UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., *Plaintiffs*, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., *Defendants*, REPUBLICAN NATIONAL COMMITTEE; NATIONAL REPUBLICAN SENATORIAL COMMITTEE; NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE; and GEORGIA REPUBLICAN PARTY, INC., *Proposed Intervenor-Defendants*.	No. 1:21-cv-1284-JPB

MOTION TO INTERVENE

The Republican National Committee, National Republican Senatorial Committee, National Republican Congressional Committee, and Georgia Republican Party, Inc. ("Movants") respectfully move to intervene as defendants in this case. As explained in the accompanying memorandum, Movants satisfy the requirements for intervention of right under Rule 24(a)(2) and permissive intervention under Rule 24(b). Plaintiffs oppose intervention. Defendants take no position.

This 12th day of April, 2021.

Respectfully submitted,

/s/ *William Bradley Carver, Sr.*

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CERTIFICATE OF SERVICE AND CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1

The foregoing was prepared in Century Schoolbook font, 13-point type, one of the font and point selections approved by the Court in N.D. Ga. L.R. 5.1(C). I hereby certify that I electronically filed the foregoing **MOTION TO INTERVENE** with the Clerk of Court using the CM/ECF electronic filing, which will electronically serve all counsel of record.

This 12th day of April, 2021.

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PROPOSED INTERVENOR-DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO INTERVENE

This Court should grant the motion to intervene and allow Movants—the Republican National Committee, National Republican Senatorial Committee, National Republican Congressional Committee, and Georgia Republican Party, Inc.—to be defendants in this case. As the Democratic Party recently observed, "political parties usually have good cause to intervene in disputes over election rules." *Issa v. Newsom*, Doc. 23 at 2, No. 2:20-cv-1044 (E.D. Cal. June 8, 2020). That is why, in recent litigation over the election rules for 2020 and 2021, the Democratic and Republican parties were virtually always granted intervention.* Just a few months ago, Judge Jones let the Republican

* *See, e.g.*, *Alliance for Retired American's v. Dunlap*, No. CV-20-95 (Me. Super. Ct. Aug. 21, 2020) (granting intervention to the RNC, NRSC, and Republican Party of Maine); *Mi Familia Vota v. Hobbs*, Doc. 25, No. 2:20-cv-1903 (D. Ariz. June 26, 2020) (granting intervention to the RNC and NRSC); *Ariz. Democratic Party v. Hobbs*, Doc. 60, No. 2:20-cv-1143-DLR (D. Ariz. June 26, 2020) (granting intervention to the RNC and Arizona Republican Party); *Swenson v. Bostelmann*, Doc. 38, No. 20-cv-459-wmc (W.D. Wis. June 23, 2020) (granting intervention to the RNC and Republican Party of Wisconsin); *Edwards v. Vos*, Doc. 27, No. 20-cv-340-wmc (W.D. Wis. June 23, 2020) (same); *League of Women Voters of Minn. Ed. Fund v. Simon*, Doc. 52, No. 20-cv-1205 ECT/TNL (D. Minn. June 23, 2020) (granting intervention to the RNC and Republican Party of Minnesota); *Issa v. Newsom*, 2020 WL 3074351, at *4 (E.D. Cal. June 10, 2020) (granting intervention to the DCCC and Democratic Party of California); *Nielsen v. DeSantis*, Doc. 101, No. 4:20-cv-236-RH (N.D. Fla. May 28, 2020) (granting intervention to the RNC, NRCC, and Republican Party of Florida); *Priorities USA v. Nessel*, 2020 WL 2615504, at *5 (E.D. Mich. May 22, 2020) (granting intervention to the RNC and Republican Party of Michigan); *Thomas v. Andino*, 2020 WL 2306615, at *4 (D.S.C. May 8, 2020) (granting intervention to the South Carolina Republican Party); *Corona v. Cegavske*, Order Granting Mot. to Intervene, No. CV 20-OC-644-1B (Nev. 1st Jud. Dist. Ct. Apr. 30, 2020) (granting intervention to the RNC and Nevada

Party intervene in another similar case. *See Black Voters Matter Fund v. Raffensperger*, Doc. 42, No. 1:20-cv-4869 (N.D. Ga. Dec. 9, 2020). This Court should do the same for two independent reasons.

First, Movants satisfy the criteria for intervention as of right under Rule 24(a)(2). Their motion is timely; Plaintiffs' complaint was just filed, this litigation has yet to begin in earnest, and no party will possibly be prejudiced. Movants also have a clear interest in protecting their candidates, voters, and resources from Plaintiffs' attempt to invalidate Georgia's duly-enacted election rules. Finally, no other party adequately represents Movants' interests. Defendants do not share Movants' distinct interests in conserving their resources and helping Republican candidates and voters.

Second, and alternatively, the Court should grant Movants permissive intervention under Rule 24(b). Again, this motion is timely. Movants' defenses share common questions of law and fact with the existing parties, and intervention will result in no delay or prejudice. Incremental prejudice is especially unlikely here—a case that will inevitably involve multiple parties because it is

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Republican Party); *League of Women Voters of Va. v. Va. State Bd. of Elections*, Doc. 57, No. 6:20-cv-24-NKM (W.D. Va. Apr. 29, 2020) (granting intervention to the Republican Party of Virginia); *Paher v. Cegavske*, 2020 WL 2042365, at *2 (D. Nev. Apr. 28, 2020) (granting intervention to four Democratic Party entities); *Democratic Nat'l Comm. v. Bostelmann*, 2020 WL 1505640, at *5 (W.D. Wis. Mar. 28, 2020) (granting intervention to the RNC and Republican Party of Wisconsin); *Gear v. Knudson*, Doc. 58, No. 3:20-cv-278 (W.D. Wis. Mar. 31, 2020) (same); *Lewis v. Knudson*, Doc. 63, No. 3:20-cv-284 (W.D. Wis. Mar. 31, 2020) (same); *see also Democratic Exec. Cmte. of Fla. v. Detzner*, No. 4:18-cv-520-MW-MJF (N.D. Fla. Nov. 9, 2018) (granting intervention to the NRSC).

one of four challenges to SB 202 before this Court. The Court's resolution of these important questions will have significant implications for Movants as they work to ensure that candidates and voters can participate in fair and orderly elections.

Whether under Rule 24(a)(2) or (b), Movants should be allowed to intervene as defendants. Defendants take no position on intervention. Plaintiffs oppose.

INTERESTS OF PROPOSED INTERVENORS

Movants are four political committees who support Republicans in Georgia. The Republican National Committee is a national committee, as defined by 52 U.S.C. §30101, that manages the Republican Party's business at the national level, supports Republican candidates for public office at all levels, coordinates fundraising and election strategy, and develops and promotes the national Republican platform. The National Republican Senatorial Committee is a national political committee that works to elect Republicans to the U.S. Senate. The National Republican Congressional Committee is a national political committee that works to elect Republicans to the U.S. House. The Georgia Republican Party is a political party that works to promote Republican values and to assist Republican candidates in obtaining election to partisan federal, state, and local office. All three Movants have interests—their own and those of their members—in the rules and procedures governing Georgia's elections. That includes Georgia's crucial elections in 2022 for Governor, U.S. Senate, U.S. House, and other offices.

