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

Safe Affordable Georgia, Inc., *Plaintiff*, v. James D. Kreyenbuhl, in his official capacity as Chairman of the State Ethics Commission; Rick Thompson, in his official capacity as Vice Chairman of the State Ethics Commission; David Burge, Stan Wise, and Dana Diment, in their official capacities as members of the State Ethics Commission; and Christopher M. Carr, in his official capacity as the Attorney General of Georgia, *Defendants*.	Civil Action No. 1:25-cv-6985

DEFENDANTS' RESPONSE IN OPPOSITION TO EMERGENCY MOTION FOR PRELIMINARY INJUNCTION

Preliminary injunctions preserve the status quo, but that is not why Safe Affordable Georgia ("SAGA") seeks one here. Instead, SAGA asks the Court to use a preliminary injunction to upend Georgia's campaign finance scheme by enjoining two constitutional statutes all because the effect of a third, unchallenged statute is allegedly unconstitutional. The Court should decline SAGA's invitation and deny its motion for a preliminary injunction.

SAGA alleges that it is harmed by two cornerstones of campaign finance present in nearly every state's election laws as well as in our federal election laws—campaign contribution limits and coordination limits. Courts have long held these to be constitutional, and the Supreme Court has described them as a minor and incidental burden on First Amendment speech. *See, e.g.*, *Fed. Election Comm'n v. Colo. Republican Fed. Campaign Comm.*, 533 U.S. 431, 446 (2001). However, a cursory reading of SAGA's complaint and preliminary-injunction briefing reveals its true aim is not related to these statutes at all, yet it has not challenged any others.

SAGA contends that granting its requested relief would effectively convert it into something comparable to a leadership committee, but that characterization is incorrect. Georgia law creates a limited number of leadership committees to serve a distinct purpose from campaign committees, independent committees, and PACs. The Court should not indulge its effort to hinder the operation of two constitutional statutes, all based on the effect of other laws which it has not squarely challenged. In effect, SAGA is like a driver operating a commercial truck who sees that smaller, specially certified vehicles are allowed to use a limited-access lane. Instead of challenging the traffic laws that apply to it, SAGA is seeking a preliminary injunction from this Court to take down the lawful guardrails separating the lanes of traffic, all the while

ignoring the distinct differences between its vehicle and others and the dangers that removing the guardrails poses.

BACKGROUND

A. Georgia's Government Transparency and Campaign Finance Act.

Georgia's Government Transparency and Campaign Finance Act, O.C.G.A. §§ 21-5-1, *et seq.*, imposes limits on campaign contributions to candidates for statewide office. Adjusted for inflation, a person, corporation, political party, or political committee may give no more than $8,400 for a primary election, $8,400 for a general election, and $4,800 for a runoff election. O.C.G.A. §§ 21-5-41(a), (k); *see also Contribution Limits*, Ga. Gov't Transparency & Campaign Fin. Comm'n.[1]

Relatedly, the Act provides for campaign committees and independent committees. A campaign committee is "the candidate, person, or committee which accepts contributions or makes expenditures designed to bring about the nomination or election of an individual to any elected office." O.C.G.A. § 21-5-3(2). Campaign committees are subject to the contribution limitations of Section 21-4-41(a), *see supra*. An independent committee is "any committee" that is not "a campaign committee, political party, or political action committee," that "receives donations during a calendar year from persons who

[1] Available at https://ethics.ga.gov/contribution-limits.

are members or supporters of the committee" and "expends such funds either for the purpose of affecting the outcome of an election for any elected office or to advocate the election or defeat of any particular candidate." O.C.G.A. § 21-5-3(15).

Independent committees cannot coordinate expenditures with an individual candidate or his campaign committee, as any coordinated expenditure "is considered a contribution which is subject to limits." Ga. Comp. R. & Regs, R. 189-6-.04. However, independent committees can raise and spend unlimited funds to influence Georgia elections as long as they do not coordinate their expenditures with a candidate or a candidate's committee. *Cf. id.*; O.C.G.A. §§ 21-5-3(15), 21-5-34(a)(1)(B). Independent committees need not even make any disclosures if they avoid explicitly seeking to affect the outcome of an election or do not explicitly advocate for the election or defeat of particular candidates. *Id.*

