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

NEW GEORGIA PROJECT, *et al.* *Plaintiffs*, v. BRAD RAFFENSPERGER, in his official capacity as Secretary of State of the State of Georgia, *et al*. *Defendants*.	Civil Action No. 1:24-cv-03412-SDG

GWINNETT COUNTY DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED SECOND AMENDED COMPLAINT

In support of their motion to dismiss [Doc. 287], Defendants Wandy Taylor,[1] David Hancock, Loretta Mirandola, Alice O'Lenick, and Anthony Rodriguez,[2] named in their official capacity as members of the Gwinnett County Board of Registrations and Elections (hereinafter referred to as "Gwinnett County Defendants") adopt the arguments set forth in State Defendants' Reply Brief in Support of Motion to Dismiss ("State's Reply Brief") [Doc. 305], except that Gwinnett County Defendants do not adopt

[1] Wandy Taylor no longer serves on the Gwinnett County Board of Registrations and Elections. She has been replaced by Richard Porter.

[2]Anthony Rodriguez no longer serves on the Gwinnett County Board of Registrations and Elections. The seat is currently vacant.

Section I(D) of the State's Reply Brief or any portions arguing traceability to and redressability by State Defendants.

Count III of the Complaint [Doc. 276, pp. 272-276] asserts alleged violations of Section 8(d) of the NVRA solely against county defendants and not against State Defendants. In support of its motion to dismiss Count III, Gwinnett County adopts the arguments that State Defendants assert in Section II(B) of State's Reply Brief [Doc. 305 at 23-25][3] regarding Count I, which also alleges violations of Section 8(d) of the NVRA. Count III fails to state a claim for the same reasons that Count I fails to state a claim.

Plaintiffs make one particularly radical argument that is worth specifically mentioning here. They argue that Section 8(d) of the NVRA's protocols regarding removing a voter from the voter rolls on the ground that he or she has changed residence, means that the State or counties cannot take any action that flags a voter's ineligibility to vote as determined by the county registrar after notice and hearing, even if that action does not remove a voter from the rolls and still allows a voter to vote. Plaintiffs' Consolidated Brief in Opposition to Defendants' and Intervenors' Motions to Dismiss [Doc. 304 at 69-70]. In other words, Plaintiffs are taking the novel position that the

[3] All page number citations to filed documents refer to the court-generated blue numbers at the top of each page.

NVRA somehow provides eligibility to a voter who would not otherwise be eligible under State law. *See* O.C.G.A. § 21-2-216(a)(4) (stating that no person shall vote in any primary or election in this state unless such person shall be…a resident of this state). Plaintiffs' novel reading of the NVRA would call its constitutionality into question. *See Jones v. Governor of Florida*, 975 F. 3d 1016,1049 (11th Cir. 2020) ("States are constitutionally entitled to set legitimate voter qualifications through laws of general application and to require voters to comply with those laws through their own efforts.") That Plaintiffs need to resort to this novel and plainly incorrect argument to support their claims shows that they fail to state a claim upon which relief may be granted.

For all the reasons set forth herein, Plaintiffs' Consolidated Second Amended Complaint should be dismissed.

Respectfully submitted this 28th day of May, 2025.

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned certifies that the foregoing Brief has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ C. Ryan Germany
C. Ryan Germany

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.1, I hereby certify that on this day I electronically filed the above **GWINNETT COUNTY DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED SECOND AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notifications of such filing to all attorneys of record.

Dated: May 28, 2025

/s/ C. Ryan Germany
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