

ORIGINAL

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

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JAMES M. HATTEN, Clerk
By: *[Signature]*
Deputy Clerk

ASSOCIATION OF COMMUNITY)
ORGANIZATIONS FOR REFORM NOW;)
PROJECT VOTE/VOTING FOR AMERICA,)
INC.; GEORGIA COALITION FOR THE)
PEOPLE'S AGENDA, INC.; GEORGIA)
STATE CONFERENCE OF NAACP)
BRANCHES; and DANA WILLIAMS,)

CIVIL ACTION NO.

1:06-CV-1891

Plaintiffs,

JURY TRIAL DEMANDED JTC

v.

CATHY COX, individually and in her official)
capacities as Secretary of State and)
Chairperson of the State Election Board; and)
CLAUD L. ("TEX") MCIVER III, J.)
RANDOLPH EVANS, DAVID J. WORLEY,)
and JEFFREY K. ISRAEL, individually and)
in their official capacities as members of the)
State Election Board,)

Defendants.

COMPLAINT

This case challenges the continued effort by Defendants to restrict voter registration activity by private entities, even though this Court and the Eleventh Circuit Court of Appeals have enjoined Defendants' earlier efforts to do so.

Flouting those rulings, Defendants have concocted two new restrictions on voter registration: each completed application to register (1) must be sealed separately before being handed to a private voter registration organizer and (2) may not be copied. These new restrictions violate the National Voter Registration Act (NVRA) and cannot withstand First Amendment scrutiny. This is an action for declaratory, injunctive, equitable, legal, and other relief vindicating Plaintiffs' rights under the National Voter Registration Act of 1993, as amended, 42 U.S.C. § 1973gg et seq., and the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

1. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§ 1331 and 1367.
2. Venue appropriately lies in this District and Division pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiff ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW ("ACORN") is a public nonprofit charitable corporation with its principal office located in New Orleans, Louisiana. ACORN is the nation's largest community organization of low- and moderate-income families, working

together for social justice and stronger communities. ACORN's registered agent for service of process in Georgia is located in Gwinnett County. Accordingly, ACORN is subject to the jurisdiction of this Court.

4. Plaintiff PROJECT VOTE/VOTING FOR AMERICA, INC. ("Project Vote") is a public nonprofit charitable corporation with its principal office located in New Orleans, Louisiana. Project Vote is the leading technical assistance and direct service provider to the civic participation community. Since its founding in 1982, Project Vote has provided professional training, management, evaluation and technical services on a broad continuum of key issues related to voter engagement and participation in low-income and minority communities. Project Vote subjects itself to the jurisdiction of this Court for purposes of this action.

5. Plaintiff GEORGIA COALITION FOR THE PEOPLE'S AGENDA, INC. ("GCPA") is a Georgia nonprofit corporation with its principal office and registered agent located in Atlanta, Fulton County, Georgia. GCPA is a statewide coalition of civil rights, human rights, and peace and justice advocacy groups formed to improve the quality of governance in Georgia, help create a more informed and active electorate, and have more responsive and accountable elected officials. GCPA is subject to the jurisdiction of this Court.

6. Plaintiff GEORGIA STATE CONFERENCE OF NAACP BRANCHES (“Georgia NAACP” or “State Conference”) is the statewide organizational unit of local branches of the National Association for the Advancement of Colored People (“NAACP”) in Georgia. The NAACP, a public nonprofit charitable corporation, is the nation’s oldest civil rights organization, founded in 1909, and has offices, branches, and members across the United States. The State Conference’s principal office is located in Fulton County. Accordingly, the State Conference is subject to the jurisdiction of this Court.

7. Plaintiff DANA WILLIAMS (“Mr. Williams” or “Deacon Williams”) is a male citizen of the United States of America and the State of Georgia, residing in Fulton County, and is subject to the personal jurisdiction of this Court. Deacon Williams is the Chairman of ACORN in Georgia.

8. Defendant CATHY COX is a female citizen of the United States of America and the State of Georgia, residing in DeKalb County, and is subject to the personal jurisdiction of this Court. Secretary Cox is the elected Secretary of State of the State of Georgia and the state’s chief election official. By virtue of her office, Secretary Cox is also the chair of the State Election Board.

9. Defendants CLAUD L. (“TEX”) MCIVER III, J. RANDOLPH EVANS, DAVID J. WORLEY, and JEFFREY K. ISRAEL (collectively “SEB Members” or “Board Members”) are male citizens of the United States of America and the State of Georgia, residing in Putnam, Cobb, Fayette, and Paulding Counties, respectively, and are subject to the personal jurisdiction of this Court. Along with Secretary Cox, these individuals comprise the current membership of the State Election Board.

