

Wiley Wins Preliminary Injunction for Perdue Campaign in Challenge to Georgia Campaign Finance Law

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Washington, DC – Wiley, a preeminent Washington, DC law firm, secured a victory on behalf of former U.S. Senator David Perdue and his gubernatorial campaign committee in an important First Amendment challenge to Georgia’s new campaign finance law.

A federal district court in Atlanta granted in part a preliminary injunction against the Georgians First Leadership Committee, which was formed under the new law by Governor Brian Kemp. Georgia Senate Bill 221, which Kemp signed into law last year, allows Georgians First to raise unlimited campaign funds that can be used to support Kemp’s reelection campaign.

Perdue is running against Kemp for the gubernatorial nomination in Georgia’s upcoming Republican primary – but S.B. 221 does not allow Perdue or his campaign to engage in unlimited fundraising during the primary. In seeking the preliminary injunction on Perdue’s behalf, Wiley argued that the new law violates Perdue’s constitutional rights by denying him the opportunity to raise and spend campaign funds to engage in campaign speech on equal footing with Kemp, the incumbent governor.

In a February 7 order granting part of the preliminary injunction, U.S. District Judge Mark H. Cohen said Perdue is likely to succeed in his claim that S.B. 221 violates Perdue’s First Amendment rights. Judge Cohen’s order enjoins Georgians First from spending money to help Kemp win the state’s 2022 gubernatorial primary or a primary runoff election.

Related Professionals

Michael E. Toner
Partner
202.719.7545
mtoner@wiley.law

Brandis L. Zehr
Partner
202.719.7210
bzehr@wiley.law

Stephen J. Obermeier
Partner
202.719.7465
sobermeier@wiley.law

Jeremy J. Broggi
Partner
202.719.3747
jbroggi@wiley.law

Krystal B. Swendsboe
Partner
202.719.4197
kswendsboe@wiley.law

Practice Areas

Election Law & First Amendment Litigation
Election Law & Government Ethics
Litigation

Agreeing with arguments advanced by Wiley, Judge Cohen said in his order that S.B. 221 “is antithetical to the First Amendment” as applied to the gubernatorial primary because it “effectively negates the contribution limit upon which all candidates for Governor in the primary election are bound for just one person: Governor Kemp, the incumbent. The new law leaves Perdue subject to a maximum contribution limit of \$7,600 while Governor Kemp can raise unlimited contributions through his leadership committee, Georgians First.”

The Wiley team representing Senator Perdue and his gubernatorial campaign committee includes Election Law & Government Ethics Practice chair Michael E. Toner; partners Brandis L. Zehr, Stephen J. Obermeier, and Jeremy J. Broggi; and associate Krystal B. Swendsboe. Obermeier argued the motion for preliminary injunction before Judge Cohen last week in the U.S. District Court for the Northern District of Georgia.