

Barnes Law Group Withdraws as Counsel for Republicans in Voting Rights Case

Former Democratic Gov. Roy Barnes and partner John Salter have quietly withdrawn from a federal voting rights case where for 15 months they defended Republican Gov. Brian Kemp, then secretary of state, in a fight over whether a judge should force the state to return to paper ballots before the midterm election.

The seemingly odd pairing of former Democratic Gov. Roy Barnes as defense counsel for Georgia's Republican secretary of state is over.

Barnes and John Salter, Barnes' law partner and son-in-law, quietly withdrew their representation Friday from a federal voting rights lawsuit filed against Republican Secretary of State Brian Kemp as he ran for governor.

Their withdrawal ended 15 months of defending Kemp against allegations he allowed the state's electronic elections system to deteriorate so dramatically while secretary of state that returning to paper ballots was needed.

The two lawyers represented Kemp and the state elections board as special assistant attorneys general.

Midway through their representation last June, Barnes endorsed Kemp's Democratic opponent—former state House Minority Leader Stacey Abrams—for governor. During the campaign, Abrams repeatedly criticized Kemp for policies he implemented as secretary of state that Abrams contended were intended to suppress minority and the Democratic voters. Kemp has repeatedly rejected Abrams' claims.

Barnes and Salter withdrew a week after losing their appeal of an order that Judge Amy Totenberg of the U.S. District Court for the Northern District of Georgia handed down in September.

The U.S. Court of Appeals for the Eleventh Circuit on Feb. 7 affirmed Totenberg's finding that the lawsuit is likely to succeed and the secretary of state has no immunity from liability.

Totenberg promised an expedited discovery schedule if her ruling was affirmed by the Eleventh Circuit.

Replacing Barnes and Salter are two veteran Republican elections lawyers—one with longtime ties to Kemp—and both with ties to the state Republican Party. **Vincent Russo**, a partner at Atlanta's **The Robbins Firm**, is deputy general counsel of the Georgia Republican Party. Russo also served as counsel to Kemp's gubernatorial campaign and previously served as counsel for Kemp while secretary of state, and for

Kemp's predecessor, Karen Handel.

Co-counsel Bryan Tyson is a partner at Atlanta's Strickland Brockington Lewis. Tyson's law partner, Anne Lewis, is general counsel of the state GOP.

Before replacing Barnes and Salter, Russo made a previous appearance as counsel in the paper ballot case. He joined with Lewis and her law partner, Frank Strickland, to represent Handel—who had just won a hotly-contested race for the U.S. House of Representatives and was a defendant in the case before Totenberg. Handel was dismissed from the case in September 2017.

On Friday, Salter said that he and Barnes “appreciate the opportunity to serve in this case and are thankful the court allowed time for the Legislature to address this important issue.”

“We know the state will be well served by Vincent and Bryan going forward,” he added.

Newly-minted Republican Secretary of State Brad Raffensperger, who replaces Kemp as a defendant in the case, said Friday that Salter and Barnes “did great work on this case, and I appreciate their service.”

The Georgia General Assembly, now in session, “is currently considering how to best update Georgia's voting machines,” Raffensperger added. “I look forward to working with Vincent and Bryan to resolve this case.”

Russo said he looks forward to resolving the pending suit “as the General Assembly considers the type of new voting machines to be used in future Georgia elections.” Tyson declined to comment, citing his appointment as a special assistant attorney general.

The replacement of Barnes and Salter continues what appears to be a consolidation of counsel by Republican state officials with strong ties to Kemp and the state GOP in multiple pending federal voting rights suits. The suits challenge aspects of Georgia's obsolete electronic voting system as well as policies that Kemp implemented while secretary of state that his gubernatorial opponent branded as forms of voter suppression.

In five of those cases, all pending in federal court in Atlanta, Russo and Tyson are jointly defending the secretary of state and the state election board. They include the paper ballot case before Totenberg and another suit brought by Fair Fight Action, a group that Abrams founded shortly after losing her bid for governor.

In three other pending voting rights suits, Tyson represents members of the Gwinnett County election board. The board was sued along with Kemp in the run-up to the midterms over how and whether absentee ballots were counted. In one of those suits, filed by the state Democratic Party and the Abrams campaign, Russo also appeared as counsel. Russo and law partner **Joshua Belinfante** intervened on behalf of the state GOP in that case, which was dismissed in January after Fair Fight Action sued.

Tyson also is representing Chris Erwin, a North Georgia Republican who has twice won his race for state House District 28 but whose election has been twice voided by a state Superior Court judge.

Russo has teamed up with Belinfante—who once served as chief counsel to Republican Gov. Sonny Perdue—to defend the secretary of state in an ongoing federal public records case over voter registration records, specifically who Kemp’s office stripped off the list in the run-up to the midterm election.