

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

**GEORGIA REPUBLICAN PARTY,
INC., et al.,**

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

Case No. 1:20CV5018

**PLAINTFFS' MOTION FOR LEAVE TO FILE DECLARATIONS IN
SUPPORT OF EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs Georgians for Kelly Loeffler, Inc., Perdue for Senate, Inc., NRSC, and Georgia Republican Party, Inc. (collectively, "Plaintiffs") move the Court for leave to file six declarations in support of Plaintiffs' previously filed Emergency Motion for Temporary Restraining Order and Preliminary Injunction (the "Emergency Motion"). In support, Plaintiffs state as follows:

1. On Thursday, December 10, 2020, Plaintiffs filed their Verified Complaint, Emergency Motion, and two expert reports.
2. On Friday, December 11, 2020, the Court scheduled oral argument only on the Emergency Motion to take place on Monday, December 21, 2020.

3. Yesterday, on December 14, 2020, the Court rescheduled oral argument only to take place on Thursday, December 17, 2020.

4. On Friday, December 11, 2020, the Democratic Party of Georgia and DSCC (collectively, “Intervenor-Defendants”) moved to intervene as defendants.

5. Yesterday, on December 14, 2020, the Court granted the Intervenor-Defendants’ motion and ordered that their proposed answer be docketed.

6. The Intervenor-Defendants’ second affirmative defense, as stated in their answer, challenges Plaintiffs’ standing.

7. In light of the Intervenor-Defendants’ standing challenge and the lack of an opportunity to present live testimony, each of the Plaintiffs has signed a declaration addressing the Intervenor-Defendants’ standing defense, consistent with allegations supporting standing raised in the Verified Complaint. Those declarations are attached here as **Exhibits 1-4**. Additionally, each of Plaintiffs’ two experts has signed a declaration authenticating his report. Those declarations are attached here as **Exhibit 5-6**. Courts frequently consider declarations in support of standing when challenged. *See, e.g., Black Voters Matter Fund v. Raffensperger*, No. 1:20-CV-01489-AT, 2020 WL 4597053, at *14 (N.D. Ga. Aug. 11, 2020) (declarations in support of standing considered in election procedure challenge)

8. Plaintiffs sent notice of intent to file these declarations to counsel for Defendants and Intervenor-Defendants before 3:30 p.m. today, December 15,

seeking consent to file the declarations. As of the time of this filing, Plaintiffs have not received any response / objection to the filing.

9. If the Court grants this Motion, neither Defendants nor Intervenor-Defendants will be prejudiced because they will have the opportunity to address the declarations through their forthcoming opposition briefs, which are not due until noon tomorrow. The declarations are consistent with the Verified Complaint and do not substantially alter the nature of this dispute.

WHEREFORE, Plaintiffs ask the Court to consider the attached declarations, and grant them leave, if necessary, to file the attached declarations.

/s/ Peter N. Farley
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, on December 15, 2020, I caused a copy of the foregoing to be filed on the Court's CM/ECF system, which will send notice to all counsel of record.

/s/ Peter N. Farley

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Case No. 1:20CV5018

DECLARATION OF BENJAMIN GRAYSON IN SUPPORT OF
PLAINTIFF GEORGIANS FOR KELLY LOEFFLER, INC.'S
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION

I, Benjamin Grayson, declare as follows in support of the Emergency Motion for Temporary Restraining Order and Preliminary Injunction filed by Plaintiff Georgians for Kelly Loeffler, Inc. ("Loeffler Campaign"), among others, in the above-captioned matter:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this

Declaration.

3. I am currently employed by the Loeffler Campaign in the position of Political Director.

4. I am authorized to make this Declaration on behalf of the Loeffler Campaign.

5. The Loeffler Campaign is a Georgia nonprofit corporation with its principal place of business in Roswell, Georgia.

6. The Loeffler Campaign is the principal campaign committee supporting Kelly L. Loeffler's campaign for the United States Senate, within the meaning of 52 U.S.C. § 30102(e).

7. The mission of the Loeffler Campaign is to undertake all reasonable efforts to secure Senator Kelly Loeffler's election in the upcoming special runoff election.