ARGUMENT

I. Movants are entitled to intervene as of right.

Rule 24 is "liberally construed with all doubts resolved in favor of the proposed intervenor." *S.D. ex rel. Barnett v. U.S. Dep't of Interior*, 317 F.3d 783, 785 (8th Cir. 2003). Under Rule 24(a)(2), this Court must grant intervention as of right if four things are true: the motion is timely; movants have a legally protected interest in this action; this action may impair or impede that interest; and no existing party adequately represents Movants' interests. *See Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989). All four are true here.

A. The motion is timely.

This Court considers four factors in determining the timeliness of a motion to intervene: the delay after the movant knew its interest in the case; any prejudice to the existing parties from that delay; prejudice to the movant from denying intervention; and any unusual circumstances. *Id.* These factors all favor Movants.

Movants filed this motion early—mere "days after Plaintiffs filed the lawsuit." *Black Voters Matter*, Doc. 42 at 6, No. 1:20-cv-4869 (N.D. Ga.). Movants hardly could have moved faster than they did. Much later intervention motions have been declared timely. *See e.g.*, *North Dakota v. Heydinger*, 288 F.R.D. 423, 429 (D. Minn. 2012) (motion filed one year after answer); *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (motion filed four months after complaint); *Uesugi Farms, Inc. v. Michael J. Navilio & Son,*

Inc., 2015 WL 3962007, at *2 (N.D. Ill. June 25, 2015) (motions filed 4-6 weeks after complaint).

Nor will Movants' intervention prejudice the parties. This litigation has not yet begun in earnest. Movants will comply with all deadlines that govern the parties, will work to prevent duplicative briefing, and will coordinate with the parties on discovery. If Movants are not allowed to intervene, however, their interests could be irreparably harmed by an order overriding Georgia's election rules and undermining the integrity of Georgia's elections. Their motion is timely.

B. Movants have protected interests in this action.

Movants also have "'direct, substantial, legally protectible interest[s] in the proceeding'" because they are Republican Party organizations that represent candidates and voters. *Chiles*, 865 F.2d at 1213-14. Movants have direct and significant interests in ensuring that the State's election procedures are fair and reliable. Laws like the one challenged here are designed to serve "the integrity of [the] election process," *Eu v. San Fran. Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989), and the "orderly administration" of elections, *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 196 (2008) (op. of Stevens, J.). As Judge Jones found, Movants have "a specific interest" in "promoting their chosen candidates and protecting the integrity of Georgia's elections." *Black Voters Matter*, Doc. 42 at 5, No. 1:20-cv-4869 (N.D. Ga.).

Indeed, federal courts "routinely" find that political parties have interests supporting intervention in litigation regarding election rules. *Issa*, 2020

WL 3074351, at *3; *see, e.g.*, *Siegel v. LePore*, 234 F.3d 1163, 1169 n.1 (11th Cir. 2001); *supra* n.*. Given their inherent and intense interest in elections, usually "[n]o one disputes" that political parties "meet the impaired interest requirement for intervention as of right." *Citizens United v. Gessler*, 2014 WL 4549001, *2 (D. Col. Sept. 15, 2014). That is certainly true here, where "changes in voting procedures could affect candidates running as Republicans and voters who [are] members of the … Republican Party." *Ohio Democratic Party v. Blackwell*, 2005 WL 8162665, *2 (S.D. Ohio Aug. 26, 2005); *see id.* (under such circumstances, "there [was] no dispute that the Ohio Republican Party had an interest in the subject matter of this case").

In short, because Movants' candidates will "actively seek [election or] reelection in contests governed by the challenged rules," and Movants' voters will vote in them, Movants have an interest in "demand[ing] adherence" to Georgia's rules. *Shays v. FEC*, 414 F.3d 76, 88 (D.C. Cir. 2005).

C. This action threatens to impair Movants' interests.

Movants are "so situated that disposing of [this] action may as a practical matter impair or impede [their] ability to protect [their] interest." Fed. R. Civ. P. 24(a)(2). Movants "do not need to establish that their interests *will* be impaired," "only that the disposition of the action 'may' impair or impede their ability to protect their interests." *Brumfield v. Dodd*, 749 F.3d 339, 344 (5th Cir. 2014). This language from Rule 24 is "obviously designed to liberalize the right to intervene in federal actions." *Nuesse v. Camp*, 385 F.2d 694, 701 (D.C. Cir. 1967).

Here, Movants' interests will plainly "suffer if the Government were to lose this case, or to settle it against [Movants'] interests." *Mausolf v. Babbitt*, 85 F.3d 1295, 1302-03 (8th Cir. 1996). Not only would an adverse decision undercut democratically enacted laws that protect voters and candidates (including Movants' members), it would change the "structur[e] of th[e] competitive environment" and "fundamentally alter the environment in which [Movants] defend their concrete interests (e.g. their interest in … winning [election or] reelection)." *Shays*, 414 F.3d at 85-86. These changes, especially if they occur near an election, threaten to confuse voters and undermine confidence in the electoral process. *See Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006). Movants will be forced to spend substantial resources fighting inevitable confusion and galvanizing participation in the wake of the "consequent incentive to remain away from the polls." *Id.*; *accord Pavek v. Simon*, 2020 WL 3183249, at *10 (D. Minn. June 15, 2020).

The "very purpose of intervention is to allow interested parties to air their views so that a court may consider them before making potentially adverse decisions." *Brumfield*, 749 F.3d at 345. So the "best" course—and the one that Rule 24 "implements"—is to give "all parties with a real stake in a controversy … an opportunity to be heard" in this suit. *Hodgson v. United Mine Workers of Am.*, 473 F.2d 118, 130 (D.C. Cir. 1972). That includes Movants.

D. No party adequately represents Movants' interests.

Finally, Movants are not adequately represented by the existing parties. Inadequacy is not a demanding showing. It's satisfied "if the proposed

intervenor shows that representation of his interest *may be* inadequate." *Chiles*, 865 F.2d at 1214 (cleaned up; emphasis added). In other words, "'the burden of making that showing should be treated as minimal,'" and the proposed intervenors "'should be allowed to intervene unless it is clear that [the current parties] will provide adequate representation.'" *Id.*

As then-Judge Garland has explained, courts "often conclude[] that governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003). "[T]he government's representation of the public interest generally cannot be assumed to be identical to the individual parochial interest of a [private movant] merely because both entities occupy the same posture in the litigation." *Utah Ass'n of Ctys. v. Clinton*, 255 F.3d 1246, 1255-56 (10th Cir. 2001). Here, too, Defendants necessarily represent "the public interest," rather than Movants' "particular interest[s]" in protecting their resources and the rights of their candidates and voters. *Coal. of Ariz./N.M. Counties for Stable Economic Growth v. DOI*, 100 F.3d 837, 845 (10th Cir. 1996). While political parties also want what's best for the country, the reality is that they have different ideas of what that looks like and how best to accomplish it.

