

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

NEW GEORGIA PROJECT, SANG *
HUYNH, GEORGIA MUSLIM VOTER*
PROJECT, and A. PHILLIP *
RANDOLPH INSTITUTE, *

Plaintiffs, *

vs. *

KAREN EVANS-DANIEL, ROBERT *
ABBOT, JOEL HAZARD, THOMAS *
ELLINGTON, and MIKE KAPLAN, *
in their official capacity as members of *
the Macon-Bibb County Board of *
Elections, *et al.*, *

Defendants. *

GEORGIA STATE CONFERENCE *
OF THE NAACP, GEORGIA *
COALITION FOR THE PEOPLE'S *
AGENDA, INC., AND VOTERIDERS *

Plaintiffs, *

vs. *

MACON-BIBB COUNTY BOARD *
OF ELECTIONS; KAREN *
EVANS-DANIEL, ROBERT *
ABBOTT, JOEL HAZARD, THOMAS *
ELLINGTON, and MIKE KAPLAN, *
in their official capacity as members of *
the Macon-Bibb County Board of *
Elections, *et al.*, *

Defendants. *

CIVIL ACTION FILE NO.
1:24-cv-03412-SDG

ANSWER AND RESPONSIVE PLEADINGS OF THE MACON-
BIBB COUNTY DEFENDANTS REGARDING PLAINTIFFS’
CONSOLIDATED FIRST AMENDED COMPLAINT

COME NOW MACON-BIBB COUNTY BOARD OF ELECTIONS;
KAREN EVANS-DANIEL, ROBERT ABBOTT, JOEL HAZARD, THOMAS
ELLINGTON, AND MIKE KAPLAN, Members of the Macon-Bibb County
Board of Elections, in their official capacities (hereinafter “Macon-Bibb
Defendants”), and make and file their Answer and Responsive Pleadings
regarding Plaintiffs’ Consolidated First Amended Complaint for Injunctive and
Declaratory Relief, filed December 17, 2024, as follows:

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Macon-Bibb Defendants were not responsible for the drafting or
enactment of S.B. 189 and do not have discretion over whether to comply with
validly passed state election laws. The Macon-Bibb Defendants show that they
will abide by any order of this Court regarding the constitutionality of S.B. 189
or injunctive relief granted as to the enforcement of its provisions and would
have done so without being named as defendants in this litigation.

SECOND DEFENSE

Plaintiffs lack standing to bring all or a portion of their claims against
the Macon-Bibb Defendants.

THIRD DEFENSE

Plaintiffs have failed to state a claim upon which relief may be granted against the Macon-Bibb Defendants.

FOURTH DEFENSE

Plaintiffs lack a clear legal right to the relief sought against the Macon-Bibb Defendants.

FIFTH DEFENSE

The Macon-Bibb Defendants' compliance with Georgia law is being carried out in good faith and without conscious, reckless, or negligent disregard for the rights of any voters.

SIXTH DEFENSE

The Macon-Bibb Defendants have not deprived Plaintiffs or voters of any rights, due process, or equal protections guaranteed by the Georgia Constitution or the United States Constitution.

SEVENTH DEFENSE

The Macon-Bibb Defendants are not capable of providing a remedy to Plaintiffs because their powers and duties do not include the ability to determine the voting laws or system of the State of Georgia.

EIGHTH DEFENSE

The Gwinnett County Board of Registrations and Elections, as the alleged class representative for the Defendant Class, cannot fairly and

adequately represent the interests of the entire Defendant Class, including the Macon-Bibb Defendants, because each county board is tasked with adjudicating different sets of voter challenges with different sets of underlying facts which situate each county board dissimilarly. Class certification regarding the county boards is therefore improper.

NINTH DEFENSE

The Macon-Bibb Defendants have not been properly added as a party in the lawsuit filed by Georgia State Conference of the NAACP and therefore the Court lacks jurisdiction over them in that action as consolidated herein and they assert defenses of joinder and misjoinder.

TENTH DEFENSE

The Macon-Bibb Defendants assert the defenses of insufficient process and/or insufficient service of process as to the lawsuit filed by Georgia State Conference of the NAACP and therefore assert that the Court lacks personal jurisdiction over them in that action as consolidated herein.

ANSWER

The Macon-Bibb Defendants respond to the allegations set forth in the numbered paragraphs of Plaintiffs' Consolidated First Amended Complaint as follows:

INTRODUCTION

1.

The Macon-Bibb Defendants deny that the facts alleged by Plaintiffs support their claims or requested relief as to the Macon-Bibb Defendants, but admit that Plaintiff's Consolidated Complaint was submitted pursuant to this Court's Consolidation Order. The Macon-Bibb Defendants refer to the record regarding the accuracy of Plaintiffs' footnote number two and are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 1.

2.

The Macon-Bibb Defendants do not take a position on the constitutionality of S.B. 189, but admit that they are required to, and do, follow Georgia law once properly enacted. The Macon-Bibb Defendants deny the remainder of the allegations set forth in Paragraph 2.

3.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 3.

4.

The Macon-Bibb Defendants deny any implication that they are violating Section 8(d) in the manner set forth in Paragraph 4, but are without sufficient

knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 4.

5.

The Macon-Bibb Defendants do not take a position on the constitutionality of S.B. 189, but admit that they are required to, and do, follow Georgia law once properly enacted, and therefore deny any implication that they are responsible for “unlawful” voter removals. The Macon-Bibb Defendants admit that probable cause may be established pursuant to Section 5 of S.B. 189 if an elector obtains a homestead exemption in a different jurisdiction or if a voter is registered at a nonresidential address *as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources*. The Macon-Bibb Defendants further admit that, where a challenge to a voter’s residence or eligibility is upheld pursuant to O.C.G.A. 21-2-230(g)-(i), the challenged voter’s name shall be removed from the list of the electors. The Macon-Bibb Defendants deny that just any “documentation” can be used to find probable cause to sustain a voter challenge based on the voter allegedly moving or registering at a nonresidential address, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 5.

6.

The Macon-Bibb Defendants admit that Section 4 of S.B. 189 provides that “[t]he mailing address for election purposes” of unhoused voters without a permanent address is “the registrar’s office of the county in which such person resides”. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 6.