FACTUAL ALLEGATIONS

10. Among their many charitable and educational activities, Plaintiffs actively participate in voter registration, education, and civic participation programs in Georgia, particularly in the metropolitan Atlanta area. Plaintiffs encourage voter registration and participation in all communities, particularly those traditionally underrepresented (*e.g.*, minority, youth, and economically disadvantaged voters).

11. Project Vote has provided funding and technical assistance to ACORN and other nonpartisan voter registration organizations for voter registration programs in many low and moderate income communities, including in Georgia. Project Vote has also directly sponsored voter registration drives in Georgia and across the nation. In 2004, ACORN and Project Vote conducted several voter

registration drives throughout Georgia, particularly in the metropolitan Atlanta area.

Similarly, GCPA and Georgia NAACP regularly sponsor voter registration drives in Georgia. All Plaintiffs intend and desire to engage in organized voter registration, education and get-out-the-vote (“GOTV”) activity within Georgia during the 2006 election season.

12. As a general rule, prior to commencing a registration drive, Plaintiffs endeavor to train their representatives (“registration workers”) on the relevant federal and state rules concerning voter registration, including determining voter eligibility, properly filling out voter registration cards, and complying with other requirements. Registration workers seek out individuals who are either eligible to vote but have not previously registered or who need to update their previous voter registration with their current address or a change of name, so that they will be eligible to vote where they currently live. When a registration worker encounters such a person, he or she discusses Plaintiffs’ philosophy that voting is an important civic duty and responsibility of each eligible U.S. citizen and that, consequently, all eligible individuals should register to vote and then actually vote on Election Day. In the course of that discussion, the registration worker encourages the individual to register (or update his/her registration) and, if necessary, helps the individual complete a registration form.

13. To ensure that they submit the greatest number of complete and accurate voter registration applications, and do so on a timely basis, Plaintiffs typically employ internal quality control procedures, whereby completed registration forms are reviewed as soon as practicable after each day of a drive.

14. ACORN and Project Vote ordinarily make photocopies of each voter registration application that they receive during their drives, so that they may have an independent record of the persons whom they have assisted with registration. They typically use this information to make follow-up calls in the days immediately preceding an election to the persons whom they have assisted with registration, to remind and encourage them to vote on Election Day.

15. GCPA would also like to make photocopies of the Georgia voter registration applications that it receives, to facilitate their GOTV and monitoring efforts. However, GCPA was advised by officials in Secretary Cox's office that copying of original Georgia voter registration applications was not permitted under Georgia law. Accordingly, GCPA attempts to keep a separate record of those persons whom they assist with registration by using a sign-in sheet. Using these sign-in sheets, GCPA attempts to monitor when and/or whether election officials process the voter registration applications that it submits. It also relies on this list to make follow-up calls for purposes of GOTV, candidate forums, and other voter

education activities. GCPA has found, however, that reliance on sign-in sheets, rather than copies of actual voter registration applications, tends to hinder its ability to carry out its voter registration, education, and GOTV activities, because the process lends itself to error, inefficiency, and incompleteness in the gathering of necessary contact information on prospective voters.

16. The NAACP advises all of its chapters nationwide to make photocopies of the voter registration applications that they receive during voter registration drives, for purposes of facilitating the organization's GOTV drives, charitable solicitations, and other follow-up communications with the individuals whom they assist during their voter registration drives. The NAACP also uses the photocopies to facilitate the monitoring of election officials, to see when and/or whether they process the voter registration applications that the organization submits. Many chapters within the Georgia State Conference did not feel they could comply with the national directive, however, because of conflicting information from various election officials in Georgia as to whether copying of applications was permissible. Those chapters that did not make photocopies of the voter registration applications nevertheless typically kept a record of the individuals assisted during the registration drives by manually transferring the contact information contained on the applications to a separate list. This manual transfer of

information was highly time consuming and inefficient — usually requiring one or more registration workers to refrain from directly assisting prospective voters in order to dedicate themselves to this clerical chore.

17. Project Vote's quality control procedures, which it requires all of its funding recipients (including ACORN) to follow, call for every voter registration application to be visually inspected for completeness and/or errors, and for a sampling of persons who have provided telephone numbers to be called to confirm the information on their applications. To the extent errors and omissions are found on any application, ACORN and Project Vote endeavor to contact the affected applicant to obtain the necessary information to make any needed corrections, with the permission of the applicant. After the forms have been checked and any authorized corrections have been made, the completed forms are mailed or otherwise delivered to the proper state or local election offices.

