

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

NAOMI AYOTA, HARRISON
SIMMEL, and GABRIEL DICKSON,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

TATE FALL, Director of the Cobb
County Board of Elections and
Registration in her individual capacity,
and STEVEN F. BRUNING, TORI
SILAS, STACY EFRAT, DEBBIE
FISCHER, JENNIFER
MOSBACHER, members of the Cobb
County Board of Registration and
Elections in their individual capacities,

Defendants.

Civil Action No.:

**PLAINTIFFS' EMERGENCY MOTION FOR INTERLOCUTORY
INJUNCTION AND TEMPORARY RESTRAINING ORDER**

Plaintiffs are Cobb County voters on the brink of disenfranchisement because Defendants have failed to issue absentee ballots as the law requires. In accordance with O.C.G.A. §§ 9-11-65 and 9-4-3, Plaintiffs file this emergency motion for an interlocutory injunction and temporary restraining order (“TRO”) to require:

1. Defendants to send by express mail an absentee ballot to all Affected Voters to whom the Defendants have not yet overnighted absentee ballots and include express overnight return mailing;
2. Defendants to extend the ballot receipt deadline for absentee ballots sent to all Affected Voters to the same receipt deadline for Uniformed and Overseas Voters (“UOCAVA”) ballots (November 8, 2024);
3. Defendants to provide immediate notice to all Affected Voters as to the extended ballot receipt deadline and their ability to postmark their absentee ballot by Election Day, November 5, 2024; and
4. Defendants will tabulate the votes of the Affected Voters whose ballot were postmarked by but received after Election Day and on or before November 8, 2024, but segregate those ballots in a secure, safe and sealed container separate from other voted ballots.

Relief is urgently needed to ensure that thousands of eligible Georgia voters will not be disenfranchised due to the failure of the Cobb Board to issue absentee ballots in accordance with the law.

Respectfully submitted, this 1st day of November, 2024.

Theresa J. Lee*
Sophia Lin Lakin*
Sara Worth*
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

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Defendants.

Civil Action No.:

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS’
EMERGENCY MOTION FOR INTERLOCUTORY INJUNCTION
AND TEMPORARY RESTRAINING ORDER**

In accordance with O.C.G.A. §§ 9-11-65 and 9-4-3, Plaintiffs file this emergency motion for an interlocutory injunction and temporary restraining order (“TRO”) requiring the Defendants: (1) to send by express mail absentee ballots to all Affected Voters to whom Defendants have not yet overnighted absentee ballots, including express overnight return mailing; (2) extend the receipt deadline for all

absentee ballots sent to Affected Voters to the same receipt deadline for Uniformed and Overseas Voters (“UOCAVA”) ballots (November 8, 2024); (3) provide immediate notice to all Affected Voters as to the extended receipt deadline and their ability to postmark their absentee ballot by Election Day; and (4) tabulate the votes of all Affected Voters whose ballot were postmarked by, but received after Election Day and on or before November 8, 2024, but segregate these ballots in a secure, safe and sealed container separate from other voted ballots.

On the afternoon of October 31, 2024—just five days before the November 2024 general election, with only one day remaining in the advance voting period—Defendants announced that they had failed to deliver absentee ballots to more than 3,000 registered voters who had requested such ballots and whose applications were processed.¹ These voters relied on Georgia law requiring Defendants to timely mail those ballots. Although some of these voters may have voted in person and Defendants represent that they have overnight mailed absentee ballots to a number of others as of November 1, but there is no guarantee that those voters will be able to ensure the timely return of those ballots, and hundreds of other Cobb County voters—through no fault of their own—find themselves nearing total

¹ Press Release, Cobb Elections Express Shipping Thousands of Outstanding Absentee Ballots (Oct. 31, 2024), <https://www.cobbcounty.org/communications/news/cobb-elections-express-shipping-thousands-outstanding-absentee-ballots> (Exhibit A).

disenfranchisement because they never received the absentee ballots Defendants pledged and had a duty to provide.

