IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

VOTERS ORGANIZED FOR TRUSTED ELECTION RESULTS IN GEORGIA; DEKALB COUNTY REBUBLICAN PARTY, INC.; CHATHAM COUNTY REPUBLICAN PARTY, INC.; GARLAND FAVORITO; and RICHARD J. ARMSTRONG, Plaintiffs, v. ELECTION ASSISTANCE COMMISSION; UNITED STATES; and BRIANNA SCHLETZ, DONALD L. PALMER, THOMAS HICKS, CHRISTY MCCORMICK, BENJAMIN W. HOVLAND, each in their Official Capacities, Defendants.	CIVIL ACTION NO.: 4:25-cv-316

O R D E R

Plaintiffs Voters Organized for Trusted Election Results in Georgia, DeKalb County Republican Party, Inc., Chatham County Republican Party, Inc., Garland Favorito, and Richard J. Armstrong sued the Election Assistance Commission ("EAC"), the EAC's Executive Directors and Commissioners, and the United States, seeking declaratory and injunctive relief. (Doc. 1.) Plaintiff's Complaint asserted two counts, both alleging that Defendants violated the Administrative Procedure Act, 5 U.S.C. § 551, *et. seq.*, ("APA") when certifying Suite 5.5-A—a paper-based optical scan voting system—on January 30, 2019. (Id. at pp. 38–41.) After a litany of pleadings by Plaintiffs and Defendants, the Court dismissed Plaintiffs' Complaint because they lacked standing to bring these claims and, as such, the Court lacked jurisdiction to hear their claims under Article III of the United States Constitution. (Doc. 53.) Plaintiffs have now filed a Motion

to Alter Judgment, Lift Stay, and for Leave to Amend Complaint. (Doc. 56.) For the reasons explained in its prior Order and below, the Court **DENIES** Plaintiffs' Motion, and this case remains closed.[1]

I. Plaintiffs' Motion to Alter Judgment

Plaintiffs cite Federal Rules of Civil Procedure 59(e) and 60(b) in support of their request for the Court to revisit its dismissal Order. The Eleventh Circuit Court of Appeals has stated that a motion for reconsideration falls within the purview of either rule. Region 8 Forest Serv. Timber Purchasers Council v. Alcock, 993 F.2d 800, 806 n.5 (11th Cir. 1993). Under Rule 59(e), "the only grounds for granting a [plaintiff's] motion are newly-discovered evidence or manifest errors of law or fact." Jacobs v. Tempur-Pedic Int'l, Inc., 626 F.3d 1327, 1344 (11th Cir. 2010). Rule 60(b), on the other hand, enumerates a limited set of circumstances in which a party may seek relief from a final judgment, order, or proceeding: (1) mistake or neglect; (2) newly discovered evidence; (3) fraud; (4) the judgment is void; or (5) the judgment has been satisfied. Fed. R. Civ. P. 60(b)(1–5). The rule also contains a "catchall" provision which authorizes relief based on "any other reason that justifies [it]." Fed. R. Civ. P. 60(b)(6). Yet relief under Rule 60(b)(6) is an "extraordinary remedy which may be invoked only upon a showing of exceptional circumstances," and a party seeking relief must show that absent such relief, extreme and unexpected hardship will

[1] The Court analyzed the facts and law surrounding Plaintiffs' claims extensively in its prior Order. (Doc. 53.) Many arguments raised in Plaintiffs' current Motion are thwarted by that analysis. The Court need not restate that discussion and will only address as necessary the arguments raised by Plaintiffs' recent Motion. Also, after filing their Motion to Alter Judgment, Plaintiffs filed a Notice of Interlocutory Appeal. (Doc. 60.) This did not divest this Court of jurisdiction to consider and deny Plaintiffs' Motion to Amend the Judgment. See Mahone v. Ray, 326 F.3d 1176, 1180 (11th Cir. 2003); Lairsey v. Advance Abrasives Co., 542 F.2d 928, 930 (5th Cir. 1976) ("this circuit, along with other circuits and the commentators, has expressly recognized power in the district court to consider on the merits, and deny, a 60(b) motion filed after a notice of appeal, because the court's action is in furtherance of the appeal").

result. Griffin v. Swim-Tech Corp., 722 F.2d 677, 680 (11th Cir. 1984) (citation omitted). Finally, no matter which rule applies, motions for reconsideration cannot be used to relitigate issues which have already been found lacking. Wilchombe v. TeeVee Toons, Inc., 555 F.3d 949, 957 (11th Cir. 2009).