7.

The Macon-Bibb Defendants deny any implication that they are responsible for unlawful challenge hearings or voter removals, but take no position on the constitutionality of S.B. 189. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 7.

JURISDICTION AND VENUE

8.

The Macon-Bibb Defendants admit that this Court has subject matter jurisdiction over claims arising under 28 U.S.C. § 1331, 28 U.S.C. §§ 1343(a)(3)-(4) and 1357, and 42 U.S.C. §§ 1983 and 1988, but deny that any such claims were appropriately alleged against the Macon-Bibb Defendants and further deny that Plaintiffs have standing to bring any such claims against the Macon-Bibb Defendants.

9.

The Macon-Bibb Defendants admit that this Court has authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, but deny that any such relief is appropriately sought against the Macon-Bibb Defendants and further deny that Plaintiffs have standing to seek any such relief against the Macon-Bibb Defendants.

10.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 10.

11.

The Macon-Bibb Defendants deny that Plaintiffs have standing to bring any of the claims raised against them, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 11.

PARTIES

I. Plaintiffs

A. Plaintiffs New Georgia Project, Georgia Muslim Voter Project, A. Phillip Randolph Institute, and Sang Huynh

12.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 12.

13.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 13.

14.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 14.

15.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 15.

16.

The Macon-Bibb Defendants deny any implication that their “actions are causing and will continue to cause NGP to expend additional resources...”, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 16.

17.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 17.

18.

The Macon-Bibb Defendants do not take a position on the constitutionality of S.B. 189, but admit that they are required to, and do, follow Georgia law once properly enacted, and therefore deny any implication that they are responsible for enforcing “unlawful” provisions of any statutes. The Macon-Bibb Defendants further deny that any of their actions have caused NGP’s alleged diversion of resources, and further deny any implication that they have violated the law or that such alleged “violations will impact and harm NGP’s constituents...” The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 18.

The Georgia Muslim Voter Project

19.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 19.

20.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 20.

21.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 21.

22.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 22.

23.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 23.

24.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 24.

25.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 25.

26.

The Macon-Bibb Defendants deny any implication that their “actions are causing, and will continue to cause, GAMVP to expend additional resources...”, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 26.

27.

The Macon-Bibb Defendants do not take a position on the constitutionality of S.B. 189, but admit that they are required to, and do, follow Georgia law once properly enacted, and therefore deny any implication that they are responsible for “diversions” related to enforcing “unlawful provisions” of any statutes. The Macon-Bibb Defendants further deny any implication that they have violated the law or that such alleged “violations will impact and harm GAMVP’s constituents.” The Macon-Bibb County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 27.

The A. Philip Randolph Institute

28.

The Macon-Bibb Defendants admit that APRI challenges Sections 4 and 5 of S.B. 189 on behalf of itself as an organization, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 28.

29.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 29.

30.

The Macon-Bibb Defendants do not take a position on the constitutionality of S.B. 189, but admit that they are required to, and do, follow Georgia law once properly enacted. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 30.

31.

The Macon-Bibb Defendants do not take a position on the constitutionality of S.B. 189 and are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 31.

32.

The Macon-Bibb Defendants do not take a position on the constitutionality of S.B. 189, but admit that they are required to, and do, follow Georgia law once properly enacted, and therefore deny any implication that they are responsible for “diversions” related to enforcing “unlawful provisions” of any statutes. The Macon-Bibb Defendants further deny any implication that

they have violated the law or that such alleged “violations will impact and harm APRI’s members and constituents.” The Macon-Bibb County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 32.

Sang Huynh

33.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 33.

34.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 34.

B. Plaintiffs Georgia State Conference of the NAACP, the Georgia Coalition for the People’s Agenda, Inc., and VoteRiders

35.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 35, but deny any implication that class certification is appropriate.

Georgia State Conference of the NAACP

36.

The Macon-Bibb Defendants are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 36.

37.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 37.

38.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 38.

39.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 39.

40.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 40.

41.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 41.

42.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 42.

43.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 43.

44.

The Macon-Bibb Defendants admit that the Georgia NAACP brings this action on behalf of itself and its individual members, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 44.

The Georgia Coalition for the People's Agenda, Inc.

45.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 45.

46.

The Macon-Bibb Defendants are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 46.

47.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 47.

48.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 48.

49.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 49.

50.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 50.

51.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 51.

52.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 52.

53.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 53.

54.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 54.

55.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 55.

56.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 56.

57.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 57.

58.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 58.

59.

The Macon-Bibb Defendants admit that the GCPA brings this action on behalf of itself and its individual members...", but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 59.

VoteRiders

60.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 60.

61.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 61.

62.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 62.

63.

The Macon-Bibb Defendants admit that, prior to S.B. 189, unhoused individuals could have election mail sent to a friend's house or a shelter, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 63.

64.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 64.

C. Plaintiff Secure Families Initiative

65.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 65, but deny any implication that class certification is appropriate.

66.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 66.

67.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 67.

68.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 68.

69.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 69.

70.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 70.

71.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 71.

72.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 72.

73.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 73.

74.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 74.

75.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 75.

76.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 76.

77.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 77.

II. Defendants

Secretary of State Brad Raffensperger

78.

The Macon-Bibb Defendants admit that Brad Raffensperger is the current officeholder for the Georgia Secretary of State, and further admit that federal and Georgia law speak for themselves with respect to the authorities, duties, and obligations of the Georgia Secretary of State. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 78.

State Election Board Defendants

79.

The Macon-Bibb Defendants admit that John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jaffares, and Janelle King are presently members of the Georgia State Election Board, and further admit that Georgia law speaks for itself with respect to the authorities, duties, and obligations of members of the Georgia State Election Board. The Macon-Bibb Defendants are

without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 79.

80.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 80.

NGP Plaintiffs Group's County Defendants

81.

Upon current information and belief, the Macon-Bibb Defendants admit the allegations set forth in Paragraph 81.

82.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 82.

83.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 83.

84.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 84.

85.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 85.

86.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 86.

87.

The Macon-Bibb County Defendants admit the allegations set forth in Paragraph 87.

Seventeen County Board and Board Member NVRA Defendants

88.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 88.

