

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

VOTER PARTICIPATION CENTER
and CENTER FOR VOTER
INFORMATION,

Plaintiffs,

Case No. 1:21-cv-01390-JPB

v.

Judge J.P. Boulee

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and MATTHEW
MASHBURN, in their official
capacities as members of the STATE
ELECTION BOARD,

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,
Intervenor Defendants.

PLAINTIFFS' REPLY BRIEF REGARDING STANDING

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	PLAINTIFFS’ INJURY FROM THE PREFILLING PROHIBITION IS TRACEABLE TO STATE DEFENDANTS	2
	A. State Defendants’ Clear Statutory Role in Enforcing the Challenged Provisions Exceeds the Standard for Traceability.....	3
	B. State Defendants’ Clear Statutory Authority to Enforce Georgia’s Election Laws, including the Challenged Provisions, is Sufficient to Establish Traceability.....	5
	C. State Defendants’ Emphasis On Prosecutorial Authority Ignores How Election Laws Are Actually Enforced in Georgia.....	8
III.	PLAINTIFFS’ INJURIES ARISING FROM THE CHALLENGED PROVISIONS ARE REDRESSABLE BY THIS COURT.	12
IV.	CONCLUSION.....	15

RETRIEVED FROM DEMOCRACYDOCK.COM

TABLE OF AUTHORITIES

Cases	Pages
<i>American Civil Liberties Union v. The Florida Bar</i> , 999 F.2d 1486 (11th Cir. 1993).....	2, 10
<i>Coalition for Good Governance v. Kemp</i> , 558 F. Supp. 3d 1370 (N.D. Ga. 2021).....	5, 7
<i>Dream Defenders v. Governor of the State of Florida</i> , 57 F.4th 879 (11th Cir. 2023).....	2, 5, 7
<i>Focus on the Family v. Pinellas Suncoast Transit Authority</i> , 344 F.3d 1263 (11th Cir. 2003)	11
<i>Franklin v. Massachusetts</i> , 505 U.S. 788 (1992).....	14
<i>Ibrahim v. Department of Homeland Security</i> , 669 F.3d 983 (9th Cir. 2012)	13
<i>In re Georgia Senate Bill 202</i> , 622 F. Supp. 3d 1312 (N.D. Ga. 2022).....	8
<i>Jacobson v. Florida Secretary of State</i> , 974 F.3d 1236 (11th Cir. 2020).....	5, 6
<i>Jones v. Lanier Federal Credit Union</i> , 335 F. Supp. 3d 1273 (N.D. Ga. 2018).....	12
<i>Lujan v. Defenders of Wildlife</i> , 504 U.S. 555 (1992).....	1
<i>Made in the USA Foundation v. United States</i> , 242 F.3d 1300 (11th Cir. 2001).....	13
<i>New Georgia Project v. Raffensperger</i> , 484 F. Supp. 3d 1265 (N.D. Ga. 2020).....	6
<i>Parsons v. U.S. Department of Justice</i> , 801 F.3d 701 (6th Cir. 2015).....	13
<i>Sixth District of African Methodist Episcopal Church v. Kemp</i> , 574 F. Supp. 3d 1260 (N.D. Ga. 2021)	7, 8
<i>Socialist Workers Party v. Leahy</i> , 145 F.3d 1240 (11th Cir. 1998).....	2, 5, 6
<i>Village of Arlington Heights v. Metropolitan Housing Development Corporation</i> , 429 U.S. 252 (1977)	11
<i>Wilding v. DNC Services Corporation</i> , 941 F.3d 1116 (11th Cir. 2019).....	12
Statutes	
O.C.G.A. § 21-2-31(5).....	3, 4, 9
O.C.G.A. § 21-2-33.1.....	3, 4, 9
O.C.G.A. § 21-2-50.....	3