Defendants have admitted that they failed to comply with the deadline for mailing ballots for thousands of voters. Ex. A (Press Release). Indeed, for these thousands of duly qualified voters—who did all they were supposed to do to obtain an absentee ballot—the result of Defendants’ error and failure to properly perform their duties to mail absentee ballots under O.C.G.A. § 21-2-381 and § 21-2-384 may be nothing less than disenfranchisement. The emergency relief outlined above is urgently needed to ensure that Plaintiffs and those similarly situated have the opportunity to vote and have their votes counted.

REQUEST FOR EMERGENCY TREATMENT

Plaintiffs request expedited treatment of this motion under Superior Court Rule 6.7. The fundamental right to vote is at stake for thousands of voters in Cobb County, with mere days until absentee ballots are due. Plaintiffs therefore respectfully request that the Court give this motion expedited treatment and set a hearing as soon as possible on or before November 4, 2024, to prevent the total disenfranchisement of hundreds of voters.

FACTUAL BACKGROUND

Voters in Georgia are eligible to request absentee ballots between 78 and 11 days before the election, without providing a reason to vote absentee. O.C.G.A. § 21-2-381(a)(1)(A).

In Cobb County, over 35,000 voters requested absentee ballots for the 2024 general election. Among the voters who requested an absentee ballot were Plaintiffs Ayota, Simmel, and Dickson. Affidavit of Naomi Ayota (Exhibit B) ¶ 6; Affidavit of Harrison “Grant” Simmel (Exhibit C) ¶ 6; Affidavit of Gabriel Dickson (Exhibit D) ¶ 4.

On the afternoon of October 31, 2024, Defendants issued a press release indicating that they missed the deadline for mailing absentee ballots. Ex. A (Press Release). Plaintiffs Ayota and Simmel are out of state attending college, and voting by absentee ballot is the only method by which they will be able to vote absent huge expense; it is not feasible for them to travel to Cobb County to cast a ballot in person. Ex. B (Ayota) ¶¶ 5, 10; Ex. C (Simmel) ¶¶ 5, 10. Plaintiff Dickson is in state, but is legally blind and it would be incredibly burdensome and resource-intensive for him to vote in person. Ex. D (Dickson) ¶¶ 3, 8. With mere days remaining until Election Day, absent relief, it is increasingly unlikely that Plaintiffs and those similarly situated will receive their ballots and be able to return these ballots by the absentee receipt deadline by the close of polls on Election Day.

ARGUMENT

I. PLAINTIFFS ARE ENTITLED TO DECLARATORY RELIEF

Plaintiffs are entitled to declaratory judgment that Defendants' violation of state law will adversely affect Plaintiffs' right to vote. State law provides for relief under the Declaratory Judgment Act "to settle legal rights and remove uncertainty and insecurity from legal relationships without awaiting a violation of the rights." *Clein v. Kaplan*, 201 Ga. 396, 404 (1946); see O.C.G.A. § 9-4-2-(a), (b). Relief is appropriate "where a legal judgment is sought that would control or direct future action, under circumstances where that action might jeopardize or affect the rights, . . . of the party seeking the declaratory judgment." *City of Atlanta v. Southern States Police Benev. Ass'n of Ga.*, 276 Ga. App. 446, 451 (Ct. App. 2005) (internal citations omitted). That is what Plaintiffs seek here.

Plaintiffs are entitled to a "declaration [that] would prevent them from suffering" a violation of their fundamental right to vote. *Cobb Cnty. v. Floam*, 319 Ga. 89, 99 (2024). Absent relief, Plaintiffs are uncertain about how to protect their rights and have a crucial "decision to make about where to vote." *Floam*, 319 Ga. at 100. See Ex. B (Ayota Aff.) ¶ 11; Ex. C (Simmel Aff.) ¶ 11; Ex. D (Dickson Aff.) ¶¶ 8-9. Defendants' duties to Plaintiffs in light of their clear statutory violation must also be resolved by this Court in order to protect Plaintiffs from further prejudice. See *Floam*, 319 Ga. at 101 n.7 (noting that election administrators' "duties in

administering elections” was “the kind of uncertainty that would support a declaratory judgment,” but relief was not available because they were “not a party”).

