

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

BLACK VOTERS MATTER FUND,
MEGAN GORDON and PENELOPE
REID, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State of
Georgia; DEKALB COUNTY BOARD
OF REGISTRATION & ELECTIONS;
ANTHONY LEWIS, SUSAN
MOTTER, DELE LOWMAN SMITH,
SAMUEL E. TILLMAN, and BAOKY
N. VU, in their official capacities as
Members of the DeKalb County Board
of Registration & Elections; and ERICA
HAMILTON, in her official capacity as
Director of Voter Registration and
Elections, and all others similarly
situated,

Defendants.

Civil Action No.: 20-cv-1489-AT

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs move for certification of the proposed classes listed below:

- (1) A defendant class, pursuant to Rule 23(b)(1)(A) or (b)(1)(B), of “all Georgia boards of registrars, their members, their election directors, county registrars, and municipal absentee ballot clerks,” represented by Defendants DeKalb Board of Registration & Elections, Anthony Lewis, Susan Motter, Dele Lowman Smith, Samuel E. Tillman, Baoky N. Vu, and Erica Hamilton,¹ and their counsel, with respect to all of Plaintiffs’ claims (both facial and as-applied);
- (2) A plaintiff class, pursuant to Rule 23(b)(2), (b)(1)(A), or (b)(1)(B), of “all registered Georgia voters,” represented by Plaintiffs Megan Gordon and Penelope Reid and Plaintiffs’ counsel, with respect to Plaintiffs’ facial claims, and with respect to Plaintiffs’ as-applied claims during the pandemic;
- (3) A plaintiff subclass, pursuant to Rule 23(b)(2), (b)(1)(A), or (b)(1)(B), of “all registered Georgia voters who satisfy one of the COVID-19 risk factors identified by the Center for Disease Control (“CDC”),” *see*

¹ The law permits for each county to designate a person or entity, which handles, among other things, registration and absentee voting, O.C.G.A. §§ 21-2-212, 21-2-384. This designee can be a “board of registrars” or “county registrar.” *See id.* This brief uses the term “board of registrars” and their “members” to include each of these analogous entities and persons. In addition, the law requires municipalities to appoint an “absentee ballot clerk” with the same responsibilities as county registrars. O.C.G.A. § 21-2-380.1. The law provides separately for an “election superintendent” or “board of elections” which handles, among other things, Election Day voting and not absentee voting. *See* O.C.G.A. §§ 21-2-70; 21-2-40(a). For efficiency, many counties like DeKalb merge these entities into a “Board of Registration & Elections” or some other variant of that name, as state law allows, *see* O.C.G.A. § 21-2-40(b), so the term “board of registrars” used here includes such combined entities. In addition, counties have a top employee in charge of these operations which also go by various titles, and in DeKalb, that is Defendant Erica Hamilton, the Director of Voter Registration and Elections. The term “election director” used here refers to the analogous employee in other counties.

Exhibit E, represented by Plaintiff Reid and Plaintiffs' counsel, with respect to both of Plaintiffs' as-applied claims during the pandemic.

These classes should be certified for the reasons set forth in the accompanying brief. In short, class certification could help prevent hundreds if not thousands of separate lawsuits against 159 different counties, all raising identical legal issues that can otherwise be resolved in one stroke. It would also help ensure that separate conflicting adjudications on the same issue do not result in conflicting standards throughout Georgia.

Respectfully submitted this 31st day of May, 2020.

Sean J. Young

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CERTIFICATE OF SERVICE

I hereby certify that on the above mentioned date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

Sean Young

Attorney Bar Number: 790399

Attorney for Plaintiffs

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