

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

GEORGIA STATE CONFERENCE
OF THE NAACP, as an
organization; GEORGIA
COALITION FOR THE PEOPLE'S
AGENDA, INC., as an organization;
PROGEORGIA STATE TABLE,
INC., as an organization; THIRD
SECTOR DEVELOPMENT, INC., as
an organization; ASIAN
AMERICANS ADVANCING
JUSTICE – ATLANTA, INC., as an
organization,

Plaintiffs,

v.

STATE OF GEORGIA; and BRIAN
P. KEMP, in his official capacity as
Secretary of State for the State of
Georgia,

Defendants.

Civil Action

Case No. _____

**PLAINTIFFS'
MEMORANDUM OF LAW
IN SUPPORT OF
EMERGENCY MOTION
FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY
INJUNCTION**

**National Voter Registration
Act of 1993
(52 U.S.C. §§ 20501, 20507(a))**

**(Expedited Treatment and
Oral Argument Requested)**

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I. INTRODUCTION

Plaintiffs seek emergency relief from this Court to remedy a serious, and otherwise irreparable, injury: the loss of the right to vote by eligible residents of Georgia's Sixth Congressional District who registered or will register to vote between March 21, 2017 and May 22, 2017, thirty days prior to the June 20, 2017 special runoff election. Section 8 of the National Voter Registration Act of 1993 ("NVRA") assures that anyone who registers at least thirty days before the runoff election has the right to vote in that election. However, absent injunctive relief, Georgia officials will deny them the right to vote because Georgia's unlawful voter registration scheme requires voters to have registered thirty days in advance of the initial election held on April 18, even though that cut-off date was three months prior to the runoff election.

The facts are undisputed. Georgia law mandates that in order to vote in a runoff election, eligible residents must have registered to vote by the fifth Monday preceding the primary, special primary, general or special election. Runoff elections are held nine weeks after the primary, special primary, general or special election, GA. CONST. Art. II, § II, Para. II; O.C.G.A. § 21-2-501(a), so the effect of Georgia's registration requirement

is to deny voters the right to participate in the runoff unless they registered by a date some three months prior to that election.

That violates federal law. Section 8 of the NVRA, 52 U.S.C. § 20507(a), prohibits states from imposing a voter registration deadline in excess of 30 days prior to a federal election. And Section 3 of the NVRA makes clear that a runoff is a federal election subject to the maximum 30-day pre-registration limit. 52 U.S.C. § 20502(1) (incorporating definition of “election” in 52 U.S.C. § 30101(1)(a), including “runoff election”).

Prior to filing this suit, Plaintiffs’ counsel provided the State of Georgia notice of this violation of federal law, and gave State officials ample opportunity to remedy the situation without litigation. Exhibit 1, Houk Declaration, dated April 19, 2017 (“Houk Decl.”), ¶ 8. They have not done so, and through counsel have confirmed they do not intend to take any remedial action in response to Plaintiffs’ counsel’s written notice. *Id.* Since Georgia law is in direct conflict with Section 8 of the NVRA, it is preempted by the federal law. As a result, emergency relief is required to restrain enforcement of Georgia’s unlawful registration scheme, and to allow eligible residents of Congressional District (“CD”) 6 who register at least thirty days

prior to the upcoming runoff election (*i.e.*, by May 22, 2017) to vote in that election.

Unless the Court grants the emergency relief sought by Plaintiffs, Georgia's runoff registration scheme will disenfranchise eligible residents of CD 6, who will be denied the right to vote in the special runoff election on June 20, 2017, even if they submit voter registration applications during the two-month period between the State's current deadline, March 21, and May 22, 2017, the earliest deadline permitted by federal law.

In addition, absent injunctive relief, Georgia's registration scheme will unlawfully impair the Plaintiffs' ability to conduct effective voter registration programs over the next five weeks to expand access to the ballot for eligible Georgians in this runoff election, and will similarly impair voter registration efforts in future runoff elections for federal offices.

II. STATEMENT OF FACTS

A. Georgia's Registration Scheme

To be eligible to vote in an election in Georgia, including elections for federal offices, individuals must apply to register to vote by the fifth Monday prior to Election Day. O.C.G.A. § 21-2-224(b).