18. Plaintiffs monitor whether applications submitted through their voter registration drives are added to the official lists of eligible voters. By retaining a record of the individuals registered during their drives, Plaintiffs can monitor election officials' compliance with their obligations under the NVRA to register eligible voters in time for an election.

19. Charitable organizations that provide funding for voter registration efforts typically require that recipients of funding implement procedures similar to those followed by Plaintiffs.

20. Registration drives conducted by Plaintiffs have been very successful. During the 2004 election cycle, for example, Project Vote and ACORN helped register over one million voters nationwide, including about 20,000 voters in Georgia, mostly in the metropolitan Atlanta area. Similarly, in conjunction with the nationwide Unity '04 Voter Empowerment Campaign sponsored by the National Coalition on Black Civic Participation, GCPA helped to register 32,104 new voters in metro Atlanta. By securing contact information for the vast majority of those new registrants, GCPA and its Unity '04 partners were able to engage in GOTV efforts that ultimately increased voter turnout in their targeted precincts. The Georgia NAACP also registered thousands of voters in Georgia through their involvement in the Unity '04 program and through their ongoing voter empowerment activities at the local chapter level.

21. In June 2004, the Charles H. Wesley Education Foundation, Inc. ("Wesley Foundation") and others brought suit against Secretary Cox and other state election officials to challenge the State of Georgia's noncompliance with the NVRA and other federal laws respecting the rights of private entities to engage in

organized voter registration activity within the state. *See Charles H. Wesley Education Foundation, Inc. v. Cox*, Civil Action No. 1:04-CV-1780-WCO (N.D. Ga. Filed Jun. 18, 2004). Prior to that litigation, Georgia prohibited private, non-deputized entities from collecting and submitting completed voter registration applications. Georgia also prohibited private entities from organizing voter registration drives unless they obtained permission from a county board of registrars' office and had a deputy registrar present at the drive to collect applications.

22. This Court and the Eleventh Circuit ruled that those restrictions on private entities' collection and submission of voter registration applications violated the NVRA. Specifically, those courts found: (i) that private entities have a federally protected right to engage in organized voter registration activity, including but not limited to the right to collect completed voter registration applications and submit them to election officials in Georgia; (ii) that election officials must accept and timely process all such applications regardless of the manner in which they are delivered or by whom they are delivered, and (iii) that Georgia's limitations and restrictions on private entities' rights to collect and submit completed voter registration applications unreasonably interfered with those private entities' rights under the NVRA. *See Charles H. Wesley Educ. Found. v. Cox*, 324 F. Supp. 2d

1358 (N.D. Ga. 2004) (“*Wesley Foundation I*”), *aff’d*, 408 F.3d 1349 (11th Cir. 2005) (“*Wesley Foundation II*”), and consent decree and final judgment entered, No. 1:04-CV-1780-WCO (N.D. Ga. March 2, 2006) (“*Wesley Foundation III*”).

23. After the Eleventh Circuit’s ruling in *Wesley Foundation II*, the State Election Board adopted several amendments to its voter registration regulations, each imposing new restrictions on the manner in which private entities may collect and submit voter registration applications during their voter registration programs. Specifically, the SEB’s amended regulations: (a) prohibit private entities from collecting completed applications unless they are sealed (the “sealing requirement”); and (b) prohibit them from copying completed voter registration applications (the “copying ban”). *See* Ga. Comp. R. & Regs. r. 183-1-6-.03(3)(o)(2) (as amended eff. Jan. 17, 2006) (the “Regulation”).¹

24. The NVRA requires all states to accept and use the federal mail voter registration form (“Federal Form”) prescribed by the U.S. Election Assistance Commission (“EAC”) for the registration of voters in elections for federal office. 42 U.S.C. § 1973gg-4(a). The NVRA does not require that the Federal Form be sealed by the applicant prior to being handed to a private voter registration worker.

¹ This Court’s Consent Decree in the *Wesley Foundation* case declined to rule on the legality or enforceability of the Regulation, because it arose after the events giving rise to that litigation. *See Wesley Foundation III*, slip op. at 4 n. 1.