It is undisputed that Defendants failed to timely deliver absentee ballots to thousands of Cobb County voters, including Plaintiffs, even though those voters timely requested them. Defendants therefore violated their legal obligations to “mail the ballot” to the voter, O.C.G.A. § 21-2-381(b)(2)(A), “within three days after receiving a timely application for an absentee ballot,” O.C.G.A. § 21-2-384(a)(2). Moreover, the failure to tabulate the Affected Voters’ ballots should they arrive after the close of polls on Election Day would violate Plaintiffs’ right to vote and right to equal protection of the laws under the Georgia Constitution. Plaintiffs are therefore entitled to declaratory judgment that the Georgia Constitution requires Defendants to accept and tabulate their absentee ballots.

II. PLAINTIFFS ARE ENTITLED TO INTERLOCUTORY RELIEF

This Court “may grant injunction or other interlocutory extraordinary relief” where “the pleadings and evidence may show [the plaintiff] to be entitled.” O.C.G.A. § 9-4-3(a)(b). Superior courts have “broad discretion” to grant interlocutory relief. *SRB Inv. Servs., LLLP v. Branch Banking & Tr. Co.*, 289 Ga. 1, 5 (2011). “The purpose for granting interlocutory injunctions is to preserve the status quo, as well as balance the conveniences of the parties, pending a final adjudication of the case.” *Kinard v. Ryman Farm Homeowners’ Ass’n, Inc.*, 278 Ga. 149, 149 (2004) (internal

quotation marks omitted). Injunctions provide relief to litigants who do not have an adequate remedy at law. *Wood v. Wade*, 363 Ga. App. 139, 150 (2022), *recons. denied* (Mar. 10, 2022). This remedy is “a stop-gap measure to prevent irreparable injury or harm to those involved in the litigation.” *India-Am. Cultural Ass’n, Inc. v. iLink Pros., Inc.*, 296 Ga. 668, 670 (2015).

In deciding whether to issue an interlocutory injunction, the Court should consider whether:

1. there is a substantial threat that Plaintiffs will suffer irreparable injury if the injunction is not granted;
2. there is a substantial likelihood that Plaintiffs will prevail on the merits of their claims at trial;
3. the threatened injury to Plaintiffs outweighs the threatened harm that the injunction may do to the Defendants;
4. granting the requested interlocutory injunction will not disserve the public interest.

SRB Inv. Servs., 289 Ga. at 5. These factors are a balancing test, and the movant need not prove each factor for the Court to grant an interlocutory injunction. *City of Waycross v. Pierce Cnty. Bd. of Comm’rs*, 300 Ga. 109, 111–12 (2016). Every factor supports interlocutory relief here.

A. There Is a Substantial Threat that Plaintiffs will Suffer Irreparable Injury if the Injunction Is Not Granted.

Irreparable injury “is the most important” factor in the analysis of determining whether to grant an interlocutory injunction, and there is no doubt that this factor weighs decisively in favor of granting relief here. *W. Sky Fin., LLC v. State ex rel.*

Olens, 300 Ga. 340, 354 (2016). Absent emergency relief, Plaintiffs very likely will be disenfranchised for the November 5 election. The violation of constitutional rights “unquestionably constitutes irreparable injury.” *Great Am. Dream, Inc. v. DeKalb Cnty.*, 290 Ga. 749, 752 (2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373(1976)). “Courts routinely deem restrictions on fundamental voting rights irreparable injury.” *League of Women Voters of N.C. v. N. Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *see also Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) (finding when voting rights “are threatened or impaired, irreparable injury is presumed”); *see also generally Wesberry v. Sanders*, 376 U.S. 1, 17 (1964) (“Other rights, even the most basic, are illusory if the right to vote is undermined.”). For Plaintiffs, “once the [November] election occurs, there can be no do-over and no redress.” *League of Women Voters of N.C.*, 769 F.3d at 248.