However, Georgia applies a different registration scheme for runoff elections, including runoff elections for federal offices. Both the Georgia Constitution and the Georgia Election Code treat runoff and special runoff elections not as elections in their own right, but as “continuation[s]” of the initial general election giving rise to the runoff. Georgia Constitution of 1983, art. II, § II, para. II; O.C.G.A. § 21-2-501(a). Thus, Georgia prohibits eligible Georgians from voting in runoff elections unless they were registered in time to vote in the primary, special primary, general or special general election that resulted in the runoff, *i.e.*, by the fifth Monday prior to that election:

A run-off election shall be a continuation of the general election and only persons who were entitled to vote in the general election shall be entitled to vote therein

GA. CONST. art. II, § II, para. II.

Similarly, the Georgia Election Code requires that in order to vote in a runoff election, voters must have registered by the deadline for the primary, special primary, election or special election giving rise to the runoff (*i.e.*, by the fifth Monday prior to that election):

The run-off primary, special primary runoff, run-off election, or special election runoff shall be a continuation of the primary, special primary, election, or special election for the particular office concerned. Only the electors who were duly registered to vote and not

subsequently deemed disqualified to vote in the primary, special primary, election, or special election for candidates for that particular office shall be entitled to vote therein

O.C.G.A. § 21-2-501(a).

B. The Upcoming Runoff Election

The upcoming CD 6 special election exemplifies how the above-mentioned provisions of Georgia law violate Section 8 the NVRA. On February 10, 2017, Georgia Governor, Nathan Deal, issued a Writ of Election setting April 18, 2017 as the date for the special election to elect a candidate to fill the vacancy in CD 6 resulting from Tom Price's confirmation as Secretary of the United States Department of Health and Human Services. Exhibit 1, Houk Decl., ¶ 4, fn.1. Under Georgia law, the voter registration deadline for the April 18 special election was March 20, 2017. O.C.G.A. § 21-2-224(b).

None of the candidates who ran in the April 18 special election received a majority of the votes. Exhibit 1, Houk Decl., ¶ 5, fn. 2. As a result, pursuant to O.C.G.A. § 21-2-501(a)(5), Georgia will hold a special runoff election on June 20, 2017, where voters will select from the two candidates who received the most votes in the April 18 special election. Exhibit 1, Houk Decl., ¶5.

Under Georgia’s existing voter registration scheme, only voters who registered by March 20, 2017 are eligible to vote in the special runoff election on June 20, 2017. GA. CONST. art. II, § II, para. II; O.C.G.A. § 21-2-501(a). This scheme imposes what is effectively a three-month voter registration deadline for the June 20, 2017 special runoff election and in all future runoff elections conducted in Georgia for federal offices. *Id.*

C. Plaintiffs’ Claims in this Litigation

The Plaintiffs include the Georgia State Conference of the NAACP (“GA NAACP”); Georgia Coalition for the People’s Agenda (“GCPA”); Third Sector Development, Inc./New Georgia Project (“NGP”); ProGeorgia State Table, Inc. (“ProGeorgia”); and Asian Americans Advancing Justice – Atlanta, Inc. (“AAAJ-A”). Plaintiffs have all conducted voter registration programs in CD 6 since the announcement of the special election on February 10, 2017.¹

¹ There is no question that the organizational plaintiffs have standing to challenge Georgia’s runoff election voter registration scheme in this case. The Eleventh Circuit has repeatedly determined that organizations operating voter registration programs have standing to sue when a defendant’s illegal acts impair the organizations’ voter registration projects by causing them to divert personnel and time to assisting voters who might be left off the registration rolls on election day and to educating potential voters on compliance with the laws. *See, e.g., Arcia v. Florida Secretary of State*, 772 F.3d 1335, 1341–42 (11th Cir. 2014) (voter registration organizations had

The Plaintiffs have assisted residents of CD 6 with their voter registration applications, before and after the March 20, 2017 voter registration deadline for the special election on April 18, and have submitted the voters' applications they collected to election officials as permitted by Georgia law. Exhibit 2, Butler Declaration, dated April 19, 2017 ("Butler Decl."), ¶¶ 10-14; Exhibit 3, Gleason Declaration, dated April 19, 2017 ("Gleason Decl.") ¶¶ 5-8; Exhibit 4, Ufot Declaration, dated April 19, 2017 ("Ufot Decl."), ¶¶ 8-11; Exhibit 5, Cho Declaration, dated April 19, 2017 ("Cho Decl."), ¶¶ 8-12; and Exhibit 6, Johnson Declaration, dated April 19, 2017 ("Johnson Decl."), ¶¶ 8-15.