Plaintiffs are not entitled to relief under Rule 59 or Rule 60. They have not shown that the Court's dismissal of their Complaint hinges on any mistake, neglect, or manifest error of law or fact, or that any exceptional circumstances entitle them to relief from dismissal. Nor have Plaintiffs established that they will suffer "extreme hardship" should their request be denied. See, e.g., Griffin, 722 F.2d at 680. Plaintiffs primarily take issue with the Court's rejection of arguments that they already raised. Motions for reconsideration are not an avenue to present the Court with arguments already heard and dismissed, to repackage familiar arguments, or to show the Court how it "could have done it better" the first time. Pres. Endangered Areas of Cobb's Hist., Inc. v. United States Army Corps of Eng'rs., 916 F. Supp. 1557, 1560 (N.D. Ga. 1995). Motions for reconsideration are also not a "vehicle to present new arguments or evidence that should have been raised earlier." Brogdon ex rel. Cline v. Nat'l Healthcare Corp., 103 F. Supp. 2d 1322, 1338 (N.D. Ga. 2000). In contradiction to this restriction, Plaintiffs offer arguments that they could have raised before the Court dismissed their Complaint but failed to raise. In any event, as explained below, Plaintiffs have not shown that the Court erred in its prior Order much less that the Order contained such clear error to warrant the extraordinary remedy of altering the Court's Judgment.

A. The Court Did Not Err by Dismissing Plaintiffs' Complaint for Lack of Standing without *Sua Sponte* Giving Plaintiffs Leave to Amend.

Plaintiffs contend that the Court abused its discretion by dismissing their Complaint without first granting them leave to amend. (Doc. 56, pp. 16–17.) Plaintiffs acknowledge that

they did not request to amend their Complaint, but they argue the Court was required to grant them leave *sua sponte*. (Id.) This is incorrect. The authority Plaintiffs cite in support of this argument, Surtain v. Hamlin Terrace Found., 789 F.3d 1239, 1248 (11th Cir. 2015), pertains to dismissals for failure to state a claim, not jurisdictional defects like standing. As another judge of this Court has explained, "the Court has not found authority requiring a district court to *sua sponte* give a [] plaintiff an opportunity to amend her complaint where subject matter jurisdiction is lacking." Thomas v. Myers, No. 2:22-CV-147, 2023 WL 3819186, at *5 (S.D. Ga. June 5, 2023). Indeed, some courts have held that a court cannot grant leave to amend a complaint when the complaint fails to establish jurisdiction. See, e.g., Twin City Fire Ins. Co. v. United States, No. 8:15-CV-1694-T-33AEP, 2015 WL 6438410, at *3 (M.D. Fla. Oct. 21, 2015) ("[T]he Court determines it lacks subject-matter jurisdiction over the instant action. It would therefore be inappropriate for this Court to rule on the Motion for Leave to Amend after having determined subject-matter jurisdiction is lacking."); see also Ex parte McCardle, 74 U.S. 506, 514 (1868) ("Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause."). Even if the Court could have granted Plaintiffs leave to amend their Complaint, it was not required to *sua sponte* invite Plaintiffs to file a new Complaint. This is all the more true here, given that Plaintiffs understood standing was disputed and the Court considered their extensive pleading on the issue. (See doc. 53, p. 6 n.4 ("The Court examines the full record to be certain that it has afforded Plaintiffs every opportunity to establish standing.").

In their Motion to Alter Judgment, Plaintiffs imply that they could not have expected that the Court would inquire into standing. This is not the case. It is black letter law that "standing is a threshold question that must be explored at the outset of any case." Corbett v. Transp. Sec.

Admin., 930 F.3d 1225, 1232 (11th Cir. 2019). "[E]very court has an independent duty to review standing as a basis for jurisdiction at any time, for every case it adjudicates." Fla. Ass'n of Med. Equip. Dealers, Med-Health Care v. Apfel, 194 F.3d 1227, 1230 (11th Cir. 1999) (citing FW/PBS, Inc. v. Dallas, 493 U.S. 215, 230–31 (1990).) "It is axiomatic in our legal system, however, that standing concerns must be brought out by a court at any time during a proceeding, for without proper standing there would exist no case or controversy for a court to decide." Allstate Ins. Co. v. Adkins, 932 F.2d 963 (4th Cir. 1991). Given the legions of authority on this issue, every federal practitioner must know that every federal court will (or at least should) inquire into whether a plaintiff has established subject matter jurisdiction, including standing, at the outset of every federal case.

