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

ANNIE LOIS GRANT; QUENTIN T. HOWELL; ELROY TOLBERT; THERON BROWN; TRIANA ARNOLD JAMES; EUNICE SYKES; ELBERT SOLOMON; and DEXTER WIMBISH, Plaintiffs, v. BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; ANH LE, in her official capacity as a member of the State Election Board; EDWARD LINDSEY, in his official capacity as a member of the State Election Board; and MATTHEW MASHBURN, in his official capacity as a member of the State Election Board, Defendants.	CIVIL ACTION FILE NO. 1:22-CV-00122-SCJ

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs ANNIE LOIS GRANT, QUENTIN T. HOWELL, ELROY TOLBERT, THERON BROWN, TRIANA ARNOLD JAMES, EUNICE SYKES, ELBERT SOLOMON, and DEXTER WIMBISH, for the reasons set forth herein and in the memorandum of

law filed concurrently with this motion, and as supported by the materials submitted therewith, respectfully move for an order preliminarily enjoining Defendants from enforcing the boundaries of the Georgia State Senate districts as drawn in the Georgia Senate Redistricting Act of 2021 ("SB 1EX") and the Georgia House of Representatives districts as drawn in the Georgia House of Representatives Redistricting Act of 2021 ("HB 1EX").

A preliminary injunction is warranted here because Plaintiffs are likely to succeed on the merits of their claims that SB 1EX and HB 1EX violate Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301, by failing to include three additional State Senate districts and five additional House districts in which Black voters have the opportunity to elect their preferred candidates. Georgia has a Black population sufficiently large and geographically compact to create an two additional majority-Black State Senate districts in the southern Atlanta metropolitan area, one additional majority-Black State Senate district in the central Georgia Black Belt region, two additional majority-Black House districts in the southern Atlanta metropolitan area, one additional majority-Black House district in the western Atlanta metropolitan area, and two additional majority-Black House districts in the Black Belt, anchored in Bibb County. Rather than draw these districts as required by federal law, the Georgia General Assembly instead chose to limit the ability of Black

Georgians in these areas to elect legislative candidates of their choice, thus diluting the voting strength of a politically cohesive minority group in violation of Section 2. *See Johnson v. De Grandy*, 512 U.S. 997, 1007 (1994). Plaintiffs have shown that they have satisfied the threshold preconditions established in *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986), and that, considering the totality of circumstances, "the political processes leading to nomination or election in the State or political subdivision are not equally open to participation" by members of Georgia's Black community. 52 U.S.C. § 10301(b).

Moreover, Plaintiffs will suffer irreparable injury to their fundamental voting rights without preliminary injunctive relief. *See League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). And the balance of equities and the public interest favor an injunction to "ensur[e] that all citizens . . . have an equal opportunity to elect the representatives of their choice." *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs*, 118 F. Supp. 3d 1338, 1349 (N.D. Ga. 2015); *see also Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005).

Plaintiffs therefore request that the Court issue a preliminary injunction enjoining Defendants from enforcing or giving any effect to the boundaries of the State Senate districts as drawn in SB 1EX and the House districts as drawn in

HB 1EX, including barring Defendants from conducting any legislative elections under the enacted maps. Plaintiffs further request that the Court expedite its consideration of this motion, including the scheduling of any hearings, to ensure that necessary remedies are timely adopted and lawful State Senate and House maps are in place before the deadlines for this year's midterm elections.

Plaintiffs also request that the Court waive the posting of security as otherwise required by Federal Rule of Civil Procedure 65(c). *See, e.g.*, *New Ga. Project v. Raffensperger*, 484 F. Supp. 3d 1265, 1307 n.33 (N.D. Ga. 2020) (exercising discretion to waive security in voting rights case); *Ga. Coal. for People's Agenda, Inc. v. Kemp*, 347 F. Supp. 3d 1251, 1268–69 (N.D. Ga. 2018) (same).

Dated: January 13, 2022

Respectfully submitted,

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**Pro hac vice* application pending

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION has been prepared in accordance with the font type and margin requirements of LR 5.1, NDGa, using font type of Times New Roman and a point size of 14.

Dated: January 13, 2022

Adam M. Sparks
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record, and by electronic mail to Bryan P. Tyson, Esq. at btyson@taylorenglish.com, who has informed the undersigned that he will represent all Defendants in the above-styled action.

Dated: January 13, 2022

Adam M. Sparks
Counsel for Plaintiffs