However, under Georgia's existing runoff voter registration scheme, none of the CD 6 applicants who submitted or will submit voter registration

standing on a diversion of resources theory to challenge the state's purge of alleged non-citizens from voter rolls in violation of the NVRA); *Florida State Conference of the NAACP v. Browning*, 522 F.3d 1153, 1165–66 (11th Cir. 2008) (organizations had standing to challenge state's problematic voter registration verification program that prevented eligible registration applicants from completing voter registration process); *Charles H. Wesley Educ. Found. v. Cox*, 408 F.3d 1349, 1353–54 (11th Cir. 2005) (organization had standing under NVRA to challenge rejection of mailed-in voter registration applications collected during organization's voter registration drives); *Common Cause/Georgia v. Billups*, 554 F.3d 1340, 1350–51 (11th Cir. 2009) (GA NAACP had standing to challenge Georgia's voter ID statute on diversion of resources theory).

forms after March 20, 2017, through Plaintiffs' registration programs or otherwise, will be eligible to vote in the June 20, 2017 CD 6 special runoff election—even if they register to vote at least thirty days prior to that election. Ex. 2, Butler Decl., ¶¶ 13, 16; Ex. 3, Gleason, Decl., ¶¶ 8; Ex. 4, Ufot Decl., ¶¶ 12-14; Ex. 6, Johnson Decl., ¶¶ 14-15, 21. And obviously, every day that goes by between now and the runoff election is a day that Plaintiffs could be assisting residents of CD 6 to vote in that election, and eligible Georgia voters are being unlawfully denied the opportunity to register with the knowledge that their votes in the runoff will count.

Due to the unlawful three-month voter registration deadline for the June 20, 2017 CD 6 special runoff election, Plaintiffs' voter registration programs cannot be as effective as they would be if the deadline to register was thirty days prior to that election, as required by Section 8 of the NVRA. Ex. 2, Butler Decl., ¶¶ 13-16; Ex. 3, Gleason Decl. ¶¶ 8-9; Ex. 4, Ufot Decl., ¶¶ 11-15; Ex. 5, Cho Decl., ¶¶ 11-14; and Ex. 6, Johnson Decl., ¶¶ 15-22.

Once a registration deadline passes, prospective voters lose interest or motivation in registering to vote. This results in an otherwise avoidable diversion of Plaintiffs' limited resources to registration programs that are less effective than they would otherwise be if the Plaintiffs were registering

Georgians who knew that they will be able to vote as long as they comply with the thirty-day registration deadline, as required by Section 8 of the NVRA. Ex. 2, Butler Decl., ¶¶ 14-15; Ex. 3, Gleason Decl. ¶¶ 8-9; Ex. 4, Ufot Decl., ¶¶ 11-15; Ex. 5, Cho Decl., ¶¶ 11-14; and Ex. 6, Johnson Decl., ¶¶ 14-22. In some cases, Plaintiffs' limited resources are also diverted to voter education to help prospective applicants who register after the deadline for a general election to understand that they will be ineligible to vote in the runoff because of the state's runoff registration scheme. Ex. 2, Butler Decl., ¶¶ 15; Ex. 3, Gleason Decl. ¶¶ 8; and Ex. 6, Johnson Decl., ¶¶ 16-18.

With a thirty-day voter registration deadline for federal runoff elections, eligible residents of CD 6 would respond to the growing interest in the election, and would be able to register to vote in the runoff, and Plaintiffs would be in a position to conduct their registration programs more effectively, and to assist more residents to register to vote.

III. ARGUMENT

A. The Standard for Issuing a Temporary Restraining Order and Preliminary Injunction

In determining whether temporary restraining or preliminary injunctive relief is to be granted pursuant to Fed. R. Civ. P. 65, the Court considers whether the movant has established four factors: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that entry of the relief would serve the public interest. *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005); *United States v. Georgia*, 892 F. Supp. 2d 1367, 1371–72 (N.D. Ga. 2012).

The decision to issue a preliminary injunction lies within the sound discretion of the Court. *United States v. Georgia*, 892 F. Supp. 2d at 1372.