8. To accomplish its mission, the Loeffler Campaign has spent more than \$61 million in campaign support and operations.

9. Senator Loeffler expects her campaign to take reasonable actions to ensure that the special runoff election is conducted in accordance with laws that require the rejection of absentee ballots with invalid signatures. Such actions are necessary to protect the Senator's interest in a fair and competitive election.

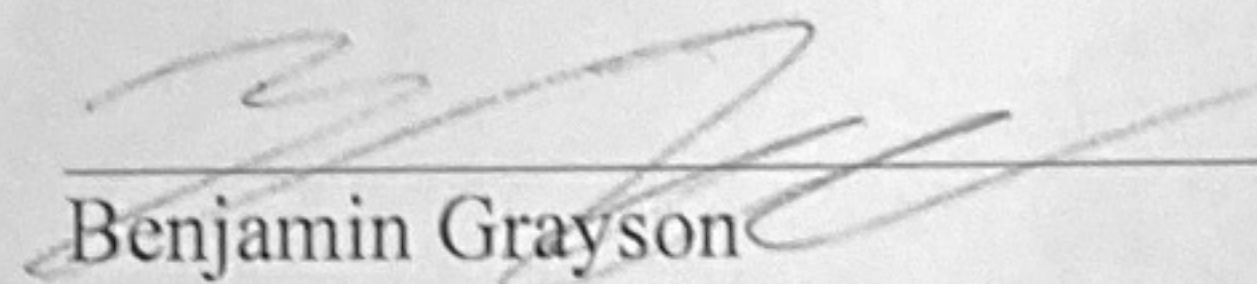
10. If absentee ballots with invalid signatures are counted in the special runoff election, the results of the election may be affected. Moreover, by undertaking actions to ensure proper vote-counting, the Loeffler Campaign's resources are necessarily diverted from the impending special runoff election.

11. These harms will become irreparable after election officials begin opening absentee ballot envelopes containing the voter's signature and separating the ballots from envelopes, as scheduled to start as soon as December 21, 2020. Once that occurs, there will be no way to prevent invalid votes from being counted if a signature is determined to be invalid.

12. For these reasons, the Loeffler Campaign has a specific, concrete, and immediate interest in ensuring that absentee ballots with invalid signatures are rejected in accordance with applicable law.

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

Executed on December 15, 2020.


Benjamin Grayson

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**DECLARATION OF DARBY GRANT IN SUPPORT PLAINTIFF NRSC'S
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Darby Grant, declare as follows in support of the Emergency Motion for Temporary Restraining Order and Preliminary Injunction filed by Plaintiff NRSC, among others, in the above-captioned matter:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this Declaration.
3. I am currently employed by the NRSC in the position of Deputy General Counsel, which I have held since January 6, 2020.
4. I am authorized to make this Declaration on behalf of the NRSC.
5. The NRSC is a Washington, D.C. nonprofit corporation with its principal office in Washington, D.C.

6. The NRSC is the principal national political party committee focused on electing Republican candidates to the U.S. Senate. The NRSC is a Republican committee that is established and maintained as a national political party, as defined in 11 C.F.R. § 110.2(c)(2)(iii) and 52 U.S.C. § 30116(h).

7. The NRSC is registered with the Federal Election Commission (“FEC”) as a political committee, and is recognized by the FEC as a national political party committee.

8. The NRSC is a national organization solely devoted to strengthening the Republican Senate Majority and electing Republicans to the United States Senate. The NRSC accomplishes this mission by supporting and assisting current and prospective Republican U.S. Senate candidates throughout the country, including in Georgia, in the areas of budget planning, election law compliance, fundraising, communications tools and messaging, and research and strategy

9. In 2020, the NRSC made substantial contributions and expenditures to support the two Republican Senate candidates in Georgia in the November 3, 2020 general election, it has already made substantial contributions and expenditures to support these candidates in the January 5, 2021 runoff, and it intends to make further expenditures in connection with the runoff election.

10. The NRSC’s stated mission is to elect Republicans to the U.S. Senate and to provide support and assistance to current and prospective Republican U.S.

Senate candidates. To that end, the NRSC has spent millions of dollars to support Senators Loeffler and Perdue in the upcoming runoff election in Georgia.

11. The NRSC frequently represents the interests of Republican Members of the U.S. Senate, including Senators Kelly Loeffler and David Perdue, who are candidates for election.

