

Voting and Civil Rights Groups Challenge Inequity in Access to Voting Under Georgia Law

Organizations Seek Emergency Relief to Ensure the Rights of Georgia Voters with Disabilities are Protected in Time for the 2024 Elections

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WASHINGTON – Voting and civil rights groups filed an emergency preliminary injunction motion seeking to lift restrictions in Georgia’s anti-voter law, S.B. 202, that target voters with disabilities. These S.B. 202 provisions violate the Americans with Disabilities Act and Rehabilitation Act by unjustly burdening—and in some cases completely disenfranchising—Georgians with disabilities and denying them a full and equal opportunity to access and participate in the state’s elections. If granted, the preliminary injunction would help voters with disabilities have equal access to absentee voting in Georgia in the upcoming 2024 elections and allow counties to again provide drop boxes in locations that are accessible.

The American Civil Liberties Union, the American Civil Liberties Union of Georgia, the Legal Defense and Fund (LDF), Southern Poverty Law Center, The Arc of the United States, WilmerHale, and Davis Wright Tremaine LLP represent Georgians with disabilities seeking full political participation and equal access to voting in the state.

The preliminary injunction filed in the federal district court for the Northern district of Georgia in Atlanta asks the court to block two provisions of S.B. 202:

- 1) A provision that makes it a felony for friends, neighbors, and even some institutional staff (among others) to help a person with a disability return their absentee ballot.
- 2) A provision that requires counties to move ballot drop boxes from easily accessible outdoor locations to indoor locations that are more difficult for many people with disabilities to reach and limits the hours they can be used.

Zan Thornton, co-chair of Georgia ADAPT: “It’s essential that we stop S.B. 202 from infringing on our rights. We need this injunction to preserve our right to vote as disabled citizens of Georgia. In 2022, ADAPT got an avalanche of requests for rides from disabled people across Georgia who couldn’t cast their absentee ballots easily and needed to travel to the polls instead. That dramatic rise in barriers facing disabled voters of Georgia underscores the need for an injunction before 2024.”

Shannon Mattox, state director for The Arc Georgia: “S.B. 202 erects barriers that make it harder for Georgians with disabilities, especially people of African descent, to vote - which is a violation of their civil rights. People with disabilities in Georgia are entitled to equal access in voting and have the right to vote on issues that matter to them. We’ll continue to do everything in our power to ensure the rights of Georgians with disabilities are protected and enforced.”

Devon Orland, litigation director for the Georgia Advocacy Office: “Voting is a fundamental right. These laws were changed without thought for people who experience disabilities and the challenges they face accessing transportation, technology and care. Choosing to make access to a fundamental right harder is not only illegal, it is the antithesis of the foundational pillars of democracy.”

Brian Dimmick, senior staff attorney with the ACLU’s Disability Rights Program: “There are hundreds of thousands of voters with disabilities in Georgia, and many of them face challenges in voting in person and so rely on absentee voting. Instead of making absentee voting easier and more accessible, SB 202 puts new barriers in the way of voters with disabilities trying to exercise their fundamental right. We need the court to protect voters with disabilities by restoring the more accessible voting rules that were in place before SB 202.”

Caitlin May, voting rights staff attorney with the ACLU of GA: “With the passage of SB 202, Georgia has added barriers to voting for people with disabilities rather than making it easier for them to cast their ballots. It is unconscionable that SB 202 drastically reduces options Georgians with disabilities rely on to make their voices heard in elections. Today we’re filing to block some of the policies making the vote inaccessible to many Georgia voters, and hope that we can move towards expanding that access in the future.”

Poy Winichakul, senior staff attorney for voting rights with Southern Poverty Law Center:

“S.B. 202 has created barrier after barrier for Georgia voters, restricting nearly every method of voting available to them. These cruel barriers to voting, enacted by the state’s supermajority legislature, especially target people of color and people with disabilities and violate their fundamental rights. We will continue to challenge this anti-voter law until all Georgians have full and equitable access to voting.”

John Cusick, Assistant Counsel, LDF: “S.B. 202 criminalizes aspects of the voting process and otherwise ensures that it’s difficult, if not impossible, for voters with disabilities, who include Black people, from accessing the ballot box. We are grateful that hard-won statutes enforcing civil rights like the Americans with Disabilities Act and Rehabilitation Act exist.”

By mandating that counties place drop boxes inside buildings and close them after business hours, Georgia makes voting an onerous ordeal for some voters with disabilities and completely impossible for others. A preliminary injunction is necessary to ensure voters with disabilities are not denied equal access to absentee voting in Georgia in the upcoming 2024 elections. Here, the Court should require Georgia to stop enforcing the confusing, chilling felony provisions and allow counties to provide accessible drop boxes.

The motion was filed as part of ongoing litigation in [AME Church v. Kemp](#), which challenges S.B. 202 for illegally creating barriers to voting that diminish the voices of communities of color, women, and people with disabilities. Plaintiffs are the Sixth District of the American Methodist Episcopal Church, Delta Sigma Theta Sorority, Georgia ADAPT, and the Georgia Advocacy Office, represented by the ACLU of Georgia, ACLU, LDF, and Wilmer Hale, as well as the Georgia Muslim Voter Project, Women Watch Afrika, Latino Community Fund of Georgia, and The Arc Georgia, represented by SPLC, The Arc of the United States, and DWT.

Complaint: <https://www.aclu.org/cases/sixth-district-african-methodist-episcopal-church-v-kemp?document=Plaintiffs-Brief-in-Support-of-Motion-for-a-Preliminary-Injunction>

Statement: <https://www.aclu.org/press-releases/plain-language-press-release-disability-groups-in-georgia-are-fighting-against-a-law-that-makes-it-harder-to-vote-they-are-asking-the-judge-to-act-fast-to-stop-the-bad-parts-of-a-law>

Due to extreme weather in Georgia over the past 24 hours, the ASL version is delayed.