement of select provisions of S.B. 1 against disabled, blind, and low-literacy Alabama voters, as defined by federal law, who request assistance from a person of that voter’s choice.

STATEMENT OF THE ISSUES

Whether the district court erred in preliminarily enjoining the enforcement of Ala. Code § 17-11-4 (“S.B. 1”) against disabled, blind, and low-literacy voters who

request assistance from a person of that voter's choice because the state law is preempted by Section 208 of the Voting Rights Act, 52 U.S.C. § 10508.

SUMMARY OF ARGUMENT

I. S.B. 1 impermissibly burdens the ability of disabled, blind, and low-literacy voters to submit or receive any other necessary assistance with an absentee ballot application and, thus, to vote. The district court's narrow injunction recognizes that reality while leaving room for states to adopt other reasonable regulations of absentee ballot applications that do not violate federal law.

Because the right to vote is "fundamental" and serves as "preservative of other basic civil and political rights," *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964), states employ a variety of systems to guarantee that their residents have free and fair access to the franchise, while maintaining election security. On top of those state systems, federal law imposes certain safeguards to avoid inhibiting the right to vote. One such safeguard is found in Section 208 of the Voting Rights Act, which mandates that "[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union." 52 U.S.C. § 10508. As a consequence, states must balance several interests when exercising their "power to regulate elections," *Sugarman v. Dougall*, 413 U.S. 634, 647 (1973) (quoting *Oregon v. Mitchell*, 400

U.S. 112, 125 (1970)), including preserving electoral security; guaranteeing residents' right to vote; and complying with federal protections, like Section 208, for vulnerable populations of voters.

This case concerns the balancing of those interests in the context of regulating absentee ballot applications. States that permit absentee voting must decide who may assist in completing and submitting a voter's absentee ballot application if the voter cannot do so. On one hand, states must comply with federal law to allow all eligible voters to fully participate in the democratic process, including disabled, blind, and low-literacy residents. On the other hand, states must ensure that those who apply to vote absentee by mail are, in fact, attempting to cast a legal vote.

S.B. 1 diminishes voting opportunities and conflicts with Section 208 by impermissibly limiting the ability of disabled, blind, and low-literacy voters to submit an absentee ballot application with the assistance of a person of that voter's choice. As the district court correctly recognized, S.B. 1 is an expansive law that criminalizes any person returning another's absentee ballot application, save for a narrow medical exception, Ala. Code § 17-11-4(c)(2) (the "Submission Restriction"), and that also targets those persons who accept or provide a payment or gift for assisting with nearly any step in applying to vote absentee by mail, Ala. Code § 17-11-4(d) (the "Payment and Gift Provision"). *See* Ala. App. Vol. II 37-39. As a result, spouses, family members, friends, caregivers, neighbors,

churchgoers, nurses, aides, and volunteers who have been selected by disabled, blind, and low-literacy Alabama voters as their assistors may be subjected to criminal liability for acts as small as dropping that voter's absentee ballot application in the mail. Even worse, under the Payment and Gift Provision, those same assistors can face felony prosecution for receiving token gifts—like stickers, pens, or food—from those same Alabama voters or other assistors with whom they work.

Amici States recognize that states have considerable discretion to decide how best to regulate elections and, in turn, absentee ballot application procedures. But by unduly limiting who can assist with these applications, Alabama's law conflicts with Section 208 and will harm many disabled, blind, and low-literacy residents of the state.

II. S.B. 1 also fails to further the public interest. To be sure, election fraud is serious, and it should be prevented and punished. But in the context of absentee voting, fraud is rare. And such fraud has not been proven to be any more prevalent in states with expansive absentee ballot submission and collection practices than in states with restrictive schemes. In fact, states have various ways to secure their elections without stripping disabled, blind, and low-literacy voters of accessible methods for applying for an absentee ballot and voting absentee. As the experience of Amici States demonstrates, states have pursued free and fair elections while *expanding* voter opportunities in ways that do not risk malfeasance,

maladministration, or fraud. As a result, the district court’s narrow injunction—which applies only to Section 208 voters who request assistance in applying for an absentee ballot—will further the public interest without undermining Alabama’s ability to deter and prosecute election fraud.

ARGUMENT

I. S.B. 1 Impermissibly Burdens Disabled, Blind, And Low-Literacy Alabama Voters’ Ability To Receive Assistance In Applying For An Absentee Ballot And Thus In Exercising Their Right To Vote.

