

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ALABAMA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs,

v.

STEVE MARSHALL, in his official capacity
as Alabama Attorney General, *et al.*,

Defendants.

Civil Action No. 24 Civ. 420
Chief Judge R. David Proctor

HEARING REQUESTED

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

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INTRODUCTION

Plaintiffs¹ are civil rights, faith-based, and disability rights organizations that promote civic participation by educating and assisting Alabamians to vote, including by assisting voters with the multi-step application process for voting absentee.

FACTUAL BACKGROUND

I. Alabama's Multi-

to vote absentee and lists the Alabama crimes that disqualify an individual from voting as well as the penalties for failing to properly fill out and submit the form.

The application can be accessed in one of the following ways: (i) online, downloaded, and printed, (ii) in hard copy from the relevant county Absentee Election Manager; or (iii) in hard copy by mail, if a written request is first sent to the Absentee Election Manager.⁷ The form then must be completed fully and correctly, including by obtaining a witness signature if the voter signs by mark.⁸ The completed application packet also must include a printed copy of the voter's valid photo identification. Then, the application packet must be returned to the Absentee Election Manager either in person or by mail/commercial carrier.⁹ Absentee applications must be received by the Absentee Election Manager seven days prior to the relevant election if submitted by mail (or five days prior if submitted in person).¹⁰ Voters must submit separate applications for elections more than 42 days apart.

II. SB 1's Enactment and the Challenged Provisions.

On March 19, 2024, the Alabama Legislature enacted SB 1. The Governor signed the bill into law the next day. In key part, SB 1 amends Ala. Code § 17-11-4, which governs absentee applications, to add new restrictions and criminal penalties.¹¹ The Challenged Provisions are:

- **Payment Provisions**: SB 1 makes it “unlawful for a third party to knowingly receive a

⁷ Ala. Sec'y of State, “Absentee Voting Information,” <https://www.sos.alabama.gov/alabama-votes/voter/absentee-voting>.

⁸ Ala. Code § 17-11-4(b)(1).

⁹ *Id.* §§ 17-11-3(a), 17-11-4(c)(1).

¹⁰ *Id.* § 17-11-3(b).

¹¹ SB 1 specifies that it goes into effect “immediately following its passage and approval by the governor, or its otherwise becoming law 3v006 (i)6.9 (j)TJ/TT51-0.0coererg (i)2. lo006 ((i)2. (006 (ev(m)-3.1 (i)2.9,(o)-4 D(006 (ef (i)2.9

payment,” or “knowingly pay . . . a third party,” to “distribute, order, request, collect, prefill, complete, obtain, or deliver a voter’s absentee ballot application.” § 17-11-4(d)(1)-(d)(2). These provisions carry a Class B or C felony penalty (Class C for assistors who “receive a payment” and Class B for those who “pay” such assistor). *Id.*

- **Gift Provisions**: SB 1 makes it “unlawful for a third party to knowingly receive a . . . gift,” or “knowingly . . . provide a gift,” to a “third party” to “distribute, order, request, collect, prefill, complete, obtain, or deliver a voter’s absentee ballot application.” § 17-11-4(d)(1)-(d)(2). These provisions carry a Class B or C felony penalty (Class C for assistors who “receive a . . . gift” and Class B for those who “provide a gift” to such assistor). *Id.*
- **Prefilling Restriction**: SB 1 makes it “unlawful for any person to knowingly distribute an absentee ballot application to a voter that is prefilled with the voter’s name or any other information required on the application form.” § 17-11-4(b)(2). This provision carries a Class A misdemeanor penalty. SB 1 § 2.
- **Submission Restriction**: SB 1 makes it “unlawful for an individual to submit a completed absentee ballot application to the absentee election manager other than his or her own application,” unless that person is seeking emergency medical treatment within five days before an election. § 17-11-4(c)(2). The application “may be submitted” by personally dropping off one’s own application with the Absentee Election Manager or returning one’s own application in the mail/commercial carrier. *Id.* This provision carries a Class A misdemeanor penalty. SB 1 § 2.