89.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 89.

90.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 90.

91.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 91.

92.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 92.

93.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 93.

94.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 94.

95.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 95.

96.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 96.

97.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 97.

98.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 98.

99.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 99.

100.

The Macon-Bibb Defendants are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 100.

101.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 101.

102.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 102.

103.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 103.

104.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 104.

105.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 105.

106.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 106.

Class Action Allegations—Defendant Class

107.

The Macon-Bibb Defendants admit that the county boards of registrars have been sued as a class in their official capacities and that they are responsible for adjudicating voter challenges under O.C.G.A. § 21-2-230 and O.C.G.A. § 21-2-229. The Macon-Bibb Defendants deny the remainder of the allegations set forth in Paragraph 107.

108.

The Macon-Bibb Defendants admit that Macon-Bibb County's Board of Elections has at least three members, but are without sufficient knowledge or information to form a belief as to the truth of such allegation as it relates to all county board of registrars in Georgia. The Macon-Bibb Defendants deny the remainder of the allegations set forth in Paragraph 108.

109.

The Macon-Bibb Defendants admit that O.C.G.A §§ 21-2-230 and 21-2-229 direct each county board of registrars to adjudicate voter registration and voter eligibility challenges, but are without sufficient knowledge or

information to form a belief as to the truth of the allegations regarding voter challenges actually adjudicated by the Gwinnett County Board of Registrations and Elections. The Macon-Bibb Defendants further admit that, under the circumstances provided in *Nat'l Broad. Co. v. Cleland*, 697 F. Supp. 1204 (N.D. Ga. 1988), the United States District Court for the Northern District of Georgia held that the Fulton County Board of Elections and Registration could fairly and adequately protect the interests of all County Superintendents of Election in that case. The Macon-Bibb Defendants deny the remainder of the allegations set forth in Paragraph 109.

110.

The Macon-Bibb Defendants deny the allegations set forth in Paragraph 110.

111.

The Macon-Bibb Defendants admit that county boards of election have an interest in avoiding inconsistent results and obtaining guidance on the enforcement of S.B. 189, but deny the remainder of the allegations set forth in Paragraph 111.

112.

The Macon-Bibb Defendants deny the allegations set forth in Paragraph 112.

STATEMENT OF FACTS

I. Requirements of the NVRA

113.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 113, but deny any implication that the stated purposes of the NVRA were the only purposes of the NVRA. See 52 U.S.C. §§ 20501(b)(2)-(3).

114.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 114.

115.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 115.

116.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 116.

117.

The Macon-Bibb Defendants admit that section 8(c)(2)(A) of the NVRA provides that “[a] State shall complete, not later than 90 days prior to the date of a primary or general election for Federal Office, any program the purpose of which is to systematically remove the names of ineligible voters from the

official lists of eligible voters”, but deny the remainder of the allegations set forth in Paragraph 117.

118.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 118.

119.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 119.

120.

The Macon-Bibb Defendants admit that any state law or practice that conflicts with the requirements of the NVRA would be preempted, but deny the remainder of the allegations set forth in Paragraph 120.

II. Georgia’s Voter registration Requirements

121.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 121.

122.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 122.

123.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 123.

124.

Upon current information and belief, the Macon-Bibb Defendants admit that the Georgia Legislature has not prescribed any qualifications to vote related to a person's residence other than those outlined by Plaintiffs, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 124.

A. Voter Registration of Unhoused Persons Before S.B. 189

125.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 125.

126.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 126.

127.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 127.

128.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 128.

129.

Upon current information and belief, the Macon-Bibb Defendants admit the allegations set forth in Paragraph 129.

130.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 130.

131.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 131.

132.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 132.

133.

Upon current information and belief, the Macon-Bibb Defendants admit the allegations set forth in Paragraph 133.

134.

The Macon-Bibb Defendants are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 134.

B. Voter Registration and Barriers to Casting Ballots for Military and Overseas Voters

135.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 135.

136.

The Macon-Bibb Defendants admit that military and overseas voters may face certain accessibility concerns that local voters do not, and that the outlined legislations have been passed in apparent efforts to alleviate such concerns. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 136.

137.

Upon current information and belief, the Macon-Bibb Defendants admit that over four million U.S. citizens live overseas and that UOCAVA voters “are U.S. citizens who are active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family

members, and U.S. citizens residing outside the United States.” The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 137.

138.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 138.

139.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 139.

140.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 140.

141.

The Macon-Bibb Defendants admit that the voting residence of U.S. citizens living outside the United States is the last U.S. address at which they were domiciled, and that this address *may* remain their voting residence even if they no longer own property or have other ties to the state, their intent to return to that state is uncertain, or their previous address is no longer a recognized residential address.

142.

The Macon-Bibb Defendants admit that P.O. boxes are considered nonresidential addresses, and that the Joint Forces Headquarters in Georgia is located at 1000 Halsey Ave, P.O. Box 1970, Marietta, GA 30061-0965. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 142.

143.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 143.

144.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 144.

145.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 145.

146.

The Macon-Bibb Defendants admit that O.C.G.A. § 21-2-381(a)(1)(C)(i) requires that absentee-by-mail ballot applications contain “an oath for the

elector or relative to write his or her usual signature with a pen and ink affirming that the elector is a qualified Georgia elector and the facts presented on the application are true”, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 146.

147.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 147.

148.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 148.

149.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 149.

III. Georgia’s Voter Challenge Process Pre-S.B. 189

150.

The Macon-Bibb Defendants admit the allegations set forth in

Paragraph 150.

151.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 151.

152.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 152.

153.

The Macon-Bibb Defendants admit that, where county registrars uphold a challenge under O.C.G.A. § 21-2-229, “the person's application for registration shall be rejected or the person's name removed from the list of electors, as appropriate.”

154.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 154.

155.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 155.

156.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 156.

157.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 157.

158.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 158.

159.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 159.

160.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 160.

161.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 161.

162.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 162.

163.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 163.

IV. Exponential Proliferation of Voter Challenges in Georgia from 2020 to the Present

164.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 164.

165.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 165.

166.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 166.

167.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 167.

168.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 168.

169.