This tension is stark in the context of elections. Defendants have no interest in the election of particular candidates or the mobilization of particular voters, or the costs associated with either. Instead, state officials, acting on behalf of all Georgia citizens and the State itself, must consider "a range of interests likely to diverge from those of the intervenors." *Meek v. Metro. Dade*

Cty., 985 F.2d 1471, 1478 (11th Cir. 1993). Those interests include "the expense of defending the current [laws] out of [state] coffers," *Clark v. Putnam Cty.*, 168 F.3d 458, 461 (11th Cir. 1999); "the social and political divisiveness of the election issue," *Meek*, 985 F.2d at 1478; "their own desires to remain politically popular and effective leaders," *id.*; and even the interests of Plaintiffs, *In re Sierra Club*, 945 F.2d 776, 779-80 (4th Cir. 1991). Defendants apparently agree, since they take no position on Movants' intervention. *See Utah Ass'n of Ctys. v. Clinton*, 255 F.3d 1246, 1255 (10th Cir. 2001) ("The government has taken no position on the motion to intervene in this case. Its 'silence on any intent to defend the intervenors' special interests is deafening.'").

At the very least, Movants will "serve as a vigorous and helpful supplement" to Defendants and "can reasonably be expected to contribute to the informed resolutions of these questions." *NRDC v. Costle*, 561 F.2d 904, 912-13 (D.C. Cir. 1977). Movants affirmatively seek to preserve Georgia's voting safeguards, including the bill challenged here, and bring a unique and well-informed perspective to the table. Movants thus should be granted intervention under Rule 24(a)(2).

II. Alternatively, Movants are entitled to permissive intervention.

Even if Movants were not entitled to intervene as of right under Rule 24(a), this Court should grant them permissive intervention under Rule 24(b). Exercising broad judicial discretion, courts grant permissive intervention when the movant has "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b); *see Chiles*, 865 F.2d at

1213. Courts also consider "whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3); *see Chiles*, 865 F.2d at 1213. Inadequate representation is not a requirement. *Black Voters Matter*, Doc. 42 at 5, No. 1:20-cv-4869 (N.D. Ga.).

The requirements of Rule 24(b) are met here. As explained, Movants filed a timely motion. *Supra* I.A. And Movants will raise defenses that share many common questions with the parties' claims and defenses. Plaintiffs allege that the challenged law is unconstitutional. Movants directly reject that allegation and assert that Plaintiffs' desired relief would undermine the interests of Movants and their members. This obvious clash is why courts allow political parties to intervene in defense of state election laws. *See, e.g.*, *Swenson*, Doc. 38, No. 20-cv-459-wmc (W.D. Wis.) ("[T]he [RNC and Republican Party of Wisconsin] have a defense that shares common questions of law and fact with the main action; namely, they seek to defend the challenged election laws to protect their and their members' stated interests—among other things, interest in the integrity of Wisconsin's elections."); *Priorities USA*, 2020 WL 2615504, at *5 (recognizing that the permissive-intervention factors were met when the RNC "demonstrate[d] that [it] seek[s] to defend the constitutionality of Michigan's [election] laws, the same laws which the plaintiffs allege are unconstitutional").

Movants' intervention will not unduly delay this litigation or prejudice anyone. Movants swiftly moved to intervene at this case's earliest stage, and their participation will add no delay beyond the norm for multiparty litigation.

Plaintiffs put the legality of Georgia's law at issue, after all, so they "can hardly be said to be prejudiced by having to prove a lawsuit [they] chose to initiate." *Security Ins. Co. of Hartford v. Schipporeit, Inc.*, 69 F.3d 1377, 1381 (7th Cir. 1995). Movants also commit to submitting all filings in accordance with whatever briefing schedule the Court imposes, "which is a promise" that undermines claims of undue delay. *Emerson Hall Assocs., LP v. Travelers Casualty Ins. Co. of Am.*, 2016 WL 223794, *2 (W.D. Wis. Jan. 19, 2016).

Allowing Movants to intervene will promote consistency and fairness in the law, as well as efficiency in this case. It will allow "the Court … to profit from a diversity of viewpoints as [Movants] illuminate the ultimate questions posed by the parties." *Franconia Minerals (US) LLC v. United States*, 319 F.R.D. 261, 268 (D. Minn. 2017). Any prejudice from granting intervention would be no greater than the prejudice from denying intervention. *See Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370, 377 (1987) ("[W]hen an order prevents a putative intervenor from becoming a party in *any* respect, the order is subject to immediate review."); *Jacobson v. Detzner*, 2018 WL 10509488 (N.D. Fla. July 1, 2018) ("[D]enying [Republican Party organizations'] motion [to intervene] opens the door to delaying the adjudication of this case's merits for months—if not longer"). Where a court has doubts, "the most prudent and efficient course" is to allow permissive intervention. *Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wis. v. United States*, 2002 WL 32350046, *3 (W.D. Wis. Nov. 20, 2002).

CONCLUSION

Movants humbly ask the Court to grant their motion and allow them to intervene as defendants.

This 12th day of April, 2021.

Respectfully submitted,

/s/ *William Bradley Carver, Sr.*

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Counsel for Proposed Intervenor-Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, a Georgia nonprofit organization, GEORGIA MUSLIM VOTER PROJECT, a Georgia nonprofit organization, WOMEN WATCH AFRIKA, a Georgia nonprofit organization, LATINO COMMUNITY FUND OF GEORGIA, a Georgia nonprofit organization, DELTA SIGMA THETA SORORITY, INC., a Washington D.C. nonprofit organization on behalf of 7000+ Sorors residing in Georgia,

Plaintiffs,

v.

