

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

BLACK VOTERS MATTER FUND, et  
al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, in his  
official capacity as Secretary of State of  
Georgia, et al.,

Defendants.

Civil Action No. 1:20-cv-1489-AT

**FINAL JUDGMENT AND ORDER**

Plaintiffs Black Voters Matter Fund and Individual Plaintiffs (collectively, “Plaintiffs”) filed this action against Defendants Secretary of State (“Secretary”) and the Dekalb County Board of Registration & Elections (“DeKalb BOR”)<sup>1</sup> (on behalf of all similarly situated county boards of elections) (collectively, including

---

<sup>1</sup> In their Amended Complaint [[Doc. 88](#)], Plaintiffs added Defendants Anthony Lewis, Susan Motter, Dele Lowman Smith, Samuel E. Tillman, Baoky Vu, each in their respective capacities as members of the DeKalb BOR, and Erica Hamilton, in her official capacity as the Director of the DeKalb County Board of Registration and Elections (collectively, the “Individual Defendants”), as defendants in this action.


the proposed defendant class and the Individual Defendants, “Defendants”). The Original and First Amended Complaint both alleged two causes of action. Doc. 1 at 17-19; Doc. 88 at 22-25. Count 1 (“the poll tax claim”) alleged that requiring voters to pay for their own postage to submit absentee ballot applications and absentee ballots (“the postage requirement”) constituted a poll tax in violation of the Twenty-Fourth and Fourteenth Amendments to the United States Constitution. Count 2 (“the Anderson-Burdick claim”) alleged that the postage requirement constituted an unjustifiable burden on the right to vote in violation of the First and Fourteenth Amendments to the United States Constitution.

On August 11, 2020, the Court granted the Secretary’s Motion to Dismiss Plaintiffs’ Amended Complaint, Doc. 90, as to the poll tax claim for the reasons set forth in Doc. 139. Pursuant to the Eleventh Circuit’s guidance in *Perry v. Schumacher Grp. of Louisiana*, 891 F.3d 954 (11th Cir. 2018), Plaintiffs subsequently submitted an Unopposed Motion to File a Second Amended Complaint, Doc. 140, which eliminated the Anderson-Burdick claim. The Court granted Plaintiffs’ unopposed motion. Because all claims in this action have now effectively been dismissed in accordance with *Perry*, the Court hereby enters final judgment in this matter.

It is hereby ORDERED that:

1. Final judgment is entered in favor of Defendants and against Plaintiffs in accordance with the Court's August 10, 2020 Opinion and Order, Doc. 139, as well as the Court's grant of leave to file a Second Amended Complaint.
2. Each party shall bear her, his or its own costs and fees in this case.
3. The Clerk of the Court is directed to close this case.

SO ORDERED this 28th day of August, 2020.

  
Amy Totenberg  
United States District Judge

Prepared by:

**Sean Young**

Attorney Bar Number: 790399

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION OF GEORGIA, INC.

P.O. Box 77208

Atlanta, GA 30357

Telephone: (678) 981-5295

Email: syoung@acluga.org

Sophia Lin Lakin\*

Dale E. Ho\*

AMERICAN CIVIL LIBERTIES UNION

125 Broad Street, 18th Floor

New York, NY 10004

Telephone: 212-519-7836

Email: slakin@aclu.org

dho@aclu.org

Attorneys for Plaintiffs

\*Admitted pro hac vice