Amici States recognize states’ sovereign interest in crafting election procedures for their respective jurisdictions. But those procedures must comply with Section 208 of the Voting Rights Act, which mandates that voting systems, once offered, remain equally accessible to disabled, blind, and low-literacy voters. *See* 52 U.S.C. § 10508. In direct conflict with that protection, S.B. 1 makes applying for an absentee ballot—and thus voting—more difficult. And it does so without any appreciable benefit to election security. Other federal courts have confirmed that states may not nullify Section 208 with onerous limitations as to who disabled, blind, and low-literacy voters may choose to assist them.¹ This Court should do the same.

¹ *See, e.g., OCA-Greater Hous. v. Texas*, 867 F.3d 604, 614-15 (5th Cir. 2017); *La Union Del Pueblo Entero v. Abbott*, No. 21-cv-844, 2024 WL 4488082, at *54 (W.D. Tex. Oct. 11, 2024); *League of Women Voters of Ohio v. LaRose*, No. 23-cv-2414, 2024 WL 3495332, at *15 (N.D. Ohio July 22, 2024); *Ark. United v. Thurston*, 626 F. Supp. 3d 1064, 1087 (W.D. Ark. 2022); *Disability Rts. N.C. v. N.C. State Bd. of Elections*, No. 21-cv-361, 2022 WL 2678884, at *7 (E.D.N.C. July 11, 2022);

Congress enacted Section 208 because it found that “[c]ertain discrete groups of citizens are unable to exercise their rights to vote without obtaining assistance in voting.” S. Rep. No. 97-417, at 62 (1982). In doing so, Congress addressed two interrelated concerns stemming from this need for assistance: Some disabled, blind, and low-literacy voters chose not to vote rather than rely on someone whom they did not choose (and therefore did not trust) to help them, and these voters were often “more susceptible than the ordinary voter to having their vote unduly influenced or manipulated.” *Id.* To mitigate those concerns, Congress decided that these voters “must be permitted to have the assistance of a person of their own choice.” *Id.* And that assistance extends beyond “the mechanical act of filling out the ballot sheet” to “include[] steps in the voting process before entering the ballot box.” *OCA-Greater Hous.*, 867 F.3d at 615 (emphasis omitted); *see also* 52 U.S.C. § 10310(c)(1) (defining “vote” and “voting” to encompass “all action necessary to make a vote effective”). Thus, in enacting Section 208, Congress struck what it thought was the appropriate balance between the right of vulnerable populations to vote and the sovereign interest of states to otherwise regulate their elections.

Since Section 208’s enactment, state legislatures have routinely established what they thought to be “necessary election procedures,” but always “subject to the

Carey v. Wisc. Elections Comm’n, 624 F. Supp. 3d 1020, 1033 (W.D. Wis. 2022); *Democracy N.C. v. N.C. State Bd. of Elections*, 590 F. Supp. 3d 850, 872 (M.D.N.C. 2022).

overriding principle that such procedures [] be designed to *protect* the rights of [disabled, blind, and low-literacy] voters.” *See* S. Rep. No. 97-417, at 63 (emphasis added). For example, in Hawaii, the state legislature has crafted its voter assistance statute to largely mirror the limitations imposed by Section 208 itself. *See* Haw. Rev. Stat. § 11-139(a) (with the addition that “a candidate for any office that is listed on the ballot” may not serve as an assistor). Similarly, the District of Columbia, Alaska, Delaware, Nebraska, New York, Rhode Island, and Wyoming have chosen to remain mostly silent as to who can return another’s absentee ballot, leaving Section 208 as the backstop to provide adequate protection for disabled, blind, and low-literacy voters. *See* 3 DCMR § 720.12; Alaska Stat. § 15.20.081(a); Del. Code Ann. tit. 15, § 5507(4)(b); Neb. Rev. Stat. §§ 32-943(4), 32-947(3); N.Y. Elec. Law §§ 8-410, 8-708; 17 R.I. Gen. Laws § 17-20-23(c); Wyo. Stat. § 22-9-113. And contrary to Alabama’s contention, *see* Ala. Br. 33-35, the district court recognized the permissibility of some state-by-state variation with respect to absentee ballot procedures in issuing its modest injunction, so long as those procedures do not “*unduly burden*[] the rights of Section 208 voters to make a choice about who may assist them in obtaining and returning an absentee ballot.” Ala. App. Vol. III 125 (emphasis added); *see also id.* 134-35. S.B. 1’s blanket prohibition on rendering assistance does not constitute a permissible variation on absentee ballot procedures

because it unduly burdens the rights of disabled, blind, and low-literacy voters, in contravention of the text and purpose of Section 208.