As the definition of "independent committee" notes, the Act recognizes several other kinds of committees. Two are relevant here. First, a "political action committee," or "PAC" is an organization that "receives donations during a calendar year from persons who are members or supporters of the committee and which contributes funds to one or more candidates for public office or campaign committees of candidates for public office," and is subject to Section 21-4-41's contribution limits. O.C.G.A. § 21-5-3(20). Notably, PACs and

independent committees are forbidden from coordinating expenditures with candidates for political office and cannot accept donations made to "bring about the nomination or election of any candidate for any office." O.C.G.A. § 21-5-30(a). Contributions and expenditures meant to advance specific candidates may only be made and accepted "directly to or by a candidate or such candidate's campaign committee." *Id.*

Second, in 2021, the General Assembly amended the Act to authorize the formation of a new type of committee: the "leadership committee." O.C.G.A. § 21-5-34.2(a). Leadership committees are limited in number. One is chaired by the Governor, one by the Lieutenant Governor, and one by each political party nominee for Governor and Lieutenant Governor. *Id.* The majority and minority caucuses in both the Georgia House and Senate may also establish leadership committees. *Id.*

Leadership committees may accept contributions year-round and raise and spend funds to "affect[] the outcome of any election," "advocat[e] for the election or defeat of any candidate," and "defray ordinary and necessary expenses" incurred by a public officer's fulfillment or retention of office. O.C.G.A. § 21-5-34.2(d). In this way, leadership committees more closely resemble traditional party organizations than candidate-specific campaign committees. *Cf. id.* § 21-5-41(j). Notably, like party organizations, leadership committees are not subject to the same contribution limits as campaign

committees, *compare* O.C.G.A. § 21-5-3(2) *with id.* § 21-5-34.2, leadership committees have increased transparency requirements, including a requirement to register each transaction over $500.00 with the Georgia Ethics Commission within ten days of receipt. O.C.G.A. § 21-5-34.2(e). The statute does not prohibit the Governor and Lieutenant Governor from maintaining leadership committees during a primary election. *See generally* O.C.G.A. § 21-5-34.2.

As noted by the bill's sponsor, the General Assembly amended the Act to ensure that, through leadership committees, more contributions "are disclosed" so there is "no more dark money in these committees." *Hr'g on S.B. 221*, 2021 Leg., 156th Sess. (Sen. Mullis), YOUTUBE, at 3:42:00–3:48:40 (Feb. 26, 2021).[2]

B. SAGA and the 2026 Gubernatorial Primary.

SAGA asks the Court to equate it to a registered leadership committee in form and in operation. However, SAGA is a hybrid PAC, or an entity that is registered with the State Ethics Commission ("the Commission") as both a PAC and an independent committee. Doc. 1 at ¶ 3; *see also* State Ethics Comm'n,

[2] Available at https://www.youtube.com/watch?v=LhjTLrabGE8&list=PLBFf_azbJKlV5GjbyETzLLCnS7smR3oW7&index=22.

Advisory Op. No. 2015-02 (June 17, 2015).[3] Notably, unlike leadership committees, hybrid PACs are not required to have a chairperson, *compare* O.C.G.A. § 21-5-34.2(a*) with id.* § 21-5-3(15), there is no limit on the number of committees permitted, and if they are not engaging in direct electioneering communication in an election cycle, they can avoid disclosures. *Id.* §§ 21-5-3(15); 21-5-34(a)(1)(B).

Republican candidate for governor and current Secretary of State Brad Raffensperger is the chair of SAGA. Doc. 2-2 at ¶ 4; Doc. 1 at ¶ 22. Other candidates in the 2026 Republican primary include the sitting Lieutenant Governor Burt Jones. *Id.* at ¶ 23. In accordance with the Act, Mr. Jones chairs WBJ Leadership Committee, which is duly registered as a leadership committee with the Commission. *Id.* at ¶ 24.

On December 8, 2025, SAGA filed this suit against the current members of the Commission and Attorney General Chris Carr, alleging that Section 21-5-30(a)'s coordination ban and Section 21-5-41's contribution limits, as applied, violate its First Amendment right to free speech because WBJ Leadership Committee is not subject to the same contribution and expenditure limits that SAGA would be in support of Mr. Raffensperger's campaign. Doc. 1 at 11–13.; *id.* at ¶ 44.

