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New Motions Filed in Lawsuit Challenging Georgia’s Omnibus Anti-Voter Law Seek to Defend Against Racial Discrimination and Remove Barriers to Absentee Voting

ATLANTA — Voting rights organizations have filed motions for preliminary injunctive relief to lift barriers to voting for the 2024 elections in Georgia. The latest motion, filed last night, challenges provisions of S.B. 202 for intentionally discriminating against Black voters.

S.B. 202 specifically restricts dropboxes, prohibits the distribution of food and water to voters waiting in line (“line relief”), proscribes the counting out-of-precinct ballots and imposes absentee ballot I.D. requirements.

Additionally, on May 17, 2023, the organizations filed a separate motion for a preliminary injunction to challenge S.B. 202’s unnecessary requirement to include a birthdate on absentee ballots, even though voters had already proven their eligibility during registration. The motion explains that the birthdate requirement violates federal law as it is immaterial to determining voters’ eligibility and is being used to disproportionately discard the votes of people of color and women.

If granted, these preliminary injunctions would lift the requirement for voters to include their birthdate on absentee ballots and otherwise make absentee voting more accessible; ensure they can access and easily use drop boxes; and ensure that provisional cast out-of-precinct count for some elections – among other forms of relief.

Part of ongoing litigation *AME vs. Kemp*, these motions challenge provisions of S.B. 202 that create barriers to voting, which diminish the

voices of Black and other communities of color, in violation of federal law. The voting rights groups filed a motion for preliminary injunction in April 2023 to lift restrictions on line relief, and a second motion last week to challenge provisions of S.B. 202 under the Americans with Disabilities Act and Rehabilitation Act. Altogether, four motions have been filed to obtain relief for voters in time for the 2024 elections.

The Southern Poverty Law Center (SPLC), the Legal Defense Fund (LDF), American Civil Liberties Union (ACLU), the ACLU of Georgia, and the law firms WilmerHale and Davis Wright Tremaine LLP (DWT) filed the preliminary injunction motion on behalf of the plaintiffs. Plaintiffs are the Sixth District of the American Methodist Episcopal Church, Delta Sigma Theta Sorority, Georgia ADAPT and the Georgia Advocacy Office, represented by LDF, ACLU Ga, ACLU, and Wilmer Hale, as well as the Georgia Muslim Voter Project, Women Watch Afrika, Latino Community Fund of Georgia and The Arc of the United States, represented by SPLC and DWT.

The preliminary injunction motion showing how provisions of S.B. 202 target Black voters can be found [HERE](#). The preliminary injunction motion challenging S.B. 202's date of birth requirement for absentee ballots can be found [HERE](#).

“Following the transformative and secure 2020 and 2021 Georgia elections, the state legislature designed a sweeping and discriminatory voting law,” said **Alaizah Koorji, assistant counsel at the Legal Defense Fund**. “With surgical precision, the law targeted many of the means by which Black voters cast their ballots. Legislative officials created a pretextual, false narrative that Black voters and other voters of color had engaged in voter fraud in their use of absentee ballots, and in other activities like passing out water to those waiting in lines. This is a blatant effort to deter eligible voters, as well as community members and advocates trying to strengthen voter participation. These laws should be enjoined as unconstitutional in time for the 2024 election.”

“In 2020, Black voters mobilized in record numbers to participate in Georgia elections. Instead of celebrating this participation, the State of Georgia responded by passing a draconian anti-voter law targeting the methods of voting heavily used by Black communities,” said **Rahul Garabadu, senior voting rights attorney at the ACLU of Georgia**.

“We are asking the Court to block these restrictive provisions before the 2024 election cycle, when democracy will once again be on the ballot.”