25. Several organizations, including the Wesley Foundation and Project Vote, submitted comments opposing the Regulation, contending that it violated the NVRA and other federal voting rights laws. Nonetheless, the Board voted 4-1 to adopt the Regulation, with Defendant Worley casting the dissenting vote.²

26. The Georgia Election Code authorizes the State Election Board to impose monetary civil penalties of up to \$5,000, along with public reprimands, upon any person or organization that violates the Regulation. *See* O.C.G.A. § 22-2-33.1(a). In addition, to the extent that a private entity's violation of an SEB regulation is deemed to be a violation of the Georgia Election Code, a private entity may also be subject to criminal penalties in the form of fines between \$100 and \$1,000 and imprisonment up to a year. *See* O.C.G.A. §§ 21-2-598 to 21-2-599.

² In March 2006, following this Court's entry of the Consent Decree in the *Wesley Foundation* case, and specifically in response to another petition by the Wesley Foundation, the SEB again amended its regulations to include a provision that states: "Nothing in this rule shall be construed to prohibit any voter registration activity that is permitted pursuant to the National Voter Registration Act of 1993, 42 U.S.C. §§ 1973gg et seq., or any other federal or state law or regulation." *See* Proposed Amendments to Rule 186-1-6-.03 (State Election Bd., May 24, 2006), available at http://www.gaseb.org/notice_183_1_6_.03.pdf. Because that amendment has not been precleared by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act, it is not in effect. In any event, at the same time that the SEB adopted the aforementioned language, it also specifically declined to adopt the Wesley Foundation's request for repeal of the recently enacted sealing requirement and copying ban. *See* Wesley Foundation Petition to SEB (Mar. 3, 2006), available at http://www.chwef.org/Downloads/Cathy_Cox_03-03-06.pdf. Accordingly, a controversy is present concerning whether and/or to what extent the SEB can enforce the Regulation against Plaintiffs.

27. In a written notice to Defendants on September 14, 2005 (the same day the Regulation was adopted), pursuant to 42 U.S.C. § 1973gg-9(b)(1), the Wesley Foundation asserted that the Regulation violates the NVRA. That notice, given on behalf of all persons aggrieved by the violations described therein, including Plaintiffs, requested that Defendants repeal or rescind the recently-adopted Regulation within 90 days, pursuant to 42 U.S.C. § 1973gg-9(b)(2). More than 90 days have passed, and Defendants have taken no action to correct their violations of the NVRA.

28. Defendants' enforcement of the sealing requirement and the copying ban has caused and will continue to cause irreparable harm to Plaintiffs and any other private entities intending to conduct voter registration and GOTV activities within Georgia, in connection with the statewide elections in November 2006 (which include candidates for federal office) and any runoff elections. The deadline for voter registration in Georgia for the November 7, 2006 election is October 10, 2006.

29. The sealing requirement interferes with the ability of Plaintiffs and other private entities to speak freely and fully, in the manner they deem most appropriate and expedient, concerning the value of voting, voter registration, and civic participation. The sealing requirement also interferes with Plaintiffs' ability to

associate freely with eligible citizens for purposes of encouraging them to register to vote and assisting them with properly completing their voter registration applications (*e.g.*, by verifying that the citizens have filled in all required information, checked all required boxes, and written the information legibly). The sealing requirement thus has the dual effect of chilling Plaintiffs' core political speech and interfering with Plaintiffs' associational rights.

30. The sealing requirement also compels Plaintiffs and others to bear the additional expense of either (1) providing individual envelopes to include with each completed registration application or (2) procuring professionally printed postcard applications with sealing strips, contrary to Plaintiffs' current practice of photocopying or printing the federally mandated national mail voter registration application onto standard copy paper and distributing it to applicants, as permitted by federal guidelines. As a result, the sealing requirement burdens Plaintiffs' legally protected interest in conducting voter registration drives by imposing additional and unnecessary costs on Plaintiffs.

31. As a practical matter, the sealing requirement also interferes with Plaintiffs' federally protected right to collect and submit completed voter registration applications as part of their organized voter registration programs, because it effectively prevents Plaintiffs from being able to look at the applicant's

residence address to determine the correct county or state election office to which each completed voter registration application should be sent (since the applicant's residential address information is not viewable once his/her application is sealed).

32. The copying ban eliminates Plaintiffs' ability to retain the best evidence of how an application was filled out and the date and time that an application was filled out, collected, and submitted. As a result, the copying ban hampers the ability of Plaintiffs and other private entities to perform internal quality control checks to assess the effectiveness of their voter registration programs, as well as the performance of their volunteers or employees. The ban also interferes with the ability of Plaintiffs or other private groups (and the applicants themselves) to ensure that completed voter registration applications are received and properly processed by election officials.