Plaintiffs also suggest that they thought the Court would address their request for injunctive relief before addressing standing. (Doc. 56, p. 3 ("Plaintiffs reasonably understood the status conference to concern the motion then pending before the Court, not the entire case . . . .").) But Plaintiffs' counsel should have known that the Court could not address their claim for injunctive relief without first satisfying itself that Plaintiffs had standing. See AT&T Mobility, LLC v. Nat'l Ass'n for Stock Car Auto Racing, Inc., 494 F.3d 1356, 1360 (11th Cir. 2007) (overturning grant of preliminary injunction and remanding case for dismissal based on lack of standing and noting that, "[i]n fact, we are obliged to consider standing *sua sponte* even if the parties have not raised the issue"). Nor should it surprise Plaintiffs that the Court would dismiss Plaintiffs' Complaint upon a finding that they did not have standing. Federal Rule of Civil Procedure 12(h)(3) mandates that "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." See also Steel Co. v. Citizens For A Better Env't, 523 U.S. 83, 94–95 (1998) ("The requirement that jurisdiction be established as a threshold matter 'spring[s] from the nature

and limits of the judicial power of the United States' and is 'inflexible and without exception.'") (quoting Mansfield, C. & L.M. Ry. Co. v. Swan, 111 U.S. 379, 382 (1884)).

Plaintiffs should have also known that they had the burden to specifically establish standing in their Complaint. "It is by now axiomatic that standing requires the plaintiff to demonstrate injury in fact, causation, and redressability." Elend v. Basham, 471 F.3d 1199, 1205 (11th Cir. 2006).

Not only *should* Plaintiffs have known of their burden to demonstrate standing, but the record also shows that they *knew* of that burden. They also knew Defendants contested whether they met that burden. Plaintiffs devoted sixteen pages of their Complaint—filled with legal citations—to arguing that they had standing. (Doc. 1, pp. 5–20.) Then, Plaintiffs devoted eleven pages of their Corrected Motion for and Memorandum in Support of Interim and Merits Relief to standing allegations and arguments. (Doc. 29, pp. 5–8, 10–16.) Defendants' primary argument in opposition to that Motion was that Plaintiffs lacked standing. (Doc. 35, pp. 15–27.) In Reply, Plaintiffs briefed the issue of standing over another thirteen pages. (Doc. 38, pp. 2–14.) Plaintiffs also filed a Motion for Judicial Notice in Support of Motion for Interim and Merits Relief to buttress their standing arguments. (Doc. 39.) The Court granted that Motion and considered the materials attached to it in its prior Order. (Doc. 53, p. 2 n.1.)

When the Court held a status conference with the parties on March 25, 2026, it asked whether the parties wanted to have a hearing where they could call witnesses to be heard on "**standing** or other jurisdictional issues." (Doc. 55, p. 6 (emphasis supplied).) Plaintiffs' counsel responded that "**what's disputed are issues relating to standing** and maybe the preliminary injunction factors." (Id. at p. 6 (emphasis supplied).) Plaintiffs' counsel then explained that they would like to supplement the record with declarations or testimony from members of the county

political parties. (Id. at pp. 6–7.) Plaintiffs' counsel continued, "the standing arguments tend to be a little convoluted. We've made a number of—we've advanced a number of theories for standing. We think we've explained them as well as we can in writing." (Id. at p. 7.) At other portions of the conference, the parties acknowledged that standing was a disputed threshold issue that had been fully briefed. (See, e.g., id. at pp. 11 (Plaintiffs' counsel: "The defendants', as I recall, only objection to advancing the merits was that the plaintiffs don't have standing, which is part of the—you need standing to get a preliminary injunction. You need standing to get merits relief."), 12 (Defendants' counsel: "As plaintiffs' counsel identified, we think there is a threshold standing and jurisdictional issue . . . .").)

Following the status conference, Plaintiffs filed an Emergency Motion for Leave to File Supplemental Declarations through which they sought to support their standing arguments with declarations from the chairs of the DeKalb County and Chatham County Republican parties. (Doc. 47.) The Court granted that Motion and considered these declarations in its prior Order. (See doc. 48; doc. 53, pp. 16–19.)

Given this record, Plaintiffs cannot argue that the Court dismissed their Complaint without giving them sufficient opportunity to establish standing. Plaintiffs were aware of their well-established obligation to demonstrate standing and of this Court's responsibility to assess whether they met that burden. The Court gave Plaintiffs every opportunity to meet their burden, and they tried to do so through dozens of pages of legal argument and over a thousand pages of exhibits. Plaintiffs' inability to demonstrate standing results from the well-established record before the Court and not from the lack of an opportunity to make that record.

B. The Court Did Not Err by Dismissing Plaintiffs' Complaint Without *Sua Sponte* Considering Claims They Had Not Brought and Relief They Had Not Requested.

In many respects, two of which the Court discusses below, Plaintiffs' Motion to Alter the Judgment hinges on claims that they did not bring and relief they did not request before dismissal. (See generally doc. 56.) To that end, they point to their newly-proposed First Amended Complaint throughout their brief. (Id.) Plaintiffs argue that the Court should have divined that they would assert the claims that they now attempt to make in that proposed pleading. But as the Eleventh Circuit explained over twenty years ago,

> It is not enough that the plaintiff's complaint sets forth facts from which we could *imagine* an injury sufficient to satisfy Article III's standing requirements, since we should not speculate concerning the existence of standing, nor should we imagine or piece together an injury sufficient to give plaintiff standing when it has demonstrated none. The plaintiff has the burden to clearly and specifically set forth facts sufficient to satisfy [Article] III standing requirements. If the plaintiff fails to meet its burden, this court lacks the power to create jurisdiction by embellishing a deficient allegation of injury.

