

## 11th Circ. Denies Lin Wood Rehearing In Elections Challenge

The Eleventh Circuit has rejected a request by pro-Trump attorney L. Lin Wood for the full court to rehear his case against Georgia election officials over voting rules for U.S. Senate runoff elections in the state.

Wood **sought a redo** after a three-judge panel **affirmed** in early August a trial court's ruling that he lacked standing as a voter to bring claims against Georgia Secretary of State Brad Raffensperger and members of the Georgia State Election Board. The Eleventh Circuit said in an order on Thursday that no active judges had requested a poll on the bid for a full-court rehearing and it was therefore denied.

"The petition for rehearing en banc is also treated as a petition for rehearing before the panel and is denied," the court said.

Wood, involved in several election challenges in various states, claimed his vote in the Senate runoff elections in Georgia in early January would have been diluted by unconstitutional changes made to the state's absentee ballot rules. Democratic candidates Raphael Warnock and Jon Ossoff beat the Republican incumbents in the races.

The Eleventh Circuit ruled in August that Wood's case failed from the beginning because he suffered no particularized injury as a Georgia voter and therefore lacked the minimum federal standing requirements under Article III of the U.S. Constitution. The case had been dismissed in the trial court for that reason.

Wood argued in his rehearing bid that the courts had placed a heavier burden on him and others seeking to challenge state election laws than the U.S. Supreme Court had recognized. He claimed the state's voting policies violated his and other voters' rights under the 14th Amendment's due process and equal protection clauses, and failed to guarantee a free and fair election.

Wood had originally tried to put a halt to Georgia's January runoff elections to determine the state's two U.S. senators, claiming Raffensperger had unilaterally changed the rules governing absentee voting, which meant less weight was given to ballots cast in person. That is how Wood planned to vote in the runoffs.

"During the 2020 election year, when mail-in balloting increased nearly seven times over the amount in the last general election, this dilution was particularly severe," Wood said in his petition. "[The] rule change treated the in-person voters different from the mail-in voters by loosening the standards for mail-in voters, as indicated by a sharp fall-off in ballots rejected for lack of signatures, oaths, or a signature mismatch."

Wood challenged the rules allowing mail-in ballots to be verified and opened before polls closed on Election Day as well as the use of drop boxes for voters to place their absentee ballots in. He also objected to the state's use of Dominion voting equipment.

In his rehearing request, Wood pointed to a Georgia law enacted in March, undoing most of the challenged election rules, as confirming the validity of his claims. S.B. 202 revised the rules around absentee voting but kept in use the Dominion machines.

State election officials had argued in their brief to the Eleventh Circuit that the new legislature essentially rendered much of Wood's case as moot. They also held that he had no standing to bring the claims, as the trial court had found.

Wood sought to "piggyback off discredited conspiracy theories" from other election-related cases, the state officials said.

In affirming the dismissal of Wood's case, the Eleventh Circuit said his "textbook generalized grievance" failed to show how his asserted injuries were any different to those shared by all Georgians who voted in person.

The court held that Wood had abandoned his due process and guarantee clause claims on appeal by not raising arguments to support his standing in relation to them. Even if the claims were not abandoned, they failed for lack of standing, the court said.

It cited a separate election suit by Wood, which the court had affirmed the dismissal of in December. That case sought to halt the certification of Georgia's 2020 general election results but was **tossed** by a Georgia trial judge on standing and other grounds. The U.S. Supreme Court subsequently denied Wood's request for review in February.

Wood, counsel for the state election officials and Raffensperger's office did not immediately respond to requests for comment Friday.

Wood is representing himself through his law firm L. Lin Wood PC.

The Georgia election officials are represented by **Carey A. Miller, Josh Belinfante and Melanie L. Johnson of Robbins Ross Alloy Belinfante & Littlefield LLC** and Charlene S. McGowan of the Georgia Attorney General's Office.

The case is L. Lin Wood v. Brad Raffensperger et al., case number 20-14813, in the U.S. Court of Appeals for the Eleventh Circuit.