I. INTRODUCTION

In a case challenging the legality of government action, the facts required to establish standing “depend[] considerably” on whether the plaintiffs themselves are the object of the government action at issue. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992). If they are—as is the case here—“there is ordinarily little question” that the government’s enforcement action “has caused [Plaintiffs’] injury and that a judgment preventing [that action] will redress it.” *Id.* Faced with this reality, the Georgia Secretary of State (“SOS” or the “Secretary”) and State Election Board (“SEB” or the “Board”) (collectively, “State Defendants” or “Defendants”) disingenuously disavow any connection between themselves and the enforcement of the Challenged Provisions, despite ample evidence demonstrating that they are directly involved in the enforcement—including interpretation, implementation, and referrals for prosecution—of election laws involving absentee ballot applications and absentee voting, including the Prefilling Prohibition.

Moreover, the declaratory and injunctive relief Plaintiffs seek, ECF No. 1, would meaningfully redress Plaintiffs’ injuries by both ensuring that the government actors who are chiefly responsible for enforcing the Challenged Provisions are enjoined from taking any action to do so and by notifying other government actors through the entry of a declaratory judgment that these provisions are unconstitutional. Both forms of relief, independently and collectively, would provide

meaningful redress to Plaintiffs' injuries, which are clearly traceable to State Defendants' statutory authority to enforce the Challenged Provisions. The Court should reject Defendants' eleventh-hour attempt to manufacture standing arguments and enter judgment in Plaintiffs' favor.

II. PLAINTIFFS' INJURY FROM THE PREFILLING PROHIBITION IS TRACEABLE TO STATE DEFENDANTS

Plaintiffs' injury arising from the Prefilling Prohibition is clearly traceable to State Defendants. The traceability standard is straightforward: "[t]o establish traceability . . . in a lawsuit seeking to enjoin a government official from enforcing the law, a plaintiff must show 'that the official has the authority to enforce the particular provision [being] challenged . . .'" *Dream Defs. v. Governor of the State of Fla.*, 57 F.4th 879, 888-89 (11th Cir. 2023); accord *American Civil Liberties Union v. The Fla. Bar*, 999 F.2d 1486, 1490-1491 (11th Cir. 1993). Traceability does not require that the named defendants be the *only* entities with enforcement authority of a challenged provision, nor that a plaintiff file suit against every entity with enforcement authority for the challenged laws. Instead, all it requires is that the named defendant have at least some enforcement authority for the provision at issue. See *Socialist Workers Party v. Leahy*, 145 F.3d 1240, 1248 (11th Cir. 1998); *The Fla. Bar*, 999 F.2d at 1488. Because State Defendants have enforcement authority for the Prefilling Prohibition, Plaintiffs' injury is traceable to them.

A. State Defendants' Clear Statutory Role in Enforcing the Challenged Provisions Exceeds the Standard for Traceability.

State Defendants have clear statutory enforcement authority for the Prefilling Prohibition, and therefore Plaintiffs' injury is traceable to them. The record and the law squarely demonstrate that the SOS and SEB have primary responsibility for initiating investigation and enforcement actions for potential violations of Georgia election law, including the Prefilling Prohibition. *See, e.g.*, Pls. Ex. 142 at 1 (“We will continue to root out voter fraud and make sure anyone guilty of it faces prosecution,” Raffensperger said.”); Pls. Ex. 146 at 2 (“Secretary Raffensperger has created the Absentee Ballot Fraud Task Force to assist the Secretary of State’s office in investigating allegations of and potential instances of absentee ballot fraud in the state of Georgia.”); *id.* at 4 (noting that the Absentee Ballot Fraud Task Force will be headed by Frances Watson, Chief Investigator in the Secretary’s office and assisted by Chris Harvey, Elections Director in the Secretary’s office); Pls. Ex. 144 (listing SOS investigations and presentations to the SEB, including those related to absentee ballots); Pls. Ex. 345 (correspondence between the Secretary’s office and Plaintiffs in which the SOS acknowledges that it provides guidance on compliance with SB 202 and other election laws); O.C.G.A. §§ 21-2-31(5); 21-2-33.1; 21-2-50.