33. In addition, by making it more difficult for Plaintiffs and other private entities to collect information from the prospective voters with whom they associate during their voter registration drives, the sealing requirement and copying ban both impermissibly burden Plaintiffs' right to associate freely with other citizens for civic and political purposes and unduly chill Plaintiffs' ability to engage in core political speech concerning the value of registering to vote and actually voting – all of which suppress voter participation.

34. Without the ability to inspect and duplicate information from voter registration applications, Plaintiffs' ability to conduct targeted GOTV drives (during which Plaintiffs encourage newly-registered voters to cast ballots on Election Day) is significantly hamstrung. GOTV drives would be limited to contacting individuals who have otherwise become known to Plaintiffs or who are listed on Georgia's voter rolls generally. Neither of these alternatives allows Plaintiffs to conduct the types of targeted GOTV drives that they seek to conduct.

35. Moreover, the Regulation inhibits Plaintiffs from raising funds by prohibiting them from implementing procedures required by charitable organizations that provide funding for voter registration efforts.

COUNT I:
INTERFERENCE WITH RIGHTS UNDER THE
NATIONAL VOTER REGISTRATION ACT

36. Plaintiffs reallege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

37. By their conduct as previously described in this Complaint, and in willful disregard of prior written notice and a request for remedial action, Defendants have violated Plaintiffs' rights under the NVRA.

38. As with the plaintiffs in the *Wesley Foundation* litigation, Plaintiffs have a legally protected interest under the NVRA in conducting voter registration

drives. *See Wesley Foundation I*, 324 F. Supp. 2d at 1366-67; *Wesley Foundation II*, 408 F.3d at 1353-54. Like the Georgia regulation struck down in the *Wesley Foundation* case, the Regulation interferes with Plaintiffs' legally protected interest because it places severe and unreasonable restrictions on Plaintiffs' ability to collect and submit voter registration applications in a manner that meets the standards of the NVRA.

39. Because the NVRA requires all states to accept and use the Federal Form for purposes of registering voters in elections for federal office, 42 U.S.C. § 1973gg-4(a), and to process all such forms received regardless of the manner and method of delivery, *see Wesley Foundation I*, 324 F. Supp. 2d at 1366-67; *Wesley Foundation II*, 408 F.3d at 1353-54, and because the NVRA does not require that the Federal Form be sealed prior to being presented to a private entity conducting a voter registration drive, Defendants' sealing requirement directly conflicts with, and therefore violates, the NVRA.

40. In addition, the sealing requirement and copying ban frustrate the purposes of the NVRA, which are "(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office; (2) to make it possible for Federal, State, and local governments to implement [the NVRA] in a manner that enhances the participation of eligible citizens as voters in

elections for Federal office; (3) to protect the integrity of the electoral process; and (4) to ensure that accurate and current voter registration rolls are maintained.” 42 U.S.C. § 1973gg(b). Perversely, the sealing requirement and copying ban frustrate quality control efforts by Plaintiffs, thus increasing the risk of submitting fraudulent and incomplete voter registration applications, and decreasing the accuracy of voter registration rolls.

41. The NVRA preempts all conflicting state laws concerning the registration of voters for elections for federal office. *See Wesley Foundation I*, 324 F. Supp. 2d at 1366-67; *Wesley Foundation II*, 408 F.3d at 1353-54. Where a state regulation imposes additional restrictions not authorized or contemplated by Congress on private entities’ dissemination, collection, or submission of federally mandated voter registration forms, such restrictions are invalid as a matter of law, because they frustrate the essential purpose of the NVRA. *See Wesley Foundation I*, 324 F. Supp. 2d at 1368; *Wesley Foundation II*, 408 F.3d at 1354. Like the Georgia regulation at issue in the *Wesley Foundation* case, the Regulation at issue in this action places severe and unreasonable additional restrictions on Plaintiffs’ and other private entities’ right to disseminate, collect, and submit completed voter registration applications that meet the standards of the NVRA; accordingly, the Regulation is similarly prohibited by the NVRA.

33. As a result of the unlawful actions of Defendants, Plaintiffs have been aggrieved, have suffered damage, and are entitled to declaratory and injunctive relief against Defendants in their official capacities. In addition, Plaintiffs are entitled to an award of their attorneys' fees and costs under 42 U.S.C. § 1973gg-9.

