

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

COMMON CAUSE GEORGIA, as an
organization,

Plaintiff,

v.

Case No. 18-cv-05102-AT

BRIAN KEMP, in his official capacity as
Secretary of State of Georgia

Defendant.

PLAINTIFF’S SUPPLEMENTAL SUBMISSION
REGARDING STANDING

Plaintiff Common Cause Georgia respectfully submits this memorandum, along with the accompanying declarations of Rudolph C. Richter and Eugenia Lea Willingham, in further support of its Memorandum of Law Regarding Standing (ECF No. 37) (Nov. 9, 2018).

As explained in the previously-submitted first Declaration of Sara Henderson, Executive Director of Common Cause Georgia (ECF No. 29), Common Cause's members are voters. Many of the organization's members join Common Cause when they learn of the work the organization does to advocate for and protect their right to vote and to strengthen Georgia's democracy.

As this lawsuit has proceeded, a number of voters who experienced difficulty voting in the 2018 election have become aware of the role that Common Cause Georgia plays and have decided to join the organization as members. The declarations of two such individuals, Rudolph C. Richter and Eugenia Lea Willingham, are attached. Though each of these voters registered in time for the 2018 election, they each had to vote using a provisional ballot in the 2018 election because their registration record could not be located. Though Ms. Willingham believes she has cured her provisional ballot, she has not yet received confirmation that her vote will be counted. Mr. Richter does not believe he was able to cure his provisional ballot because his registration record was never recovered.

In addition to the evidence previously submitted, these declarations demonstrate that Common Cause has standing. Specifically, these declarations show that members of Common Cause Georgia had registration problems at the polls in the November 2018 election. These members had to vote on provisional ballots during the 2018 election due to problems with their registration records and have suffered harm and may suffer additional harm, including having their right to vote denied, as a result of those problems. These members experienced an impediment to their right to vote, and would have standing to sue on their own. Plaintiff Common Cause Georgia is a non-profit organization whose mission is to advance and protect the right to vote. The relief requested by Plaintiff Common Cause is to change the counting of the provisional ballot rules in a way that provides more protection than the status quo against manipulation of the voter registration database. As such, the relief requested does not require the individual participation of these two members.

This 11th day of November, 2018.

DLA PIPER LLP

By: /s/ Christopher Campbell

Christopher G. Campbell
One Atlantic Center

1201 West Peachtree Street, Suite 2800
Atlanta, GA 30309-3450
(404) 736-7808
christopher.campbell@dlapiper.com

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Robert A. Atkins
(*pro hac vice* application pending)
NY Bar No. 2210771

Farrah R. Berse
(*pro hac vice* application pending)
NY Bar No. 4129706

Makiko Hiromi
(*pro hac vice* application pending)
NY Bar No. 5376165

William E. Freeland
(*pro hac vice* application pending)
NY Bar No. 5450648

Melina M. Meneguín Layerenza
(*pro hac vice* application pending)
NY Bar No. 5559240

1285 Avenue of the Americas
New York, NY 10019-6064
(212) 373-3000

ratkins@paulweiss.com

fberse@paulweiss.com

mhiromi@paulweiss.com

wfreeland@paulweiss.com

mmeneguín@paulweiss.com

BRENNAN CENTER FOR JUSTICE AT NEW YORK
UNIVERSITY SCHOOL OF LAW

Myrna Pérez
(*pro hac vice*)
NY Bar No. 4874095

Lawrence D. Norden
(*pro hac vice* pending)
NY Bar No. 2881464
Wendy R. Weiser
(*pro hac vice* pending)
NY Bar No. 2919595
Maximillian Feldman
(*pro hac vice* pending)
NY Bar No. 5237276
120 Broadway, Suite 1750
New York, NY 10271
(646) 292-8310
perezm@brennan.law.nyu.edu
nordenl@brennan.law.nyu.edu
weiserw@brennan.law.nyu.edu
feldmanm@brennan.law.nyu.edu

Attorneys for Plaintiff

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing PLAINTIFF'S SUPPLEMENTAL SUBMISSION REGARDING STANDING was prepared double-spaced in 14-point Times New Roman pursuant to Local Rule 5.1(C), and is in compliance with the 25 page length limitation set forth in Local Rule 7.1(D).

/s/ Christopher Campbell
Christopher G. Campbell
DLA Piper LLP

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2018, I served the within and foregoing PLAINTIFF'S SUPPLEMENTAL SUBMISSION REGARDING STANDING with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties to this matter via electronic notification or otherwise.

This 11th day of November, 2018.

/s/ Christopher Campbell
Christopher G. Campbell
DLA Piper LLP