The Macon-Bibb Defendants admit that they are unaware of any legislation in Georgia which imposes a good-faith requirement upon challenge bringers or any legislation which imposes a penalty upon challengers who bring unfounded or discriminatory challenges. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 169.

170.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 170.

171.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 171.

172.

The Macon-Bibb Defendants admit that 52 U.S.C. § 20306 provides:

A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 20301 of this title) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 172.

173.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 173.

174.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 174.

175.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 175.

176.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 176.

177.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 177.

178.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 178.

179.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 179.

180.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 180.

V. Georgia Enacts S.B. 189

A. Sections 4 and 5 of S.B. 189

181.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 181.

182.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 182.

183.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 183.

184.

The Macon-Bibb Defendants deny the allegations set forth in Paragraph 184.

185.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 185.

186.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 186.

B. The Process of Enacting S.B. 189 Was Rushed and Flawed

187.

The Macon-Bibb Defendants admit that S.B. 189 did not initially include the provisions challenged in this Complaint, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 187.

188.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 188.

189.

The Macon-Bibb Defendants admit that S.B. 189 proponents have alleged mass voter fraud and election irregularities as reasons for S.B. 189's necessity, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 189.

190.

The Macon-Bibb Defendants admit that S.B. 189 opponents have raised concerns that it could enable baseless voter challenges, overwhelm election administrators, and disenfranchise eligible voters, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of

the allegations set forth in Paragraph 190.

191.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 191.

192.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 192.

193.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 193.

194.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 194.

C. Section 4's Implications for the Voter Registration of Unhoused Persons

195.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 195.

196.

The Macon-Bibb Defendants are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 196.

197.

The Macon-Bibb Defendants admit that Section 4 of S.B. 189 requires that the mailing address for unhoused persons be the address of their county registrar's office, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 197.

198.

The Macon-Bibb Defendants admit that failure to respond to certain election-related mailings can result in voters being moved to inactive status or removed from the registration list pursuant to 52 U.S.C. § 20507(d), but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 198.

199.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 199.

200.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 200.

201.

The Macon-Bibb Defendants admit that they are unaware of any legislation related to S.B. 189 that provides a definition of “homeless and without a permanent address” or that provides a process for determining whether a voter falls under such category. The Macon-Bibb Defendants further admit that they are unaware of any legislation providing additional resources specifically intended to assist with implementation of S.B. 189’s requirement that unhoused persons use their county registrar’s office as their mailing address for elections purposes. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 201.

202.

The Macon-Bibb Defendants admit that Macon-Bibb County has made no such public plan, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 202.

203.

The Macon-Bibb County Defendants admit that S.B. 189 provides no guidance regarding whether election officials or unhoused voters themselves are responsible for ensuring that their mailing address for elections purposes is their county registrar’s office, but are without sufficient knowledge or

information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 203.

D. Section 5's Changes to Georgia's Voter Challenge Provisions

204.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 204.

205.

The Macon-Bibb Defendants admit that S.B. 189 mandates a finding of probable cause where an elector votes or registers to vote in a different jurisdiction, obtains a homestead exemption in a different jurisdiction, or is registered “at a nonresidential address as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources”. O.C.G.A. § 21-2-230(b). The Macon-Bibb Defendants deny the remainder of the allegations set forth in Paragraph 205.

206.

The Macon-Bibb Defendants admit that neither Section 230 nor S.B. 189 impose penalties for bringing unreliable, frivolous, or erroneous challenges, but deny the remainder of the allegations set forth in Paragraph 206.

207.

The Macon-Bibb Defendants admit that Section 5 of S.B. 189 provides no guidance regarding how a challenged voter can “answer the grounds of the challenge” pursuant to O.C.G.A. § 21-2-230(c), but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 207.

208.

The Macon-Bibb Defendants admit that O.C.G.A. § 21-2-230(b) only requires that notice be provided to challenged electors against whom probable cause has been found “if practical”, and that the term “if practical” is not defined in the statute. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 208.

209.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 209.

210.

The Macon-Bibb Defendants admit that Section 230 challenges can result in a voter’s removal from the voter rolls, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of

the allegations set forth in Paragraph 210.

211.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 211.

212.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 212.

213.

The Macon-Bibb Defendants admit that Section 5 of S.B. 189 identifies several circumstances under which probable cause to sustain a challenge shall be found, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 213.

214.

The Macon-Bibb Defendants admit that a number of Georgia voters are registered to vote using nonresidential addresses, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 214.

215.

The Macon-Bibb Defendants admit that S.B. 189 makes no mention of how a voter registered at a “nonresidential” address may rebut a finding of probable cause to show that they have established residency under Georgia

law, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 215.

216.

The Macon-Bibb Defendants admit that Georgia law provides no guidance regarding how “nonresidential” should be defined for the purposes of a challenge. The Macon-Bibb Defendants further admit that the Georgia Constitution reserves to cities and counties the substantive power to zone and plan for land within their respective jurisdictions, and that, while the state legislature is authorized to adopt laws governing procedures for zoning, localities have sole authority to exercise the zoning power and adopt individual zoning plans. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 216.

217.

The Macon-Bibb Defendants admit that permitted uses for commercial zoning in some counties include institutions of higher learning, including colleges and universities, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 217.

218.

The Macon-Bibb Defendants admit that permitted uses for commercial

zoning in some counties include nursing homes, assisted living facilities, rehabilitation centers, and personal care homes, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 218.

219.

The Macon-Bibb Defendants admit that localities in Georgia are allowed to grandfather in non-conforming uses as it relates to property zoning under certain circumstances, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 219.

220.

The Macon-Bibb Defendants admit that O.C.G.A. § 21-2-225.1 provides a mechanism for certain individuals who are victims of family violence or who reside in a domestic violence shelter to request to have their address kept confidential. The Macon-Bibb Defendants further admit that S.B. 189 provides no express exemption for participants in Georgia's VoteSafe program, but deny the remainder of the allegations set forth in Paragraph 220.

221.

The Macon-Bibb Defendants admit that a person's address being residential or nonresidential has no bearing on their eligibility to vote under federal or Georgia law, but are without sufficient knowledge or information to

form a belief as to the truth of the remainder of the allegations set forth in Paragraph 221.