By significantly narrowing who can assist a voter with any step in the process of submitting an absentee ballot, S.B. 1 makes it more difficult to vote, likely affecting disabled, blind, and low-literacy voters the most. And unfortunately, voters with disabilities already vote less than those without. For instance, in the 2022 elections, there was a 3.6% turnout gap between the two groups. Lisa Schur et al., *Disability and Voting Accessibility in the 2022 Elections* 8, U.S. Election Comm'n (July 2023), tinyurl.com/ms2c98jb. When adjusted for age, that gap grew to 10.0 %—that is, accounting for the fact that older individuals are more likely to vote and, therefore, comparing voters with and without disabilities who are of the same age. *Id.*

Disabled voters also often need help returning their ballots—and, likely, by extension, their antecedent applications—and they often receive help from people prohibited from doing so under S.B. 1. For disabled voters who voted in the 2020 and 2022 federal elections, 9.5% and 9.9% respectively needed assistance with returning their absentee ballots. *Id.* at 38. In 2020, 55.8% of that group used a family member who lived with them, and 18.7% used a family member who did not live with them. *Id.* That same year, 4.1% of disabled voters used a nonfamily roommate, 8.0% used a friend or neighbor, 6.6% used a home health aide, and 6.0% used

someone else unclassified. *Id.* In 2022, among disabled voters who required assistance with returning their absentee ballots, only 33.9% used a family member who lived with them, and 11.0% used a family member who did not live with them. *Id.* That year, 11.3% used a nonfamily roommate, 20.6% used a friend or neighbor, and 13.8% used someone else unclassified. *Id.* S.B. 1 does not permit those types of assistors to submit or provide any other necessary assistance with the absentee ballot applications of disabled, blind, and low-literacy Alabama voters.

Seemingly recognizing as much, Alabama asserts that S.B. 1 contains a carveout that harmonizes the state law with Section 208, thus permitting blind, disabled, and low-literacy voters to obtain assistance from a person of their choosing. *See* Ala. Br. 31, 40-43. The district court did not accept that reading of S.B. 1, because, in its view, the exemption Alabama references covers *voters*, but not necessarily those who assist them. *See* Ala. Code § 17-11-4(e) (“Any *voter* who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance”) (emphasis added); *see also id.* § 17-11-4(c)(2) (making it a crime “for an individual [*e.g., an assistor*] to submit a completed absentee ballot application to the absentee election manager other than his or her own application”). If the district court’s reading of S.B. 1 is correct and it remains a crime to assist a disabled, blind, or low-literacy voter in submitting an absentee ballot application, the exemption is of little practical help. What’s more, even

assuming the exemption covers assistors and voters alike, as Alabama suggests, it would still be a felony-level crime for an on-duty home health aide, nurse, or other caregiver to assist a medically fragile or paralyzed voter in applying for an absentee ballot—since those workers are being compensated to assist their clients while on duty. *See id.* § 17-11-4(d); *see also* Ala. NAACP Br. 33-34 (quoting a declaration from a disabled Alabama voter that S.B. 1 puts “paid care attendants” “in the position of risking a criminal conviction”); Schur et al., *supra*, at 38 (citing research that disabled voters frequently ask home health aides to assist them with steps in the voting process).

The district court correctly recognized the substantial burden imposed by S.B. 1, asking: “How, then, are blind voters or disabled voters with mobility restrictions to return their absentee ballot applications?” Ala. App. Vol. II 89; *see also* Ala. NAACP Br. 3-4, 33-34 (identifying record evidence of Alabama voters who are unable to use their arms, who are homebound or reside in assisted living facilities, and who have cerebral palsy and quadriplegia and require assistance in submitting absentee ballot applications). The answer, as “common sense indicates,” Ala. App. Vol. III 130, is that the risk of criminal prosecution under S.B. 1 will hinder the ability of disabled, blind, and low-literacy voters from selecting or recruiting assistors of their choice to apply for absentee ballots and, ultimately, from voting. Section 208 safeguards against that type of harm. The district court’s narrow

injunction—which covers only Section 208 voters and affects only the Submission Restriction and Payment and Gift Provision—preserves the federal protection for these vulnerable individuals.