The SOS’s Investigations Division examines allegations of election irregularities, fraud, and other violations of Georgia election law, conducts additional investigation as needed, and presents summaries of its investigations to the SEB for

further decision-making and enforcement. Trial Tr. 4.16PM 165:18-20, 166:17-22, 170:12-19, 233:12-14 (Germany); Trial Tr. 4.17AM 15:16-20, 16:9-11, 37:5-11 (Watson); *see also, e.g.*, Pls. Exs. 122, 123, 124, 125, 261; *see also* Pls. Br. at 6-8 (describing the Investigations Division’s duties and responsibilities regarding enforcement of Georgia’s election laws).

For its part, the SEB is responsible for determining whether a likely violation has occurred, Trial Tr. 4.17AM 16:9-13 (Watson), and “is vested with the power to issue orders . . . directing compliance with this chapter or prohibiting the actual or threatened commission of any conduct constituting a violation.” O.C.G.A. § 21-2-33.1. This includes issuing a letter of instruction explaining how to comply with the law, ordering a cease and desist, issuing a civil fine, or referring the case for prosecution. Trial Tr. 4.16PM 170:16-19 (Germany); Trial Tr. 4.17AM 16:11-18 (Watson); O.C.G.A. §§ 21-2-31(5), 21-2-33.1; *see also* Pls. Br. at 8-10 (describing the SEB’s enforcement authority regarding Georgia’s election laws).

Thus, State Defendants clearly engage in enforcement of Georgia’s election laws, including the Prefilling Prohibition, by assessing whether violations have taken place, determining what, if any, sanctions are appropriate for a violation, and carrying out those sanctions through their own civil enforcement powers or by means of a criminal referral. Because they possess clear statutory authority to enforce the Challenged Provisions, including the Prefilling Prohibition, they meet the

straightforward standard required by the Eleventh Circuit to establish traceability. *See Dream Defs.*, 57 F.4th at 889.

Further, given the clear record establishing that State Defendants play an integral role in the enforcement of Georgia's election laws, Plaintiffs have demonstrated that State Defendants have far more than "some connection" to enforcement. *See* Pls. Br. at 5-10. Thus, they easily clear the bar for traceability set by the Eleventh Circuit. *See Socialist Workers Party*, 145 F.3d at 1248.

B. State Defendants' Clear Statutory Authority to Enforce Georgia's Election Laws, including the Challenged Provisions, is Sufficient to Establish Traceability.

In *Socialist Workers Party*, the Eleventh Circuit held that traceability is established against a state official where that official has "some connection with [the] enforcement of the provision at issue." 145 F.3d at 1248 (emphasis added); *accord Coal. for Good Governance v. Kemp*, 558 F. Supp. 3d 1370, 1382 (N.D. Ga. 2021).¹ So long as such a connection exists, a plaintiff's injury is traceable to the defendant. Conversely, when a defendant has "no authority to enforce" a challenged provision, a plaintiff's alleged injury is not traceable to that defendant. *Socialist Workers Party*, 145 F.3d at 1248; *accord Jacobson v. Fla. Sec'y of State*, 974 F.3d 1236, 1241 (11th

¹ Defendants claim that this standard applies only to the *Ex Parte Young* doctrine, but that is not the law. The court in *Socialist Workers Party* was concerned exclusively with Article III standing. 145 F.3d at 1248.

Cir. 2020) (finding no standing where the Florida Secretary of State had no role in enforcing the challenged law).