In Alabama, Class B felonies carry a sentence of up to 20 years,¹² Class C felonies carry a

sentence of up to 10 years,¹³ and Class A misdemeanors carry a sentence of up to one year and a \$6,000 fine.¹⁴ SB 1 does not define any of the statutory terms that trigger criminal liability, including no definitions for “payment,” “gift,” “third-party,” “prefill,” “distribute,” or “submit.”

SB 1 also newly requires that voters apply for absentee ballots using the Secretary of State’s specified printed

have some form of disability, including many with mobility and vision impairments.²² For Alabamians over 65 years old, the number rises to nearly half (47.8%).²³ Approximately nine percent of adults in Alabama have “serious difficulty doing errands alone.”²⁴

Many of these iult

skills in the eighth grade.²⁶ Further, per U.S. Census estimates, among the state’s citizen voting-age population, 27% of Spanish-speakers speak English “less than very well.”²⁷ Given the reading comprehension and writing required to apply for an absentee ballot and the fact that Alabama does not offer its absentee applications in languages other than English, many illiterate and low literacy Alabamians require assistance from others, including from Plaintiffs, to complete the application process. Alabama NAACP Decl. ¶ 20; ADAP Watkins Decl. ¶ 4. SB 1’s restrictions severely limit their access to such assistance and therefore severely burden their right to vote.

Incarcerated Voters. In Alabama, voters who are incarcerated and who have not been convicted of a crime of “moral turpitude,” including pre-trial detainees, remain eligible to vote.²⁸ As of February 2024, the Alabama Department of Corrections had over 27,000 inmates in its jurisdiction (including jails and prisons).²⁹ According to the National Institute on Corrections, the jail population in Alabama was 16,520 in 2020.³⁰

Incarceration is one of the state’s qualifying excuses to vote absentee.³¹ Because no county in Alabama provides jail- or prison-based voting sites, absentee voting is the only way that eligible incarcerated voters are able to vote. GBM Decl. ¶ 2

incarcerated voters depend on assistance from others, like Plaintiffs GBM and Alabama NAACP and prison or jail staff, to vote. Alabama NAACP Decl. ¶¶ 12; GBM Decl. ¶¶ 22, 29.

B. SB 1's Impact on Plaintiffs.

As described further herein and in Plaintiffs' accompanying declarations, Plaintiffs have paid staff and volunteers who assist voters with absentee applications, *e.g.*, by providing the printed applications, helping voters to read, understand, and complete applications, and providing envelopes and postage so that applications can be returned. This includes voters who depend on assistance with the application process, such as senior citizen, disabled, low literacy, and incarcerated voters. B

rights in Alabama. *Id.* ¶ 7. GBM provides printed absentee applications, pens, and mailing supplies to eligible voters and GBM’s staff and volunteers also spend time with each voter to ensure that their application is marked correctly and completely. *Id.* ¶ 12. As recently as the March 2024 primary election, GBM paid staff and volunteers assisted voters with absentee ballot applications, including eligible incarcerated voters who are in prison or jail. *Id.* ¶¶ 3, 21. For the November 2024 general election and in the future, GBM would like to engage in absentee ballot application assistance on behalf of the communities it serves in the Greater Birmingham area and across Alabama. *Id.* ¶ 4.

ADAP. Plaintiff ADAP is the duly authorized Protection and Advocacy Program (“P&A”) of Alabama, as designated under federal law.³² Decl. of Nancy Anderson (“ADAP Anderson Decl.”) ¶ 2. As such, ADAP provides legal services to Alabama residents with disabilities to promote their rights and all Alabama voters with disabilities are constituents of ADAP. *Id.* As a P&A, ADAP is accountable to members of the disability community and is authorized under federal law to represent the interests of Alabamans with disabilities. *Id.* ADAP’s mission is to achieve equality in opportunity for people with disabilities, including in voting. *Id.* Through its work, ADAP seeks to convey the message that voting should be accessible to all, regardless of disability status. *Id.* ¶ 9.

ADAP would like to continue its work, and indeed its legal obligation, to assist its disabled constituents with absentee applications for the November 2024 general election and beyond.

ADAP Watkins Decl. ¶ 11.
Alabama NAACP Decl. ¶¶ 19-21; LWVAL Decl. ¶ 27; GBM Decl. ¶ 33; ADAP Watkins Decl. ¶¶ 11, 14.