II. S.B. 1 Provides Few Benefits For Election Security And Harms The Public Interest.

Notwithstanding the burden imposed on disabled, blind, and low-literacy voters' ability to receive and submit absentee ballot applications, S.B. 1 does not appreciably enhance election security. To be clear, election security—while a compelling state interest—would not by itself excuse a state law that conflicts with the Voting Rights Act.² But the lack of benefit to election security from S.B. 1 further supports the district court's conclusion that a limited injunction protecting Section 208 voters is in the public interest. To be sure, election fraud is a serious crime, and states must have leeway to prevent and punish election manipulation. But studies have repeatedly found absentee voting by mail, on the whole, to be safe and secure. And states have various tools to ensure the reliability of absentee voting. In Amici States' experience, it is possible to prevent widescale fraud without depriving disabled, blind, and low-literacy voters of their ability to cast a ballot.

Today, more voters than ever are voting absentee by mail. Between 1996 and 2016, the share of ballots cast by mail rose from 7.8% to 20.9%. Hannah Hartig et

² See Ala. Br. 25 n.9 (agreeing that “unreasonable restriction[s]” on assistors “could effectively deprive the voter of meaningful assistance” under Section 208).

al., *As States Move to Expand the Practice, Relatively Few Americans Have Voted by Mail*, Pew Rsch. Ctr. (June 24, 2020), tinyurl.com/5n7hcdkf. Mail-in voting increased even more during the 2020 elections and has maintained popularity since, with 31.9% of votes cast in the 2022 elections by mail. U.S. Election Assistance Comm'n, *Election Administration and Voting Survey 2022 Comprehensive Report* 9, 33-34 (June 2023), tinyurl.com/d973vyc5.

There is no evidence from any jurisdiction that widespread fraud in absentee voting by mail exists, or that it threatens the overall integrity or security of our elections. *See Election Security Rumor vs. Reality*, U.S. Cybersecurity & Infrastructure Sec. Agency, tinyurl.com/bdevyry5; Wendy R. Weiser & Harold Ekeh, *The False Narrative of Vote-by-Mail Fraud*, Brennan Ctr. for Just. (Apr. 10, 2020), tinyurl.com/ysyvh72e (discussing an investigative analysis that “identified only 491 cases of absentee ballot fraud from 2000 to 2012,” among hundreds of millions of ballots cast). In fact, even as states have expanded access to absentee voting, “voter fraud rates have remained infinitesimally small.” *Cook County Republican Party v. Pritzker*, 487 F. Supp. 3d 705, 712 (N.D. Ill. 2020) (quoting Weiser & Ekeh, *supra*).

Most relevant here, voter fraud has not proven more prevalent in states with expansive absentee ballot submission and collection practices. *See* Ali Swenson, *Fact Focus: Gaping Holes in the Claim of 2K Ballot ‘Mules,’* Associated Press (May

3, 2022), tinyurl.com/ps4c8c7f. In fact, based on one review of voter fraud cases from 1982 to 2020, only 207 instances were identified to be from absentee ballots, and only 5 of those instances “were tied to ballot harvesting schemes.” Matt Barreto et al., *Debunking the Myth of Voter Fraud in Mail Ballots*, UCLA Voting Rts. Project 6 (Apr. 14, 2020), tinyurl.com/5yex2tcu.

Data collected by the Heritage Foundation from five states permitting absentee vote-by-mail before 2018 also found few cases of fraud—specifically, only 29 cases of fraudulent votes attempted by mail and 24 cases of duplicative voting or absentee ballot fraud out of nearly 50 million votes cast. See Elaine Kamarck & Christine Stenglein, *Low Rates of Fraud in Vote-by-Mail States Show the Benefits Outweigh the Risks*, Brookings Inst. (June 2, 2020), tinyurl.com/3cbamrt7 (reproducing data from the Heritage Foundation’s database). Contrary to Alabama’s claim of widespread absentee ballot fraud, see Ala. Br. 1, 4-9, 20, this evidence illustrates that fraud in absentee vote-by-mail states is miniscule in comparison to the millions of votes legally cast. And the number of instances of malfeasance by disabled, blind, or low-literacy voters is likely smaller still.