[3] Available at https://ethics.ga.gov/advisory-opinion-no-2015-02/.

STANDARD OF REVIEW

A preliminary injunction is "an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the burden of persuasion as to each of the four prerequisites." *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc). Those four prerequisites are (1) that the plaintiff is likely to succeed on the merits of his claim; (2) that he is likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest." *Winter v. NRDC, Inc.*, 555 U.S. 7, 20 (2008); *see also Wreal, LLC v. Amazon.com, LLC*, 840 F.3d 1244, 1248 (2016) (same).

ARGUMENT

The Court should deny SAGA's request for a preliminary injunction because the relief it seeks is squarely at odds with the well-established purpose of a preliminary injunction. "The chief function of a preliminary injunction is to preserve the status quo until the merits of the controversy can be fully and fairly adjudicated." *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1284 (11th Cir. 1990). SAGA seeks to improperly use a preliminary injunction to upend the status quo instead of preserving it: wielding an emergency vehicle to effectively rewrite Georgia's coordination and contribution limits, thereby creating an entirely new campaign finance regime in the middle of an election cycle. *See Ga. State Conf.*

of the NAACP v. Fayette Cnty. Bd. of Comm'rs, 118 F. Supp. 3d 1338, 1349 (N.D. Ga. 2015). Courts should grant mandatory injunctions sparingly, and only upon a clear showing of the underlying merits of the movant's claims. *Siegel*, 234 F.3d at 1176 (citation omitted). Accordingly, this Court should decline to use the "extraordinary vehicle" of a preliminary injunction to impose a sweeping change in Georgia's campaign finance system before the merits have been fully litigated. *Id.*

A preliminary injunction is further improper because SAGA cannot carry "the burden of persuasion as to each of the four prerequisites." *Siegel*, 234 F.3d at 1176. *First*, SAGA cannot demonstrate a likelihood of success on the merits because the State's restrictions on contributions and coordination are incidental burdens on speech which are closely drawn to prevent corruption or the appearance thereof. *Second*, SAGA cannot establish an irreparable injury because its only allegation of harm is derivative of the merits of its constitutional claim. *Finally*, the balance of harms and the public interest likewise weigh decisively against relief, as the State and the public face irreparable harm from an increased risk of actual or apparent corruption should the Court enjoin the coordination rules. For these reasons, SAGA's request for preliminary injunction fails on every front and should be denied.

I. SAGA is unlikely to succeed on the merits of its claim.

The Court should deny SAGA's requested preliminary injunction because its First Amendment claim is both unmeritorious and framed incorrectly. In this Circuit, whether a plaintiff has a substantial likelihood of success on the merits is "generally the most important" factor in a preliminary-injunction analysis. *Doe 1 v. Bondi*, 780 F. Supp. 3d 1277, 1283 (N.D. Ga. 2025) (quoting *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1232 (11th Cir. 2005)). Failure to establish a likelihood of success on the merits is fatal to SAGA's claim. *See Church v. City of Huntsville*, 30 F.3d 1332, 1342 (11th Cir. 1994) (Explaining that because plaintiffs did not establish a likelihood of success on the merits, the Court need not address the other preliminary injunction factors).

A. Restrictions on contributions and coordinated expenditures are an incidental burden on First Amendment rights.

Unlike expenditures for political expression, limitations on the amount an individual or group may contribute to a candidate or political committee "entails only a marginal restriction upon the contributor's ability to engage in free communication." *Buckley v. Valeo*, 424 U.S. 1, 20 (1976). A limitation on the amount of money an individual or group may give to a candidate or campaign committee "involves little direct restraint on his political communication" because it "permits the symbolic expression of support

evidenced by a contribution but does not in any way infringe the contributor's freedom to discuss candidates and issues." *Id*. In fact, while contributions "may result in political expression if spent by a candidate or association to present views to the voters," the full transformation into political speech involves "speech by someone other than the contributor." *Id*.

Coordinated spending may be regulated similarly to contributions. Coordinated expenditures are "as useful to the candidate as cash," and "such 'disguised contributions' might be given 'as a *quid pro quo* for improper commitments from the candidate[.]'" *Fed. Election Comm'n v. Colo. Republican Fed. Campaign Comm.*, 533 U.S. 431, 446 (2001) (quoting *Nixon v. Shrink Mo. Gov't PAC*, 528 U.S. 377, 387–88 (2000)).