* * *

If not for SB 1, Plaintiffs would assist voters with absentee applications for the November 2024 general election and beyond. However, Plaintiffs and their paid staff and volunteers are unlikely to engage in these activities given their reasonable fear of criminal prosecution if they continue any assistance with absentee applications. Alabama NAACP Decl. ¶¶ 19-21; LWVAL Decl. ¶ 27; GBM Decl. ¶ 33; ADAP Watkins Decl. ¶¶ 11, 14. As a result of SB 1, Plaintiffs are being forced to cancel speech and expressive activities regarding absentee application assistance. Alabama NAACP Decl. ¶ 17; LWVAL Decl. ¶ 26; GBM Decl. ¶¶ 24-31; ADAP Watkins Decl. ¶ 14. Plaintiff ADAP, which receives federal funding to conduct absentee application assistance

that is not possible under SB 1, has been forced to fire its staff and to file for Chapter 11 protection.

ARGUMENT

A preliminary injunction is warranted if Plaintiffs establish: (1) a substantial likelihood of success on the merits; (2) irreparable harm absent an injunction; (3) the harm they will experience outweighs any injury the opposing party may experience under the injunction; and (4) the injunction would not be adverse to the public interest. *Honeyfund.com Inc. v. Governor*, 94 F.4th 1272, 1277 (11th Cir. 2024). Plaintiffs satisfy all four requirements.

I. Plaintiffs Have Standing.

As a threshold matter, Plaintiffs have standing. *First*, Plaintiffs have direct standing to bring their First and Fourteenth Amendment claims because the “credible threat” of criminal liability chills Plaintiffs’ speech. *Wollschlaeger v. Governor of Fla.*, 848 F.3d 1293, 1304 (11th Cir. 2017) (en banc). When a plaintiff challenging a law is the subject of its enforcement, “there is ordinarily little question that the [government’s] action or inaction has caused him injury[.]” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561–62 (1992). Here, SB 1’s restrictions force Plaintiffs to limit their First Amendment activities due to their “actual and well-founded fear that the law will be enforced against them.” *Virginia v. Am. Booksellers Ass’n, Inc.*, 484 U.S. 383, 393 (1988). This direct First Amendment harm alone confers standing on Plaintiffs. *See Wilson v. State Bar of Ga.*, 132 F.3d 1422, 1428 (11th Cir. 1998) (explaining that “the injury is self-censorship”).

In addition, each Plaintiff has direct standing to bring their claims because they have cancelled and/or restricted planned voter assistance activities and been forced to divert resources to educate and respond to SB 1’s changes to the law. Alabama NAACP Decl. ¶¶ 14-16; LWVAL Decl. ¶¶ 26-31; GBM Decl. ¶¶ 24-31; ADAP Anderson Decl. ¶ 12; ADAP Watkins Decl. ¶¶ 12-14; *see, e.g., Fla. State Conf. of NAACP v. Browning*, 522 F.3d 1153, 1165–66 (11th Cir. 2008) (recognizing (L)-91 (W)-2 ((i)-2 (nge)6 (-.17 ou1 Tf;n)2 (J -2.3 Td4))TJEMC)-7 (c)4 (e)4 (s)-11 (

compliance” with the statute’s requirements). Plaintiff ADAP also has direct standing to bring its claim under HAVA because SB 1 harms its ability to engage in voter assistance that it is federally mandated to undertake pursuant to HAVA. ADAP Anderson Decl. ¶¶ 12-13.

Second, Plaintiffs have associational standing on behalf of their members and constituents. *See Baughcum v. Jackson*, 92 F.4th 1024, 1031 (11th Cir. 2024) (explaining that associational standing exists where (i) members “otherwise have standing to sue,” (ii) “the interests the lawsuit seeks to protect must be germane to the [organization’s] purpose,” and (iii) “the claim can be resolved . . . without the participation of individual members”). Not only has Plaintiffs’ speech been chilled by a reasonable fear of enforcement of SB 1, *see Wilson*, 132 F.3d at 1428, but Plaintiffs also have cancelled plans for absentee voter assistance programming because of fear of criminal liability for themselves and their members and volunteers. Alabama NAACP Decl. ¶ 17; LWVAL Decl. ¶¶ 26, 31; GBM Decl. ¶¶ 30-31; ADAP Anderson Decl. ¶ 12; ADAP Watkins Decl. ¶ 14. Further, Plaintiffs’ blind, disabled, and/or low literacy members and constituents are suffering injury to their right to receive assistance under Section 208. Alabama NAACP Decl. ¶ 12; LWVAL Decl. ¶¶ 24-25; GBM Decl. ¶ 33; ADAP Anderson Decl. ¶ 12; ADAP Watkins Decl. ¶ 14.