Bochese v. Town of Ponce Inlet, 405 F.3d 964, 976–77 (11th Cir. 2005) (cleaned up) (emphasis in original) (quoting Miccosukee Tribe of Indians of Fla. v. Fla. State Athletic Comm'n, 226 F.3d 1226, 1229–30 (11th Cir. 2000)). And as the United States Supreme Court stated over fifty years ago, "[i]t is the responsibility of the complainant clearly to allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute and the exercise of the court's remedial powers." Warth v. Seldin, 422 U.S. 490, 518 (1975).

(1) The Court Did Not Err by Not Considering *Sua Sponte* Whether Plaintiffs Could Recover Nominal Damages.

Plaintiffs argue that, had the Court not dismissed their Complaint, they planned to move for partial summary judgment seeking nominal damages after the May 19, 2026, election, and that, once Defendants moved to dismiss their Complaint, they would have amended the Complaint to

add a demand for nominal damages.[2] (Doc. 56, pp. 2–4.) Plaintiffs argue that if they suffered procedural injuries, they could redress those injuries through an award of nominal damages. This argument is flawed for many reasons.

For one, as Defendants point out, Plaintiffs cannot recover nominal damages under the APA. (See doc. 59, pp. 13–15.) The only Counts asserted in Plaintiffs' Complaint are under the APA, and under that act, "nominal damages are unavailable because the APA only waives the government's sovereign immunity for claims 'seeking relief other than money damages.'" Gjoci v. United States Dep't of State, 171 F.4th 430, 435 (D.C. Cir. 2026) (quoting 5 U.S.C. § 702); see also Jibril v. Mayorkas, 101 F.4th 857, 870 (D.C. Cir. 2024) (affirming denial of leave to amend complaint to add a claim for nominal damages because the APA does not authorize money damages).

Nor did Plaintiffs seek nominal damages in their Complaint. To be sure, as Plaintiffs point out, their Complaint mentioned nominal damages in the context of mootness. (Doc. 1, pp. 5–6.) But they titled the pleading "Complaint for Declaratory and Injunctive Relief," and they did not include nominal damages in their Prayer for Relief or otherwise indicate that they sought such damages. (Doc. 1, pp. 1, 41–42.) In their extensive briefs on standing, Plaintiffs never mentioned

[2] Plaintiffs make some strange statements about their planned strategy. It is odd for Plaintiffs to have planned to seek summary judgment on nominal damages, which they admit in the very same sentence that they would have needed to amend their Complaint to seek. Additionally, the fact that Plaintiffs planned to wait until after the May 19, 2026, election to seek nominal damages implies that they would not have been entitled to such damages until after that election. But as Plaintiffs conceded in a prior pleading, they cannot establish standing based on events that occur and rights that accrue after they filed the Complaint. (Doc. 47, p. 2 ("[T]he Eleventh Circuit has been clear that '[a plaintiff] must possess the [asserted] right on the day it filed the complaint,' . . . and that '[t]his requirement cannot be met retroactively.'" (quoting MSP Recovery Claims, Series LLC v. QBE Holdings, Inc., 965 F.3d 1210, 1219 (11th Cir. 2020) (alterations in the original).) Also vexing is Plaintiffs' statement that they planned to wait until after Defendants moved to dismiss to shore up the allegations in their Complaint. Particularly as to the threshold issue of jurisdiction, Plaintiffs should have met their pleading burden at the outset of the case.

nominal damages. (See doc. 29, pp. 5–8, 10–16; doc. 38, pp. 2–14.) By seeking leave to amend their Complaint to add a claim for nominal damages, Plaintiffs acknowledge that they did not clearly request nominal damages in their Complaint. While Plaintiffs now claim that they "signaled that nominal damages should be available," (doc. 56, p. 5), "[j]udges are not like pigs, hunting for truffles buried in [pleadings]," United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991). Likewise, judges "are not archaeologists. They need not excavate masses of papers in search of revealing tidbits—not only because the rules of procedure place the burden on the litigants, but also because their time is scarce." Nw. Nat'l Ins. Co. v. Baltes, 15 F.3d 660, 662–63 (7th Cir. 1994). If Plaintiffs sought nominal damages, they should have said so and not hoped the Court would imagine such damages for them.

Finally, even if the APA allowed for nominal damages and even if Plaintiffs had requested nominal damages, that would not change the Court's decision. Plaintiffs admit that "the availability of nominal damages to redress procedural injuries would only matter if plaintiffs adequately pleaded procedural injuries . . . ." (Doc. 56, p. 16.) As the Court explained at length in its prior Order, they did not. (See doc. 53, pp. 21–24.)