12. Senators Loeffler and Perdue expect the NRSC to take reasonable actions to ensure that the runoff election is conducted in accordance with laws that require the rejection of absentee ballots with invalid signatures. Such actions are necessary to protect the Senators' interest in a fair and competitive election.

13. If absentee ballots with invalid signatures are counted in the runoff election, the results of the election will be affected. Moreover, by undertaking actions to ensure proper vote-counting, the NRSC's resources are necessarily diverted from the impending runoff election.

14. These harms will become irreparable after election officials begin opening absentee ballot envelopes containing the voter's signature and separating the ballots from envelopes, as scheduled to start as soon as December 21, 2020. Once that occurs, there will be no way to prevent invalid votes from being counted if a signature is determined to be invalid.

15. For these reasons, the NRSC has a specific, concrete, and immediate interest in ensuring that absentee ballots with invalid signatures are rejected in accordance with applicable law.

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

Executed on December 15, 2020.

A handwritten signature in cursive script, appearing to read "Darby Grant", written in dark ink.

Darby Grant

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DECLARATION OF STEWART BRAGG IN SUPPORT PLAINTIFF
GEORGIA REPUBLICAN PARTY, INC.'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

I, Stewart Bragg, declare as follows in support of the Emergency Motion for Temporary Restraining Order and Preliminary Injunction filed by Plaintiff Georgia Republican Party, Inc. ("GRP"), among others, in the above-captioned matter:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this Declaration.
3. I am currently employed by the GRP in the position of Executive Director, which I have held since 2/1/19.
4. I am authorized to make this Declaration on behalf of the GRP.

5. The GRP is a Georgia nonprofit corporation with its principal office in Atlanta, Georgia.

6. The GRP is governed by the Rules of the Georgia Republican Party, Inc. (“Rules”). Under Rule 1.1, all qualified voters “who are in accord with the principles of the Republican Party, believe in its declaration of policy and are in agreement with its aims and purposes” can be members of the GRP. These members include voters across the State of Georgia who support the re-election of Senators Kelly Loeffler and David Perdue in the upcoming runoff election.

7. Additionally, Senators Loeffler and Perdue are non-voting members of the GRP’s State Committee (Rule 2.2(P)(1)(a)) and the GRP’s State Executive Committee (Rule 3.2(B)(1)(a)).

8. The GRP’s stated mission is to work with donors, activists, and candidates to elect Republicans. To that end, the GRP has spent millions of dollars, as well as significant time and resources, towards re-electing Senators Loeffler and Perdue.

9. The GRP’s members expect the GRP to take reasonable actions to ensure that members’ votes will have the greatest possible impact on the upcoming runoff election for Georgia’s U.S. Senate seats. This includes actions to ensure that absentee ballots with invalid signatures are rejected in accordance with applicable law.

10. Senators Loeffler and Perdue, who are also members of the GRP, further expect the GRP to take reasonable actions to ensure that the runoff election is conducted in accordance with laws that require the rejection of absentee ballots with invalid signatures. Such actions are necessary to protect the Senators' interest in a fair and competitive election.

11. If absentee ballots with invalid signatures are counted in the runoff election, the votes of the GRP's members will be diluted and the results of the election will be affected. Moreover, by undertaking actions to ensure proper vote-counting, the GRP's resources are necessarily diverted from the impending runoff election.

12. These harms will become irreparable after election officials begin counting absentee ballots on December 21, 2020, at which time officials will begin separating each absentee ballot from the envelope containing the voter's signature. Once that occurs, there will be no way to determine whether the signature was valid or not.

13. For these reasons, the GRP has a specific, concrete, and immediate interest in ensuring that absentee ballots with invalid signatures are rejected in accordance with applicable law.

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

Executed on December 15, 2020.


Stewart Bragg

UNITED STATES DISTRICT COURT
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Defendants.

DECLARATION OF BENJAMIN FRY IN SUPPORT PLAINTIFF PERDUE
FOR SENATE, INC.'S EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I, Benjamin Fry, declare as follows in support of the Emergency Motion for Temporary Restraining Order and Preliminary Injunction filed by Plaintiff Perdue for Senate, Inc. ("Perdue Campaign"), among others, in the above-captioned matter:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this

Declaration.

3. I am currently employed by the Perdue Campaign in the position of Campaign Manager, which I have held since June 2019.

