

IN THE SUPERIOR COURT FOR THE COUNTY OF COBB

STATE OF GEORGIA

MADISON COOK, et al.,	:	
	:	
Plaintiffs,	:	Civil Action File
	:	
v.	:	NO: 22107734
	:	
COBB COUNTY BOARD OF ELECTIONS	:	
AND REGISTRATION, et al.,	:	
	:	
Defendants.	:	
	:	

CONSENT ORDER

This matter comes before the Court on Plaintiffs' Complaint for Declaratory Judgment and Injunctive Relief, and Plaintiffs' Motion for Temporary Restraining Order. A hearing was held by consent of the parties on November 7, 2022, and after considering the evidence presented at the hearing, and with the consent of the parties, the Court hereby enters the following order.

1.

Cobb County Defendants, due to administrative errors, failed to timely send absentee ballots to approximately 1,036 voters whose absentee ballot applications had erroneously been marked as issued on October 13, 2022 and October 22, 2022.

2.

As of today, some of those voters have been able to cast their ballots at an advance voting location or by a reissued absentee ballot that has been properly submitted, while others (“Affected Voters”) whose ballots were not timely sent have not voted.

Defendants sent ballots by UPS overnight delivery, with prepaid return envelopes, to 247 Affected Voters, leaving as many as 469 voters who may not have received replacement ballots as of the date of this hearing.

With the consent of the parties, the Court orders the following:

1. The ballot receipt deadline for all Affected Voters is extended to the same receipt deadline for Uniformed and Overseas Voters (“UOCAVA”) ballots (on or before November 14, 2022);
2. Defendants shall send replacement ballots, on November 7, 2022, by UPS overnight delivery, with prepaid return envelope, to Affected Voters who have not yet been sent a replacement ballot by UPS overnight delivery. Defendants shall prioritize sending overnight replacement absentee ballots to the 93 Affected Voters for whom they do not have a valid email address;
3. Defendants shall allow Affected Voters to vote in person, by replacement absentee ballot, or by Federal Write-In Absentee Ballot (“FWAB”) to cast their ballots;

4. Defendants shall accept all returned ballots by Affected Voters, either by replacement absentee ballot or FWAB, that are postmarked by 7:00 P.M. on Election Day, November 8, 2022, and received by Defendants on or before November, 14, 2022. Defendants shall process received ballots by Affected Voters in accordance with state law to ensure that an Affected Voter's vote is recorded once;
5. When processing a FWAB from an Affected Voter, Defendants shall disregard the field on the FWAB which asks the voter labeled "Who are you? Pick one."
6. Defendants will provide immediate notice by email and text message to all Affected Voters, unless Defendants do not have an email address and/or phone number for the voter. Notice shall include the following content:
 - a. Defendants have mailed or will mail an overnight replacement absentee ballot to every Affected Voter with a prepaid return envelope by November 7, 2022;
 - b. Each Affected Voter will have the option to vote by replacement absentee ballot, by FWAB, or by voting in person at their Cobb County polling place on election day, November 8, 2022.
 - c. The Affected Voter may view a sample ballot by logging into their My Voter Page at mvp.sos.ga.gov.

- d. If voting by replacement absentee ballot or FWAB, the Affected Voter must have their replacement absentee ballot or FWAB postmarked by 7:00 P.M. on election day, November 8, 2022, and received by Defendants by November 14, 2022;
7. Defendants shall also attach to the above notice to Affected Voters:
 - a. instructions for completing a FWAB and a link to access the FWAB form. These instructions should include notice that voters should disregard the field “Who are you? Pick one” on the FWAB;
 - b. a sample FWAB ballot.
8. Defendants shall release a public announcement on their website alerting voters to the issue that any eligible voter who has not yet received their absentee ballot and who has not yet voted may do so in person on Election Day. Additionally, it will alert voters that the Affected Voters may vote by the replacement absentee ballot or a FWAB, in addition to the option to vote in person on Election Day. This notice will include a copy of this Consent Order and the list of Affected Voters.

So ORDERED this 7th day of November, 2022.



Kellie Hill, Judge
Superior Court of Cobb County

Order prepared and presented by:

HAYNIE, LITCHFIELD & WHITE, PC

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**Pro hac vice applications forthcoming*

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