B. Plaintiffs Are Likely to Succeed on the Merits of Their Claims.

“The right to vote is fundamental, forming the bedrock of our democracy.” *Favorito v. Handel*, 285 Ga. 795, 796 (2009) (internal quotation marks omitted). Under the so-called *Anderson-Burdick* framework, the test applied by Georgia courts in assessing burdens on the right to vote, a law or election practice “that severely burdens the right to vote must be narrowly drawn to serve a compelling state interest.” *Rhoden v. Athens-Clarke Cnty. Bd. of Elec.*, 310 Ga. 266, 272 (2020) (citing *Burdick v. Takushi*, 504 U.S. 428, 434 (1992)).

There is no question that Defendants’ conduct here constitutes a severe burden on Plaintiffs’ fundamental right to vote. Plaintiffs are lawfully registered Cobb County voters who submitted valid and timely absentee ballot applications in accordance with state law. But on October 31, just five days before the date by which they are obligated to *return* them, they learned that Defendants never mailed them. In other words, Plaintiffs reasonably expected that Defendants would comply with their express statutory obligation to mail the ballots within three days of requesting one and to receive their absentee ballots with plenty of time to fill them out and return them by the deadline. Now, just days before Election Day, Plaintiffs have learned that they likely will be disenfranchised through no fault of their own. Plaintiffs have no absentee ballots in hand and are unable to vote in person on Election Day absent significant burden. Ex. B (Ayota Aff.) ¶ 5; Ex. C (Simmel Aff.) ¶ 5; Ex. D (Dickson Aff.) ¶¶ 3, 8. Absent a court-ordered extension of the ballot-receipt deadline, then, Defendants’ unlawful conduct could result in their total disenfranchisement—the very definition of a severe burden on the right to vote.

Defendants cannot enforce the ordinary statutory deadline for receipt of absentee ballots against the Affected Voters because doing so would also violate their right to equal protection of the laws under the Georgia Constitution. “No person shall be denied the equal protection of the laws.” Ga. Const. art. I, § 1, ¶ II. It is well-established that it violates equal protection when certain voters are arbitrarily

deprived of their right to vote because of where they live. *See, e.g., Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1320 (11th Cir. 2019); *Curling v. Raffensperger*, 397 F. Supp. 3d 1334, 1403 (N.D. Ga. 2019). Plaintiffs and all Affected Voters are likely to succeed on the merits of their claim that Defendants have arbitrarily deprived them of their right to vote compared with other Georgia voters simply because they live in Cobb County.

Defendants' conduct cannot satisfy any standard of review. They have already acknowledged that they missed the statutory deadline in failing to send the absentee ballots to Cobb County voters. Ex. A (Press Release). Defendants do not contest that these eligible Cobb County voters were entitled to receive their absentee ballots in a timely manner, nor do they contest that Defendants had a legal obligation to provide those absentee ballots under Georgia law and that they failed to meet that obligation. Just as the State "has no interest in enforcing an unconstitutional law," *Scott v. Roberts*, 612 F.3d 1279, 1297 (11th Cir. 2010), Defendants have no interest in failing to adhere to Georgia law, especially in a way that gravely threatens Georgians' fundamental right to vote. Any interest Defendants might assert in enforcing the usual absentee ballot deadline of November 5 against the Affected Voters is severely undercut by the fact that the government actors themselves have failed to adhere to their statutory deadline to provide voters with those ballots, directly impeding voters' ability to meet the deadline.

Finally, Plaintiffs are entitled to prospective injunctive relief against the Defendants to restrain them from committing “official acts that are alleged to be unconstitutional.” *See Lathrop v. Deal*, 301 Ga. 408, 434 (2017).