State Defendants mistakenly read in a higher requirement of connection between a defendant and the challenged conduct than the law requires. In *Socialist Workers Party*, the court found that the plaintiffs (1) did not have standing to sue county election supervisors because those entities had no enforcement authority whatsoever, but (2) had established traceability to the Florida Secretary of State because her office demonstrated some enforcement authority by threatening to enforce the challenged statute. *Socialist Workers Party*, 145 F.3d at 1242, 1247. Thus, in order to establish traceability, a defendant need only have some enforcement authority—which, as the court explained, merely means “some connection with [the] enforcement of the provision at issue.” 145 F.3d at 1240, 1248.

Far from contradicting this point, the Eleventh Circuit’s decision in *Jacobson* reinforces it. In *Jacobson*, the court held that the Plaintiffs’ injuries arising from Florida’s ballot order statute were not traceable to the Secretary of State—the only defendant—because she played *no* role in the enforcement of the challenged provisions, which were carried out entirely by other elected officials. 974 F.3d at 1253-54. Here, to the contrary, the Secretary and Board have been specifically charged by SB 202 with enforcement of its provisions. *See, e.g.*, Pls. Ex. 7 (SB 202), §§ 25(a)(3)(B), (e). And Georgia law—unlike Florida’s—grants the SOS and SEB

“broad powers to ensure uniformity in the administration of election laws.” *New Ga. Project v. Raffensperger*, 484 F. Supp. 3d 1265, 1286 n.16 (N.D. Ga. 2020) (citing O.C.G.A. §§ 21-2-31; 21-2-50(b)).

State Defendants similarly mischaracterize *Dream Defenders v. Governor of the State of Fla.*, 57 F.4th 879, as requiring that a government defendant’s enforcement authority be exclusive to establish traceability. See ECF No. 254 (“Defs. Br.”) at 6-7. But *Dream Defenders* says nothing whatsoever about “exclusive” authority. Rather, the court simply found that because both defendants had “clear statutory authority” to enforce the provisions at issue, the plaintiffs had established traceability. 57 F.4th at 889.

This Court’s previous decisions in similar circumstances are consistent with this approach and confirm that Plaintiffs have satisfied the traceability requirement in this case. In *Coalition for Good Governance v. Kemp*, this Court found that “the traceability and redressability requirements are satisfied,” where “[t]he governor of Georgia is a defendant here, and the injuries alleged are directly traceable to SB 202, for which he has enforcement authority.” 558 F. Supp. 3d 1370, 1382 (N.D. Ga. 2021). Similarly, in *Sixth Dist. of African Methodist Episcopal Church v. Kemp*, this Court rejected the county defendants’ argument that the plaintiffs did not have standing because they sued several—but not all—counties to prevent enforcement of challenged provisions of SB 202. 574 F. Supp. 3d 1260, 1272 (N.D. Ga. 2021).

Instead, this Court found that the plaintiffs' injury was traceable to the named defendants because they had "enforcement responsibility" for SB 202. *Id.* Later, this Court again rejected the county defendants' argument that "traceability and redressability" were not established because the counties were "not responsible for enforcing the criminal penalties of the [challenged provision]," explaining that since county defendants "must enforce S.B. 202 and are responsible for the day-to-day operations of running elections," this argument "lack[ed] merit." *In re Georgia Senate Bill 202*, 622 F. Supp. 3d 1312, 1340 n. 24 (N.D. Ga. 2022) (citation omitted).

Thus, it is clear that so long as defendants possess statutory enforcement authority for a challenged provision—as they do here, *see supra* Section II.A—a plaintiff's injury stemming from that challenged provision is traceable to the defendants, regardless of whether some other party may also have some role in the enforcement process.

C. State Defendants' Emphasis On Prosecutorial Authority Ignores How Election Laws Are Actually Enforced in Georgia.

In an attempt to distance themselves from their clear enforcement authority for the Prefilling Prohibition, State Defendants overemphasize the importance of prosecutorial authority and ignore how Georgia's election laws are actually enforced. While State Defendants downplay their role as merely "investigative," Defs. Br. at 8-9, their investigatory and referral powers are key to enforcement of the Prefilling Prohibition and are alone sufficient to confer standing. *See supra* Section II.A.; *see*

also Pls. Br. at 5-10 (describing State Defendants' enforcement duties and responsibilities for Georgia's election laws).