BRIAN KEMP, Governor of the State of Georgia, in his official capacity, BRAD RAFFENSPERGER, Secretary of State of Georgia, in his official capacity, GEORGIA STATE ELECTIONS BOARD, REBECCA SULLIVAN, DAVID WORLEY, MATTHEW MASHBURN, and ANH LEE, Members of the Georgia State Elections Board, in their official capacities, FULTON COUNTY REGISTRATION AND ELECTIONS BOARD, ALEX WAN, MARK WINGATE, KATHLEEN D. RUTH, VERNETTA K. NURIDDIN, and AARON V. JOHNSON, Members of the Fulton County Registration and

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Elections Board, in their official capacities, RICHARD L. BARRON, Director of the Fulton County Registrations and Elections board, in his official capacity, DEKALB COUNTY BOARD OF REGISTRATIONS AND ELECTIONS, ANTHONY LEWIS, SUSAN MOTTER, DELE L. SMITH, SAMUEL E. TILLMAN, and BAOKY N. VU, Members of the DeKalb County Board of Registrations and Elections, in their official capacities, GWINNETT COUNTY BOARD OF REGISTRATIONS AND ELECTIONS, ALICE O'LENICK, WANDY TAYLOR, STEPHEN W. DAY, JOHN MANGANO, GEORGE AWUKU, and SANTIAGO MARQUEZ, Members of the Gwinnett County Board of Registrations and Elections, in their official capacities, LYNN LEDFORD, Director of the Gwinnett County Board of Registrations and Elections, in her official capacity, COBB COUNTY BOARD OF ELECTIONS AND REGISTRATION, PHIL DANIELL, FRED AIKEN, PAT GARTLAND, JESSICA M. BROOKS, and DARYL O. WILSON, JR., Members of the Cobb County Board of Elections and Registration, in their official capacities, JANINE EVELER, Director of the Cobb County Board of Elections and Registration, in her official capacity, HALL COUNTY BOARD OF ELECTIONS AND REGISTRATION, TOM SMILEY, DAVID KENNEDY, KEN

COCHRAN, CRAIG LUTZ, and GALA SHEATS, Members of the Hall County Board of Elections and Registration, in their official capacities, LORI WURTZ, Director of Hall County Elections, in her official capacity, CLAYTON COUNTY BOARD OF ELECTIONS AND REGISTRATION, DARLENE JOHNSON, DIANE GIVENS, CAROL WESLEY, DOROTHY F. HALL, and PATRICIA PULLAR, Members of the Clayton County Board of Elections and Registration, in their official capacities, SHAUNA DOZIER, Clayton County Elections Director, in her official capacity, RICHMOND COUNTY BOARD OF ELECTIONS, TIM MCFALLS, SHERRY T. BARNES, MARCIA BROWN, TERENCE DICKS, and BOB FINNEGAN, Members of the Richmond County Board of Elections, in their official capacities, LYNN BAILEY, Richmond County Elections Director, in her official capacity, BIBB COUNTY BOARD OF ELECTIONS, MIKE KAPLAN, HERBERT SPANGLER, RINDA WILSON, HENRY FICKLIN, and CASSANDRA POWELL, Members of the Bibb County Board of Elections, in their official capacities, and JEANETTA R. WATSON, Bibb County Elections Supervisor, in her official capacity, BIBB COUNTY BOARD OF REGISTRARS, VERONICA SEALS, Bibb County Chief Registrar, in her official capacity, CHATHAM

COUNTY BOARD OF ELECTIONS, THOMAS J. MAHONEY, MALINDA HODGE, MARIANNE HEIMES, and ANTAN LANG, Members of Chatham County Board of Elections, in their official capacities, CHATHAM COUNTY BOARD OF REGISTRARS, COLIN MCRAE, WANDA ANDREWS, WILLIAM L. NORSE, JON PANNELL, and RANDOLPH SLAY, Members of the Chatham County Board of Registrars, in their official capacities, CLARKE COUNTY BOARD OF ELECTION AND VOTER REGISTRATION, WILLA JEAN FAMBROUGH, HUNAID QADIR, ANN TILL, ROCKY RAFFLE, and ADAM SHIRLEY, Members of the Clarke County Board of Election and Voter Registration, in their official capacities, CHARLOTTE SOSEBEE, Clarke County Board of Election and Voter Registration Director, in her official capacity, COLUMBIA COUNTY BOARD OF ELECTIONS, ANN CUSHMAN, WANDA DUFFIE, and LARRY WIGGINS, Members of the Columbia County Board of Elections, in their official capacities, COLUMBIA COUNTY BOARD OF REGISTRARS, NANCY L. GAY, Columbia County Chief Registrar, in her official capacity,

Defendants,

REPUBLICAN NATIONAL COMMITTEE; NATIONAL REPUBLICAN SENATORIAL COMMITTEE; NATIONAL REPUBLICAN CONGRES-

SIONAL COMMITTEE; and GEORGIA REPUBLICAN PARTY, INC.,
Proposed Intervenor-Defendants.

[PROPOSED] INTERVENOR-DEFENDANTS' [PROPOSED] ANSWER

Intervenors—the Republican National Committee, National Republican Senatorial Committee, National Republican Congressional Committee, and Georgia Republican Party, Inc.—now answer Plaintiff's complaint (Doc. 1). Unless expressly admitted below, every allegation in the complaint is denied. When Intervenors say something "speaks for itself," they do not admit that the referenced material exists, is accurate, or is placed in the proper context. Accordingly, Intervenors state:

1.

The cited Supreme Court decisions speak for themselves. To the extent this paragraph advances legal arguments, they require no response.

2.

Because this paragraph lacks any sources or citations for the data and figures cited therein, Intervenors lack sufficient information to admit or deny these allegations.

3.

Because this paragraph lacks any sources or citations for the data and figures cited therein, Intervenors lack sufficient information to admit or deny these allegations.

4.

Because this paragraph lacks any sources or citations for the data and figures cited therein, Intervenors lack sufficient information to admit or deny these allegations. The remaining allegations are denied.

5.

From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

6.

Democrats controlled both political branches of Georgia government throughout the vast majority of the referenced time period. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination. Because the alleged number of instances of federal intervention during the referenced time period is unsupported by any sources or citations, Intervenors lack sufficient information to admit or deny these allegations.

7.

Intervenors deny that any of the voting changes made in Georgia since 2013 have any discriminatory purpose or effect.

8.

Intervenors deny the allegations of this paragraph and otherwise deny that the referenced kinds of voting changes are discriminatory.

9.

Intervenors lack sufficient information to admit or deny these allegations.

10.

Intervenors lack sufficient information to admit or deny these allegations.

11.

Intervenors lack sufficient information to admit or deny these allegations.

12.

Intervenors lack sufficient information to admit or deny these allegations.

13.

Intervenors lack sufficient information to admit or deny these allegations.

14.

Intervenors lack sufficient information to admit or deny these allegations.

15.

The State Election Board recently referred 35 cases of election law violations to the Georgia Attorney General or local district attorneys for criminal prosecution, including several cases relating to the 2020 general election. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3tbn29o.

16.

Intervenors lack sufficient information to admit or deny these allegations.

17.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors otherwise deny the allegations in this paragraph.

18.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors otherwise deny the allegations in this paragraph.

19.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.

20.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors otherwise deny the allegations in this paragraph.

21.

To the extent this paragraph advances legal arguments, they require no response. The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors deny that SB

202 is discriminatory in purpose or effect and otherwise deny the allegations in this paragraph.

22.

To the extent this paragraph advances legal arguments, they require no response. The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors otherwise deny the allegations in this paragraph.

23.

To the extent this paragraph advances legal arguments, they require no response. The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors otherwise deny the allegations in this paragraph.