And, because these injuries are “directly traceable to the passage of [SB 1],” they “would be redressed by enjoining each provision.” *Ga. Latino All. for Hum. Rts. v. Governor of Ga.*, 691 F.3d 1250, 1260 (11th Cir. 2012).

II. Plaintiffs Are Substantially Likely to Succeed on the Merits of their Constitutional Claims.

A. SB 1 Unconstitutionally Burdens Plaintiffs’ Core Political Speech and Associational Activity.

The First Amendment squarely protects Plaintiffs’ absentee ballot application assistance activities for three reasons. *First*, because this assistance is interactive communication about voting, its restriction limits core political speech. *Second*, absentee ballot application assistance is

Conduct is sufficiently expressive to fall within the scope of the First Amendment if (1) there was an “intent to convey a particularized message,” and (2) the “surrounding circumstances” would lead a reasonable person to interpret the conduct as conveying “*some* sort of message.” *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252, 1270 (11th Cir. 2004) (emphasis in original). Several contextual factors are relevant to determining whether conduct is

S

As noted, Plaintiffs engage in absentee ballot application assistance to express their mission of ensuring equal access to the right to vote, regardless of race, age, disability, or incarceration status. Plaintiffs also provide this assistance as a means of associating with voters, including those who cannot vote without such assistance, as well as with other civic engagement organizations. Alabama NAACP Decl. ¶ 12; LWVAL Decl. ¶ 19; GBM Decl. ¶¶ 19-20; ADAP Watkins Decl. ¶¶ 9-10. Accordingly, Plaintiffs’ absentee ballot application assistance is protected by the freedom of association. *See VoteAmerica v. Schwab*, 576 F. Supp. 3d 862, 875 (D. Kan. 2021) (“Public endeavors which ‘assist people with voter registration’ . . . and which expend resources ‘to broaden the electorate to include allegedly under-served communities,’ qualify as expressive conduct which implicates the First Amendment freedom of association.”) (citation omitted).

4. SB 1 Restricts the Amount and Effectiveness of Plaintiffs’ Political Speech, Expressive Conduct, and Associational Activity.

The Challenged Provisions unconstitutionally burden political expression because they reduce both the amount and effectiveness of Plaintiffs’ political speech, expressive conduct, and associational activity. In *Meyer*, the Supreme Court held that a law impermissibly restricts political expression where, as under the Payment Provisions here, Plaintiffs are prohibited from using paid staff to communicate their message because such prohibition “has the inevitable effect of reducing the total quantum of speech on a public issue,” such as participation in our country’s democratic process through absentee voting. 486 U.S. at 423.³³

The First Amendment also protects a speaker’s right “to select . . . the most effective means” of expressing their message. *Id.* at 424. The Challenged Provisions prevent Plaintiffs’ most effective means of communicating that voters can and should exercise their right to vote, including

³³ The Gift Provisions further may prohibit Plaintiffs from even lessening the burden of volunteering at long events by providing volunteers at long events with food and water.

by voting absentee, and assisting them to do so. There is no other way for Plaintiffs to meaningfully assist voters with their applications. Among these, the Payment, Prefilling, and Submission Restrictions impede Plaintiffs from engaging in speech designed to encourage senior, disabled, or incarcerated people to vote by helping them to fill out and submit their absentee ballot applications. *See Meyer*, 486 U.S. at 424 (explaining that “direct one-on-one communication” is “the most effective, fundamental, and perhaps economical avenue of political discourse”).

harvesting.” Except in rare circumstances, Alabama prohibits anyone other than a voter from collecting and returning absentee ballots.³⁷ Additionally, Alabama has long criminalized conduct such as

of the terms “payment,” “gift,” “third-party,” “pre-fill,” “distribute,” and “submit” are triggers for serious criminal liability but their scope is left ambiguous.

