

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

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

CURLING PLAINTIFFS' S MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”) move this Court to grant a preliminary injunction prohibiting the Defendants from conducting the November 2018 general election and the related December 2018 runoff election through direct recording electronic (DRE) voting units for in-person voting, except as expressly discussed herein with respect to voters with disabilities.

In connection with the foregoing requested relief, Curling Plaintiffs request this Court to order Defendants instead to conduct such elections using paper ballots, as permitted by Georgia law, and to make available at each polling place at least one voting system equipped for individuals with disabilities, which may include EAC-certified AutoMARK® ballot-marking devices, to ensure compliance

with the Americans with Disabilities Act and Help America Vote Act. As a last resort, Defendants may include paperless DRE voting units for voters with disabilities if Defendants find that to be the only practicable method to ensure compliance with federal law in advance of the November 2018 midterm election.

In connection with the foregoing requested relief, and in order to alleviate potential confusion or delay at polling places, Curling Plaintiffs respectfully request this Court to order Defendant Secretary of State Brian P. Kemp to mail to all registered Georgia voters a return-by-mail absentee ballot that is pre-addressed, with pre-paid postage, for return to the appropriate election authority, and is postmarked by September 18, 2018; and to include with each absentee ballot an accompanying cover letter, to be approved by this Court, containing instructions to fill in the enclosed mail-in paper ballot and encouraging voters to vote absentee.

Further, and in connection with the foregoing requested relief, Curling Plaintiffs request this Court to order the Defendant State Election Board Members to file a plan setting forth its reasonable estimate of the number of sufficient paper ballots to accommodate all reasonably-expected in-person voters and its plan for administering those ballots, subject to approval by this Court.

Further, and in connection with the foregoing requested relief, Curling Plaintiffs request this Court to order the Defendant State Election Board Members

to promulgate rules requiring and specifying appropriate procedures for conducting pre-certification audits of the results of both such elections within fifteen days of entry of the Court's Order.

Pursuant to Rule 65(d), Plaintiffs have filed with this Motion a proposed order directed at the persons to be bound thereby, stating the reasons why the order should issue, stating the order's terms specifically, and describing the acts restrained and required.

Pursuant to Rule 7.1A of the Local Rules of the Northern District of Georgia, and Part III (a) of this Court's Standing Order, Plaintiffs have filed herewith a brief citing legal authorities supporting the motion and the facts relied upon. Attached to the brief are declarations from the following:

1. Alex Halderman
2. Duncan Buell
3. Donna Curling
4. Donna Price
5. Jeffrey Schoenberg

Dated: August 7, 2018

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Halsey G. Knapp, Jr.
Halsey G. Knapp, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2018, a copy of the foregoing CURLING PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Halsey G. Knapp, Jr.
Halsey G. Knapp, Jr.