State Defendants have considerable discretion to determine which allegations are investigated and what sanctions—if any—are appropriate for violations, without the involvement of the Attorney General or district attorneys. Trial Tr. 4.17AM 16:1-5, 34:13-22, 66:5-16 (Watson) (explaining that the SOS does not formally investigate some allegations due to lack of merit); Trial Tr. 4.17AM 37:12-15 (Watson) (explaining that the SEB does not refer every violation for prosecution); Trial Tr. 4.17AM 16:9-13 (Watson) (describing how the SEB dismisses allegations deemed unsubstantiated by the Investigations Division); Trial Tr. 4.17AM 16:13-18 (Watson) (listing sanctions SEB may impose for violations of Georgia's election laws); *see also* O.C.G.A. §§ 21-2-31(5), 21-2-33.1. Without State Defendants' initial investigation and referral, enforcement of the Prefiling Prohibition would be less effective, and might not occur at all.² *See, e.g.*, Pls. Ex. 140, 141, 142, 143 (describing cases referred by the SEB to the Attorney General for prosecution).

Further, State Defendants' claim that only criminal prosecutorial authority—and not investigatory authority—constitutes enforcement authority for the purposes

² That Defendants can point to only a single example of a local prosecutor pursuing election crimes without prior referral from SEB—who pursued charges against a former President of the United States in a singular circumstance of national interest and historical significance—demonstrates how rare an occurrence it is.

of traceability is incorrect. *See* Defs. Br. at 1, 8-9. The Eleventh Circuit has explicitly found that investigatory power alone is sufficient to establish traceability. *The Fla. Bar*, 999 F.2d at 1488 (finding standing against the Florida Bar—the sole defendant in the case—despite the fact that its “enforc[ement]” was limited to “investigating and recommending . . . ’ judge[s]” who may have engaged in misconduct for removal from office or other sanction). Thus, even if State Defendants’ duties regarding enforcement of the Prefilling Prohibition were limited to investigation—which they are not—that alone would be sufficient to establish traceability here. Defendants’ overemphasis on prosecutorial authority crumbles in the face of both binding precedent and their own processes for enforcing Georgia’s election laws.

Similarly, State Defendants incorrectly claim that (1) they are only indirectly responsible for Plaintiffs’ injury in this case and (2) indirect causation is insufficient to confer Article III standing. *See* Defs. Br. at 7. They are wrong on both counts. First, Plaintiffs have already illustrated how State Defendants are directly responsible for enforcement of Georgia’s election laws through their duties to investigate allegations of irregularities or wrongdoing, determine whether a likely violation has occurred, and decide what, if any, sanctions are appropriate for such violation. *See supra* Section II.A.; *see also* Pls. Br. at 5-10 (describing State Defendants’ enforcement duties and responsibilities for Georgia’s election laws). There is no evidence that the Attorney General and local prosecutors have or will

pursue charges for violations of the Prefilling Prohibition absent a specific referral from the SEB. *See supra*, n.2. Thus, State Defendants are directly responsible for enforcement of the Prefilling Prohibition.

Second, even if State Defendants were not directly responsible for Plaintiffs' injury—which they are—traceability would still be established. In *Focus on the Family v. Pinellas Suncoast Transit Authority*, the Eleventh Circuit held that “even harms that flow *indirectly* from the action in question can be said to be ‘fairly traceable’ to that action for standing purposes.” 344 F.3d 1263, 1273 (11th Cir. 2003) (citation omitted) (emphasis added); accord *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 260-61 (1977) (“[t]he injury may be indirect,” so long as it is “fairly traceable”). State Defendants claim that this standard is relevant to causation, rather than traceability, *see* Defs. Br. at 7, attempting to draw a distinction that is not supported by the law. *See Focus on the Family*, 344 F.3d at 1273 (“[To prove standing a plaintiff] must establish causation—a ‘fairly . . . trace [able]’ connection between the alleged injury in fact and the alleged conduct of the defendant.”) (citation omitted). In conceding that indirect harms are sufficient to establish causation for the purposes of Article III standing, Defs. Br. at 7, State Defendants also concede that they are sufficient to establish traceability.³