24.

To the extent this paragraph advances legal arguments, they require no response. The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors otherwise deny the allegations in this paragraph.

25.

To the extent this paragraph advances legal arguments, they require no response. The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors deny that SB 202 is discriminatory in purpose or effect and otherwise deny the allegations in this paragraph.

26.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph.

27.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph.

28.

On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors lack sufficient information to admit or deny the allegations in this paragraph.

29.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. The first sentence is denied. Intervenors lack sufficient information to admit or deny the remaining allegations, but deny that SB 202 will require Plaintiff to divert resources *away* from its mission.

30.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. Intervenors deny that Georgians will be harmed by SB 202. Intervenors otherwise lack sufficient information to admit or deny these allegations.

31.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. The first sentence is denied. Inter-

venors lack sufficient information to admit or deny the remaining allegations, but deny that SB 202 will require Plaintiff to divert resources *away* from its mission and that SB 202 will adversely impact Plaintiff's overall operations.

32.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia; Intervenors thus deny that Georgians will be harmed by SB 202. Intervenors otherwise lack sufficient information to admit or deny these allegations.

33.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. The first sentence is denied. Intervenors lack sufficient information to admit or deny the remaining allegations, but deny that SB 202 will require Plaintiff to divert resources *away* from its mission and that SB 202 will adversely impact Plaintiff's overall operations.

34.

Intervenors lack sufficient information to admit or deny these allegations.

35.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia; Intervenors thus deny that Georgians will be harmed by SB 202. Intervenors otherwise lack sufficient information to admit or deny these allegations.

36.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia; Intervenors thus deny that Georgians will be harmed by SB 202. Intervenors lack sufficient information to admit or deny the remaining allegations, but deny that SB 202 will require Plaintiff to divert resources *away* from its mission and that SB 202 will adversely impact Plaintiff's overall operations.

37.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia; Intervenors thus deny that Georgians will be harmed by SB 202. Intervenors otherwise lack sufficient information to admit or deny these allegations.

38.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia. The first sentence is denied. Intervenors lack sufficient information to admit or deny the remaining allegations, but deny that SB 202 will require Plaintiff to divert resources *away* from its mission and that SB 202 will adversely impact Plaintiff's overall operations.

39.

Intervenors admit that Defendant Brian Kemp is the Governor of the State of Georgia. The cited authorities speak for themselves.

40.

Intervenors admit that Defendant Brad Raffensperger is the Secretary of State of Georgia and the chief elections official of the State. The cited authorities speak for themselves.

41.

The cited code section speaks for itself.

42.

Intervenors admit that Defendants Rebecca Sullivan, David Worley, Matthew Mashburn, and Anh Le are members of the Georgia State Elections Board. The cited authorities speak for themselves.

43.

The cited authorities speak for themselves.

44.

Intervenors admit that Alex Wan, Mark Wingate, Kathleen D. Ruth, Vernetta Keith Nuriddin, and Aaron V. Johnson are the Members of the Fulton County Registration and Elections Board. Intervenors otherwise lack sufficient information to admit or deny these allegations.

45.

Intervenors admit that Defendant Richard L. Barron is the Director of the Fulton County Registration and Elections Board. Intervenors otherwise lack sufficient information to admit or deny these allegations.

46.

The cited authorities speak for themselves.

47.

Intervenors admit that Defendants Anthony Lewis, Susan Motter, Dele Lowman Smith, Samuel E. Tillman, and Baoky N. Vu are the Members of the DeKalb County Board of Registration & Elections. Intervenors otherwise lack sufficient information to admit or deny these allegations.

48.

Intervenors admit that Defendant Erica Hamilton is the Director of Voter Registration and Elections in DeKalb County. Intervenors otherwise lack sufficient information to admit or deny these allegations.

49.

The cited authorities speak for themselves.

50.

Intervenors admit that Alice O'Lenick, Wandy Taylor, Stephen W. Day, John Mangano, George Awuku, and Santiago Marquez are the Members of the Gwinnett County Board of Registrations and Elections. Intervenors otherwise lack sufficient information to admit or deny these allegations.

51.

Intervenors admit that Lynn Ledford is the Director of the Gwinnett County Board of Registrations and Elections. Intervenors otherwise lack sufficient information to admit or deny these allegations.

52.

The cited authorities speak for themselves.

53.

Intervenors admit that Defendants Phil Daniell, Fred Aiken, Pat Gartland, Jessica M. Brooks, and Darryl O. Wilson, Jr. are the Members of the Cobb County Board of Elections and Registration. Intervenors otherwise lack sufficient information to admit or deny these allegations.

54.

Intervenors admit that Janine Eveler is the Director of the Cobb County Board of Elections and Registration. Intervenors otherwise lack sufficient information to admit or deny these allegations.

55.

The cited authorities speak for themselves.

56.

Intervenors admit that Defendants Tom Smiley, David Kennedy, Ken Cochran, Craig Lutz, and Gala Sheats are the Members of the Hall County Board of Elections and Registration. Intervenors otherwise lack sufficient information to admit or deny these allegations.

57.

Intervenors admit that Lori Wurtz is the Hall County Elections Director. Intervenors otherwise lack sufficient information to admit or deny these allegations.

58.

The cited authorities speak for themselves.

59.

Intervenors admit that Darlene Johnson, Diane Givens, Carol Wesley, Dorothy Foster Hall, and Patricia Pullar are the Members of the Clayton County Board of Elections and Registration. Intervenors otherwise lack sufficient information to admit or deny these allegations.

60.

Intervenors admit that Defendant Shauna Dozier is the Clayton County Elections Director. Intervenors otherwise lack sufficient information to admit or deny these allegations.

61.

The cited authorities speak for themselves.

62.

Intervenors admit that Defendants Tim McFalls, Sherry T. Barnes, Marcia Brown, Terence Dicks, and Bob Finnegan are the Members of the Richmond County Board of Elections. Intervenors otherwise lack sufficient information to admit or deny these allegations.

63.

Intervenors admit that Lynn Bailey is the Richmond County Elections Director and the Richmond County Chief Registrar. Intervenors otherwise lack sufficient information to admit or deny these allegations.

64.

The cited authorities speak for themselves.

65.

Intervenors admit that Defendants Mike Kaplan, Herbert Spangler, Rinda Wilson, Henry Ficklin, and Cassandra Powell are the Members of the Bibb County Board of Elections. Intervenors otherwise lack sufficient information to admit or deny these allegations.

66.

Intervenors admit that Jeanetta R. Watson is the Bibb County Elections Supervisor. Intervenors otherwise lack sufficient information to admit or deny these allegations.

67.

The relevant state statutes speak for themselves.

68.

Intervenors admit that Veronica Seals is the Chief Registrar of Bibb County. Intervenors otherwise lack sufficient information to admit or deny these allegations.

69.

The cited authorities speak for themselves.

