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COURT ALLOWS GEORGIA TO CRIMINALIZE LINE RELIEF DURING 2022 ELECTION BUT ACKNOWLEDGES ANTI-VOTER LAW NEGATIVELY IMPACTS FREE SPEECH

Judge denies motion for a preliminary injunction and allows Georgia's ban on line relief to continue, criminalizing actions such as handing out food or water to voters in long polling lines for 2022 elections.

ATLANTA, GA - Last night, Thursday August 18th, a federal judge denied a motion from voting rights organizations for a [preliminary injunction](#) against Georgia's ban on line relief due to a perception that changing the rules may confuse election officials. This decision allows Georgia to continue criminalizing actions such as handing out food and water to voters waiting in long polling lines during the 2022 elections. However, in a signal favorable to the plaintiffs, the judge did express that the ban on line relief negatively impacts the right to free speech and that prohibiting line relief within 25 feet of any voter is likely unconstitutional. It also specified that this denial of the preliminary injunction only applies to the 2022 elections and that Georgians may gain relief from Georgia's anti-voter law for future elections.

The motion for a preliminary injunction was filed as part of the case [AME vs. Kemp](#), which challenges Georgia's anti-voter law containing the line relief ban, [S.B. 202](#). The voting rights organizations who brought the case will continue seeking complete relief in a full trial, and any appropriate temporary relief, for Georgians from the various barriers to voting created by S.B. 202.

A copy of the judge's ruling can be found [HERE](#).

"It's unfathomable that anti-voter politicians can continue the cruel practice of preventing Georgians from giving bottles of waters to their neighbors waiting in long polling lines on hot days, especially if those neighbors are elderly, have disabilities, or have other conditions that make it hard to wait in long lines," Said **Poy Winichakul senior voting rights staff attorney with the Southern Poverty Law Center (SPLC)**. "That is why the Southern Poverty Law Center and our partners will continue pushing to overturn this anti-voter law in a general trial, and why we call on communities across Georgia to push back against these barriers to voting whenever possible."

“The fight against Georgia’s anti-voter law is far from over,” said **Rahul Garabadu, voting rights staff attorney with the ACLU of Georgia**. “While Georgia’s cruel ban on line relief stands for now, we look forward to presenting our broader case against SB 202 at trial, where we will prove that many provisions in the legislation violate federal law and the Constitution.”

"Today's decision is disappointing," said **John Cusick, Assistant Counsel at LDF**. "It is unacceptable that voters must wait in long lines that the federal court acknowledges exist in Georgia to exercise their right to vote. So too is a criminal ban on the ability of organizations like the Deltas to provide food or water to voters waiting in those lines to express their support for their dignity and right of voters to participate. This ban particularly impacts Black voters who are disproportionately more likely to endure unbearably long wait times at their polling sites across Georgia. The Georgia Legislature’s continued efforts to burden voters with unnecessary obstacles must be stopped, and we will continue pushing to ensure these obstacles are removed and voting is accessible to all who are eligible."

“Civic organizations like our clients have long sought to encourage and affirm the dignity of Georgians waiting in long lines to vote by providing a sip of water or snack. This ruling doesn’t change the fact that it is inhumane -- and ultimately illegal --to criminalize those efforts. Despite the court's decision, our legal challenge continues,” said **Davin Rosborough, senior staff attorney with the ACLU’s Voting Rights Project**.

“We are disappointed by, and respectfully disagree with, the court’s decision on our motion. But we are undeterred in our effort,” said **George P. Varghese, a partner at WilmerHale**. “S.B. 202’s voting line relief ban is as unjustifiable and unconstitutional today as when enacted. We will continue our fight to ensure that both our clients’ fundamental right to vote, and their right to support others who vote, are not compromised.”

“Despite finding that S.B. 202 criminalized protected speech, the court decided to leave the ban in place for the November 2022 elections,” said **Adam S. Sieff, counsel at Davis Wright Tremaine LLP**. “We respectfully disagree with that decision. S.B. 202’s line relief ban remains unjust and ultimately unconstitutional, and we are undaunted in our commitment to vindicating our clients’ and every Georgian’s’ rights.”

Background:

After Georgia voters turned out in record numbers for the 2020 presidential election and U.S. Senate elections in early 2021, state legislators passed S.B. 202, a sweeping — and unconstitutional — voting law that threatened to massively disenfranchise voters, particularly voters of color.

In response, the [Southern Poverty Law Center \(SPLC\)](#), [American Civil Liberties Union \(ACLU\)](#), [ACLU of Georgia \(ACLU-GA\)](#), [Legal Defense Fund Inc. \(LDF\)](#), and the law firms of [Davis Wright Tremaine](#) and [WilmerHale](#) filed *AME vs. Kemp*, a lawsuit challenging multiple provisions of S.B. 202. Their plaintiffs are the [Sixth District of the American Methodist Episcopal Church](#), [Delta](#)

[Sigma Theta Sorority, Incorporated/Delta Sigma Theta Sorority, Inc.](#), [Georgia ADAPT](#), [Georgia Advocacy Office](#), and the [Southern Christian Leadership Conference](#) represented by LDF, the ACLU of Georgia, ACLU National, and Wilmer Hale, as well as the [Georgia Muslim Voter Project](#), [Women Watch Afrika](#), [Latino Community Fund of Georgia](#) and [The Arc of the United States](#), represented by SPLC and DWT.

Among other provisions, *AME v. Kemp* challenges:

- The ban on “line relief,” where volunteers provide water and snacks to people waiting in long lines to vote, a common occurrence at precincts with a large population of voters of color.
- Severe restriction on the use of mobile voting units, which have been used to address a shortage of accessible and secure polling locations that previously resulted in long lines of voters at existing and traditional polling locations.
- Additional and onerous identification requirements for requesting and casting an absentee ballot.
- A compressed period for requesting absentee ballots.
- Restrictions on the use of secure ballot drop boxes.
- Disqualification of provisional ballots cast in a voter’s county of residence but outside the voter’s precinct before 5 p.m. Previously, votes for all the races to which the person was eligible to vote on that precinct’s provisional ballot were counted.
- A drastic reduction of early voting in runoff elections.

The lawsuit describes how S.B. 202 violates protections for voters of color under the 14th and 15th Amendments to the U.S. Constitution, as well as Section 2 of the Voting Rights Act, and the Civil Rights Act of 1964, as well as voters with disabilities under the Americans with Disabilities Act and the Rehabilitation Act. It also outlines how the line relief ban violates the First Amendment right to freedom of expression.

In May 2022, the plaintiffs and their attorneys filed a motion for a preliminary injunction to challenge Georgia’s criminal restriction on “line relief,” which the judge denied on August 18th. Even though the judge determined that S.B. 202’s line relief ban affects individuals’ and voting rights groups’ free speech rights, the judge declined the motion for a PI under the [Purcell principle](#) that deters courts from changing election rules close to an election. Specifically the judge had concerns that changing the rules may confuse election officials.

The Georgia organizations will continue to move towards a full trial on all their claims and seek complete relief, as well as any appropriate temporary relief, for the various harms S.B. 202 creates for future elections.