B. Plaintiffs are Likely to succeed on the Merits of their Claims Because Defendants’ Runoff Voter Registration Scheme Directly Conflicts with, and Is Preempted by, Section 8 of the NVRA

A likelihood of success on the merits is generally considered the most important factor when considering whether to grant a preliminary injunction motion. *See Schiavo ex rel. Schindler v. Schiavo*, 357 F. Supp. 2d 1378, 1383 (M.D. Fla. 2005), *aff’d*, 403 F.3d 1223 (11th Cir. 2005). As discussed

below, Plaintiffs are likely to succeed on the merits of their claims because Georgia's runoff election voter registration scheme directly conflicts with, and is preempted by, Section 8 of the NVRA.

First, the NVRA is clearly the governing law. The Elections Clause of the United States Constitution imposes upon the states the duty to prescribe the "time, place and manner of electing Representatives and Senators," and confers upon Congress the power to alter those regulations or supplant them altogether. U.S. CONST. art. I, § 4, cl. 1; *see Arizona v. Inter Tribal Council of Ariz., Inc. ("ITCA")*, 133 S. Ct. 2247, 2253–54 (2013). The power of Congress to alter or supplant state regulations on the time, place and manner of federal elections is paramount, and "supersede[s] those of the State which are inconsistent therewith." *ITCA*, 133 S. Ct. at 2253–54 (*quoting Ex parte Siebold*, 100 U.S. 371, 392 (1880)).

The Supreme Court has determined that there is no presumption against pre-emption in cases where a state has enacted a time, place and manner statute governing federal elections that is inconsistent with a federal law enacted by Congress pursuant to its authority under the Elections Clause. Quite the contrary. In *ITCA*, the plaintiffs asserted that Arizona's law requiring documentary proof of citizenship for voter registration was

preempted by the NVRA, and the Supreme Court agreed. The Supreme Court held that the normal assumption that Congress is reluctant to pre-empt state law does not hold when Congress acts under the Elections Clause, which expressly empowers Congress to “make or alter” state election regulations. *ITCA*, 133 S. Ct. at 2256–57. Moreover, the Court noted, unlike cases involving state police powers, the states’ role in regulating congressional elections has always been subject to the express qualification that the state’s power “terminates according to federal law.” *Id.* (quoting *Buckman Co. v. Plaintiffs’ Legal Comm.*, 531 U.S. 341, 347 (2001)).

Pursuant to its authority under the Elections Clause, Congress enacted the National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.* *ITCA*, 133 S. Ct. at 2251; *League of Women Voters v. Newby*, 838 F.3d 1, 4 (D.C. Cir. 2016). In passing the NVRA, it was Congress’ intent to expand the franchise—to “increase the number of eligible citizens who register to vote in elections” and “to enhance[] the participation of eligible citizens as voters.” 52 U.S.C. § 20501. The NVRA was enacted “to ensure that no American is denied the ability to participate in Federal elections because of real or artificial barriers ... [and] to make voter registration an inclusive,

rather than an exclusive opportunity in the United States.” 139 Cong. Rec. H495-04 (1993) (statement of Rep. Martin Frost).

The NVRA is particularly concerned with addressing and mitigating barriers to registration. Its Senate sponsors acknowledged that “[w]hile most contributing factors may not be affected by legislation, one—difficulties encountered by some who desire to register to vote—is susceptible to correction by legislation.” S. Rep. 103-6, at 2 (1993). Similarly, House members recognized that “[t]he unfinished business of registration reform is to reduce these obstacles to voting to the absolute minimum while maintaining the integrity of the electoral process.” H.R. Rep. 103-9, at 3 (1993).

There is no doubt that the NVRA applies with full force to runoff elections. First, the NVRA’s definition of “election” says precisely that. Section 3 of the NVRA, 52 U.S.C. § 20502(1), defines “election” by reference to the definition in the Federal Election Campaign Act of 1971 (“FECA”), 52 U.S.C. § 30101(1), which states that “election” means “a general, special, primary, or runoff election.” 52 U.S.C. § 30101(1)(A)

(emphasis added). And elections for federal office are defined to include those for a “Representative in ... Congress.” 52 U.S.C. § 30101(3).²

Second, courts have recognized that the NVRA’s definition of “election” should be read broadly. *See Fish v. Kobach*, 840 F.3d 710, 719 n.7 (10th Cir. 2016). In *Janvey v. Democratic Senatorial Campaign Comm.*, 793 F. Supp. 2d 825 (N.D. Tex. 2011), for example, the district court noted that, when enacting FECA, Congress chose to adopt the Senate version’s broader definition of “election,” *id.* at 844 n.26, which included the reference to a “runoff election” at issue here. Indeed, our research has not uncovered a single case where a court held that runoff elections were not subject to the 30-day requirement.