E. Voter Challenges Since Passage of S.B. 189

222.

The Macon-Bibb Defendants admit that mass challenges have been brought in 2024 by groups claiming there is fraud in Georgia's elections, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 222.

223.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 223.

224.

The Macon-Bibb Defendants admit that, in 2023, former general counsel of the Georgia Secretary of State's Office "Ryan Germany testif[ied] that he 'didn't believe' that NCOA 'was sufficient probable cause' for further inquiry" for a Section 230 challenge, and that various other government entities have also expressed concern over the alleged unreliability of NCOA data. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in

Paragraph 224.

225.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 225.

226.

The Macon-Bibb Defendants admit that challengers may bring whatever “additional evidence” they wish to present regarding a challenged voter’s eligibility to vote, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 226.

227.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 227.

228.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 228.

229.

The Macon-Bibb Defendants admit the allegations set forth in

Paragraph 229.

230.

The Macon-Bibb Defendants deny that any of the 45 outlined voters were or are improperly at risk of removal from the registration list and/or disenfranchisement, but admit the remainder of the allegations set forth in Paragraph 230.

231.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 231.

232.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 232.

233.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 233.

234.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 234.

235.

The Macon-Bibb Defendants admit that they challenges were upheld in

Macon-Bibb County based on alleged registration at P.O. box addresses, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 235.

236.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 236.

237.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 237.

238.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 238.

239.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 239.

240.

The Macon-Bibb Defendants are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 240.

241.

The Macon-Bibb Defendants admit that the standards for determining probable cause are ostensibly the same for challenges under O.C.G.A. § 21-2-230 and O.C.G.A. § 21-2-229, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 241.

242.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 242.

CAUSES OF ACTION

NVRA CLAIMS:

243.

The Macon-Bibb Defendants admit that the paragraphs in this section apply to Counts I-V, which Plaintiffs allege arise under the National Voter Registration Act, but deny any implication that Plaintiffs' claims against the Macon-Bibb Defendants are supported.

244.

The Macon-Bibb Defendants deny that Plaintiffs have a cause of action

against them under the NVRA, but admit that 52 U.S.C. § 20510(b)(1) contains the stated notice provision.

245.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 245.

246.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 246.

247.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 247.

248.

The Macon-Bibb Defendants deny the allegations set forth in Paragraph 248.

COUNT I

The S.B. 189 Section 5 Residency-Based Probable-Cause Provisions of Section

230 Violate the NVRA 8(d) Removal Process

52 U.S.C. § 20507(d)

(Alleged by (1) Plaintiffs Georgia NAACP and GCPA as to Defendant Raffensperger, SEB Defendants, and the Seventeen County Board Member Defendants; (2) by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and the Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (3) Plaintiffs NGP and APRI as to

all the NGP Plaintiffs Group's respective Defendants; Plaintiff GAMVP as to all the NGP Plaintiffs Group's respective Defendants except Spalding County Defendants; and Plaintiff Huynh as to all State Defendants and Fulton County Defendants)

249.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

250.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 250.

251.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 251.

252.

The Macon-Bibb Defendants deny the allegations set forth in Paragraph 252.

253.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 253.

254.

The Macon-Bibb Defendants admit that S.B. 189 could situationally require them to make probable cause determinations on voter challenges based

on allegations that the voter has moved from their address of registration, but deny the remainder of the allegations set forth in Paragraph 254.

255.

The Macon-Bibb Defendants admit that the NVRA states:

(d) REMOVAL OF NAMES FROM VOTING ROLLS. — (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)

(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 255.

256.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 256.

257.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 257.

258.

The Macon-Bibb Defendants deny that any of Plaintiffs' alleged NVRA violations are traceable to County Defendants, but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230 and determine whether a challenge is being brought on the basis that a voter is not a qualified voter meriting removal from the voter rolls. The Macon-Bibb Defendants further admit that County Defendants and the Defendant Class of county election boards, are at risk of being sanctioned by SEB Defendants if they fail to apply the probable cause criteria set forth under Section 230.

259.

The Macon-Bibb Defendants admit that Defendant Raffensperger is responsible for the training of registrars and maintenance of the statewide voter registration list, and for providing information on registration and absentee ballot procedures for voters, including military and overseas voters entitled to vote under UOCAVA. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 259.

260.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 260.

COUNT II

The S.B. 189 Section 5 “Nonresidential” Address Provision Violates the NVRA 8(b) Uniformity and Nondiscrimination Provisions

52 U.S.C. §§ 20507(b)(1)

(Alleged by (1) Plaintiffs Georgia NAACP and GCPA as to Defendant Raffensperger, SEB Defendants, and the Seventeen County Board Member Defendants; (2) by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and the Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (3) by the NGP Plaintiffs Group as to State Defendants and Fulton County Defendants, and by Plaintiffs NGP, GAMVP, and APRI also as to Macon-Bibb and Gwinnett County Defendants)

261.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

262.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 262.

263.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 263.

264.

The Macon-Bibb Defendants admit that S.B. 189 allows county boards to find probable cause to sustain a challenge to the eligibility of a voter based on the characterization of the voter's registration address, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 264.

265.

The Macon-Bibb Defendants admit that S.B. 189 does not provide a definition for "nonresidential" and does not provide an exhaustive list of information that county boards may rely upon to determine whether a person's address is "nonresidential". The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 265.

266.

The Macon-Bibb Defendants deny that any of their actions are discriminatory or result in nonuniform treatment, and further deny that Plaintiffs' alleged violations are traceable to the counties, but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230.

267.

The Macon-Bibb Defendants admit that Defendant Raffensperger is responsible for the training of registrars and maintenance of the statewide

voter roll, and for providing information on registration and absentee ballot procedures for voters, including military and overseas voters entitled to vote under UOCAVA. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 267.

268.

The Macon-Bibb Defendants admit that the SEB Defendants are responsible for promulgating rules interpreting state election laws which the Defendant Class, the County Defendants, and the Seventeen County Board Member Defendants are bound by. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 268.

269.