(2) The Court Did Not Err by Only Addressing the Putative Procedural Injuries that Plaintiffs Plead.

When addressing whether Plaintiffs could establish injury in fact, causation, and redressability as to procedural standing, the Court noted that Plaintiffs had presented scant and unclear allegations and arguments. (Id. at pp. 22–23.) The Court first explained that "Plaintiffs' procedural standing arguments appear to grow out of the EAC's November 18, 2025, response to Plaintiffs' administrative petition." (Id. at p. 23.) The Court then laid out that Plaintiffs had not explained what procedural right the EAC had deprived them of, much less how that deprivation affected their concrete interest. (Id.) Then the Court explained that, even if Plaintiffs had properly

pleaded a violation of a procedural right, the only relief they requested in the Complaint would not address that violation. (Id. at p. 24.) This is because their procedural injuries grew out of their 2025 administrative petition, and their requested relief—that the Court vacate the EAC's certification of Suite 5.5-A—did not pertain to that petition. (Id.)

Plaintiffs argue that the Court improperly "[f]ocus[ed] on plaintiffs' efforts to reach the underlying EAC certification—as distinct from reaching defendants' denial of plaintiffs' administrative petition to vacate the underlying EAC certification . . . ." (Doc. 56, p. 14.) Plaintiffs then explain what relief the Court could afford once it overturned the denial of their administrative petition. (Id. at pp. 14–15.) As Defendants point out, the problem for Plaintiffs is that the Prayer for Relief in their Complaint never requested that the Court afford them the relief that they now propose in their Motion to Alter Judgment. (Doc. 59, p. 13 ("In this analysis, Plaintiffs appear to fault the Court for '[f]ocusing' . . . on the relief which Plaintiffs sought in their Complaint. But Plaintiffs never cite any relevant authority for their contention that the Court should have, in this analysis of redressability, looked beyond the 'Prayer for Relief' in their own Complaint.").) Indeed, Plaintiffs' Prayer for Relief did not ask the Court to reach the denial of their administrative petition. (Doc. 1, pp. 41–42.) This likely explains why Plaintiffs primarily cite their proposed First Amended Complaint, rather than their Complaint, in support of this argument. (See doc. 56, pp. 14–15.)

Perhaps sensing this flaw, Plaintiffs argue, "the Court is not bound by a complaint's specific pleading to consider only the ultimate relief plaintiff seeks." (Id. at p. 15.) "Plaintiffs' counsel appears to have forgotten that the plaintiff is the master of his or her complaint." Dahdouh v. Rd. Runner Moving & Storage, Inc., No. 20-CV-61936-RAR, 2021 WL 1022772, at *1 (S.D. Fla. Mar. 17, 2021) (internal quotations omitted) (citing Franklin v. QHG of 1269 Gadsden, Inc.,

127 F.3d 1024, 1027–28 (11th Cir. 1997) (in drafting a complaint, "[t]he plaintiff is the 'master of the claim'" he chooses to plead)); see also Fed. Ins. Co. v. Cnty. of Westchester, 921 F. Supp. 1136, 1139 (S.D.N.Y. 1996) ("[T]he Court does not serve as counsel's law clerk."). The Court could not "embellish" Plaintiffs' deficient allegations and "imagine" procedural injuries that could have established standing. Bochese, 405 F.3d at 976–77.

C. The Court Did Not Ignore Plaintiffs' Vote Nullification Allegations.

Plaintiffs argue that the Court ignored the fact that they "premised their voter-injury claim not on vote dilution but rather on vote nullification." (Doc. 56, p. 9.) Contrary to this assertion, in their Complaint, Plaintiffs repeatedly premised their voter-injury claim on vote dilution. (Doc. 1, pp. 8 (citing case law on vote dilution), 10 (asserting voters "lose an assurance that their votes will be counted accurately without manipulation or **dilution**" and that "DVS Democracy Suite 5.5-A **dilutes** votes, nullifies the right to vote, and violates Due Process") (emphases supplied).) Plaintiffs also claimed vote dilution in their Motion for Interim and Mertis Relief. (See, e.g., doc. 12, p. 12 ("[V]oters suffer injury when election-law violations deny them of an accurate vote count or allow unlawful votes to **dilute** their lawful votes.") (emphasis supplied).) The Court appropriately addressed these allegations when assessing whether Plaintiffs could establish standing to protect voting rights. (Doc. 53, pp. 8–11.) In any event, from the start of the Court's analysis, the Court acknowledged that Plaintiffs claimed that Suite 5.5-A results in the alteration of votes, dilution of votes, and nullification of the right to vote. (Id. at p. 8.) The Court's subsequent analysis of whether Plaintiffs' claims could establish injury in fact applies with equal force to all these allegations. Plaintiffs' attempts to argue otherwise are unavailing. Moreover, even if the Court had erred in its injury in fact analysis on this claim, that error would be harmless.

