

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

BLACK VOTERS MATTER FUND,
and MEGAN GORDON, on behalf of
herself and all others similarly situated,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State of
Georgia; DEKALB COUNTY BOARD
OF REGISTRATION & ELECTIONS
and all others similarly situated,

Defendants.

Civil Action No.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs urgently seek relief from an unconstitutional barrier to mail-in voting, which will likely skyrocket this year because of the pandemic. Georgia elections officials require voters to buy their own postage when mailing in absentee ballots or absentee ballot applications. For the reasons set forth in the accompanying memorandum, this is an unconstitutional poll tax.

Plaintiffs thereby move for a preliminary injunction: 1) requiring Defendant Secretary of State to issue guidance to all counties that they must provide postage

prepaid envelopes with absentee ballots (i.e., make the larger envelope already provided for purposes of mailing in the absentee ballot be postage prepaid); and 2) requiring Defendant Secretary of State to revise the absentee ballot application form such that they can be mailed in with postage prepaid and require county election officials to use the revised form. While no further injunction is necessary because county election officials follow the Secretary of State's guidance, Plaintiffs reserve the right to seek any injunction specific to Defendant DeKalb County Board of Registration & Elections or other county officials who do not follow the Secretary's guidance on this issue.

As far as timing, Plaintiffs ask that the above injunction is entered as soon as practicable, and that briefing on this motion be expedited, so that no one has to pay a poll tax in the upcoming May 19 primary or any July 21 primary runoff.

If the above timing is not possible, Plaintiffs alternatively request that any injunction take effect as early as possible (Plaintiffs suggest no later than June 1) to allow Defendants to eliminate the poll tax with ample time before the November general election.

Respectfully submitted this 8th day of April, 2020.

Sean Young

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Attorney for Plaintiffs

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**Pro hac vice application forthcoming*

CERTIFICATE OF COMPLIANCE

Pursuant to N.D. Ga. Local Civil Rule 7.1(D), I hereby certify that the foregoing has been prepared in compliance with N.D. Ga. Local Civil Rule 5.1(C) in Times New Roman 14-point typeface.

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CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I have asked a process server to formally serve Defendants these motion papers. As a courtesy, I have emailed these papers, including the complaint, to the General Counsel of the Secretary of State's Office, as well as the county attorneys for DeKalb County.

Sean Young

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