

States Cannot Require Voter Registration More Than Thirty Days Before a Federal Runoff Election

*Georgia State Conference of the NAACP v. Georgia
(Timothy C. Batten, Sr., N.D. Ga. 1:17-cv-1397)*

Granting a preliminary injunction, a federal district judge found that a state statute requiring voter registration five Mondays in advance of an election to be eligible to vote in a later runoff election was inconsistent with the National Voter Registration Act's requirement that voter registrations for federal elections be accepted until no more than 30 days before an election.

Subject: Registration procedures. *Topics:* Registration procedures; National Voter Registration Act; recusal; attorney fees.

One of Georgia's members of Congress became Secretary of Health and Human Services in February 2017, so a special election was held on April 18 to fill the vacancy.¹ Because no candidate received a majority of the vote, a runoff election was scheduled for June 20.² Five voting rights organizations filed a federal complaint in the Northern District of Georgia on Thursday, April 20, against Georgia and its secretary of state challenging a Georgia statute requiring voter registration by the fifth Monday before an election to be eligible to vote in the later runoff election, alleging a violation of the National Voter Registration Act of 1993, which requires voter registrations for federal elections to be accepted up to 30 days before the election.³ With their complaint, the plaintiffs filed an emergency motion for a preliminary injunction.⁴

On the day that the case was filed, Judge Eleanor L. Ross found that she had a conflict in the case, and so she recused herself.⁵ On Monday, Judge Timothy C. Batten, Sr., granted expedited consideration and set the case for hearing on May 4.⁶ On the day of the hearing, Judge Batten granted the plaintiffs an injunction requiring Georgia to accept voter registrations for the June 20 runoff election until May 21.⁷

1. Opinion at 2, *Ga. State Conference of NAACP v. Georgia*, No. 1:17-cv-1397 (N.D. Ga. May 4, 2017), D.E. 29.

2. *Id.*

3. Complaint, *id.* (Apr. 20, 2017), D.E. 1; see Amended Complaint, *id.* (Apr. 25, 2017), D.E. 17; see also Pub. L. No. 103-31, 107 Stat. 77 (1993), as amended, 52 U.S.C. §§ 20501–20511 (2015). See generally Robert Timothy Reagan, *Motor Voter: The National Voter Registration Act* (Federal Judicial Center 2014).

4. Preliminary Injunction Motion, *Ga. State Conference of NAACP*, No. 1:17-cv-1397 (N.D. Ga. Apr. 20, 2017), D.E. 2.

5. Recusal Order, *id.* (Apr. 20, 2017), D.E. 3.

6. Order, *id.* (Apr. 24, 2017), D.E. 16; see Minutes, *id.* (May 4, 2017), D.E. 30.

7. Opinion, *supra* note 1; see Chris Joyner, *6th District Sees Latest Voting Rights Skirmish*, Atlanta J.-Const., May 19, 2017, at 1B.

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Pursuant to an October 17, 2017, consent decree, Georgia will not require registration for a federal election more than 30 days before the election, even if it a runoff election.⁸ Judge Batten awarded the plaintiffs \$122,171.54 in attorney fees and expenses on April 11, 2018.⁹

8. Consent Decree, *Ga. State Conference of NAACP*, No. 1:17-cv-1397 (N.D. Ga. Oct. 17, 2017), D.E. 42.

9. Opinion, *id.* (Apr. 11, 2018), D.E. 52, 2018 WL 2271244.