In particular, the Payment Provisions do not define what constitutes a “payment” thereunder. It is unclear, for example, whether it is limited to monetary payments specifically for the assistance of a voter with their absentee application, or whether an employee’s general salary, reimbursement for general expenses, or even a non-monetary token would be implicated. Alabama NAACP Decl. ¶ 18; GBM Decl. ¶ 29. “Payment” could even be read to cover funding that the federal government gives Plaintiff ADAP to assist disabled and blind voters with their absentee applications, ADAP Anderson Decl. ¶¶ 11-12; ADAP Watkins Decl. ¶ 14, and salaries paid by the State of Alabama to jail and prison employees who might similarly help eligible incarcerated voters, GBM Decl. ¶ 27. Absurdly then, agencies of the federal or state government could be held liable for paying people who assist voters to apply absentee.

The Gift Provisions similarly fail to provide

the application before “distributing” or handing it to the voter. Under the Payment or Gift Provisions, it is unclear whether Plaintiffs’ paid staff and volunteers can even provide blank applications to disabled or incarcerated voters who have no way to print the form for themselves or if doing so itself runs afoul of the ban on “distribut[ing].” ADAP Watkins Decl. ¶ 11.

The Submission Restriction also is impermissibly vague. Although the Submission

standardless sweep that allows policemen, prosecutors, and juries to pursue their personal predilections.”) (cleaned up and internal quotations omitted).

Indeed, during the legislative process, bill sponsor Senator Gudger testified that the provision of a “stamp [or] sticker” could be considered an impermissible “gift” under the statute.

C. SB 1 is Unconstitutionally Overbroad.

The Challenged Provisions also must be struck down as unconstitutionally overbroad. Laws restricting First Amendment freedoms “may be invalidated as overbroad if a substantial number of its applications are unconstitutional, judged in relation to the statute’s plainly legitimate sweep.” *United States v. Stevens*

application in the mailbox. Moreover, the Prefilling Restriction also appears to apply even where there could be no conceivable concern because the application is requested by a voter, the voter provides their assistor the information to include on the form, and that information is accurate. This expansive reach blatantly exceeds any legitimate sweep

gift in exchange for the assistance, like a small token of appreciation. The Prefilling and Submission Restrictions likewise criminalize application assistance such as writing a voter's name on their form or placing the voter's form in the mail for them—even assistance for Section 208-eligible voters who are physically unable to carry out these essential steps in applying to vote absentee. This clearly violates the protections enshrined in Section 208.

To be clear, that SB 1 recites Section 208's language in § 17-11-4(e) does not cure this violation. Like Section 208, SB 1 Section 17-11-4(e) states: "Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice," except for "the voter's employer or agent of that employer or officer or agent of the voter's union." But at the same time, SB 1 contains the Challenged Provisions criminalizing broad categories of assistance—with no distinction, as discussed, for situations where assistance is being given pursuant to § 17-11-4(e) (or Section 208). *Cf. OCA-Greater Houston*, 867 F.3d at 615 ("[A] state cannot restrict this federally guaranteed right [under Section 208] by enacting a statute tracking its language, then defining terms more restrictively than as federally defined."). SB 1 also does not define "vote" or "voting" as broadly as the VRA—it does not define those terms at all—further compounding the ambiguity as to what conduct is permitted. Therefore, it appears that a voter or assistor engaging in Section 208-protected conduct could still face liability under the Challenged Provisions.

SB 1's separate, differently worded provision protecting military and overseas voters confirms the failure of SB 1 to protect Section 208 assistance. Directly below Section 17-11-4(e) and in the same section as the Challenged Provisions, Section 17-11-4(f) provides: "Voters voting

understood how to exempt other federally protected voters fully and without ambiguity from the Challenged Provisions. By contrast, Section 17-11-4(e) pointedly does not contain similar language stating that conduct thereunder is “not subject to this section” (*i.e.*, not subject to the Challenged Provisions). That the Legislature did not include this “not subject to” language for Section 208 voters or assistors underscores this violation of federal law.

