

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

Martin Cowen, et al.,

Plaintiffs,

vs.

Brad Raffensperger, in his
official capacity as Secretary of
State of the State of Georgia,

Defendant.

Case No. 1:17-cv-04660-LMM

**Plaintiffs' Unopposed
Motion for Leave to
Supplement
the Record**

The plaintiffs respectfully move the Court for leave to supplement the summary-judgment record with evidence regarding the signature requirements for third-party candidates for U.S. Representative in 2022.

Under O.C.G.A. § 21-2-170(b) , the number of signatures required of an independent or third-party candidate for U.S. Representative in 2022 will be five percent of the number of voters who were registered in the candidate's district—*after that district is redrawn by the General Assembly in 2021*—as of the 2020 general election. As a result, the

number of signatures required in any particular district will not be known until after the General Assembly redraws the districts. Because the total number of voters registered as of the 2020 general election is already known, however, it is possible to calculate the number of signatures that would be required for the Libertarian Party to run a full slate of candidates for U.S. Representative.

The Secretary of State's office has produced the attached report (marked as Exhibit 58) indicating that there were 7,211,438 voters registered in Georgia as of the 2020 general election. As a result, the Libertarian Party would have to gather approximately 360,572 valid signatures in order to qualify a full slate of candidates for U.S. Representative. This number represents 7.2 percent of the votes cast for president in Georgia in 2020.¹ It is also an increase of 38,859 signatures, or 12.1 percent, from the number of signatures required for the Libertarian Party to run a full slate of candidates for U.S. Representative in 2020.

¹ Election results are available online at: <https://results.enr.clarityelections.com/GA/107231/web.264614/#/summary>.

These data obviously were not available when the parties briefed their motions for summary judgment last summer and early fall. Good cause therefore exists to supplement the record with Exhibit 58.

Counsel for the plaintiffs has conferred with counsel for the Secretary of State and has been advised that the Secretary will not oppose this motion.

Respectfully submitted this 19th day of January, 2021.

/s/ Bryan L. Sells

Attorney Bar No. 635562

Attorney for the Plaintiffs

The Law Office of Bryan L. Sells, LLC

PO Box 5493

Atlanta, Georgia 31107-0493

Telephone: (404) 480-4212

Email: bryan@bryansellslaw.com

CERTIFICATE OF COMPLIANCE

I hereby certify that the forgoing **Plaintiffs' Unopposed Motion for Leave to Supplement the Record** was prepared in 13-point Century Schoolbook in compliance with Local Rules 5.1(C) and 7.1(D).

/s/ Bryan L. Sells

Attorney Bar No. 635562

Attorney for the Plaintiffs

The Law Office of Bryan L. Sells, LLC

PO Box 5493

Atlanta, Georgia 31107-0493

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Email: bryan@bryansellslaw.com