“Every eligible voter deserves unhindered access to participate in our democracy. Georgia S.B. 202 purposefully makes voting more difficult for Black voters in the state of Georgia, attacking those very methods that Black voters have relied on to participate in recent elections in record numbers,” said **Sophia Lin Lakin, co-director of the ACLU’s Voting Rights Project**. “It is imperative that the court takes swift action to dismantle these unwarranted and discriminatory roadblocks to democratic participation, ensuring a level playing field for all citizens — particularly with the pivotal 2024 election on the horizon.”

“Anti-voter politicians are creating needless barriers to methods of voting frequently used by Black communities,” said **Poy Winichakul, senior staff attorney for the Southern Poverty Law Center**. “We cannot let them succeed. We’re trying to lift barriers to voting so Georgians can exercise their right to vote and advocate for their communities through their voice in government.”

“S.B. 202 targets the methods of voting that allowed Black communities to mobilize in the 2020 and 2021 elections—voting methods that resulted in the historic electoral success of their preferred candidates,” said **Tania Faransso, a partner at WilmerHale**. “And, as this case has made clear, the legislators’ reasons for enacting S.B. 202’s sweeping restrictions ring hollow. This attempt to limit Black voter participation is illegal and undemocratic. We file these motions to ask the court to lift ill-conceived and unsupportable barriers to voting in Georgia before the 2024 elections.”

“Threatened by the rising political power of Black voters, Georgia politicians passed S.B. 202 to suppress their participation in future elections by singling out and restricting voting methods they rely on to make their voices heard,” said **Adam Sieff, a constitutional litigator who is counsel at Davis Wright Tremaine LLP**. “This naked and discriminatory power grab betrays our democracy, violates the Constitution, and threatens the foundation of who we are as a people. We file these motions to block these restrictions before the 2024 elections.”

Background:

After Georgia voters turned out in record numbers for the 2020 presidential election and U.S. Senate elections in early 2021, state legislators passed S.B. 202, a sweeping racially discriminatory and other unconstitutional and illegal omnibus law that by its individual and collective provisions disenfranchises voters, particularly voters of color.

In response, voting rights organizations [filed](#) *AME vs. Kemp*, challenging multiple provisions of S.B. 202 including:

- A ban on “line relief,” where volunteers provide water and snacks to people waiting in long lines to vote, a common occurrence at precincts with a large population of voters of color.
- Additional and onerous identification requirements for requesting and casting an absentee ballot.
- A compressed period for requesting absentee ballots.
- Restrictions on the use of secure ballot drop boxes.
- Disqualification of provisional ballots cast in a voter’s county of residence but outside the voter’s precinct before 5:00 p.m. Previously, votes for all the contests to which the person was eligible to vote on that precinct’s provisional ballot were counted.
- A drastic reduction of early voting in runoff elections.
- A severe restriction on the use of mobile voting units, which have been used to address a shortage of accessible and secure polling locations that previously resulted in long lines of voters at existing and traditional polling locations.

The lawsuit describes how S.B. 202 violates voter protections under the 14th and 15th Amendments to the U.S. Constitution, as well as Section 2 of the Voting Rights Act, the Americans with Disabilities Act, the Rehabilitation Act, and the Civil Rights Act of 1964. It also outlines how the “line relief” ban violates the First Amendment right to freedom of expression.

The voting rights organizations [filed a preliminary injunction before the 2022 election](#) to lift restrictions on line relief, including handing out free food, water, and other provisions to voters in line. On August 18, 2022, a federal judge [denied](#) that motion due to a perception that changing the rules that close to the 2022 election may confuse election officials and

voters. However, the court recognized that the ban on line relief negatively impacts the right to free speech and that prohibiting line relief within 25 feet of any voter waiting in line beyond 150 feet of the polling place (the supplemental zone) is likely unconstitutional. The court also specified that this denial of the preliminary injunction only applies to the 2022 elections. That is why plaintiffs renewed their preliminary injunction to allow line relief in the supplemental zone beginning in 2024.

In addition to seeking this preliminary relief, these Georgia organizations will continue to move forward their claims and seek complete relief for the various harms S.B. 202 creates for future elections.