Third, cases interpreting the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) support the conclusion that the term

² Under the rules of statutory construction, the Court’s first step is to determine whether the language of the NVRA is “plain.” *Wachovia Bank, N.A. v. United States*, 455 F.3d 1261, 1267–68 (11th Cir. 2006) (citing *Bautista v. Star Cruises*, 396 F.3d 1289, 1295 (11th Cir. 2005)); *Arcia v. Florida Secretary of State*, 772 F.3d at 1343–44; *Project Vote v. Kemp*, 208 F. Supp. 3d 1320, 2016 WL 5092512, at *10–11 (N.D. Ga. Sept. 20, 2016). That is plainly so here, where Congress specifically included “runoff[s]” among the “election[s]” to which the NVRA’s 30-day registration rule applies.

“election,” as used in Section 8 of the NVRA, includes federal runoff and special runoff elections. Thus, in *United States v. Georgia*, 952 F. Supp. 2d 1318, 1326 (N.D. Ga. 2013), the District Court rejected the State’s argument that the forty-five day deadline specified by UOCAVA for providing absentee ballots in advance of an election did not apply to runoff elections. The Court held that Congress’ use of “an election” in that statute was broad enough to signal congressional intent to refer to all types of federal elections, even though the statute in terms did not specifically state that it applied to runoff elections. *See also United States v. Alabama*, 998 F. Supp. 2d 1283, 1285, 1288 (M.D. Ala. 2014), *aff’d*, 778 F.3d 926 (11th Cir. 2015) (holding that “an election” in UOCAVA means “any federal election,” including runoffs). It follows *a fortiori* here, where Congress has specifically defined “election” to include a “runoff election,” that the NVRA applies to the upcoming runoff election.

Under Section 8 of the NVRA, states are prohibited from imposing voter registration deadlines in excess of 30 days prior to a federal election. 52 U.S.C. § 20507(a)(1); *see also Arizona Democratic Party v. Reagan*, No. CV-16-03618-PHX-SPL, 2016 WL 6523427, at *13, *16 (D. Ariz. Nov. 3, 2016) (holding that Arizona violated the NVRA because the deadline to

register by postmarked mail was 31 days before the election, and the deadline to register in-person at motor vehicle departments was 32 days before the election).³

Georgia's existing runoff voter registration scheme requires eligible Georgians to register at least three months prior to runoff elections for federal offices. This is in direct conflict with the NVRA's prohibition against states imposing voter registration deadlines in excess of 30 days in elections for federal offices. Therefore, Georgia's runoff voter registration scheme is preempted by Section 8 of the NVRA, and it is likely that the Plaintiffs will prevail on the merits of their claim.

C. An Injunction Is Necessary to Avoid Irreparable Harm

An injury is irreparable if it cannot be undone through monetary remedies. *Charles H. Wesley Educ. Found., Inc. v. Cox*, 324 F. Supp. 2d 1358, 1368 (N.D. Ga. 2004), *aff'd*, 408 F.3d 1349 (11th Cir. 2005).

Courts have routinely deemed restrictions on voting rights as an

³ Under Section 8 of the NVRA, "States can set a voter registration deadline for federal elections shorter than 30 days, and a number of States do so, but cannot set a longer deadline." Department of Justice Civil Rights Division website, <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last checked, April 14, 2017).

irreparable injury. *See, e.g., League of Women Voters v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012); *Common Cause/Ga. v. Billups*, 406 F. Supp. 2d 1326, 1376 (N.D. Ga. 2005). Given the fundamental nature of the right to vote, monetary damages are a wholly inadequate remedy; once an election occurs, there is no ability to redress the improper disenfranchisement of voters who were denied the right to register and vote in the election. *League of Women Voters of Florida v. Browning*, 863 F. Supp. 2d 1155, 1167 (N.D. Fla. 2012); *League of Women Voters v. North Carolina*, 769 F.3d at 247.

Georgia federal courts have also recognized that conduct that limits an organization's ability to conduct voter registration activities constitutes an irreparable injury. *See, e.g., Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 2016 WL 5092512, at *23 (N.D. Ga. Sept. 20, 2016); *Assn. of Cmty. Orgs. for Reform Now v. Cox*, No. 1:06-CV-1891-JTC, 2006 WL 6866680, at *7 (N.D. Ga. Sept. 28, 2006); *Charles H. Wesley Educ. Found.*, 324 F. Supp. 2d at 1368.

