

No Preliminary Injunction for Erroneous Voter-Registration Cancellations in Georgia in 2020

Black Voters Matter Fund v. Raffensperger
(*Steve C. Jones, N.D. Ga. 1:20-cv-4869*)

A preliminary-injunction motion sought remedies for voter-registration cancellations based on erroneous change-of-address data. On the one hand, the plaintiffs did not give the state’s secretary of state adequate notice of the alleged errors before filing suit. On the other hand, they had not shown that the errors discriminated against any group.

Subject: Nullifying registrations. *Topics:* Registration procedures; National Voter Registration Act; equal protection; intervention; laches.

A December 2, 2020, federal complaint filed in the Northern District of Georgia by three organizations against Georgia’s secretary of state alleged improper cancellations of voter registrations based on erroneous change-of-address information.¹ “Plaintiffs seek declaratory and injunctive relief to allow those persons whose registrations were wrongfully cancelled to be placed on the voter rolls in time to vote in the January 5, [2021] Senate runoff races.”² On the day that the complaint was filed, Judge Steve C. Jones set the case for a videoconference evidentiary hearing on December 10.³ The plaintiffs filed a motion for a preliminary injunction on December 3.⁴

On Saturday, December 5, a political party filed an intervention motion.⁵ On Sunday, Judge Jones ordered a response by Tuesday afternoon.⁶ After receiving the response,⁷ he ordered a reply filed by Wednesday afternoon.⁸

1. Complaint, *Black Voters Matter Fund v. Raffensperger*, No. 1:20-cv-4869 (N.D. Ga. Dec. 2, 2020), D.E. 1; *Black Voters Matter Fund v. Raffensperger*, 508 F. Supp. 3d 1283, 1289 (N.D. Ga. 2020); see Amended Complaint, *Black Voters Matter Fund*, No. 1:20-cv-4869 (N.D. Ga. Dec. 8, 2020), D.E. 27 (adding a fourth plaintiff organization); see also David Wickert, *Groups Sue Georgia Over Voter Purges*, Atlanta J.-Const., Dec. 3, 2020, at 9A.

2. Complaint, *supra* note 1, at 5.

3. Order, *Black Voters Matter Fund*, No. 1:20-cv-4869 (N.D. Ga. Dec. 2, 2020), D.E. 4; see Order, *id.* (Dec. 9, 2020), D.E. 41 (allocating one hour for each side); *Black Voters Matter Fund*, 508 F. Supp. 3d at 1288; Minutes, *Black Voters Matter Fund*, No. 1:20-cv-4869 (N.D. Ga. Dec. 10, 2020), D.E. 51; Transcript, *id.* (Dec. 10, 2020, filed Dec. 18, 2020), D.E. 65; see also Maya T. Prabhu, *Federal Judge Will Rule Soon on Voter Purge*, Atlanta J.-Const., Dec. 11, 2020, at 1B.

4. Preliminary-Injunction Motion, *Black Voters Matter Fund*, No. 1:20-cv-4869 (N.D. Ga. Dec. 3, 2020), D.E. 6; *Black Voters Matter Fund*, 508 F. Supp. 3d at 1288.

5. Intervention Motion, *Black Voters Matter Fund*, No. 1:20-cv-4869 (N.D. Ga. Dec. 5, 2020), D.E. 13.

6. Order, *id.* (Dec. 6, 2020), D.E. 18.

7. Intervention-Motion Response, *id.* (Dec. 8, 2020), D.E. 30.

8. Order, *id.* (Dec. 9, 2020), D.E. 32.

On the day that the reply was filed,⁹ he granted intervention¹⁰ and ordered a response to the preliminary-injunction motion by 5:00 p.m. that day.¹¹

He denied immediate relief on December 16.¹² The plaintiffs could not obtain relief pursuant to the National Voter Registration Act¹³ because they did not give the secretary notice of his alleged violation of the act ninety days before filing the complaint.¹⁴ Also, as a constitutional matter, “Plaintiffs have shown that Georgia’s list maintenance process may not be accurate in identifying voters who have actually moved. But they have not shown, or even alleged, that the process is applied differently to any class of voters.”¹⁵ Although the equities did not support a preliminary injunction, Judge Jones’s opinion “strongly encourage[d] the Parties to meet and determine the explanation, if any, for the alleged [cancellation] inaccuracies.”¹⁶

An April 1, 2021, stipulated dismissal brought the case to a close.¹⁷

9. Intervention-Motion Reply, *id.* (Dec. 9, 2020), D.E. 33.

10. Opinion, *id.* (Dec. 9, 2020), D.E. 42; Order, *id.* (Dec. 9, 2020), D.E. 36.

11. Order, *id.* (Dec. 9, 2020), D.E. 37.

12. *Black Voters Matter Fund v. Raffensperger*, 508 F. Supp. 3d 1283 (N.D. Ga. 2020); see Order, *Black Voters Matter Fund*, No. 1:20-cv-4869 (N.D. Ga. Dec. 29, 2020), D.E. 69 (denying emergency reconsideration); see also Maya T. Prabhu, *Ga. Needn’t Immediately Restore Purged Voters*, Atlanta J.-Const., Dec. 17, 2020, at 8B.

13. Pub. L. No. 103-31, 107 Stat. 77 (1993), as amended, 52 U.S.C. §§ 20501–20511. See generally Robert Timothy Reagan, *Motor Voter: The National Voter Registration Act* (Federal Judicial Center 2014).

14. *Black Voters Matter Fund*, 508 F. Supp. 3d at 1292–96; see 52 U.S.C. § 20510(b)(2).

15. *Black Voters Matter Fund*, 508 F. Supp. 3d at 1299.

16. *Id.* at 1303.

17. Stipulation, *Black Voters Matter Fund*, No. 1:20-cv-4869 (N.D. Ga. Apr. 1, 2021), D.E. 78; see *Voting Groups End Legal Challenge to Purges*, Atlanta J.-Const., Apr. 11, 2021, at 7A; David Wickert, *Groups Drop Federal Lawsuit Over Georgia Voter Purges*, Atlanta J.-Const., Apr. 6, 2021, at 7B.