Accordingly, for challenges to contribution limits and coordination limits, the Supreme Court has adopted an intermediate-scrutiny test, applying "limits on coordinated expenditures by individuals and nonparty groups to the same scrutiny it applied to limits on their cash contributions." *Colo. Republican Fed. Campaign Comm.*, 533 U.S. at 446. This standard of scrutiny requires "the limit to be closely drawn to match a sufficiently important interest." *Nixon*, 528 U.S. at 387–88 (quoting *Buckley*, 424 U.S. at 25) (cleaned up). The only interest the Supreme Court has recognized as "sufficient to justify campaign-finance restrictions" under the closely-drawn standard is "preventing corruption or the appearance of corruption." *FEC v. Nat'l Conservative PAC*,

470 U.S. 480, 496–97 (1985) (citations omitted). "The hallmark of corruption is the financial *quid pro quo:* dollars for political favors." *Id*. at 497.

Applying this Supreme Court precedent, the United States Court of Appeals for the Seventh Circuit addressed a challenge like this one and upheld the applicable coordination and contribution limits and affirmed the denial of a motion for a preliminary injunction. In *Proft v. Raoul*, 944 F.3d 686 (7th Cir. 2019), Illinois Liberty PAC, an independent expenditure committee under Illinois law, challenged provisions of the Illinois Election Code that forbade coordinated spending with candidates and campaign contributions, *id.* at 688–89. Illinois Liberty PAC alleged that such provisions violated the First Amendment as applied to it when the Code lifted contribution caps for other entities and individuals. *Id.* at 690–91.

The Court rejected this challenge, holding that the contribution and coordination ban on independent expenditure committees served the sufficiently important interest of preventing actual or apparent corruption while still leaving room for independent expenditure committees to engage in political speech. *Id.* at 693. Lifting the coordination and contribution ban in certain races would allow independent expenditure committees to use "unlimited contributions from any source to contribute unlimited sums of money to candidates and to coordinate unlimited spending with candidates." *Id.* at 691 (citation omitted). The Court emphasized that "[a]llowing such large

contributions to candidates would create manifest opportunities for corruption." *Id.* (citing *Buckley*, 424 U.S. at 46).

Further, the Court noted that the Illinois Election Code was specifically structured to prevent the use of PACs as conduits for contributing money to candidates for corrupt dealings. *Id.* at 691–92. Granting the requested relief would also open the door for corruption by allowing donors to circumvent the Code's disclosure regime. *Id.* Given these risks of actual or apparent corruption, the Court held that the ban served a sufficiently important interest and, because it regulated only "the activities most likely to give rise to the prospect of corruption"—coordinated spending and contributions—it "employ[ed] means closely drawn." *Id.* at 693.

B. The Act's campaign contribution and coordination limits are closely drawn to prevent corruption or the appearance of corruption.

Here, the Act's campaign contribution and coordination limits in Sections 21-5-41 and 21-5-30(a) that apply to SAGA are "closely drawn" to serve the "sufficiently important interest" of preventing corruption or the appearance of corruption. As the Supreme Court and other courts have held, regulating contributions and coordination is a minimal restraint on speech, *Buckley*, 424 U.S. at 20, and so long as regulations prevent "the most blatant and specific attempts at corruption without curtailing wide swaths of other speech, they are presumptively valid even if "unskillful[ly] tailor[ed]." *Colo. Republican Fed.*

Campaign Comm., 533 U.S. at 463 & n. 26 (citing Buckley, 424 U.S. at 28); *see also, e.g.*, *Proft*, 944 F.3d at 693. The coordination and contribution limits do just that. They limit the amount of direct and indirect (coordinated expenditures) contributions that hybrid PACs may make to campaign committees and to candidates. Such limits prevent the large contributions to candidates that "would create manifest opportunities for corruption." *Id.* (citing *Buckley*, 424 U.S. at 46). If lifted, hybrid PACs like SAGA could then use "unlimited contributions from any source to contribute unlimited sums of money to candidates and to coordinate unlimited spending with candidates." *Id.* at 691 (citation omitted).