COUNT II:
DEPRIVATION OF RIGHTS SECURED BY THE
CONSTITUTION AND LAWS OF THE UNITED STATES
(42 U.S.C. § 1983)

42. Plaintiffs reallege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

43. By promulgating Ga. Comp. R. & Regs. r. 183-1-6-.03(3)(o)(2), Defendants have, under color of state law, deprived Plaintiffs of the rights of association and free speech protected by the First Amendment to the U.S. Constitution and also interfered with Plaintiffs' right to engage in organized voter registration activity as protected by the NVRA, all in violation of 42 U.S.C. § 1983. Defendants have acted knowingly and intentionally in violation of clearly established law.

44. The sealing requirement is an unreasonable and impermissible financial penalty on Plaintiffs' voter registration activities and effectively prohibits Plaintiffs from being able to collect and to submit voter registration applications on

behalf of the applicants whom they assist with registration, thereby frustrating Plaintiff's politically expressive activities.

45. The copying ban impedes Plaintiffs' ability to prevent fraud in the election process, to encourage the participation of voters they have registered in the electoral process, and to monitor the processing of voter registration applications by the state.

46. The State's interference with Plaintiffs' ability to carry out these activities thus deprives Plaintiffs of their First Amendment rights of association and free speech, as well as their rights under the NVRA.

47. Defendants have no legitimate, important, or compelling governmental interests to justify these restrictions on the rights of Plaintiffs and other private entities. Defendants' stated purpose in adopting the sealing requirement and copying ban was to preserve the confidentiality of the voter registration applicant's personally identifiable information by prohibiting the disclosure of the applicant's full social security number, which (until recently) Defendant Cox had required to be included on all applications. However, such a concern is neither legitimate nor tenable, in light of the Eleventh Circuit's determination that Defendants are prohibited by federal law from requiring an applicant to supply his/her full social security number in order to register to vote, *see Schwier v. Cox*, 439 F.3d 1285 (11th

Cir. 2006), and in light of existing provisions of Georgia law which already make all other information on a voter registration application open to the public and available for purchase by anyone at any time, *see* O.C.G.A. § 21-2-225(b) and (c). *See also* 42 U.S.C. §§ 1973gg-6(i)(1) (requiring states to make available for public inspection and copying “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of officials lists of eligible voters”).

48. In addition, the Regulation effectively prevents Plaintiffs from reviewing applications to ensure that they are complete, or from conducting telephone spot checks of individuals who have completed applications to verify the information in the application. By eliminating Plaintiffs’ ability to engage in these anti-fraud and quality control measures, Defendants not only hamper efforts to prevent registration fraud and to enhance efficiency, but also interfere with Plaintiffs’ efforts to register and communicate with those citizens who are eligible to vote, thereby undermining Plaintiffs’ voter registration and GOTV efforts.

49. As a result of Defendants’ unlawful actions, Plaintiffs have been aggrieved, have suffered damage, and are entitled to declaratory and injunctive relief against Defendants in their official capacities, and to an award of their attorneys’ fees and costs, pursuant to 42 U.S.C. § 1988. Plaintiffs are also entitled

to compensatory and punitive damages against Defendants in their individual capacities only.

PRAYER FOR RELIEF

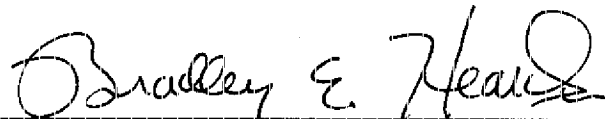
WHEREFORE, premises considered, Plaintiffs demand a judgment in their favor against Defendants, and request the following relief:

- a. A declaration that Defendants have violated Plaintiffs' rights under the NVRA, 42 U.S.C. § 1983, and the U.S. Constitution;
- b. An order enjoining Defendants from violating the above-referenced statutes in the future;
- c. An order preliminarily and permanently enjoining Defendants from enforcing the provisions of Ga. Comp. R. & Regs. r. 183-1-6-.03(3)(o)(2) against Plaintiffs and other private entities;
- d. Compensatory, punitive, and other appropriate damages;
- e. Pre- and post- judgment interest;
- f. Costs and reasonable attorneys' fees in this action;
- g. Such other and further relief as the Court deems appropriate and in the interests of justice.

Trial by jury is demanded on all claims so triable.

This 14th day of August, 2006.

Respectfully Submitted,



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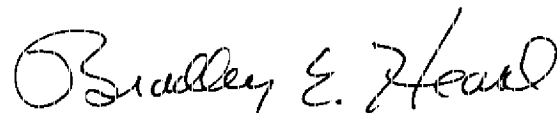
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.



Bradley E. Heard
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