4. I am authorized to make this Declaration on behalf of the Perdue Campaign.

5. The Perdue Campaign is a Georgia nonprofit corporation with its principal place of business in Atlanta, Georgia.

6. The Perdue Campaign is the principal campaign committee supporting David A. Perdue's campaign for the United States Senate, within the meaning of 52 U.S.C. § 30102(e).

7. The mission of the Perdue Campaign is to undertake all reasonable efforts to secure Senator David Perdue's re-election in the upcoming runoff election.

8. To accomplish its mission, the Perdue Campaign has spent more than \$40 million in campaign support and operations related to the runoff election.

9. Senator Perdue expects his campaign to take reasonable actions to ensure that the runoff election is conducted in accordance with laws that require the rejection of absentee ballots with invalid signatures. Such actions are necessary to protect the Senator's interest in a fair and competitive election.

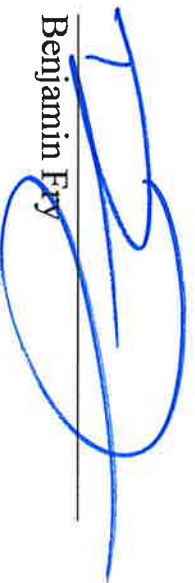
10. If absentee ballots with invalid signatures are counted in the runoff election, the results of the election will be affected. Moreover, by undertaking actions to ensure proper vote-counting, the Perdue Campaign's resources are necessarily diverted from the impending runoff election.

11. These harms will become irreparable after election officials begin opening absentee ballot envelopes containing the voter's signature and separating the ballots from envelopes, as scheduled to start as soon as December 21, 2020. Once that occurs, there will be no way to prevent invalid votes from being counted if a signature is determined to be invalid.

12. For these reasons, the Perdue Campaign has a specific, concrete, and immediate interest in ensuring that absentee ballots with invalid signatures are rejected in accordance with applicable law.

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

Executed on December 15, 2020.



Benjamin Fry

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**DECLARATION OF JASON SORENS, PH.D., IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

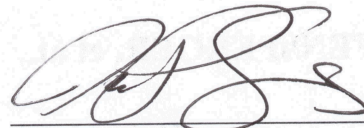
I, Jason Sorens, Ph.D., declare as follows in support of the Emergency Motion for Temporary Restraining Order and Preliminary Injunction (the "Motion") filed by Plaintiffs Georgians for Kelly Loeffler, Inc., Perdue for Senate, Inc., NRSC, and Georgia Republican Party, Inc. (collectively, "Plaintiffs") in the above-captioned matter:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this Declaration.
3. I have been engaged to provide my expert analysis and opinions and, if necessary, to testify in this case.

4. True and accurate copies of my expert report and curriculum vitae are attached as Exhibit A to the Motion, at ECF 2-2. Also attached to this Declaration as Attachments 1, 2, and 3 are true and accurate copies of the spreadsheets that provide further support for my analysis and opinions.

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

Executed on December 15, 2020.

A handwritten signature in black ink, appearing to read 'JS', is written over a horizontal line.

Jason Sorens, Ph.D.

Attachment 1

(Native Excel File Provided to Court and
Counsel of Record via E-mail on 12/15/2020)

Attachment 2

(Native Excel File Provided to Court and
Counsel of Record via E-mail on 12/15/2020)

Attachment 3

(Native Excel File Provided to Court and
Counsel of Record via E-mail on 12/15/2020)

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**DECLARATION OF SCOTT E. GESSLER IN SUPPORT PLAINTIFFS’
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Scott E. Gessler, declare as follows in support of the Emergency Motion for Temporary Restraining Order and Preliminary Injunction (the “Motion”) filed by Plaintiffs Georgians for Kelly Loeffler, Inc., Perdue for Senate, Inc., NRSC, and Georgia Republican Party, Inc. (collectively, “Plaintiffs”) in the above-captioned matter:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this Declaration.
3. I have been engaged to provide my expert analysis and opinions and, if necessary, to testify in this case.

4. A true and accurate copy of my expert report is attached as Exhibit B to the Motion, at ECF 2-3. The report contains a typo in the second sentence of Paragraph 17, which should read as follows: “This rate is approximately 8 times greater than Georgia’s pre-cure rejection rate of 0.05%.”

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

Executed on December 15, 2020.



Scott E. Gessler