³ Although State Defendants claim that *Focus on the Family* “did not hold that a plaintiff can establish standing without joining as defendants all parties with

Despite their arguments to the contrary, the record demonstrates that State Defendants have enforcement authority for the Prefilling Prohibition, and that under Eleventh Circuit precedent, Plaintiffs' injury is traceable to State Defendants.

III. PLAINTIFFS' INJURIES ARISING FROM THE CHALLENGED PROVISIONS ARE REDRESSABLE BY THIS COURT.

Contrary to Defendants assertions, Defs. Br. at 3, 12, under Eleventh Circuit law “a plaintiff need not demonstrate anything ‘more than . . . a substantial likelihood’ of redressability” for Article III standing. *Wilding v. DNC Servs. Corp.*, 941 F.3d 1116, 1126–27 (11th Cir. 2019) (quotation omitted); *see id.* at 1127 (concluding that plaintiffs satisfied redressability by showing that they likely could recover “money damages in the form of full or *partial* refunds” (emphasis added)). So long as “a favorable decision would amount to a significant increase in the likelihood that plaintiff would obtain relief that directly redresses the injury suffered,” redressability is established. *Jones v. Lanier Fed. Credit Union*, 335 F. Supp. 3d 1273, 1276 (N.D. Ga. 2018) (citing *Fla. Wildlife Fed’n, Inc. v. S. Fla. Water*

enforcement authority,” Defs. Br. at 7, the facts of the case demonstrate the reverse. Specifically, the Court found traceability was satisfied because the named defendant had “direct involvement in” the challenged conduct—refusal of plaintiffs’ proposed advertisements—even though another entity had been “delegated responsibility for initially approving or disapproving proposed advertising,” had rejected the advertisements in question, and was not named as a Defendant. *Focus on the Family*, 344 F.3d at 1268, 1269-71, 1273-74. Thus, even where other entities with a causal link to the injury are not included as defendants, indirect causation of a plaintiff’s injury is sufficient to establish traceability.

Mgmt. Dist., 647 F.3d 1296, 1303-04 (11th Cir. 2011)).⁴ Defendants’ assertion that Plaintiffs must show “all named defendants together” have “complete enforcement authority,” *see, e.g.*, Defs. Br. at 3, 13, 16, is completely unsupported by law and precedent.

Indeed, a closer look at Eleventh Circuit precedent confirms precisely the opposite. In *Made in the USA Foundation v. United States*, 242 F.3d 1300, 1302 (11th Cir. 2001), the plaintiffs filed suit against the United States concerning the North American Free Trade Agreement (“NAFTA”), requesting a declaration that NAFTA was void and an order directing the President to notify the governments of Mexico and Canada that the United States would be terminating its participation in NAFTA. *Id.* at 1307. The Eleventh Circuit rejected the defendant’s argument that the requested relief would not redress the alleged injuries where other nonparties could theoretically still harm plaintiffs. *Id.* at 1306-7, 1310 n.25 (finding it immaterial that the plaintiffs’ “complaint failed to identify subordinate officials who could be enjoined,” and concluding that it did “not preclude a finding of redressability”).