Further, as applied to SAGA, there is an additional, even greater risk of corruption or the appearance of corruption if the Court enjoins Sections 21-5-41 and 21-5-30(a). SAGA would like to contribute unlimited amounts of money and coordinate unlimited expenditures with current Secretary of State Brad Raffensperger in support of his gubernatorial bid. Doc. 1 at ¶¶ 31–32, 44; Doc. 2-1 at 11–12. As an elected executive officer, Mr. Raffensperger cannot accept contributions from entities that he regulates, and such entities may not make contributions to him or his campaign committee or on his behalf. O.C.G.A. §§ 21-5-30.1(b), (c).[4] Mr. Raffensperger, as Secretary of State, uniquely

[4] The Lieutenant Governor's office does not have any registration or other oversight over the regulation of professions or professional licensing.

exercises comprehensive regulatory authority over at least 20 licensed professions.[5] If the Court grants the requested injunction, it will, at a minimum create the appearance of *quid pro quo* corruption by allowing regulated entities to contribute money to SAGA, which openly supports Mr. Raffensperger's campaign. Even if that money is not spent on Mr. Raffensperger's campaign, the appearance of corruption will exist.

C. SAGA's one argument that the contribution and coordination limits are unconstitutional relies on irrelevant and inapplicable caselaw.

SAGA relies on only one case to support its arguments, *Davis v. Federal Election Commission*, 554 U.S. 724 (2008), which is inapposite. *See* Doc. 2-1 at 10–11. There, a personally wealthy congressional candidate wished to spend a large amount of his personal funds on his campaign. *Id.* at 730–31. However, the federal Bipartisan Campaign Reform Act contained a provision that raised contribution limits for other candidates if one candidate spent a certain amount of personal funds on his own campaign. *Id.* at 729–30. The Court held that this provision violated the First Amendment because it raised the limit

[5] Three professions must directly register with the Secretary of State. O.C.G.A. §§ 43-20A-4 (immigration assistance providers), 43-46A-2(a) (trauma scene waste management practitioners), 43-4A-5 (athlete agents). The Secretary of State further oversees a professional licensing boards division of his office that licenses at least 22 other professions. *Id.* § 43-1-2; *see also* Homepage, Licensing Division, Secretary of State's Office, available at https://sos.ga.gov/licensing-division-georgia-secretary-states-office (listing licensing boards overseen by the Licensing Division).

only for non-self-financing candidates and thereby impermissibly burdened the self-financing candidate's ability to spend his own money for campaign speech. *Id.* at 738.

Davis does not help SAGA here. While it may superficially appear to apply because the plaintiff there challenged a contribution limit, the Court actually analyzed the statute's burden on "the exercise of the First Amendment right to use personal funds for campaign speech," *id.* at 740, which is subject to the more stringent "compelling state interest" test, *id.*, that does not apply here. Instead, SAGA challenges only the contribution and coordination limits applicable to organizations, *see* doc. 1 at 42–44; doc. 2-1 at 14, and makes no allegations regarding the expenditure of personal funds for campaign speech, *see generally* Doc. 1; Doc. 2-1. Nor does SAGA cite other caselaw that applies the proper test for challenges to contribution and coordination limitations.

The Court should decline its invitation to issue a sweeping injunction that would remake Georgia's campaign-finance law based solely on an inapplicable Supreme Court case.

D. SAGA's case suffers from a fatal flaw: incorrect and improper framing.

SAGA's case suffers from an additional fatal flaw: it fails to properly state a claim because it has not challenged the statute that is causing its alleged harm. SAGA's preliminary injunction briefing barely mentions the two

statutes it has challenged, focusing instead on the effect of the leadership committee statute. Doc. 2-1 at 9–12. But critically, SAGA has not actually challenged the leadership committee statute. *See* Doc. 1 at 42–44. Instead, it asks the Court to enjoin two constitutional statutes based on the allegedly harmful effect of another third statute that it has not challenged in its complaint. Enjoining a statute that has been enacted by the people's elected, democratically accountable representatives is a weighty matter, *see, e.g.*, *Cotton States Mut. Ins. Co. v. Anderson*, 749 F.2d 663, 667 (11th Cir. 1984) ("Federal courts must be slow to declare state statutes unconstitutional."), and the Court should not do so when the allegedly harmful statute is not squarely challenged by the plaintiff.

II. Considerations of irreparable harms, the equities, and public interest strongly support denying SAGA's motion for a preliminary injunction.

SAGA fails to carry its burden on the additional grounds considered when granting a preliminary injunction. In addition to demonstrating success on the merits, SAGA must also establish that "irreparable injury will be suffered unless the injunction issues[,] the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party[,] and if issued, the injunction would not be adverse to the public interest." *Siegel* 234 F.3d at 1175. As the State is the non-moving party, the third and fourth prongs—damage to the opposing party and the public

interest—can be consolidated. *Otto v. City of Boca Raton*, 981 F.3d 854, 870 (11th Cir. 2020). In its analysis, the court "must balance the competing claims of injury and must consider the effect on each party of granting or withholding the requested relief," paying "particular regard for the public consequences in employing the extraordinary remedy of injunction." *Winter*, 555 U.S. at 24.

A. SAGA fails to demonstrate irreparable harm sufficient to warrant a preliminary injunction.

SAGA's motion should be denied because it has not identified *any* viable First Amendment violation from which its alleged injury might arise—a necessary condition in a First Amendment challenge—and it does not particularize any specific chilling effect that the coordination rules may have beyond a general legal injury.

For a preliminary injunction, the "possibility" of irreparable harm is not enough; rather, the plaintiff must "demonstrate that irreparable injury is *likely* in the absence" of relief. *Winter*, 555 U.S. at 2. In the First Amendment context, a plaintiff's alleged injury fundamentally depends on the merits of its case. The mere "assertion of First Amendment rights does not automatically require a finding of irreparable injury." *See Siegel*, 234 F.3d at 1178 (citing *Hohe v. Casey*, 868 F.2d 69, 72 (3d Cir. 1989)).

Rather, a plaintiff must show a "***direct penalization***, as opposed to incidental inhibition, of First Amendment rights" (emphasis added) to achieve

an irreparable injury finding. *Id.* (citation omitted).[6] A direct penalty refers to a government action which affirmatively suppresses speech or expression. Examples of such penalties warranting preliminary injunction include a content-based restriction on noncommercial speech, *KH Outdoor, LLC, v. City of Trussville*, 458 F.3d 1261, 1270 (11th Cir. 2006), and a categorical ban prohibiting volunteers from using a public sidewalk to distribute literature, *Fla. Preborn Rescue, Inc., v. City of Clearwater*, No. 23-13501, 2025 WL 3484822 at *11 (11th Cir. 2025).

SAGA glosses over the "direct penalization" requirement and instead contends that "[i]n a First Amendment case, a plaintiff's injury is irreparable per se." Doc. 2-1 at 12 (citing *Elrod v. Burns*, 427 U.S. 347, 373 (1976) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.")). But this assertion is flatly contradicted by caselaw. *See Siegel*, 234 F.3d at 1175; *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990); *Cunningham v. Adams,* 808 F.2d 815, 821–22 (11th Cir.1987). The challenged statutes here merely incidentally inhibit coordination to prevent

[6] *See also Honeyfund.com Inc. v. Governor*, 94 F.4th 1272, 1283 (11th Cir. 2024) ("Plaintiffs suffer an irreparable injury because there is an 'ongoing violation of the First Amendment.'") (emphasis added); *Otto*, 981 F.3d at 870 (plaintiffs meet the irreparable injury requirement "as a necessary legal consequence of [the Court's] holding on the merits").

actual or apparent *quid pro quo* corruption. *See supra* pp. 10–12. SAGA does not, nor could it, contend that the challenged statutes directly penalize or suppress its speech because, as an independent committee, it may raise and spend unlimited funds in support of Mr. Raffensperger so long as it does not coordinate with him or his campaign committee. Accordingly, SAGA is not presumptively injured by the coordination and contribution limits.

SAGA's allegations of harm must be proven, not presumed. SAGA does not introduce *any* competent evidence into the record to support its theory of irreparable injury. *Compare* Doc. 2-1 at 12–13, *with Perdue*, 54 F. Supp. 3d at 1316. Moreover, SAGA assumes that leadership committees exist for the sole purpose of supporting its chair's campaign efforts; rather, they exist to provide a vehicle for party leaders to build coalitions, engage in sustained issue advocacy, and articulate and advance policy priorities. SAGA attempts to argue that disparity is innately created between leadership committees and hybrid PACs based on how SAGA is attempting to engage in the political process. But SAGA must show that it is entitled to the same function and operation and a leadership committee, and then it must establish how the coordination and contribution limits curtail its speech.

Additionally, SAGA fails to prove how the contribution and coordination statutes operate to restrict its speech. It has not provided evidence that any committee, much less WBJ Leadership Committee, is engaging in political

speech against SAGA or Mr. Raffensperger. Instead, it assumes as fact two unstated and unproven premises: (1) that WBJ Leadership Committee is spending money to promote Mr. Jones in the 2026 gubernatorial primary election, and (2) that Mr. Raffensperger is not coordinating with an existing leadership committee. But an assumption is not sufficient to evidence harm; rather, "*proof* of irreparable injury is an indispensable prerequisite[.]" *Siegel*, 234 F.3d at 1179 (emphasis added).

B. The equities and public interest strongly favor denying the preliminary injunction because granting the relief SAGA seeks would almost certainly lead to the appearance of *quid pro quo* corruption.

Finally, the Court should deny SAGA's request for a preliminary injunction because the harm to the State and to the public far outweighs any incidental impact campaign finance regulations may have on SAGA.

Granting the preliminary injunction would erode the State's efforts to prevent corruption or the appearance of corruption. In weighing the balance of harms, a plaintiff must establish that "the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party[,]" and that "if issued, the injunction would not be adverse to the public interest." *Siegel*, 234 F.3d at 1176. The State "indisputably has a compelling interest in preserving the integrity of its election process." *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006). Consistent with that interest, and as discussed above, the

State restricts coordination between candidates and independent committees to guard against *quid pro quo* corruption, the appearance of such corruption, and the undue influence of large donors on elected officials. *See supra* pp. 10-–11. Granting SAGA's requested relief, however, would effectively authorize "unlimited contributions from any source to contribute unlimited sums of money to [the] candidate[] and to coordinate unlimited spending" with Mr. Raffensperger, thereby creating "manifest opportunities for corruption." *Buckley*, 424 U.S. at 46; *see also supra* pp 10–12.

In contrast, as quasi-party entities, the leadership committees exist to serve broad interests beyond any single candidate's electoral prospects. Leadership committees function as institutional vehicles by which party leaders may articulate and advance policy priorities, build and maintain coalitions, and engage in sustained issue advocacy. O.C.G.A. § 21-5-34.2(d) ("A leadership committee . . . may defray ordinary and necessary expenses incurred in connection with a public officer's fulfillment . . . of such office.") They also provide state leaders with a mechanism to support candidates up and down the ticket who share common principles and policy goals. *Id.* ("A leadership committee may . . . make expenditures for the purpose of affecting the outcome of any election or advocating for the election or defeat of any candidate[.]") In this way, leadership committees more closely resemble

traditional party organizations than candidate-specific campaign committees. *Cf.* O.C.G.A. § 21-5-41(j).

Because leadership committees' structure and mission diffuse political support across multiple races, issues, and election cycles, they do not present the same concentrated risks of actual or apparent *quid pro quo* corruption. In fact, the legislature created leadership committees in response to fears of dark money's influence and to ensure transparency in the State's electoral process. *Hr'g on S.B. 221, supra* p. 6, at 3:42:00–3:48:40 ("Transparency is the word of the decade. . . . . The main emphasis of this bill is transparency," and "[this bill will] make sure that every expenditure is disclosed, that every dollar that comes into the campaign . . . is disclosed.") (cleaned up). As such, leadership committees further the public interest and deter actual or apparent corruption by "exposing large contributions and expenditures to the light of publicity." *Buckley*, 424 U.S. at 67. They are not campaign committees that get to play by different rules; they are unique entities designed to serve broader purposes.

CONCLUSION

For the foregoing reasons, the Court should deny SAGA's requested preliminary injunction.

Respectfully submitted this 23rd day of December, 2025.

[*signature on following page*]

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the above has been prepared in Century Schoolbook 13-point font as provided in Local Rule 5.1.

/s/David B. Dove
David B. Dove
Georgia Bar No. 998664

CERTIFICATE OF SERVICE

I hereby certify that on December 23rd, 2025, I caused to be electronically filed a true and correct copy of the above with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to all counsel of record.

This 23rd day of December, 2025.

/s/David B. Dove
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