70.

Intervenors admit that Defendants Thomas J. Mahoney, Malinda Hodge, Marianne Heimes, and Antan Lang are the Members of the Chatham

County Board of Elections. Intervenors otherwise lack sufficient information to admit or deny these allegations.

71.

The relevant state statutes speak for themselves.

72.

Intervenors admit that Defendants Colin McRae, Wanda Andrews, William L. Norse, Jon Pannell, and Randolph Slay are the Members of the Chatham County Board of Registrars. Intervenors otherwise lack sufficient information to admit or deny these allegations.

73.

The relevant state statutes speak for themselves.

74.

Intervenors admit that Defendants Willa Jean Fambrough, Hunaid Qadir, Ann Till, Rocky Raffle and Adam Shirley are the Members of the Clarke County Board of Election and Voter Registration. Intervenors otherwise lack sufficient information to admit or deny these allegations.

75.

Intervenors admit that Charlotte Sosebee is the Director of the Clarke County Board of Election and Voter Registration. Intervenors otherwise lack sufficient information to admit or deny these allegations.

76.

The cited authorities speak for themselves.

77.

Intervenors admit that Defendants Ann Cushman, Wanda Duffie, and Larry Wiggins are the Members of the Columbia County Board of Elections. Intervenors otherwise lack sufficient information to admit or deny these allegations.

78.

The relevant state statutes speak for themselves.

79.

Intervenors admit that Nancy L. Gay is the Chief Registrar of Columbia County.

80.

These legal arguments require no response.

81.

Plaintiff brings this action under 42 U.S.C. §1983 and §1988 but has no meritorious claim under either statute.

82.

This Court could enter a declaratory judgment or injunctive relief, but Plaintiffs are not entitled to either.

83.

These legal arguments require no response.

84.

These legal arguments require no response. Intervenors lack sufficient information to admit or deny the last sentence.

85.

From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

86.

From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

87.

Intervenors admit that the Original 33 were elected in 1868, the same year that the Fourteenth Amendment was adopted to ensure equal protection of the law for all persons. Democrats expelled the Original 33 from office. Intervenors deny that this history is relevant to SB 202.

88.

Admit.

89.

From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

90.

From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

91.

Intervenors admit that the Democratic Party imposed "white primaries" in Georgia. From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

92.

Intervenors admit that the Democratic Party imposed "white primaries" in Georgia. From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

93.

Intervenors admit that the Democratic Party imposed "white primaries" in Georgia. From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that

racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

94.

Intervenors admit that the Democratic Party imposed "white primaries" in Georgia. From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

95.

Intervenors admit that the Democratic Party imposed "white primaries" in Georgia. From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination.

96.

Intervenors admit that Georgia formerly was subject to the preclearance requirement of the Voting Rights Act in part because of the unconstitutional tests and devices implemented by the Democratically controlled state government.

97.

Democrats controlled both political branches of Georgia government throughout the vast majority of the referenced time period. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination. Because the alleged number of instances of federal intervention during the referenced time period is unsupported by any sources or citations, Intervenors lack sufficient information to admit or deny these allegations.

98.

Intervenors admit that the Supreme Court in *Shelby County v. Holder* invalidated the coverage provision that determined which jurisdictions were subject to the Voting Rights Act's preclearance requirement and that released Georgia from the preclearance requirement. Intervenors otherwise deny the allegations in this paragraph.

99.

The first sentence is denied. The referenced quote speaks for itself.

100.

From 1872 to 2002, Georgia had a Democratic governor, and Democrats controlled the General Assembly. Intervenors do not doubt that racial discrimination occurred during this period. But they deny that this history is relevant to SB 202 or that SB 202 was motivated by racial discrimination. Intervenors deny that any of the voting changes made in Georgia in the refer-

enced time period had any discriminatory purpose or effect. Intervenors otherwise lack sufficient information to admit or deny these allegations except to state that the filing of voting-rights lawsuits is not evidence of racial discriminatory practices.

101.

Intervenors deny that any of the voting changes made in Georgia after the Supreme Court's *Shelby County* decision had any discriminatory purpose or effect.

102.

Intervenors deny that Georgia's 29-day registration deadline is one of the strictest in the country. Indeed, Vote.org indicates that Georgia's 29-day registration deadline is one of the most lenient deadlines across the country and much longer than the average. *See Voter Registration Deadlines*, Vote.org bit.ly/3dVbgJY. Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.

103.

Because this paragraph contains no sources, citations, or nonconclusory explanation of Georgia's so-called "exact match" policy, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

104.

Because this paragraph contains no sources, citations, or nonconclusory explanation of Georgia's so-called "exact match" policy, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

105.

Denied.

106.

Because this paragraph contains no sources, citations, or nonconclusory explanation of Georgia's efforts to clean its voting rolls, Intervenors lack sufficient information to admit or deny the allegations of this paragraph. The referenced *Atlanta Journal-Constitution* quotation speaks for itself.

107.

Because this paragraph contains no sources, citations, or nonconclusory explanation of Georgia's efforts to clean its voting rolls, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

108.

Because this paragraph contains no sources, citations, or nonconclusory explanation of Georgia's efforts to clean its voting rolls, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

109.

The State Election Board recently referred 35 cases of election law violations to the Georgia Attorney General or local district attorneys for criminal prosecution, including several cases relating to the 2020 general election. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3uGxgPI. Intervenors deny that voter fraud is a myth. Because this paragraph contains no sources, citations, or nonconclusory explanation of the

alleged voter eligibility challenges referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

110.

The State Election Board recently referred 35 cases of election law violations to the Georgia Attorney General or local district attorneys for criminal prosecution. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3uGxgPI. Among them, the New Georgia Project was referred for allegedly submitting 1,268 voter registration applications after the 10-day deadline, causing voters to be disenfranchised in the March 19, 2019 special election. *Id*. Because this paragraph contains no sources, citations, or nonconclusory explanation of the criminal investigations referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

111.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the alleged change in the dates of nonpartisan county elections referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

112.

The National Conference of State Legislatures reports that the average length of early voting periods is 19 days and that several states do not allow any early voting. *See State Laws Governing Early Voting*, NCSL, bit.ly/3wISRsu. Because this paragraph contains no sources, citations, or

nonconclusory explanation of the changes to Georgia's early-voting period referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

113.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the changes to Georgia's early-voting period referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

114.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the changes to Georgia's early-voting period referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

115.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the changes to the early-voting period referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

116.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

117.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

118.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

119.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

120.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

121.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

122.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures and wait times referenced therein,

Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

123.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures and wait times referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

124.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the polling place closures and wait times referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

125.

HB 566 speaks for itself. Otherwise denied.

126.

Intervenors deny that any of the voting changes made in Georgia after the Supreme Court's *Shelby County* decision had any discriminatory purpose or effect. Intervenors lack sufficient information to admit or deny the other allegations.