Importantly, states have myriad ways to secure their elections without undermining disabled, blind, and low-literacy voters’ ability to receive assistance in applying for an absentee ballot and voting absentee. States have adopted several minimally obstructive procedures to ensure that the actual collection of absentee

ballots does not result in fraud. For example, many states require that absentee ballots be printed on distinctive paper based on “weight, brightness, and opacity,” include specific technical markings, such as “infrared absorbing and infrared reflecting inks,” and be accompanied by signed affidavits or authorization forms. Lisa Danetz, *Mail Ballot Security Features: A Primer*, Brennan Ctr. For Just. (Oct. 16, 2020), [tinyurl.com/ycx5r97p](https://www.tinyurl.com/ycx5r97p). Most states also print unique bar codes on mail-in ballot envelopes, which enable election officials to track ballots and “identify and eliminate duplicate ballots.” *See* Weiser & Ekeh, *supra*. And most states require voters to include some personal identifying information with their absentee ballot, such as their complete name, current residence, mailing address, telephone number, date of birth, or last four digits of their social security number or driver’s license number. *See* Elise Viebeck, *Miniscule Number of Potentially Fraudulent Ballots in States with Universal Mail Voting Undercuts Trump Claims About Election Risks*, Wash. Post (June 8, 2020), [tinyurl.com/3cum3tv5](https://www.tinyurl.com/3cum3tv5).

Moreover, criminal and civil penalties provide a strong deterrent. An individual convicted of voter fraud in a federal election is subject to a \$10,000 fine or a five-year term of imprisonment (or both). 52 U.S.C. § 10307; *id.* § 20511. And many states—including Alabama—punish voter fraud with fines and potential

prison time under state law.³ By all indications, these efforts have worked to detect, deter, and punish widescale fraud.

Here, the district court emphasized that Alabama had alternative tools available to uphold the integrity of its elections without contravening federal law. It issued a limited preliminary injunction that allows Alabama to prosecute fraud and other election crimes involving voters or assistants. Ala. App. Vol. III 127-28; Ala. NAACP Br. 46. In *Amici States'* experience, the district court appropriately

³ See, e.g., Ala. Code §§ 17-17-33 (punishing as a Class A misdemeanor the obstruction, intimidation, or coercion of any person attempting to vote), 17-17-38 (punishing as a Class C misdemeanor the bribery or hinderance of an elector), 17-17-39 (punishing as a Class C misdemeanor the payment or promise of payment of money or gifts to electors); Fla. Stat. §§ 104.041 (punishing as a third-degree felony “any fraud in connection with any vote cast, to be cast, or attempted to be cast”), 104.047 (punishing as a third-degree felony the improper request or completion of a mail-in ballot on behalf of another), 104.17 (punishing as a third-degree felony willfully voting both in person and by mail); Miss. Code Ann. § 23-15-753 (punishing “vote fraud” with a maximum penalty of a \$5,000 fine and a one-year term of imprisonment); Colo. Rev. Stat. § 1-13-710(1) (punishing double voting with a maximum penalty of a \$5,000 fine and an 18-month term of imprisonment); Haw. Rev. Stat. § 19-4 (punishing voter fraud with a maximum penalty of a \$5,000 fine and a two-year term of imprisonment); Ore. Rev. Stat. § 260.993(2); see *id.* §§ 161.605(3), 161.625(1)(d) (classifying election fraud as a felony with a maximum penalty of a \$125,000 fine and a five-year term of imprisonment); Utah Code § 20A-1-603(2); see *id.* §§ 76-3-204(1), 76-3-301(1)(c) (punishing voter fraud with a maximum penalty of a \$2,500 fine or a 364-day term of imprisonment); Wash. Rev. Code § 29A.84.650(1); see *id.* § 9A.20.021(c) (classifying double voting as a felony with a maximum penalty of a \$10,000 fine or a five-year term of imprisonment).

balanced Alabama's sovereign authority to regulate its elections and Congress's legislative authority to protect disabled, blind, and low-literacy voters.

CONCLUSION

This Court should affirm the district court's grant of a preliminary injunction.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the type-volume limitations set forth in Fed. R. App. P. 29(a)(5). This brief contains 4,018 words, including all headings, footnotes, and quotations, and excluding the parts of the response exempted under Fed. R. App. P. 32(f). I also certify that this brief complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on January 17, 2025, an electronic copy of the foregoing brief was filed with the Clerk of Court using the ECF system and thereby served upon all counsel appearing in this case.

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