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Voting Rights Groups File Emergency Motion to Lift Georgia’s Line Relief Ban in 2024 Elections

Groups Challenge Portion of Anti-Voter Law that Blocks Georgians from Providing Food and Water to Voters Waiting in Long Lines at Polls

ATLANTA — Voting rights organizations filed an [emergency preliminary injunction motion](#) today to lift part of the restriction in Georgia’s anti-voter law, [S.B. 202](#), that blocks Georgians from providing food and water to voters waiting in long lines at the polls.

The motion was filed as part of ongoing litigation in [AME vs. Kemp](#), which challenges S.B. 202 for unconstitutionally creating barriers to voting that diminish the voices of communities of color, women and people with disabilities. If granted, the preliminary injunction would allow volunteers to provide food and water to voters in lines that extend beyond 150 feet from the polling place.

The [Legal Defense Fund \(LDF\)](#), [Southern Poverty Law Center \(SPLC\)](#), [American Civil Liberties Union \(ACLU\)](#), [ACLU of Georgia](#), and the law firms [WilmerHale](#) and [Davis Wright Tremaine LLP \(DWT\)](#) filed the motion on behalf of the plaintiffs.

Plaintiffs are the [Sixth District of the American Methodist Episcopal Church](#), [Delta Sigma Theta Sorority](#), [Georgia ADAPT](#), and the [Georgia Advocacy Office](#), represented by LDF, ACLU of Georgia, ACLU, 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.

“The cruel barriers to voting enacted by S.B. 202 target both the basic needs and basic rights of Georgians. There can be no reason for denying food or water to people waiting in long polling lines, other than trying to prevent them from exercising their freedom to vote,” said **Poy Winichakul, SPLC’s senior staff attorney for voting rights**. “These barriers to voting must be removed so all Georgians can have a voice to advocate for their communities in the crucial 2024 elections.”

“Our clients used to be able to offer a bottle of water or a snack to voters waiting in long lines at the polls,” said **Rahul Garabadu, senior voting rights staff attorney at the ACLU of Georgia**. “S.B. 202 largely banned these activities, adding to the burdens that many voters, including voters of color and voters with disabilities, face when casting a ballot. Last year, the court found that there were serious constitutional concerns with portions of the ban on line relief. We’re now asking the court to strike down the unlawful provisions of the ban so that our clients can provide crucial support to voters across our state.”

“S.B. 202’s provisions restricting line relief activities are cruel and discriminatory,” said **Rhonda Briggins, chair, Strategic Partnerships Taskforce for Delta Sigma Theta Sorority, Inc.** “These restrictions prevent Deltas from providing necessities like food and water to voters experiencing long lines, which impact significant numbers of Black Georgia voters. We are hopeful the court will block the unlawful restrictions it has already recognized may be unlawful so that we can resume some of our line relief efforts for upcoming elections.”

“Georgia’s cruel line-relief ban makes it harder for Black voters to fully participate in elections,” said **John Cusick, assistant counsel at LDF.** “The court has already found constitutional concerns with certain aspects of the line relief ban. We’re asking the court to block those provisions in upcoming elections so that the organizations we represent and other groups throughout Georgia can resume modest line relief efforts like passing out food and water to Georgia voters who continue to stand in unacceptably long lines.”

“This restriction on providing food and water to voters waiting in long lines is a brazen attempt to make voting more difficult in Georgia. It stifles our clients’ First Amendment right to express, through action, the important message that voting is vital, and that Georgians, particularly Black Georgians and Georgians of color, should persist through obstacles laid in their path as they have throughout the state’s history,” said **Davin Rosborough, senior staff attorney with the ACLU’s Voting Rights Project.**

“S.B. 202’s line relief ban imposes unjustifiable and unconstitutional burdens on voters at the polls,” said **George P. Varghese, a partner at WilmerHale.** “We are filing this motion to ensure that our clients’ fundamental right to vote, and their right to support fellow Georgians who vote, are not compromised — including in the upcoming 2024 elections.”

“Instead of making it easier for folks to cast a ballot in sweltering heat or blistering cold, S.B. 202 makes it a crime for a neighbor to offer these voters a bottle of water or warm cup of coffee,” said **Adam S. Sieff, counsel at Davis Wright Tremaine.** “That’s not only inhumane, it’s also a clear violation of the First Amendment and these citizens’ rights as voters. The court has already found that aspects of S.B. 202’s line relief ban raises serious constitutional problems, and we’re filing this motion to ensure that these fundamental rights are respected in future elections, including in 2024.”

The motion can be found here: <https://www.naacpldf.org/wp-content/uploads/File-stamped-Renewed-PI-on-Line-Relief.pdf>

Background:

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

In response, voting rights organizations filed *AME vs. Kemp*, a case challenging multiple provisions of S.B. 202 including:

- A 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.

- A 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 voter protections under the 14th and 15th Amendments, as well as Section 2 of the Voting Rights Act, the Americans with Disabilities Act, the Rehabilitation Act, and the Civil Rights Act of 1964. It also outlines how the “line relief” ban violates the First Amendment right to freedom of expression.

The voting rights organizations had [filed a preliminary injunction before the 2022 election](#) to lift restrictions on line relief, including handing out free food, water, and other provisions to voters in line. On Aug. 18, 2022, a federal judge [denied](#) that motion due to a perception that changing the rules that close to the election may confuse election officials. However, in a favorable signal 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 waiting in line beyond 150 feet of the polling place is likely unconstitutional. The judge 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.

In addition to seeking this preliminary relief, the voting rights organizations will continue to move forward on all their claims and seek complete relief for the various harms S.B. 202 creates for future elections.

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