In this case, Georgia's voter registration scheme irreparably harms eligible voters—including those who register through the Plaintiffs' registration programs—by imposing a deadline that is substantially in

excess of the thirty days allowed under Section 8 of the NVRA. This scheme also irreparably and negatively limits the ability of the Plaintiffs to conduct effective voter registration programs in advance of federal runoff elections, including the June 20 runoff, and forces them to divert limited resources to programs that are much less effective. This irreparable harm weighs strongly in favor of granting emergency relief.

D. The Balance of Hardships Weigh in Favor of an Injunction

The balance of hardships also clearly weighs in favor of Plaintiffs and in favor of granting the requested relief herein. The requested relief will not subject the Defendants to any unreasonable hardship if they are required to accept voter registration applications through May 22, 2017 and to allow those registered voters to cast ballots that will count in the June 20, 2017 special runoff election.

To be sure, there may be some administrative inconvenience associated with complying with the NVRA's 30-day registration limit. County registrars would be required to accept registration applications through May 22 and then to add additional eligible voters to the registration list for the June 20, 2017 runoff election. But the inconvenience of complying with federal law is not a sufficient burden to justify denying the

relief sought by Plaintiffs, particularly when county registrars process voter registration applications in Georgia year-round in any event.

On the other hand, the current registration scheme, if left in place, will deny eligible Georgians in CD 6 the right to register and vote in a runoff election for a federal office, even if they are registered at least thirty days prior to that election, in violation of Section 8 of the NVRA. Eligible residents who wish to register to vote in the upcoming runoff will be denied that right absent injunctive relief. Moreover, the current scheme will operate to limit Plaintiffs' ability to conduct effective voter registration programs to expand access to the ballot for minority and underserved communities in CD 6 and in future federal runoff elections. Given these factors, the balance of hardships clearly weighs in Plaintiffs' favor.

E. An Injunction is in the Public Interest

The public interest will be best served by enforcing federal law aimed at allowing every eligible resident of Georgia to register and cast a vote in each runoff election in compliance with the 30-day registration mandate of Section 8 of the NVRA, thereby preserving the fundamental right to vote and fostering the ability of Plaintiffs to conduct effective voter registration programs.

It is hard to imagine what argument the State could possibly have that the emergency relief sought by Plaintiffs here would not be in the public interest. Georgia's ongoing violation of a federal law enacted for the purpose of expanding access to the ballot and erasing artificial barriers to voter registration and participation is patently not in the public interest and runs contrary to Congress' intent in enacting NVRA.

Any contention by the State that the public interest would best be served by denying remedial relief here because of administrative inconvenience or unbudgeted cost should be rejected when the result would be to deny eligible Georgians the right to participate in the CD 6 special runoff election and would continue to limit the Plaintiffs' ability to effectively register eligible Georgians through their registration programs.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court enter an order granting their motion for a temporary restraining order and preliminary injunction, and such further relief as it deems just and proper.

V. RULE 7.1 CERTIFICATION

I hereby certify that the foregoing was prepared in accordance with

the font and point selections approved by the court in Local Rule 5.1B.

s/ Bryan L. Sells
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Dated: April 20, 2017 Respectfully submitted,

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Counsel for Plaintiffs

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

GEORGIA STATE CONFERENCE
OF THE NAACP, as an organization;
GEORGIA COALITION FOR THE
PEOPLES' AGENDA, INC., as an
organization; PROGEORGIA
STATE TABLE, INC., as an
organization; and THIRD SECTOR
DEVELOPMENT, INC., as an
organization; and ASIAN
AMERICANS ADVANCING
JUSTICE-ATLANTA, INC., as an
organization;

Plaintiffs,

v.

STATE OF GEORGIA and BRIAN
P. KEMP, in his official capacity as
Secretary of State for the State of
Georgia,

Defendants.

Civil Action

Case No. _____

CERTIFICATE OF SERVICE

I hereby certify that I provided notice and a copy of the foregoing

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING

ORDER AND PRELIMINARY INJUNCTION to Brian Kemp, Georgia Secretary of State; C. Ryan Germany, General Counsel to the Georgia Secretary of State; Russell Willard, Esq., Senior Assistant Attorney General, and Cristina Correia, Assistant Attorney General, by electronic mail at the following email addresses:

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Formal service of this document will follow by hand.

This 20th day of April, 2017.

By: /s/ Bryan L. Sells
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