

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

NEW GEORGIA PROJECT, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia, *et al.*

Defendants.

Civil Action No. 1:24-cv-03412-SDG

**GWINNETT COUNTY DEFENDANTS' REPLY IN SUPPORT OF
MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED FIRST
AMENDED COMPLAINT**

In support of their motion to dismiss [Doc. 174], Defendants Wendy Taylor, David Hancock, Loretta Mirandola, Alice O'Lenick, and Anthony Rodriquez, named in their official capacity as members of the Gwinnett County Board of Registrations and Elections (hereinafter referred to as "Gwinnett County Defendants") adopt the arguments set forth in State Defendants' Reply Brief in Support of Motion to Dismiss Plaintiffs Consolidated First Amended Complaint [Doc. 238], except that Gwinnett County Defendants do not adopt State Defendant's arguments regarding traceability to and redressability by State Defendants in Section I(E) of their brief.

Count III of the Consolidated First Amended Complaint [Doc. 155] asserts alleged violations of Section 8(d) of the NVRA solely against county defendants and not against State Defendants. In support of its motion to dismiss Count III, Gwinnett County adopts the arguments that State Defendants assert in Section II(B) of their brief regarding Count I, which also alleges violations of Section 8(d) of the NVRA. The same arguments that State Defendants make regarding Count I also apply to Count III.

Plaintiffs make one particularly radical argument that is worth specifically mentioning here. They argue that not only does Section 8(d) of the NVRA require strict protocols that must be followed prior to removing a voter from the voter rolls, but also that the State or counties cannot take any action that flags a voter's ineligibility to vote as determined by the county registrar after notice and hearing. [Doc. 228 at 64-65]. In other words, Plaintiffs are taking the novel position that the NVRA somehow provides eligibility to a voter who would not otherwise be eligible under State law. *See* O.C.G.A. § 21-2-216(a)(4) (stating that no person shall vote in any primary or election in this state unless such person shall be...a resident of this state). Plaintiffs' novel reading of the NVRA would call its constitutionality into question. *See Jones v. Governor of Florida*, 975 F. 3d 1016,1049 (11th Cir. 2020) ("States are constitutionally entitled to set legitimate voter qualifications through laws of general application and to require voters to comply with those laws

through their own efforts.”) That Plaintiffs need to resort to this novel and plainly incorrect argument to support their claims shows that they fail to state a claim upon which relief may be granted.

For all the reasons set forth herein, Plaintiffs’ Consolidated First Amended Complaint should be dismissed.

Respectfully submitted this 7th day of March, 2025.

Jonathan Kandel
Deputy County Attorney
Georgia Bar No. 940584
Melanie Wilson
Senior Assistant County Attorney
Georgia Bar No. 768870
Samantha Routh
Senior Assistant County Attorney
Georgia Bar No. 061452
Gwinnett County Law Department
75 Langley Drive
Lawrenceville, Georgia 30046

/s/ C. Ryan Germany
C. Ryan Germany
Georgia Bar No. 500691
rgermany@ghsmlaw.com

Mark D. Johnson
Georgia Bar No. 395041
mjohnson@ghsmlaw.com

Amber M. Carter
Georgia Bar No. 631649
acarter@ghsmlaw.com

Gilbert Harrell Sumerford & Martin, P.C.
Post Office Box 190
Brunswick, Georgia 31521
P: (912) 265-6700

Counsel for Gwinnett County Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned certifies that the foregoing Brief has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ C. Ryan Germany
C. Ryan Germany

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.1, I hereby certify that on this day I electronically filed the above **GWINNETT COUNTY DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED FIRST AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notifications of such filing to all attorneys of record.

Dated: March 7, 2025

/s/ C. Ryan Germany
C. Ryan Germany

RETRIEVED FROM DEMOCRACYDOCKET.COM