C. The Threatened Injury to Plaintiffs Outweighs Any Threatened Harm to Defendants.

The balance of the equities also unquestionably weighs in favor of Plaintiffs. As noted above, absent an injunction, Plaintiffs will likely be disenfranchised in Tuesday’s election—a per se irreparable and grave injury based on the loss of a constitutional right. Defendants, by contrast, do not appear to suffer any harm from an injunction. By virtue of processing Plaintiffs’ and Affected Voters’ absentee ballot requests, Defendants have already determined that they are eligible voters; and Defendants share an interest with Plaintiffs in ensuring that all eligible voters can vote in the upcoming November election. Indeed, Defendants acknowledge that they missed the deadline and were taking steps to mitigate their own errors—an acknowledgment not just that Plaintiffs are eligible voters for the November election, but also that Defendants have an interest in correcting their mistake.

To the extent Defendants claim some sort of administrative burden in the event of an injunction—based on their need to contact voters, mail them their ballots, and extend the deadline until November 8, 2024—this argument must fail for two reasons. First, “[t]here is no contest between the mass denial of a fundamental constitutional right and the modest administrative burdens to be borne by [the

Secretary of State’s] office and other state and local offices involved in elections.” *Fish v. Kobach*, 840 F.3d 710, 755 (10th Cir. 2016); *see also United States v. Georgia*, 892 F. Supp. 2d 1367, 1377 (N.D. Ga. 2018) (finding that administrative, time, and financial burdens on the state are “minor when balanced against the right to vote, a right that is essential to an effective democracy”); *Georgia State Conf. of the NAACP v. Fayette Cnty. Bd. of Comm’rs*, 118 F. Supp. 3d 1338, 1348 (N.D. Ga. 2015) (granting injunction even though county board of commissioners (“BOC”) would face administrative burdens from an injunction, because “the harm [plaintiffs] would suffer by way of vote dilution outweighs the harm to the BOC”).

In any event, the administrative burden is likely to be minimal. Because Cobb County already must receive and tabulate overseas military voters within three days of Election Day, O.C.G.A. § 21-2-386(a)(1)(G), and must also allow absentee ballots to be “cured” of defects on the same day, O.C.G.A. § 21-2-386(a)(1)(C), the administrative burden on Defendants to segregate and separately tabulate timely marked but late-arriving ballots from the Affected Voters will be minimal. Indeed, Defendants are already statutorily obligated to segregate late-arriving absentee ballots, keep them safe, and ultimately destroy them. O.C.G.A. § 21-2-386(a)(1)(F). Plaintiffs’ requested relief would simply require them to segregate and tabulate the late-arriving but timely postmarked absentee ballots from the Affected Voters in accordance with O.C.G.A. § 21-2-386(a)(2)(A).

Second, Defendants cannot claim irreparable injury, or even administrative burden, for failure to fulfill a legal obligation. As a practical matter, Defendants were supposed to send these ballots by the deadline established under the administrative code to all the Affected Voters in Cobb County. Plaintiffs ask simply that Defendants fulfill this exact, statutorily required task. Pushing back the deadline also will not cause any practical harm or tabulation delays, given that Plaintiffs ask this Court to adopt the same deadline Cobb County and the rest of Georgia already uses for UOCAVA voters. And as a legal matter, it is “elementary that a party may not claim equity in his own defaults.” *Long v. Robinson*, 432 F.2d 977, 981 (4th Cir. 1970). Here, any “irreparable injury which defendants claim that they will suffer . . . is injury of their own making.” *Id.* Defendants cannot claim any irreparable injury—let alone an injury so grave as to outweigh Plaintiffs’ fundamental constitutional rights.