The Macon-Bibb Defendants deny that they have violated Section 8(b) of the NVRA by placing unnecessary, discriminatory, and/or unreasonable requirements on voters with a nonresidential address, and further deny any implication that they are responsible for the disenfranchisement of unhoused voters and/or voters with insecure housing. The Macon-Bibb Defendants admit that, on the day Section 5 of S.B. 189 became effective, the Macon-Bibb County Board of Elections placed 45 voters into “challenged status” for having a post office or UPS store location as their residential address and that those 45

voters will have to provide proof of residency before being able to vote in any future election. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 269.

270.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 270.

COUNT III

Chatham, Forsyth, Gwinnett, and Spalding County Defendants' Voter Removal Practices Violate the NVRA's Requirements for Processing Voters Who Move

52 U.S.C. § 20507(d)

(Alleged by Plaintiffs NGP and APRI as to Chatham, Forsyth, Gwinnett, and Spalding County Defendants, and by Plaintiff GAMVP as to Chatham, Forsyth, and Gwinnett County Defendants)

271.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

272.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 272.

273.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 273.

274.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 274.

275.

The Macon-Bibb Defendants deny that any of Plaintiffs' alleged violations are traceable to County Defendants, but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230.

COUNT IV

S.B. 189 Section 4's Unhoused Voter Mailing Address Restriction Violates the NVRA 8(b) Uniform and Nondiscriminatory Provision

52 U.S.C. § 20507(b)

(Alleged by: (1) Plaintiffs NGP and APRI as to State Defendants and Chatham, Fulton, and Macon-Bibb County Defendants, and by Plaintiff Huynh as to State Defendants and Fulton County Defendants; and (2) Plaintiffs Georgia NAACP and GCPA as to Defendant Raffensperger, SEB Defendants, and the Seventeen County Board Member Defendants)

276.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

277.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 277.

278.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 278.

279.

The Macon-Bibb Defendants admit that the outlined provision of Section 4 of S.B. 189 requires certain voters to receive election-related mail at their county registrar's office and that such provision applies only to unhoused or housing insecure voters "without a permanent address". The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 279.

COUNT V

S.B. 189 Section 4's Unhoused Voter Mailing Address Restriction Violates Multiple NVRA Notice Requirements

52 U.S.C. § 20507(a)(2), (c)(1)(B), (d)(1)-(2)

(Alleged by Plaintiffs NGP and APRI as to State Defendants and Chatham, Fulton, and Macon-Bibb County Defendants, and by Plaintiff Huynh as to State Defendants and Fulton County Defendants)

280.

The Macon-Bibb Defendants reincorporate all relevant responses

contained in the paragraphs above.

281.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 281.

282.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 282.

283.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 283.

284.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 284.

285.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 285.

286.

The Macon-Bibb Defendants admit that O.C.G.A. § 21-2-217(a), as amended by Section 4 of S.B. 189, requires unhoused voters without a permanent address to use their county registrar's office as their mailing

address for election purposes, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 286.

287.

The Macon-Bibb Defendants admit that Section 8 of the NVRA requires that election officials provide certain notices “to each” applicant or registrant, including providing notification of the disposition of their voter registration application, and notification to certain voters before they are removed from the voter registration list. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 287.

CONSTITUTIONAL CLAIMS:

COUNT VI

S.B. 189 Section 5’s “Nonresidential Address” Provisions Violate the Fundamental Right to Vote

42 U.S.C. § 1983; First and Fourteenth Amendments to the U.S. Constitution

(Alleged by (1) Plaintiffs Georgia NAACP, GCPA, and VoteRiders as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (2) by the NGP Plaintiffs Group as to State Defendants and Fulton County Defendants, and by Plaintiffs NGP, GAMVP, and APRI also as to Macon-Bibb and Gwinnett County Defendants)

288.

The Macon-Bibb Defendants reincorporate all relevant responses

contained in the paragraphs above.

289.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 289.

290.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 290.

291.

The Macon-Bibb Defendants admit that residing at a premises deemed to be “residential” in character is not required by the Georgia Constitution or any other Georgia law respecting voter eligibility, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 291.

292.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 292.

293.

The Macon-Bibb Defendants admit that Georgia law provides for a hearing at which a challenged voter may appear and present evidence to rebut the board’s finding of probable cause. The Macon-Bibb Defendants further

admit that S.B. 189 does not define “nonresidential” and that advance notice is only required to be given to challenged voters “if practical”. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 293.

294.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 294.

295.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 295.

296.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 296.

297.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 297.

COUNT VII

S.B. 189 Section 5 Violates the Fundamental Right to Vote as to Overseas and Military Voters

42 U.S.C. § 1983; First and Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

298.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

299.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 299.

300.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 300.

301.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 301.

302.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 302.

303.

The Macon-Bibb Defendants admit that Section 5 of S.B. 189 does not outline any specific criteria for the verification of evidence used in conjunction with NCOA data to support a challenge, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 303.

304.

The Macon-Bibb Defendants admit that counties only have to provide notice to a voter of a challenge against them “if practical”, meaning a voter may not know a challenge has been lodged against them until they attempt to vote. The Macon-Bibb Defendants further admit that, if voting in-person, the voter will need to prove they are a resident of Georgia and that an exhaustive list of the evidence sufficient to prove same is not set forth by Georgia law. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 304.

305.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 305.

306.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 306.

307.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 307.

308.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 308.

309.

The Macon-Bibb Defendants deny that any of the allegedly unconstitutional treatment associated with S.B. 189 is traceable to County Defendants, but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230 and may thereafter require electors to prove their eligibility to be able to cast a ballot and remain on the voter rolls. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 309.

310.

The Macon-Bibb Defendants admit that Defendant Raffensperger is responsible for providing guidance to counties on adjudicating challenges under O.C.G.A. § 21-2-229 and O.C.G.A. § 21-2-230, and that the SEB Defendants are responsible for promulgating rules interpreting state elections laws which the Defendant Class of county board members are bound by. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 310.

COUNT VIII

S.B. 189 Section 4 Infringes on Unhoused Voters' Fundamental Voting Rights
42 U.S.C. § 1983; First and Fourteenth Amendments to the U.S. Constitution

(Alleged by (1) Plaintiffs Georgia NAACP, GCPA, and VoteRiders as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registration and Elections; and (2) Plaintiffs NGP and APRI as to SEB Defendants and Chatham, Fulton, and Macon-Bibb County Defendants, and by Plaintiff Huynh as to SEB Defendants and Fulton County Defendants)

311.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

312.

