

Federal Court Sides with Civil Rights Groups and Lifts Georgia's Line Relief Ban, Birthdate Requirement on Absentee Ballot Envelopes for 2024 Elections

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ATLANTA — A federal court in the Northern District of Georgia issued rulings today in response to emergency motions filed by civil rights groups to lift restrictions put in place by Georgia's anti-voter law, Senate Bill 202 (S.B. 202) for the 2024 elections.

The rulings blocked portions of the bill that ban Georgians from providing food and water to voters waiting in lines more than 150-feet from the polls, and that require voters to unnecessarily include their birthdate on absentee ballot envelopes.

The challenged portions of SB 202 added impediments to voting that made it harder for all Georgians to vote, particularly voters of color. The lawsuit — *Sixth District of the African Methodist Episcopal Church v. Kemp* — was filed in 2021.

The court sided with the plaintiffs in ruling that Georgia's ban on providing food and water to voters waiting in lines further than 150 feet from the polls likely violated their First Amendment right to free expression. Groups and individuals may now provide relief to voters in the 2024 elections who are

waiting in long lines that stretch more than 150 feet from the polling location entrance.

The court also struck down, for purposes of the 2024 elections, the requirement that Georgia voters provide their birthdate on their absentee ballot envelope or have their ballot rejected.

Because Georgia determines whether someone is qualified to vote not only upon registration but also through the absentee ballot application process, the court ruled that rejecting a voter's absentee ballot because they failed to provide a birthdate or provided the wrong date on their ballot envelope violates a provision of the Civil Rights Act of 1964 forbidding denying someone the right to vote based on an immaterial error or omission.

The following comments are from:

“We applaud the court’s orders blocking parts of SB 202 that prohibit the provision of food and water to voters waiting in Georgia’s longest lines, 150 feet outside of a polling place, and the rule requiring voters to unnecessarily supplement their absentee ballot with their date of birth information,” said **Poy Winichakul, SPLC’s senior staff attorney for voting rights.** “We look forward to the case proceeding and an official ruling striking down the harmful provisions of this anti-voter law.”

“Today’s decisions remove some of SB 202’s barriers to absentee and in-person voting in the 2024 election cycle,” said **Rahul Garabadu, senior voting rights staff attorney at the ACLU of Georgia.** “The court recognized that voters should not be disenfranchised for forgetting to write their birthdate on their absentee ballot envelope, or arrested for offering food or drink to voters in line outside the 150-foot zone around polling locations. The fight against SB 202 continues on, but today’s decisions represent an important victory for every eligible voter in Georgia.”

“Today’s decisions are important wins for our democracy and protecting access to the ballot box in Georgia,” said **John Cusick, assistant**

counsel at LDF. “With SB 202, Georgia enacted a series of provisions designed to make voting harder, especially for Black voters who are disproportionately more likely to endure unbearably long wait times at their polling sites across the state. The latest orders blocking some of these illegal barriers negatively impacting absentee and in-person voting are a critical step forward.”

“These orders vindicate two foundational democratic values: the First Amendment right of groups to express their support for voters waiting in long lines and the right of voters to be free from unreasonable burdens on their constitutional right to vote,” said **Sophia Lin Lakin, co-director of the ACLU's Voting Rights Project.**

Rulings:

<https://www.aclu.org/documents/ame-v-kemp-line-relief-pi-order>

<https://www.aclu.org/documents/ame-v-kemp-materiality-provision-pi-order>

Background

[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.

After Georgia voters turned out in record numbers for the 2020 presidential election and U.S. Senate elections in early 2021, state legislators passed SB 202, a sweeping unconstitutional and racially discriminatory voting law that threatened to massively disenfranchise voters, particularly voters of color. In response, voting rights organizations filed *AME v. Kemp*, challenging multiple provisions of SB 202.

These Georgia organizations will continue to move forward on all of their claims and seek complete relief for the various harms SB 202 creates for future elections.