D. Granting the Requested Interlocutory Injunction Will Not Disserve the Public Interest.

“[T]he public interest is served when constitutional rights are protected.” *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1327 (11th Cir. 2019); *see Connection Distributing Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998) (“[I]t is always in the public interest to prevent the violation of a party’s constitutional rights.”). *See League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155,

1167 (N.D. Fla. 2012) (“The vindication of constitutional rights . . . serve[s] the public interest almost by definition.”).

In failing to deliver Plaintiffs’ (and those similarly situated) absentee ballots, Defendants have plainly violated state law, in a way that gravely threatens Plaintiffs’ constitutional right to vote. Absent an injunction, Defendants’ violation of state law will go unremedied, and Plaintiffs will be disenfranchised in the November election. An injunction clearly serves the public interest.

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that this Court provide expedite treatment of this motion, and issue a temporary restraining order requiring that: (1) Defendants send by overnight mail an absentee ballot to the Affected Voters to whom Defendants has not yet overnighted absentee ballots, including overnight return mailing; (2) Defendants extend the ballot receipt deadline for all replacement absentee ballots sent to Affected Voters to the same receipt deadline for UOCAVA ballots (November 8, 2024); (3) Defendants provide immediate notice to all voters in the proposed class as to the extended ballot receipt deadline and their ability to postmark their absentee ballot by election day, November 5, 2024; and (4) Defendants tabulate the votes of the Affected Voters whose ballot were postmarked by but received after Election Day and by November

8, 2024, but segregate these ballots in a secure, safe and sealed container separate from other voted ballots.

Respectfully submitted, this 1st day of November, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2024, a true and correct copy of the foregoing was electronically filed with the Court using the Court's eFileGA electronic filing system and was served upon Defendants personally and by electronic mail to:

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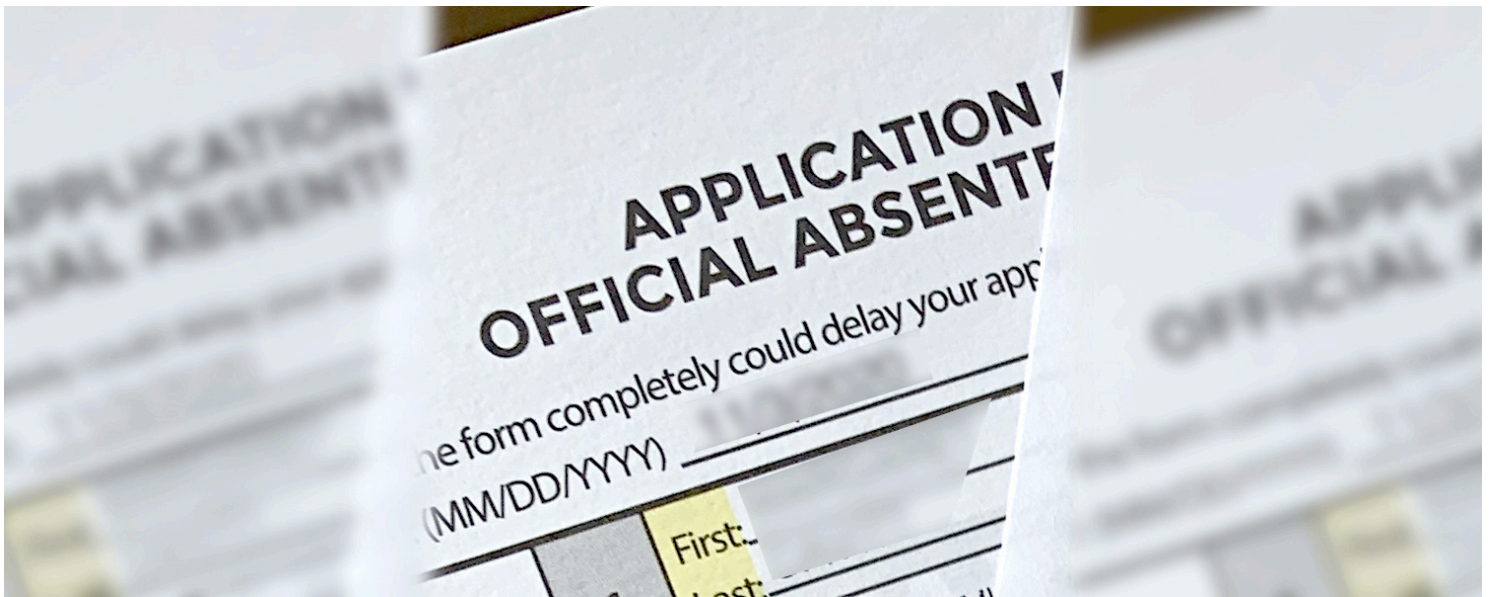
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Exhibit A