The Macon-Bibb Defendants admit the allegations set forth in

Paragraph 312.

313.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 313.

314.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 314.

315.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 315.

316.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 316.

317.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 317.

318.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 318.

319.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 319.

320.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 320.

COUNT IX

S.B. 189 Section 5's "Nonresidential" Address Provisions Violate Due Process

42 U.S.C. § 1983; Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiffs Georgia NAACP, GCPA, and VoteRiders as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

321.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

322.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 322.

323.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 323.

324.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 324.

325.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 325.

326.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 326.

327.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 327.

328.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in

Paragraph 328.

329.

The Macon-Bibb Defendants admit that S.B. 189 contains no requirement that challenged voters be provided with actual notice, and that, when probable cause is found, only requires that the voter be provided with notice and an opportunity to answer “if practical.” The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 329.

330.

The Macon-Bibb Defendants admit that living at a “residential” address is not a qualification to vote in Georgia and that S.B. 189 does not explicitly include any explanation or confirmation that a finding of probable cause may be rebutted by a showing that the voter meets the residency requirements under the Georgia Constitution, as defined in Georgia law, even if the voter actually resides at a nonresidential address. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 330.

331.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 331.

332.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 332.

COUNT X

S.B. 189 Section 5 Violates Due Process as to Overseas and Military Voters

42 U.S.C. § 1983; Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

333.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

334.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 334.

335.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 335.

336.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 336.

337.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 337.

338.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 338.

339.

The Macon-Bibb Defendants admit that S.B. 189 does not outline specific criteria for the verification or substantiation of all forms of evidence capable of being utilized to support a challenge, but deny that S.B. 189 requires counties to always hear challenges based on unsubstantiated and/or faulty data. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 339.

340.

The Macon-Bibb Defendants admit that, before S.B. 189, counties could dismiss challenges based on unsubstantiated or faulty evidence for lacking probable cause, but deny that S.B. 189 has changed that by “requiring county boards of elections and registrars to find probable cause and sustain a Section 230 challenge, regardless of the veracity of the evidence presented”. The

Macon-Bibb Defendants further admit that, pursuant to S.B. 189, challengers may bring whatever “additional evidence” they wish to present regarding a challenged voter’s eligibility to vote, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 340.

341.

The Macon-Bibb Defendants admit that the adjudication process for Section 230 challenges provides that notice will be given “if practical”, and that “practical” is undefined. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 341.

342.

The Macon-Bibb Defendants deny that counties no longer have the discretion to dismiss unfounded challenges pursuant to S.B. 189, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 342.

343.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 343.

344.

The Macon-Bibb Defendants deny the allegations set forth in Paragraph 344.

345.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 345.

346.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 346.

347.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 347.

348.

The Macon-Bibb Defendants deny that any of the allegedly unconstitutional treatment associated with S.B. 189 is traceable to County Defendants, but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230 and may thereafter require electors to prove their eligibility to be able to cast a ballot and remain on the voter rolls. The

Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 348.

349.

The Macon-Bibb Defendants admit that Defendant Raffensperger is responsible for providing guidance to counties on adjudicating challenges under O.C.G.A. § 21-2-229 and O.C.G.A. § 21-2-230, and that the SEB Defendants are responsible for promulgating rules interpreting state elections laws which the Defendant Class of county board members are bound by. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 349.

COUNT XI

S.B. 189 Section 5 Violates the Equal Protection Clause of the Fourteenth Amendment

42 U.S.C. § 1983; Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiffs SFI as to as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

350.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

351.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 351.

352.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 352.

353.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 353.

354.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 354.

355.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 355.

356.

The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 356.

357.

The Macon-Bibb Defendants deny that any of the allegedly disparate treatment associated with S.B. 189 is traceable to County Defendants, but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230.

358.

The Macon-Bibb Defendants admit that Defendant Raffensperger is responsible for the training of registrars and maintenance of the statewide voter roll and for providing information on registration and absentee ballot procedures for use by military and overseas voters entitled to vote under UOCAVA. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 358.

359.

The Macon-Bibb Defendants admit that the SEB Defendants are responsible for promulgating rules interpreting state elections laws by which the Defendant Class of county board members are bound, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 359.

CIVIL RIGHTS ACT CLAIM:

COUNT XII

S.B. 189 Section 5 Violates Title I of the Civil Rights Act

42 U.S.C. § 1983; 52 U.S.C. § 10101(a)(2)(A)

(Alleged by: (1) Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (2) the NGP Plaintiffs Group as to State Defendants and Fulton County Defendants, and by NGP, GAMVP, and APRI also as to Macon-Bibb and Gwinnett County Defendants)

360.

The Macon-Bibb Defendants reincorporate all relevant responses contained in the paragraphs above.

361.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 361.

362.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 362.

363.

The Macon-Bibb Defendants admit the allegations set forth in Paragraph 363.

364.

The Macon-Bibb Defendants admit that Section 5 of S.B. 189 requires that probable cause be found where an elector is “registered at a nonresidential address *as confirmed or listed by or in a government office, data base, website,*

or publicly available sources derived solely from such governmental sources”, but are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 364.

365.

The Macon-Bibb Defendants admit that residing at a “residential” address is not a qualification to be an elector under federal or Georgia law, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 365.

366.

The Macon-Bibb Defendants admit that county boards may dismiss challenges to voters registered at a residential address without additional proceedings, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 366.

367.

The Macon-Bibb Defendants deny that any of the allegedly disparate treatment associated with S.B. 189 is traceable to County Defendants, but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230.

368.

The Macon-Bibb Defendants admit that Defendant Raffensperger is

responsible for the training of registrars and maintenance of the statewide voter roll and for providing information on registration and absentee ballot procedures for use by military and overseas voters entitled to vote under UOCAVA. The Macon-Bibb Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 368.

369.

The Macon-Bibb Defendants admit that the SEB Defendants are responsible for promulgating rules interpreting state elections laws by which the Defendant Class of county board members are bound, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 369.

