

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

DONNA CURLING, *et al.*,

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Plaintiffs,

v.

CIVIL ACTION NO.  
1:17-cv-2989-AT

BRAD RAFFENSBERGER, *et al.*,

Defendants.

**ORDER**

State Defendants on the evening of September 14, 2020 filed a response to the Court's pragmatic question regarding the state's production of updated voter data for precinct polling stations for the purpose of facilitating the established emergency ballot process, in the event of power outages or equipment breakdown in the operation of BMD and associated electronic voting equipment, including pollbook check-in equipment and software. The Court's question in essence related to the feasibility of production of up to date precinct voter registration lists for each precinct that included information reflecting which voters had cast "absentee" ballots, whether these ballots were cast through the early voting process in person or through the absentee ballot process by voters who choose to cast votes not in person (i.e. by mail, drop box, or personal delivery to precinct). Defendants went beyond this question in their response, arguing a number of legal defenses and objections to the Court's issuance of any relief pertaining to paper pollbook

backups, which they contend exceeds the scope of the Plaintiffs' claims. Each set of Plaintiffs are authorized to respond in a brief not to exceed six pages, and are directed also to respond directly to the question of the Court's authority to grant such relief based on the pleadings and motions in this case and the Court's Order of August 15, 2019 (Doc. 579). Plaintiffs should also address whether they in fact seek relief, as an alternative to their request for a wholesale switch to hand-marked paper ballots, tailored to facilitating the uniform implementation of the State's established emergency ballot process. Plaintiffs' briefs shall be filed by 11:00 AM on September 16, 2020.

**IT IS SO ORDERED** this 15<sup>th</sup> day of September, 2020.



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**Amy Totenberg**  
**United States District Judge**