October 31, 2024

Cobb Elections Express Shipping Thousands of Outstanding Absentee Ballots

Marietta, GA (October 31, 2024) – Following a surge of last-minute absentee ballot applications, Cobb Elections is collaborating with postal and delivery companies to expedite sending ballots to voters and ensure their timely return.

As of Wednesday, more than 3,000 absentee ballots requested by last Friday's deadline had not been mailed. Elections workers will send most of them via USPS Express Mail or UPS Overnight Delivery by Friday morning. These ballots will include prepaid express return envelopes to ensure voters can return them by Tuesday's deadline.

“We want to maintain voter trust by being transparent about the situation,” said Board of Elections Chairwoman Tori Silas. “We are taking every possible step to get these ballots to the voters who requested them. Unfortunately, we were unprepared for the surge in requests and lacked the necessary equipment to process the ballots quickly.”

Voters who have not received their ballots can still vote in person on Friday, the final day of Advance Voting, or at their polling place on Election Day, Nov. 5. More than 1,000 absentee ballots are being sent out of state, and Elections officials are working with UPS to expedite their delivery.

Cobb Elections had contracted with a state-approved vendor to print and ship absentee ballots.

“After our vendor's final run on Friday, we needed to utilize our in-house equipment for the final shipment of ballots, but the equipment was not working properly,” said Elections Director Tate Fall. “By the time we got the equipment online, the deadline for mailing the ballots had passed, prompting us to work with the

US Postal Service and UPS to take extraordinary measures. Our team has been working around the clock to get the ballots out.”

Absentee ballot requests had been averaging around 440 per day, but in the last week, that number surged to 750 per day, with 985 requests submitted on Friday’s deadline.

Cobb Elections will extend the hours for absentee ballot returns at the Elections Headquarters this weekend. Voters can return their ballots to 995 Roswell Street, Marietta, from 8 a.m. to 8 p.m. Saturday, 10 a.m. to 8 p.m. Sunday, and 8 a.m. to 8 p.m. Monday.

Anyone with questions about their absentee ballot request can contact the Cobb Elections Department at 770-528-2581.

Exhibit B

AFFIDAVIT OF NAOMI AYOTA

1. My name is Naomi Ayota. I am over the age of 18 and fully competent to sign this affidavit. Under penalty of perjury, I declare the following based upon my personal knowledge:

2. I am registered to vote in Cobb County, Georgia.

3. I am 19 years old. I have never voted before. This November will be my first election.

4. This was my first time attempting to vote absentee by mail, and my first time eligible to vote in a presidential election.

5. I applied for an absentee ballot this election because I am attending college in Pennsylvania and cannot make it home during the semester in order to vote in person.

6. I requested my absentee ballot on October 21, 2024. I believed that this was enough time to receive, complete, and return my absentee ballot for the November 5, 2024 election.

7. According to the My Voter Page, my ballot was issued on October 29, 2024.

8. As of October 31, 2024, I have not received my absentee ballot.

9. I was made aware during the last week of early voting that my ballot likely had not been mailed to me at all.

10. I am unable to return to Georgia within the next 5 days in order to cast my vote in person.

11. Even if I received my ballot tomorrow, I do not know how I could ensure that it was returned in time to be counted for the November 5th election.