As the Court explained at length and reaffirms below, Plaintiffs have still failed to demonstrate redressability.

D. The Court Did Not Err in its Redressability Analysis.

Perhaps the most fatal flaw in Plaintiffs' Complaint is that even if they could establish an injury in fact, they cannot obtain redress for that injury through this lawsuit. The Court explained this critical point at length in its prior Order. (Doc. 53, pp. 11–15, 21, 24, 25–26, 28–29, 31.) One of the key points of that explanation is that Plaintiffs' putative injuries flow, not from the continued EAC certification of Suite 5.5-A, but from the continued use of Suite 5.5-A in Georgia's elections. The Court first explained this point when assessing redressability as to Plaintiffs' putative voting rights injuries. (See id. at pp. 11–15.) The Court explained that for Plaintiff to obtain redress for those injuries "Georgia would have to stop using Suite 5.5-A in its elections. But given that neither the State of Georgia nor the Georgia Secretary of State is a party to this lawsuit, Plaintiffs cannot and have not requested that relief." (Id. at p. 11.) The Court then explained that not only was the Court unable to redress Plaintiffs' alleged injuries directly in this way, but it could also not redress them indirectly through vacatur of the EAC's certification of Suite 5.5-A. (Id. at pp. 11–15.) The Court made clear that even if it vacated the certification, Suite 5.5-A could still be used in Georgia's elections. (Id.) The Court referred to this analysis when ruling that Plaintiffs failed to show redressability as to organizational and associational standing, (id. at p. 21), and pocketbook standing, (id. at pp. 28–29). Plaintiffs make various arguments in their Motion to Alter Judgment attacking this analysis. These arguments are all unavailing.

(1) The Court Did Not Err in Citing the Fulton County Litigation.

In its redressability analysis, the Court cited a decision from the Fulton County, Georgia Superior Court (the "Fulton County Litigation"). (Id. at p. 12 (citing DeKalb Cnty. Republican

Party v. Raffensperger, No. 24-CV-011028, 2024 WL 4605153, at *3 (Ga. Super. Ct. Oct. 4, 2024)).) The Court detailed the litigation leading up to and following that decision in the Background Section of its Order. (Id. at p. 3.) The Court recounted that "[t]he Fulton County Superior Court dismissed DeKalb GOP's application, finding that Georgia law only imposed a one-time requirement for Georgia's election systems to be certified by the EAC (specifically, they must meet certification requirements 'prior to purchase'); once a system was certified, there was no 'continuing duty' under Georgia law of ensuring the system's 'ongoing compliance' with the certification requirements." (Id. (citing DeKalb Cnty. Republican Party, 2024 WL 4605153, at *3–4).) In the Discussion section, the Court more specifically explained that the Fulton County Superior Court had found that the "'plain language'" of O.C.G.A. § 21-2-300(a) only required that Suite 5.5-A be certified by the EAC at the time it was purchased for use in the state's elections. (Id. at p. 12 (quoting DeKalb Cnty. Republican Party, 2024 WL 4605153, at *3).) The Court was careful to note that "[t]he Georgia Court of Appeals did not address whether O.C.G.A. § 21-2-300 imposed an ongoing duty on the Secretary of State because the court determined that the DeKalb GOP did not have standing to seek mandamus relief." (Id. at p. 12 n.7 (citing DeKalb Cnty. Republican Party, Inc. v. Raffensperger, 921 S.E.2d 23, 33 n.17 (Ga. App. Ct. 2025)).)

Plaintiffs argue that the Court improperly relied on the Fulton County Superior Court's decision in the Fulton County Litigation. (Doc. 56, pp. 11–13.) First, they contend that because the Georgia Court of Appeals dismissed the Dekalb GOP's claim for lack of standing, the Superior Court's decision has no precedential effect. (Id. at p. 12.) Second, they claim that the decision would not be given any preclusive effect under Georgia law. (Id. at p. 12–13.)