PRAYER FOR RELIEF

(a) The Macon-Bibb Defendants deny that the relief requested by subsection (a) is justified or appropriate. Answering further, the Macon-Bibb Defendants were not involved in the passing of S.B. 189, but have adhered to Georgia law as enacted by the legislature and enforced by the courts of this State. Judgment against the Macon-Bibb Defendants for following properly enacted legislation would therefore be unjust and inappropriate.

(b) Subsection (b) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required,

the Macon-Bibb Defendants state that they will comply with Georgia law and defer questions of constitutionality to the Court.

(c) Subsection (c) contains a request for relief that requires no response from the Macon-Bibb Defendants because such relief is sought only as to the Chatham, Forsyth, Gwinnett, and Spalding County Defendants.

(d) Subsection (d) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will comply with Georgia law and defer questions of constitutionality to the Court.

(e) The Macon-Bibb Defendants deny that the relief requested by subsection (e) is justified or appropriate. Answering further, the Macon-Bibb Defendants were not involved in the passing of S.B. 189, but have adhered to Georgia law as enacted by the legislature and enforced by the courts of this State. The Macon-Bibb Defendants further deny having removed any voters from the registration list for the reasons alleged. Judgment against the Macon-Bibb Defendants for following properly enacted legislation would therefore be unjust and inappropriate.

(f)(i) Subsection (f)(i) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(ii) Subsection (f)(ii) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(iii) Subsection (f)(iii) contains a request for relief that requires no response from the Macon-Bibb Defendants because such relief is sought only as to Defendant Brad Raffensperger and the Chatham, Forsyth, Gwinnett, and Spalding County Defendants.

(f)(iv) Subsection (f)(iv) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(v) The Macon-Bibb Defendants deny having removed any voters from the registration list for the reasons alleged. Furthermore, the Macon-Bibb Defendants were not involved in the passing of S.B. 189, but have adhered to Georgia law as enacted by the legislature and enforced by the courts of this State.

(f)(vi) The Macon-Bibb Defendants have no objection to preserving the stated records until December 31, 2026.

(f)(vii) Subsection (f)(vii) contains a request for relief that requires no response from the Macon-Bibb Defendants because such relief is sought only

as to the State Election Board Defendants.

(f)(viii) The Macon-Bibb Defendants defer questions of constitutionality regarding S.B. 189 to the Court and state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(ix) The Macon-Bibb Defendants deny any implication that they have “fail[ed] to count all ballots” required to be counted by Georgia law; however, the Macon-Bibb Defendants defer questions of constitutionality regarding S.B. 189 to the Court and state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(x) Subsection (f)(x) contains a request for relief that requires no response from the Macon-Bibb Defendants because such relief is sought only as to the State Election Board Defendants.

(f)(xi) Subsection (f)(xi) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(xii) Subsection (f)(xii) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(xiii) Subsection (f)(xiii) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will comply with Georgia law and whatever associated orders this Court effects.

(f)(xiv) Subsection (f)(xiv) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will participate in whatever training this Court may require.

(f)(xv) Subsection (f)(xv) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will participate in whatever training this Court may require.

(f)(xvi) Subsection (f)(xvi) contains a request for relief that requires no response from the Macon-Bibb Defendants. To the extent such a response is required, the Macon-Bibb Defendants state that they will participate in whatever training this Court may require.

(g) The Macon-Bibb Defendants deny that the relief requested by subsection (g) is justified or appropriate. Answering further, the Macon-Bibb Defendants were not involved in the passing of S.B. 189, but have adhered to Georgia law as enacted by the legislature and enforced by the courts of this

State. An award of such relief against the Macon-Bibb Defendants for following properly enacted legislation would therefore be unjust and inappropriate.

(h) The Macon-Bibb Defendants deny that the relief requested by subsection (h) is justified or appropriate. Answering further, the Macon-Bibb Defendants were not involved in the passing of S.B. 189, but have adhered to Georgia law as enacted by the legislature and enforced by the courts of this State. As such, the Macon-Bibb Defendants are not proper parties to this action and should be dismissed from this suit.

(i) The Macon-Bibb Defendants deny that the relief requested by subsection (i) is justified or appropriate.

WHEREFORE, having answered Plaintiffs' Consolidated First Amended Complaint and stated defenses and objections, the Macon-Bibb Defendants respectfully request that Plaintiffs' claims be dismissed, Plaintiffs' prayers for relief be denied in each and every particular with all costs, including attorney's fees, taxed to the Plaintiffs pursuant to 52 U.S.C. § 20510(c) and 42 U.S.C. § 1988, and that the Macon-Bibb Defendants be granted such other relief as this Court may deem just and proper.

Respectfully submitted this 17th day of January, 2025.

/s/ Grace Simms Martin

WILLIAM H. NOLAND

State Bar No. 545605

william@nolandlawfirmllc.com

GRACE SIMMS MARTIN

State Bar No. 279182

grace@nolandlawfirmllc.com

Attorneys for the Macon-Bibb Defendants

NOLAND LAW FIRM, LLC
5400 Riverside Drive, Suite 205
Macon, GA 31210
(478) 621-4980 (telephone)
(478) 621-4982 (facsimile)

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing has been prepared in accordance with the font type and margin requirements set forth in Local Rule 5.1, using Century Schoolbook font and 13-point type.

This 17th day of January, 2025.

/s/ Grace Simms Martin

WILLIAM H. NOLAND

State Bar No. 545605

william@nolandlawfirmllc.com

GRACE SIMMS MARTIN

State Bar No. 279182

grace@nolandlawfirmllc.com

Attorneys for the Macon-Bibb Defendants

NOLAND LAW FIRM, LLC

5400 Riverside Drive, Suite 205

Macon, GA 31210

(478) 621-4980 (telephone)

(478) 621-4982 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

This 17th day of January, 2025.

/s/ Grace Simms Martin

WILLIAM H. NOLAND

State Bar No. 545605

william@nolandlawfirmllc.com

GRACE SIMMS MARTIN

State Bar No. 279182

grace@nolandlawfirmllc.com

Attorneys for the Macon-Bibb Defendants

NOLAND LAW FIRM, LLC
5400 Riverside Drive, Suite 205
Macon, GA 31210
(478) 621-4980 (telephone)
(478) 621-4982 (facsimile)