

No Constitutional Right to Additional Early-Voting Locations

Gwinnett County NAACP

v. Gwinnett County Board of Registration and Elections
(*Steven D. Grimberg, N.D. Ga. 1:20-cv-912*)

A federal complaint filed on the Thursday before three weeks of early voting set to begin on Monday challenged election officials' decision to offer early voting at only one location in the county during the first week. The district court held a hearing on Monday afternoon and denied the plaintiffs immediate relief, finding no constitutional entitlement to additional early-voting locations.

Subject: Absentee and early voting. *Topics:* Early voting; primary election; 42 U.S.C. § 1983.

A federal complaint filed in the Northern District of Georgia on Thursday, February 27, 2020, challenged a decision by the election officials for Gwinnett County, located about twenty miles northeast of Atlanta, to offer early voting for the March presidential primary election at only one location during the first of three weeks of early voting, which would begin on March 2.¹ With their complaint, the plaintiffs filed a motion for a temporary restraining order, a preliminary injunction, and expedited consideration.² On the next day, Judge Steven D. Grimberg set the case for an evidentiary hearing on the afternoon of Monday, March 2.³

At the hearing, counsel for the plaintiffs acknowledged that it was not possible to open satellite locations for early voting that day, and very difficult to open them on the next day, but possible to open at least some of them during the remainder of the week.⁴ About 4:22 in the afternoon, Judge Grimberg orally denied the plaintiffs immediate relief.⁵ The plaintiffs were not constitutionally entitled to more early-voting locations than required by Georgia law.⁶ With respect to how the plaintiffs might continue the case, Judge Grimberg

1. Complaint, *Gwinnett Cty. NAACP v. Gwinnett Cty. Bd. of Registration & Elections*, No. 1:20-cv-912 (N.D. Ga. Feb. 27, 2020), D.E. 1; *Gwinnett Cty. NAACP v. Gwinnett Cty. Bd. of Registration & Elections*, 446 F. Supp. 3d 1111, 1118 (N.D. Ga. 2020).

2. Motion, *Gwinnett Cty. NAACP*, No. 1:20-cv-912 (N.D. Ga. Feb. 27, 2020), D.E. 2; *Gwinnett Cty. NAACP*, 446 F. Supp. 3d at 118.

3. Notice, *Gwinnett Cty. NAACP*, No. 1:20-cv-912 (N.D. Ga. Feb. 28, 2020), D.E. 4; *Gwinnett Cty. NAACP*, 446 F. Supp. 3d at 1116, 1118; see Minutes, *Gwinnett Cty. NAACP*, No. 1:20-cv-912 (N.D. Ga. Mar. 2, 2020), D.E. 24.

4. Transcript at 4–5, *Gwinnett Cty. NAACP*, No. 1:20-cv-912 (N.D. Ga. Mar. 2, 2020, filed Mar. 16, 2020), D.E. 31.

5. *Id.* at 76–81; *Gwinnett Cty. NAACP*, 446 F. Supp. 3d at 1116.

6. *Gwinnett Cty. NAACP*, 446 F. Supp. 3d at 1121–25.

noted that it would become moot on Friday.⁷ He issued a published opinion on March 3.⁸

The plaintiffs dismissed the action voluntarily on March 9.⁹

7. Transcript, *supra* note 4, at 81.

8. *Gwinnett Cty. NAACP*, 446 F. Supp. 3d 1111; see Amanda C. Coyne, *Judge Rules for County in Early-Voting Dispute*, *Atlanta J.-Const.*, Mar. 4, 2020, at 3B.

9. Notice, *Gwinnett Cty. NAACP*, No. 1:20-cv-912 (N.D. Ga. Mar. 9, 2020), D.E. 30.