

Consent Judgment That Circulators of a Ballot Petition Do Not Have to Be Eligible to Vote in the Election

Malone v. Raffensperger
(*Leigh Martin May, N.D. Ga. 1:20-cv-2513*)

Four days after a case was filed, a district judge issued a consent judgment that it was unconstitutional to require circulators of a recall petition to be eligible to vote in the recall election.

Subject: Recall elections. *Topic:* Getting on the ballot.

“This is an action challenging the constitutionality of Georgia’s requirement that circulators of a recall petition be registered voters eligible to vote in the recall election.”¹ The federal complaint was filed in the Northern District of Georgia on June 15, 2020, against Georgia’s secretary of state by three voters seeking the recall of a district attorney who oversaw the investigation of the fatal shooting by White men of Ahmaud Arbery, an African American man.² With their complaint, the plaintiffs filed a motion for a temporary restraining order.³

On the day that the case was filed, Judge Leigh Martin May set the case for hearing on June 24.⁴ She added, “The Court will issue a separate order indicating whether this hearing will be held in person or via videoconference.”⁵ On June 16, Judge May reset the hearing for June 25.⁶

On June 19, however, Judge May approved a consent judgment on the parties’ agreement that the challenged provision was probably unconstitutional.⁷

1. Complaint at 1, *Malone v. Raffensperger*, No. 1:20-cv-2513 (N.D. Ga. June 15, 2020), D.E. 1.

2. Complaint, *id.* See generally Cleve R. Wootson, Jr. & Michael Brice-Saddler, *After Arrests in Ga. Killing, Many Ask Why It Took So Long*, Wash. Post, May 10, 2020, at A1.

3. Temporary-Restraining-Order Motion, *Malone*, No. 1:20-cv-2513 (N.D. Ga. June 15, 2020), D.E. 2.

4. Order, *id.* (June 15, 2020), D.E. 5.

5. *Id.*

6. Order, *id.* (June 16, 2020), D.E. 8.

7. Consent Judgment, *id.* (June 19, 2020), D.E. 10; Consent Judgment Motion, *id.* (June 19, 2020), D.E. 9.