127.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

128.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

129.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

130.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

131.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

132.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

133.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic information referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

134.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

135.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

136.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

137.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

138.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the voting data referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

139.

Admitted.

140.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the election statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

141.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the election statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

142.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the election statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

143.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the election statistics referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

144.

Intervenors admit that mail voting is different, but deny that it is superior, to other methods of voting by mail. Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.

145.

Because this paragraph contains no sources, citations, or nonconclusory explanation of how often Georgia voters used drop boxes in the 2020 election or their reasons for doing so, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

146.

Because this paragraph contains no sources, citations, or nonconclusory explanation of early in-person voting as referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

147.

Because this paragraph contains no sources, citations, or nonconclusory explanation of absentee voting or "high voter turnout" as referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

148.

Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

149.

Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

150.

The enacted provisions of SB 202 speak for themselves. On the whole, SB 202 makes it *easier* to vote in Georgia; Intervenors thus deny that Georgians will be harmed by SB 202.

151.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the environment or the misinformation referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph or than to deny that events in other states have any relevance to SB 202.

152.

The State Election Board recently referred 35 cases of election law violations to the Georgia Attorney General or local district attorneys for criminal prosecution, including several cases relating to the 2020 general election. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3uGxgPI. Because this paragraph contains no sources, citations, or nonconclusory explanation of the "unfounded claims of voter fraud" referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

153.

The State Election Board recently referred 35 cases of election law violations to the Georgia Attorney General or local district attorneys for criminal prosecution, including several cases relating to the 2020 general election. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3uGxgPI. Because this paragraph contains no sources, citations, or nonconclusory explanation of the "allegations targeting the integrity of the election" referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

154.

Secretary Raffensperger's statements speak for themselves. The State Election Board recently referred 35 cases of election law violations to the Georgia Attorney General or local district attorneys for criminal prosecution, including several cases relating to the 2020 general election. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3uGxgPI. The State Election Board specifically noted that these cases of fraud "did affect" the results of the 2020 general election. *Id.* Because this paragraph contains no sources, citations, or nonconclusory explanation of the "claims of voter fraud" referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

155.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the "post-election litigation" referenced therein, Intervenors

lack sufficient information to admit or deny these allegations. Intervenors note that courts rejected lawsuits accusing Georgia of violating the right to vote in the November 2020 and January 2021 cycles. *See, e.g.*, *New Ga. Proj. v. Raffensperger*, 976 F.3d 1278 (11th Cir. 2020); *Black Voters Matter Fund v. Raffensperger*, 478 F. Supp. 3d 1278 (N.D. Ga. 2020); *Black Voters Matter Fund v. Raffensperger*, No. 1:20-cv-04869-SCJ, 2020 WL 7394457 (N.D. Ga. Dec. 16, 2020).

156.

Intervenors lack sufficient information to admit or deny these allegations.

157.

Intervenors admit that Jon Ossoff and Raphael Warnock were elected to the U.S. Senate and that Joe Biden and Kamala Harris were elected President and Vice President. Intervenors further admit the last two sentences of this paragraph. Intervenors deny that there was any "effort to restrict voting access" after the last election.

158.

The statement and the cited cases speak for themselves.

159.

The statement speaks for itself. Intervenors deny that claims of voter fraud are baseless; voter fraud is real and affected the results of the 2020 general election in Georgia. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3uGxgPI.

160.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

161.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

162.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

163.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

164.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

165.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper .

166.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

167.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

168.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

169.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

170.

The statement speaks for itself.

171.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

172.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

173.

Intervenors lack sufficient information to admit or deny the first sentence, other than to deny that the legislative process was improper.

174.

The relevant sections of Georgia code speak for themselves.

175.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph.

176.

The referenced sections of Georgia code and SB 202 speak for themselves. Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.

177.

Intervenors admit that Georgia has employed vote-by-mail procedures in past elections. Georgia law pre-SB 202 speaks for itself.

178.

SB 202 speaks for itself. Otherwise denied.

179.

SB 202 speaks for itself. Otherwise denied.

180.

SB 202 speaks for itself. Otherwise denied.

181.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph other than to deny that the adoption of voter integrity measures requires a demonstration of widespread voter fraud.

182.

SB 202 speaks for itself. Otherwise denied.

183.

SB 202 speaks for itself. Otherwise denied.

184.

SB 202 speaks for itself. Otherwise denied.

185.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph other than to deny that the adoption of voter integrity measures requires a demonstration of widespread voter fraud.

186.

Because this paragraph contains no sources, citations, or nonconclusory explanation of how often Georgia voters used drop boxes in the 2020 election and previous elections, Intervenors lack sufficient information to admit or deny the allegations therein.

187.

Because this paragraph contains no sources, citations, or nonconclusory explanation of how often Georgia voters used drop boxes in the 2020 election and previous elections, Intervenors lack sufficient information to admit or deny the allegations therein.

188.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph.

189.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph other than to deny that drop boxes are "necessary to provide equitable voting options."

190.

SB 202 speaks for itself. Otherwise denied.

191.

SB 202 speaks for itself. Otherwise denied.

192.

SB 202 speaks for itself. Otherwise denied.

193.

SB 202 speaks for itself. Otherwise denied.

194.

SB 202 speaks for itself. Otherwise denied.

195.

SB 202 speaks for itself. Otherwise denied.

196.

SB 202 speaks for itself. Otherwise denied.

197.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph other than to deny that the adoption of voter integrity measures requires specific evidence of the kind articulated in this paragraph.

198.

Georgia law pre-SB 202 speaks for itself.

199.

Intervenors lack sufficient information to admit or deny the allegations in this paragraph.

200.

SB 202 speaks for itself. Otherwise denied.

201.

SB 202 speaks for itself. Much of this paragraph contains legal arguments that require no response. Otherwise denied.

202.

The work of the Presidential Commission on Election Administration speaks for itself. Intervenors lack sufficient information to admit or deny the allegations in this paragraph other than to deny that the adoption of voter integrity measures requires specific evidence of the kind referenced therein.

203.

SB 202 speaks for itself. On the whole, SB 202 makes it *easier* to vote in Georgia. To the extent this paragraph contains legal arguments, they require no response.

204.

SB 202 speaks for itself. On the whole, SB 202 makes it *easier* to vote in Georgia. To the extent this paragraph contains legal arguments, they require no response. Because this paragraph contains no sources, citations, or non-

conclusory explanation of Georgia's use of "mobile voting units" or the demographic information cited in this paragraph, Intervenors lack sufficient information to admit or deny the allegations therein.

205.

SB 202 speaks for itself. On the whole, SB 202 makes it *easier* to vote in Georgia. Numerous states have implemented voter ID laws, and the Supreme Court has upheld such laws as constitutional, *see Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). To the extent this paragraph contains legal arguments, they require no response. Because this paragraph contains no sources, citations, or nonconclusory explanation of absentee voting as referenced in this paragraph, Intervenors lack sufficient information to admit or deny the allegations therein.