B. Because SB 1 Conflicts with Section 208, It Is Preempted.

The Supremacy Clause of the United States Constitution “invalidates state laws that not 2017 (w) 10 emt (eTd1985not)-2 (eTdc)4 (ont)-1 torsn l law.,3 Tc 0.Bi-6 (ed(.)T)4 (l)2 w(eTdv)720.. D--4 .00

Assistance” (“PAVA”). The PAVA program is an integrated system of federal P&A grants to states to support legal advocacy services to protect the legal and human rights of individuals with disabilities and gives state P&As broad rights in carrying out their work.⁴⁴ Under PAVA, the federal government is required “to pay the protection and advocacy [(“P&A”)]⁴⁵ system of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.” 52 U.S.C. § 21061(a). ADAP is the designated Alabama P&A for all the federal P&A grant programs, including PAVA. ADAP Anderson Decl. ¶ 2.

ADAP has a full-time employee whose primary duties focus on implementing the agency’s PAVA grant mandate: ensuring the “full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.” 52 U.S.C. § 21061(a); ADAP Anderson Decl. ¶ 7. This requires the employee to work with and assist voters with disabilities, including with absentee voting, and to provide education to other organizations or persons on what and how someone can assist a person with a disability to vote. ADAP Watkins Decl. ¶ 3. This employee provides direct assistance to voters in filling out their absentee ballot applications. *Id.* ¶ 5.

Under SB 1, however, ADAP’s required work under the PAVA grant subjects the organization and its employees to potential criminal liability. Specifically, the Payment Provisions specifically prohibit and make it a Class B felony for someone to “receive a payment” to assist a

occurs, there can be no do-over and no redress. The injury to these voters is real and completely irreparable if nothing is done to enjoin th[ese] law[s].” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014).

Irreparable harm also exists where, as here, voting can become so burdensome for citizens with disabilities or low literacy skills that “they may be dissuaded from attempting to vote at all.” *Westchester Disabled on the Move, Inc. v. Cnty. of Westchester*, 346 F. Supp. 2d 473, 477-78 (S.D.N.Y. 2004); *cf. also Gaston County v. United States*, 395 U.S. 285, 295 (1969) (accepting that some low literacy voters may “not attempt to register, knowing that they could not meet the [state’s strict] standard”); S. Rep. 97-417, at *62 (noting that some Section 208 voters faced with casting their vote under “adverse circumstances” will “in fact elect to forfeit their right to vote”). Beyond the risk of complete disenfranchisement, blind, disabled, or low literacy voters face irreparable harm even if they ultimately find a way to vote but experience additional burdens to doing so. *Cf. Westchester Disabled on the Move*, 346 F. Supp. 2d at 477-78 (explaining that denying disabled voters access to in person voting creates irreparable injury even if they are still ultimately able to vote another way).

Further, Plaintiffs who would usually assist voters will lose opportunities to do so under SB 1. Those missed opportunities to help voters constitute irreparable harm not only because unassisted voters may not be able to vote at all but also because those opportunities for voter engagement will have been lost forever. The potential fear of prosecution under SB 1 also constitutes irreparable harm for all Plaintiffs. *See Ga. Latino All. for Human Rights v. Governor of Ga.*, 691 F.3d 1250, 1269 (11th Cir. 2012). SB 1 additionally frustrates Plaintiffs’ missions by diverting resources. Thus, Plaintiffs unequivocally face irreparable harm if SB 1 is not enjoined.

VI. The Balance of the Equities Weighs in Plaintiffs' Favor and a Preliminary Injunction Serves the Public Interest.

The ongoing injury to Plaintiffs far outweighs any interest that the Defendants may have in enforcing SB 1, and the public will be best served by an injunction. Plaintiffs are suffering grave violations of their constitutional and statutory rights. The State has no interest in defending provisions that violate federal law. *See United States v. Alabama*, 691 F.3d 1269, 1301 (11th Cir. 2012) (“Frustration of federal statutes and prerogatives are not in the public interest.”); *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006) (holding that neither city nor public had any interest in “enforcing an unconstitutional ordinance”). And since Defendant Allen has stated that SB 1 will first be enforced for the November 2024 general election, an injunction now

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