

An Unsuccessful Attempt to Disqualify Runoff-Election Voters Who Voted in Other States in the Previous General Election

Georgia Republican Party v. Raffensperger (Lisa Godbey Wood, S.D. Ga. 2:20-cv-135)

After early voting had started in a January 5, 2021, senatorial runoff election, a federal complaint challenged the validity of votes by persons who voted in other states in the general election the previous November. The district judge denied the plaintiffs immediate relief, because, among other things, it could not be determined whether voters who were in other states the previous November voted in those states' senatorial elections.

Subject: Nullifying registrations. *Topics:* Registration challenges; Covid-19; early voting.

A federal complaint filed in the Southern District of Georgia on Thursday night, December 17, 2020, sought injunctive relief against Georgia's allowing persons who voted in other states during the November 2020 general election to vote in Georgia in the January 5, 2021, senatorial runoff election.¹ Plaintiffs were the campaigns for two incumbent senators, the political party supporting them, and three voters.² The complaint named state election officials and county election officials for Glynn County and Chatham County.³ The complaint acknowledged that early voting began three days previously.⁴ With their complaint, the plaintiffs filed a motion for a temporary restraining order and a preliminary injunction.⁵

Judge Lisa Godbey Wood set the case for a videoconference hearing on the following afternoon, posting audio contact information for the hearing in the docket sheet.⁶ At the hearing, she acknowledged procedural accommodations of the global infectious Covid-19 pandemic:

Of course, if there weren't COVID, we would all be here together. But because of the challenges of the current epidemic, it's hard for people that are located outside of this area to get here in a hurry, and it's also not safe for us to all be packed into one courtroom at this time, so I did allow the hearing to proceed by way of video conference so we could get to it in a timely fashion.

...

By way of further preliminaries, we have some attorneys who are local who are here in the courtroom. We have some members of the public, citi-

1. Complaint, *Ga. Republican Party v. Raffensperger*, No. 2:20-cv-135 (S.D. Ga. Dec. 17, 2020), D.E. 1; Transcript at 6, *id.* (Dec. 18, 2020, filed Dec. 28, 2020), D.E. 32.

2. Complaint, *supra* note 1.

3. *Id.*

4. *Id.* at 3.

5. Motion, *Ga. Republican Party*, No. 2:20-cv-135 (S.D. Ga. Dec. 17, 2020), D.E. 3.

6. Docket Sheet, *id.* (Dec. 17, 2020).

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zens, who, of course, are entitled to listen and observe. We also, because of COVID, have a public line open so that anybody from anywhere can dial in to the public line and listen to the proceedings.

For the benefit of those of you who are participating remotely either by audio or by video, whether you're a member of the bar or not, I need to remind everybody who is participating that it is improper to make any kind of video or audio recording of this event.⁷

Judge Wood determined that the plaintiffs did not have standing to obtain the relief requested, so she dismissed the case.⁸ Among other things, there was no way to properly discover whether persons who voted in other states in the general election voted for the office of U.S. Senate.⁹

7. Transcript, *supra* note 1, at 6–7.

8. Order, *Ga. Republican Party*, No. 2:20-cv-135 (S.D. Ga. Dec. 18, 2020), D.E. 31; Minutes, *id.* (Dec. 18, 2020), D.E. 30; Transcript, *supra* note 1.

9. Transcript, *supra* note 1.