12. Despite my best efforts, I do not believe I will be able to vote in the 2024 election.

13. I attest that to the best of my knowledge, all facts and allegations in the Complaint are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31st, 2024.

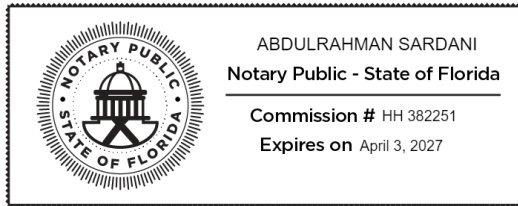
Naomi Ayota

Naomi Ayota

State of Florida County of Duval
Sworn to (or affirmed) and subscribed before me by means of online notarization,
this 10/31/2024 by Naomi Ayota.

Abdulrahman Sardani

Abdulrahman Sardani



Personally Known OR Produced Identification
Type of Identification Produced ID CARD

Exhibit C

AFFIDAVIT OF HARRISON SIMMEL

1. My name is Harrison "Grant" Simmel. I am over the age of 18 and fully competent to sign this affidavit. Under penalty of perjury, I declare the following based upon my personal knowledge:
 2. I have been registered to vote in Cobb County since 2022.
 3. I am 20 years old. I have voted in early in person since I turned eighteen.
 4. This was my first time attempting to vote absentee by mail, and my first time eligible to vote in a presidential election.
 5. I chose to vote absentee in this election because I am attending college in Colorado and could not make it home during the semester in order to vote in person.
 6. I requested my absentee ballot on October 25, 2024. I believed that this was enough time to receive, complete, and return my absentee ballot for the November 5, 2024 election.
 7. According to the My Voter Page, my ballot was issued on October 30, 2024.
 8. As of October 31, 2024, I have not received my absentee ballot.
 9. I was made aware during the last week of early voting that my ballot likely had not been mailed to me at all.

10. I am unable to return to Georgia within the next 5 days in order to cast my vote in person.
11. Even if I received my ballot tomorrow, I do not know how I could ensure that it was returned in time to be counted for the November 5th election.
12. Despite my best efforts, I do not believe I will be able to vote in the 2024 election.
13. I attest that to the best of my knowledge, all facts and allegations in the Complaint are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 2024.

H. Grant Simmel
Harrison Grant Simmel

State of CO, County of Boulder
Signed before me on this 31 day
of Oct 2024 by Harrison Grant Simmel
Notary Public Margaret Coughlan

MARGARET COUGHLAN
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20194042854
MY COMMISSION EXPIRES NOV 30, 2027

Exhibit D

AFFIDAVIT OF GABRIEL DICKSON

1. My name is Gabriel Dickson. I am over the age of 18 and fully competent to sign this affidavit. Under penalty of perjury, I declare the following based upon my personal knowledge:
2. I am registered to vote in Cobb County, Georgia.
3. I applied for an absentee ballot because I am legally blind and it is incredibly burdensome for me to go and vote in-person.
4. I requested my absentee ballot on October 23, 2024. I believed that this was enough time to receive, complete, and return my absentee ballot for the November 5, 2024 election.
5. According to the My Voter Page, my ballot was issued on October 29, 2024.
6. As of October 31, 2024, I have not received my absentee ballot.
7. I was made aware during the last week of early voting that my ballot likely had not been mailed to me at all.
8. It would be incredibly burdensome and resource-intensive for me to go vote in-person on the last day of early voting, November 1, 2024, or on Election Day, November 5, 2024.
9. Even if I received my ballot tomorrow, I do not know how I could ensure that it was returned in time to be counted for the November 5th election.


10. I attest that to the best of my knowledge, all facts and allegations in the Complaint are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31st, 2024.



Gabriel Dickson

Notary Public: 
Today's Date: 10/31/2024

Kyle Smith
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
My Commission Expires 08/03/2026