

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

ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM
NOW, *et al.*,

Plaintiffs,

v.

CATHY COX, *et al.*,

Defendants.

CIVIL CASE NO.
1:06-CV-1891-JTC

ORDER

Pending before the Court is the Motion for Reconsideration [# 39] filed by Plaintiffs Association of Community Organizations for Reform Now (“ACORN”), Project Vote/Voting for America, Inc. (“Project Vote”), Georgia Coalition for the People’s Agenda, Inc. (“People’s Agenda”), Georgia State Conference of the NAACP Branches (“Georgia NAACP”), and Dana Williams (collectively “Plaintiffs”). Plaintiffs brought this action against Defendants Cathy Cox, Claud L. McIver, III, J. Randolph Evans, David J. Worley, and Jeffrey K. Israel (collectively “Defendants” or the “State”) challenging a rule adopted by the State Election Board requiring an applicant to seal a completed registration application prior to submitting it to any person other than a registrar or deputy registrar and prohibiting the copying of completed registration applications (the “Regulation”). Plaintiffs contend that the

Regulation is unlawful under the First Amendment and the National Voter Registration Act (“NVRA”).

After an evidentiary hearing the Court held that Plaintiffs were entitled to a preliminary injunction on their claim that the challenged Regulation infringed upon Plaintiffs’ First Amendment rights. The Court also held that Plaintiffs did not show a substantial likelihood of success on the merits as to their claim under the NVRA. Plaintiffs timely filed a motion to reconsider the Court’s holding that the challenged Regulation does not violate and/or was not preempted by the NVRA. In its motion, however, Plaintiffs stated that “Plaintiffs are not requesting expedited review of this motion. Nevertheless, Plaintiffs would like to preserve the opportunity to have this Court reconsider its ruling as to the NVRA issue at a later stage in this case.” (Pls.’ Mot. for Recons. at 2 n.1.) Moreover, in their reply brief, Plaintiffs state that “[i]n the very near future, Plaintiffs intend to move for summary judgment as to liability on the entirety of their complaint Plaintiffs would submit that their pending motion for reconsideration could be taken up at the same time the Court deals with the summary judgment motion.” (Pls.’ Reply at 4 n.2.) The parties, however, recently requested an extension of time to complete discovery in this case. Accordingly, the Court will reserve ruling on Plaintiffs’ motion and shall consider the arguments

raised by Plaintiffs in their motion to reconsider upon the filing of a summary judgment motion after the expiration of the now extended discovery period.

The Court **DENIES with leave to renew** Plaintiffs' Motion for Reconsideration [# 39].

SO ORDERED, this 9th day of March, 2007.



JACK T. CAMP
UNITED STATES DISTRICT JUDGE