⁴ In addition to the Eleventh Circuit, federal courts throughout the country have repeatedly held that plaintiffs have standing where they have named some, but not all, entities with enforcement authority as defendants. *See, e.g., Ibrahim v. Dep’t of Homeland Security*, 669 F.3d 983, 993 (9th Cir. 2012) (holding that the plaintiff had standing to challenge her placement on the No Fly List even though not all agencies involved were named as defendants); *Parsons v. U.S. Dep’t of Justice*, 801 F.3d 701, 715 (6th Cir. 2015) (redressability satisfied where the relief sought would “likely” impact the actions of third parties not before the court).

Rather, the Eleventh Circuit concluded that the plaintiffs had sufficiently shown redressability because a judicial order directed at the United States, despite not reaching *all* the entities with enforcement power (i.e., the President), indisputably *could* compel other parties with enforcement power (e.g., subordinate executive officials) to change their behavior accordingly. *Id.* at 1310 (citing *Swan v. Clinton*, 100 F.3d 973, 980-81 (D.C. Cir. 1996) (finding a partial remedy is sufficient to show redressability)).

Likewise, here, an order directed at State Defendants, who play critical roles in enforcing the Challenged Provisions, *see supra* Section II.A., would substantially increase the likelihood that enforcement of the Prefilling Prohibition would be curtailed. Additionally, it is notable that Plaintiffs seek not only a permanent injunction, but also a declaration that the Challenged Provisions “violate the First and Fourteenth Amendments, both facially and as-applied to Plaintiffs,” Compl. at 58, which would have substantial impact beyond just the named defendants. Even if a declaratory judgment issued by this Court may not be binding on every non-Defendant entity with some role in the enforcement of the Prefilling Prohibition, its issuance would nevertheless be a substantial deterrent to any other entity considering its enforcement. *See Franklin v. Massachusetts*, 505 U.S. 788, 803 (1992) (plurality opinion) (noting it can be assumed that government officials will abide by a court’s declaration of the law). Thus, a declaration of unconstitutionality would likely

impact all enforcement behavior, providing substantial relief to Plaintiffs. As a result, redressability has been sufficiently established.

IV. CONCLUSION

Because the Georgia Secretary of State and the State Election Board have enforcement authority for the Prefilling Prohibition under Georgia law, Plaintiffs' injury is clearly traceable to State Defendants and redressable by an order declaring that the provision violates the First Amendment, both facially and as applied, and enjoining them from enforcing it. For the foregoing reasons, Plaintiffs respectfully request that this Court find that Plaintiffs have established Article III standing and enter judgment in their favor.

Respectfully submitted this 12th day of August, 2024.

/s/ Alice Huling

Alice Huling*
Danielle Lang*
Jonathan Diaz*
Christopher Lapinig*
Valencia Richardson*
Rachel Appel*
CAMPAIGN LEGAL CENTER
1101 14th St. NW, Ste. 400
Washington, D.C. 20005
Tel: (202) 736-2200
Fax: (202) 736-2222
ahuling@campaignlegalcenter.org
dlang@campaignlegalcenter.org
jdiaz@campaignlegalcenter.org
clapinig@campaignlegalcenter.org
vrichardson@campaignlegalcenter.org
rappel@campaignlegalcenter.org

/s/ Katherine L. D'Ambrosio

Katherine L. D'Ambrosio
(Ga. Bar No. 780128)
COUNCILL, GUNNEMANN & CHALLY
LLC
75 14th Street, NE, Suite 2475
Atlanta, GA 30309
(404) 407-5250
kdambrosio@cgc-law.com

Robert B. Remar
(Ga. Bar No. 600575)
SMITH, GAMBRELL & RUSSELL, LLP
1105 W. Peachtree NE, Suite 1000
Atlanta, GA 30309
(404) 815-3500
rremar@sgrlaw.com

**Admitted pro hac vice*

Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE
AND COMPLIANCE WITH LOCAL RULE 5.1

I hereby certify that I have this date electronically filed the within and foregoing, which has been prepared using 14-point Times New Roman font, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

Dated: August 12, 2024

/s/ Alice Huling
Alice Huling
Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCS.COM