206.

SB 202 speaks for itself. On the whole, SB 202 makes it *easier* to vote in Georgia. Numerous states have implemented voter ID laws, and the Supreme Court has upheld such laws as constitutional, *see Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). Because this paragraph contains no sources, citations, or nonconclusory explanation of voter-ID requirements or the demographic information cited in this paragraph, Intervenors lack sufficient information to admit or deny the allegations therein.

207.

Because this paragraph contains no sources, citations, or nonconclusory explanation of voter-ID requirements or the demographic information cited in

this paragraph, Intervenors lack sufficient information to admit or deny the allegations therein.

208.

Numerous states have implemented voter ID laws, and the Supreme Court has upheld such laws as constitutional, *see Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). Intervenors deny that any purported problems with other States' voter-ID requirements undermine the legality of SB 202.

209.

Intervenors lack sufficient information to admit or deny these allegations.

210.

The State Election Board recently referred 35 cases of election law violations to the Georgia Attorney General or local district attorneys for criminal prosecution, including several cases relating to the 2020 general election. *See State Election Board Refers Voter Fraud Cases for Prosecution*, bit.ly/3uGxgPI. The State Election Board specifically noted that these cases of fraud "did affect" the results of the 2020 general election. *Id.* Numerous states have implemented voter-ID laws, and the Supreme Court has upheld such laws as constitutional, *see Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). Intervenors thus deny the allegations in this paragraph and further deny that the adoption of voter-ID requirements requires a

demonstration of "recorded or statistically significant evidence of absentee voter fraud" in Georgia.

211.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the demographic information referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

212.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

213.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

214.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

215.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

216.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Because this paragraph contains no sources, citations, or nonconclusory explanation of the "accusations of voter

fraud" referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

217.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

218.

Numerous States do not count ballots cast in the wrong precinct, even if cast by an otherwise eligible voter. SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

219.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Because this paragraph contains no sources, citations, or nonconclusory explanation of the extent of "out-of-precinct ballot[s]" cast in Georgia or the demographic information referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

220.

The National Conference of State Legislatures reports that several states do not allow any early voting, much less early voting in runoff elections. *See State Laws Governing Early Voting*, NCSL, bit.ly/3wISRsu. SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

221.

The National Conference of State Legislatures reports that several states do not allow any early voting, much less early voting in runoff elections. *See State Laws Governing Early Voting*, NCSL, bit.ly/3wISRsu. SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

222.

SB 202 speaks for itself. Otherwise denied.

223.

SB 202 speaks for itself. Intervenors otherwise lack sufficient information to admit or deny the allegations of this paragraph.

224.

SB 202 speaks for itself. Intervenors otherwise lack sufficient information to admit or deny the allegations of this paragraph other than to deny that "lines force voters to choose between their health, their time, or their job and exercising their fundamental right to cast a ballot."

225.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the assignment of voters to precincts as referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

226.

The referenced study speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

227.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the "waiting times" or demographic information referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

228.

To the extent this paragraph advances legal arguments, they require no response. Because this paragraph contains no sources, citations, or nonconclusory explanation of the reduction of polling places or demographic information referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

229.

The referenced study speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Because this paragraph contains no sources, citations, or nonconclusory explanation of the waiting times or demographic information referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

230.

Intervenors lack sufficient information to admit or deny the allegations of this paragraph other than to deny that anecdotal evidence of individual voters has any relevance to SB 202.

231.

Because this paragraph contains no sources, citations, or nonconclusory explanation of the waiting times referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

232.

Because this paragraph contains no sources, citations, or nonconclusory explanation of "line warming" as referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

233.

Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

234.

The Bible speaks for itself. Because this paragraph contains no sources, citations, or nonconclusory explanation of "line warming" as referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

235.

Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

236.

Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

237.

SB 202 speaks for itself. Otherwise denied.

238.

SB 202 and pre-SB 202 laws speak for themselves. Otherwise denied.

239.

To the extent this paragraph advances legal arguments, they require no response. Because this paragraph contains no sources, citations, or non-conclusory explanation of "line warming" as referenced therein, Intervenors lack sufficient information to admit or deny the allegations of this paragraph.

240.

To the extent this paragraph advances legal arguments, they require no response. Intervenors otherwise lack sufficient information to admit or deny the allegations of this paragraph.

241.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

242.

Intervenors incorporate and restate all prior paragraphs of this answer.

243.

Section 2 of the Voting Rights Act speaks for itself.

244.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

245.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

246.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

247.

Intervenors incorporate and restate all prior paragraphs of this answer.

248.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

249.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

250.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

251.

Intervenors incorporate and restate all prior paragraphs of this answer.

252.

The Fifteenth Amendment speaks for itself.

253.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

254.

Intervenors incorporate and restate all prior paragraphs of this answer.

255.

This paragraph advances legal arguments that require no response.

256.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

257.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

258.

Intervenors incorporate and restate all prior paragraphs of this answer.

259.

Plaintiff brings this action under 42 U.S.C. §1983 but has no meritorious claim under that statute.

260.

Intervenors otherwise lack sufficient information to admit or deny the allegations of this paragraph.

261.

The First Amendment and the cited case speak for themselves. To the extent this paragraph advances legal arguments, they require no response. Intervenors otherwise lack sufficient information to admit or deny the allegations of this paragraph.

262.

The First Amendment and the cited case speak for themselves. To the extent this paragraph advances legal arguments, they require no response. Intervenors otherwise lack sufficient information to admit or deny the allegations of this paragraph.

263.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

264.

SB 202 speaks for itself. To the extent this paragraph advances legal arguments, they require no response. Otherwise denied.

265.

Plaintiff is entitled to no relief, and this Court should enter judgment against them.

266.

Plaintiff is entitled to no relief, and this Court should enter judgment against them.

267.

Plaintiff is entitled to no relief, and this Court should enter judgment against them.

268.

Plaintiff is entitled to no relief, and this Court should enter judgment against them.

INTERVENORS' AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim.

2. Plaintiff lacks standing.

3. Discovery might reveal facts that support additional defenses. Intervenors reserve the right to raise those defenses later.

This 12th day of April, 2021.

Respectfully submitted,

[signature on next page]

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CERTIFICATE OF SERVICE AND CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1

The foregoing was prepared in Century Schoolbook font, 13-point type, one of the font and point selections approved by the Court in N.D. Ga. L.R. 5.1(C). I hereby certify that I electronically filed the foregoing **[PROPOSED] INTERVENOR-DEFENDANTS' [PROPOSED] ANSWER** with the Clerk of Court using the CM/ECF electronic filing system, which will automatically send e-mail notification of such filing and serve it upon all counsel of record.

This 12th day of April, 2021.

/s/ *William Bradley Carver, Sr.*

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