Plaintiffs overstate the importance of the Fulton County Superior Court's decision to the Court's Order. The Court did not give the decision any preclusive or precedential effect. Rather,

as the Court does with any persuasive authority, it cited the Superior Court's well-reasoned analysis in support of the Court's independent decision. The Court also did not misapprehend the history of the Fulton County Litigation. Rather, the Court detailed the case's procedural history and specifically noted that the Georgia Court of Appeals did not address whether O.C.G.A. § 21-2-300 imposed an ongoing duty. (See doc. 53, p. 12 n.7.) The Court did state that the Fulton County Litigation "described how the Secretary of State and Georgia courts interpret" O.C.G.A. § 21-2-300(a). (Id. at p. 12.) While not binding on this Court or any Georgia state court, the way the Fulton County Superior Court interpreted O.C.G.A. § 21-2-300(a) is telling. That ruling reveals that, even if this Court decertified Suite 5.5-A, that decertification would not automatically lead to Suite 5.5-A no longer being used in Georgia elections. To be sure, some other Georgia court might interpret the plain language of O.C.G.A. § 21-2-300(a) differently than the Fulton County Superior Court (and differently than this Court). But the history of the Fulton County Ligation and the plain language of the statute show that such a result would be at best a remote possibility. As the Court explained in its prior Order, "Plaintiffs cannot establish standing by showing that a judgment in their favor would have a 'possible, indirect benefit in a future lawsuit.'" (Id. at p. 14 (quoting United States v. Juv. Male, 564 U.S. 932, 937 (2011)).)

All the same, try as they might, Plaintiffs cannot escape the plain language of O.C.G.A. § 21-2-300(a). As the Court has already explained, putting the Fulton County Litigation aside, that statute would not require the Georgia Secretary of State, or anyone else, to cease using Suite 5.5-A in Georgia's elections even if this Court vacated the EAC's certification. (See id. at pp. 11–13.)

(2) The Court Did Not Err in its Analysis of O.C.G.A. § 21-2-324(a).

In its prior Order, the Court also analyzed whether the Georgia Secretary of State would have to revisit the use of Suite 5.5-A under another statute, O.C.G.A. § 21-2-324(a). (Id. at p. 13.)

Plaintiffs' primary point about O.C.G.A. § 21-2-324(a) remains that it was not addressed in the Fulton County Litigation. (See doc. 56, pp. 12–13.) The Court knows this. The Court acknowledged this in its prior Order. The Court specifically stated, "Plaintiffs point out that the Superior Court did not address O.C.G.A. § 21-2-324(a) in the Fulton County Litigation." (Doc. 53 at p. 13.) Then, without any citation to the Fulton County Litigation, the Court explained that "the plain language of this statute does not impose an ongoing duty on the Secretary of State related to the certification of voting machines; it only provides the Secretary with 'discretion' to reexamine his determinations." (Id.) Plaintiffs attack this holding by contending that "the Court ignores that Georgia mandamus applies to abuses of discretion." (Doc. 56, p. 13.) Not so. The Court discussed Plaintiffs' mandamus arguments and rejected them. (Doc. 53, pp. 14–15.) Among other points, the Court cited Supreme Court authority when explaining that standing cannot be based on the possibility that the Court's decision may have some benefit in a future lawsuit or because the decision might persuade actors who are not before the Court to follow it. (Id. (citing Haaland v. Brackeen, 599 U.S. 255, 294 (2023); United States v. Juv. Male, 564 U.S. at 937).) Plaintiffs have not acknowledged that authority or the Court's discussion much less given the Court any pause to reconsider its analysis.

(3) The Court Did Not Err when Referring to Plaintiffs' Own Statements.

Plaintiffs claim that "the Court conflated the State of Georgia with its Secretary of State." (Doc. 56, p. 13.) As Defendants point out, "[t]his argument is unclear from the outset." (Doc. 59, p. 12.) The best the Court can tell, Plaintiffs take issue with the Court's quotation of Plaintiffs' own statement that "'Georgia would be free to determine for itself how to proceed if the EAC certification on which it relied was deficient.'" (Doc. 53, p. 14 (quoting doc. 29, p. 18).) Plaintiffs now seemingly argue that the Court should not have used this statement against them because they

only meant that the State of Georgia could pass a new law to allow use of Suite 5.5-A if the Court vacated the EAC certification. (Doc. 56, p. 13.) Plaintiffs did not make this explanation in their prior pleadings, and it is curious for them to offer it now. At any rate, the Court did not "conflate" the State of Georgia with the Georgia Secretary of State in its Order. The Court discussed the statutory obligations of the Secretary of State at length and explained why those obligations would not require the Secretary of State to cease using Suite 5.5-A if the Court vacated the EAC certification. (Doc. 53, pp. 2 n.2, 11–15.) The quotation of Plaintiffs' argument that they now object to was a mere parenthetical in that analysis and was not crucial to it. Nor was it the most damning of Plaintiffs' own statements. As the Court pointed out, in their declarations, Plaintiffs asserted what they "hoped" the Georgia Secretary of State would do if Court found Suite 5.5-A does not meet the EAC's standards. (Id. at p. 14.) As the Court explained, it "cannot exercise its limited jurisdiction based on Plaintiffs' 'hope' as to what the third-party Secretary of State would do if the Court vacated the EAC's certification of Suite 5.5-A." (Id.)

Even putting Plaintiffs' own statements to the side, the Court provided a host of other reasons why vacatur of the EAC's certification would not obligate the Georgia Secretary of State to revisit the use of Suite 5.5-A in Georgia's elections. (Id. at pp. 11–15.) The most that Plaintiffs can do is speculate that a decision of this Court might possibly assist them in obtaining a favorable decision from the Georgia Secretary of State or from a Georgia court in a lawsuit against the Secretary of State. But, to establish standing, "it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992) (internal quotations omitted).

II. Plaintiffs' Motion for Leave to File Amended Complaint

Plaintiffs ask the Court to grant them leave to file their First Amended Complaint under Federal Rule of Civil Procedure 15(a)(2). (Doc. 56, p. 6.) They argue that, under that rule, "even if the Court correctly held that standing based on the claims in plaintiffs' [Complaint] and declarations failed to establish an Article III case or controversy, the Court should reopen the case and allow it to proceed under plaintiffs' accompanying [First Amended Complaint]." (Id. at p. 17.) This request is precluded by binding precedent which Plaintiffs do not cite, much less distinguish. As the Eleventh Circuit held long ago, Rule 15(a) "has no application once the district court has dismissed the complaint and entered final judgment for the defendant." U.S. ex rel. Atkins v. McInteer, 470 F.3d 1350, 1361 n.22 (11th Cir. 2006) (citing Czeremcha v. Int'l Ass'n of Machinists & Aerospace Workers, AFL-CIO, 724 F.2d 1552, 1556 (11th Cir. 1984)); see also Jacobs, 626 F.3d at 1344 ("The problem with [plaintiff's] arguments is that Rule 15(a), by its plain language, governs amendment of pleadings *before* judgment is entered; it has no application *after* judgment is entered."). The Court entered judgment dismissing this case on May 12, 2026, (doc. 54), and Plaintiffs moved to amend on June 9, 2026, (doc. 56). Thus, Rule 15(a) provides no avenue for the relief Plaintiffs seek.[3]

Next, Plaintiffs argue that if the Court does not grant them relief under Rule 15(a), the Court should allow them to amend the Complaint under Rule 15(b)(2). (Id. at p. 17.) This subdivision of Rule 15 allows post-judgment amendments to conform pleadings when "an issue

[3] It is unclear whether Plaintiffs seek to amend under Rule 15(d). They cite the rule in the Standards of Review section of their Motion, (doc. 56, p. 7), but they do not cite it or allude to it in their Argument section. All the same, even if Plaintiffs requested leave to amend under Rule 15(d), the Court rejects that request. That subsection, like Rule 15(a), has no application once the Court has entered judgment. See Cowen v. Raffensperger, No. 1:17-CV-04660-LMM, 2024 WL 6906093, at *2 (N.D. Ga. Aug. 26, 2024) (denying Plaintiffs' post-judgment Rule 15(d) motion to supplement as moot "because Plaintiffs' case was dismissed . . . leaving Plaintiffs without a pending complaint to supplement").

not raised by the pleadings is tried by the parties' express or implied consent." Fed. R. Civ. P. 15(b)(2). Plaintiffs do acknowledge the Eleventh Circuit authority that precludes this request. (Doc. 56, p. 17 (citing Blue Cross & Blue Shield v. Weitz, 913 F.2d 1544, 1550 (11th Cir. 1990)).) As the Eleventh Circuit explained in Weitz, "[Rule] 15(b) is inapposite where, as here, there was no trial . . . ." 913 F.2d at 1550; see also Greer v. Ivey, 767 F. App'x 706, 713 (11th Cir. 2019) (Rule 15(b) "argument is a non-starter for the simple reason that this case has not yet been tried").

Even if Rule 15 or some other authority not cited by Plaintiffs permitted the Court to reopen the case and allow Plaintiffs to proceed on their First Amended Complaint, the Court would not do so. Allowing Plaintiffs to supplement their Complaint after judgment has been entered would frustrate judicial efficiency, cut against the finality of the Court's judgments, and prejudice Defendants. As laid out above, Plaintiffs had ample opportunity to state their claims and establish standing. The parties engaged in significant briefing based on the allegations in the Complaint, and the Court engaged in significant analysis of those allegations. If Plaintiffs wanted to amend their Complaint, they should have sought leave in the months between the filing of their Complaint and the Court's dismissal. Moreover, allowing Plaintiffs to amend their Complaint would be futile. As Defendants explain, Plaintiffs' proposed amendment still fails to establish standing. (See doc. 59, pp. 18–21.)

CONCLUSION

For the above-stated reasons, the Court **DENIES** Plaintiffs' Motion to Alter Judgment, **DENIES** Plaintiffs' Motion for Leave to File Amended Complaint, and **DENIES AS MOOT** Plaintiffs' Motion to Lift Stay. (Doc. 56.) This case remains **CLOSED**.

SO ORDERED, this 16th day of July, 2026.

R. STAN BAKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA