

FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10312

SAFE AFFORDABLE GEORGIA, INC.,

Plaintiff-Appellant,

versus

JAMES D. KREYENBUHL,
RICK THOMPSON,
DAVID BURGE,
STAN WISE,
DANA DIMENT,
CHRISTOPHER M. CARR,
in their official capacities,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:25-cv-06985-ELR

Before WILLIAM PRYOR, Chief Judge, and JORDAN and GRANT, Circuit Judges.

GRANT, Circuit Judge:

Several candidates competed to secure the Republican nomination for Governor during Georgia’s 2026 primary election—including Georgia’s Lieutenant Governor, Burt Jones, and its Secretary of State, Brad Raffensperger. But under Georgia law, only Jones could form a novel “leadership” entity, which allowed him to raise and spend unlimited dollars to support his campaign. Safe Affordable Georgia, a hybrid PAC chaired by Raffensperger, could neither coordinate with Raffensperger’s campaign, nor raise and spend unlimited dollars to support it.

Safe Affordable Georgia sued over the differential treatment, claiming that the First Amendment requires that it be placed on equal footing with Jones’s leadership committee. It also sought emergency preliminary injunctive relief against certain state officials, barring them from enforcing the contribution and coordination limits against it, which would have allowed it to better support its preferred candidate—Raffensperger—during the 2026 primary election. The district court declined to grant relief, and Safe Affordable Georgia appealed. But because the primary election has since ended, and so has Raffensperger’s campaign, federal courts can no longer provide meaningful relief to the Committee. Accordingly, this case is moot, as is the plaintiff’s request for a preliminary injunction.

I.

Both contribution limits and coordination limits are key features of Georgia’s campaign finance laws. Contribution limits restrict the amount of money that candidates for statewide office—and their campaign committees—can accept from individual contributors. OCGA § 21-5-41(a); *see Jackson v. Jones*, 179 F.4th 846, 853 (11th Cir. 2026). Coordination limits restrict who can strategize directly with candidates on how to spend funds. *See, e.g.*, OCGA § 21-5-3(15); Ga. Comp. R. & Regs. 189-6-.04.

Whether these rules apply depends on the type of committee at issue, but (at least until the leadership committee scheme was introduced) no committee could both accept unlimited contributions *and* coordinate expenditures with a candidate. *See Jackson*, 179 F.4th at 853. Hybrid PACs, for example, can accept unlimited amounts of money from individual donors, but their contributions to candidates are capped by the typical limits, and they cannot coordinate expenditures with a candidate’s campaign. *See id.* at 853 & n.3.¹ Nor can hybrid PACs accept funds earmarked for specific candidates—only campaign committees may accept contributions for the express purpose of advancing a particular candidate. *See* OCGA § 21-5-30(a).

That changed in 2021, at least for some. The Georgia legislature authorized the formation of “leadership committees,”

¹ So long as hybrid PACs maintain separate accounting, they can also expend unlimited uncoordinated funds to support or oppose a candidate (like independent committees). *See Jackson*, 179 F.4th at 853 & n.3.

which did not face the typical restrictions. OCGA § 21-5-34.2(e). They are bound by neither contribution limits nor restrictions on coordinating directly with a candidate's campaign. *Id.* § 21-5-34.2(e). But this committee structure was not widely available—among the lucky few the statute permitted to take advantage were the incumbent Governor, the incumbent Lieutenant Governor, and the political party nominees for those two offices selected in a primary election. *Id.* § 21-5-34.2(a). Same goes for the leaders of the majority and minority caucuses of the State House and Senate. OCGA § 21-5-34.2(a).

In September 2025, Georgia's Secretary of State, Brad Raffensperger, announced his intent to seek the Republican nomination for Governor. One of his opponents was Burt Jones, Georgia's Lieutenant Governor. Jones formed a leadership committee under § 21-5-34.2, which allowed him to accept donations over the typical limits and spend those funds in direct coordination with his campaign.²

In December 2025, Safe Affordable Georgia, a hybrid PAC chaired by Raffensperger, sued the State Attorney General and the

² That is, until another candidate in the 2026 gubernatorial primary, Richard Jackson, sought (and then obtained) a preliminary injunction barring the Jones leadership committee from accepting contributions and making expenditures to support his campaign. *See Jackson*, 179 F.4th at 855. We affirmed the preliminary injunction, concluding that Jackson had “all but conclusively demonstrated” that he was “likely to succeed in showing a First Amendment infirmity in the leadership committee statute’s discriminatory fundraising limitations.” *Id.* at 859 (quotation omitted).

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members of the State Ethics Commission, alleging that Georgia’s campaign finance scheme violates the First Amendment as applied to the Committee. It alleged that while Safe Affordable Georgia could not make coordinated expenditures to support Raffensperger in the primary, Jones’s leadership committee was free to do so for its preferred candidate, Jones. To remedy that disparate treatment, it asked the district court to free it from two campaign finance laws that do not apply to leadership committees: § 21-5-30(a), which prevented it from accepting contributions to directly support a candidate for office, and § 21-5-41, which prevented it from making unlimited coordinated expenditures with campaign committees.

The same day Safe Affordable Georgia filed its complaint, it also filed a motion for a preliminary injunction. It requested “emergency treatment” of that motion “because the challenged laws and regulation greatly restrict Plaintiff’s ability to support candidates of its choosing in the 2026 primary season currently underway.” The district court denied the motion, and Safe Affordable Georgia appealed. We ultimately heard oral argument on an expedited basis shortly before the primary election.

On May 19, 2026, Raffensperger failed to advance to the runoff in the primary,³ and on June 16, 2026, Jones lost the runoff

³ State Election Results, Ga. Sec’y of State, <https://results.sos.ga.gov/results/public/Georgia/elections/GeneralPrimary51926> [<https://perma.cc/DP4T-R3KE?type=image>].

for the Republican nomination for Governor.⁴ We asked the parties to file supplemental briefs addressing “whether this appeal should be dismissed as moot.”

II.

Whether an appeal is moot is a threshold jurisdictional question that we review de novo. *See United States v. Alhindi*, 124 F.4th 869, 873 (11th Cir. 2024).

III.

Article III of the Constitution limits federal courts to deciding “Cases” or “Controversies.” U.S. Const. art. III, § 2. “Standing, ripeness, and mootness are three traditional doctrines governing whether a case or controversy exists.” *Muransky v. Godiva Chocolatier, Inc.*, 979 F.3d 917, 924 (11th Cir. 2020) (en banc). The third, mootness, requires that the parties continue to have “an actual dispute.” *Graham v. Att’y Gen.*, 110 F.4th 1239, 1244 (11th Cir. 2024) (quotation omitted). When a question “no longer presents a live controversy with respect to which the court can give meaningful relief,” we must dismiss it as moot. *Wood v. Raffensperger*, 981 F.3d 1307, 1316 (11th Cir. 2020) (quotation omitted). Events can render a case moot at any stage of litigation, even if the controversy was live at the time the complaint was filed. *See id.*

⁴ State Election Results, Ga Sec’y of State, <https://results.sos.ga.gov/results/public/Georgia/elections/06162026GeneralPrimaryRunoff> [https://perma.cc/857H-7N6Y?type=image].

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This case is moot. Safe Affordable Georgia was focused on obtaining relief during the 2026 primary election season when it filed its complaint and emergency motion for a preliminary injunction. The Committee’s preferred candidate, Raffensperger, was campaigning against Jones for the Republican nomination for Governor. In its own words, Safe Affordable Georgia desired to support Raffensperger’s campaign “in the Georgia Republican gubernatorial primary to the same extent a leadership committee headed by the Lieutenant Governor can support his candidacy for governor.” Because the 2026 gubernatorial primary is over, we cannot offer Safe Affordable Georgia meaningful relief relating to that election. *See Graham*, 110 F.4th at 1244.

Safe Affordable Georgia responds that it spoke in broad terms when it asked for an injunction, and that’s true—its requested relief largely tracked the terms used in Georgia’s campaign finance laws. For example, the Committee sought to enjoin enforcement of the provision that prevents it from accepting contributions made “to bring about the nomination or election of a candidate for any office.” OCGA § 21-5-30(a). But that was a quotation of the statute, not a party-specific claim, and Safe Affordable Georgia premised its substantive arguments on the harms it would face from the differential treatment between it and the Jones leadership committee during the May 2026 primary election. The district court also understood it that way, framing the issue as Safe Affordable Georgia objecting to “campaign financing laws that limit [its] ability to contribute to and coordinate

with its chosen candidate in the Republican gubernatorial primary.”

In fact, Safe Affordable Georgia conceded at oral argument that, should Raffensperger fail to advance to the primary runoff, it did not otherwise plan to participate in the runoff. The Committee sought relief “only as applied to this race.” That tracks with the opening brief before this Court, which requested preliminary relief “to secure its fundamental right to speak about *this* election”—Georgia’s “competitive primary election for governor that ends in May.” (emphasis added). Now that the primary election has ended, and Safe Affordable Georgia’s preferred candidate has lost, neither we nor the district court can provide the relief that it seeks. *See Graham*, 110 F.4th at 1244. For that reason, this case is moot.

Safe Affordable Georgia alternatively argues that, even if this action is moot, it falls within an established exception for cases “capable of repetition while evading review.” The Committee is correct that an exception exists for cases “capable of being repeated *and* evading review.” *Id.* at 1245 (quotation omitted). But that exception is “narrow, and applies only in exceptional situations.” *Id.* (quotation omitted). It requires “a reasonable expectation that the same complaining party would be subjected to the same action again,” and that “the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration.” *Wood*, 981 F.3d at 1317 (quotation omitted).

Nothing in the record supports a “reasonable, non-speculative expectation that the allegedly unlawful action will

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happen again.” *Health Freedom Def. Fund v. President of the United States*, 71 F.4th 888, 893 (11th Cir. 2023). Safe Affordable Georgia’s action was explicitly premised on its desire to support Raffensperger as a candidate in the 2026 Republican gubernatorial primary, and that race is over. The Committee now says that it would coordinate with other campaigns in future races, including another Raffensperger campaign. But that contention is entirely speculative, especially given counsel’s earlier concession that it would not participate in the primary runoff should Raffensperger fail to make it that far.

In response to our colleague’s characteristically thoughtful separate opinion, we agree that it is possible that Safe Affordable Georgia could plead a viable post-primary claim. Separate Op. 1–2. But because its current lawsuit does not do so, it is moot. Accordingly, the case must be dismissed.

* * *

Because this case became moot when the 2026 gubernatorial primary election ended, we **DISMISS** this appeal and **REMAND** for the district court to dismiss the case as moot.

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JORDAN, J., Concurring In Part

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JORDAN, Circuit Judge, Concurring In Part and Dissenting In Part:

I agree with my colleagues that this appeal is moot. Safe Affordable Georgia requested preliminary injunctive relief with respect to the Republican gubernatorial primary election so that it could operate on the same playing field as the leadership committee of Lieutenant Governor Burt Jones. Now that the primary election is over and that Brad Raffensperger—Safe Affordable Georgia’s chairman and preferred candidate—lost in that election, a reversal of the district court’s order could not provide any effective relief.

Declaring this appeal moot, however, is all that we should do. There is no need, at this moment, to hold that the entire lawsuit is moot because we are not being asked to take any action aside from resolving the preliminary injunction appeal. When counsel for Safe Affordable Georgia told us at oral argument that it did not plan to participate in the general election if Mr. Raffensperger lost, the primary election had not yet taken place. Now that Richard Jackson has emerged as the Republican nominee for governor of Georgia following a runoff against Lieutenant Governor Jones, Safe Affordable Georgia may change its mind and decide to play a role in the upcoming general election. Doing so would not necessarily be inconsistent with its complaint. *See* D.E. 1 ¶ 31 (“Safe Affordable Georgia intends, once the challenged restrictions are enjoined, to coordinate with Raffensperger, his gubernatorial campaign committee, *and other candidates and campaign committees* to the same extent [Jones’ leadership committee] is permitted to

coordinate with Jones, Jones’s campaign committee, and other candidates and committees.”) (emphasis added). And Safe Affordable Georgia may also decide to amend its complaint in a way that might provide it with some relief if it is successful. Those eventualities may or may not come to pass, but we are not a fact-finding body, and—to borrow from the Bard—discretion here may be the best part of valor. *See* William Shakespeare, *Henry IV*, Part I, Act 5, Scene 4 (1598). Better, I think, to let the district court on remand decide whether the entire action is moot.

I also have some reservations about reading our decision in *Graham v. Att’y Gen.*, 110 F.4th 1239, 1246 (11th Cir. 2024), too broadly. We have recognized some “relaxation with respect to the application of the same complaining party rule” in the election context. *See Hall v. Sec’y, State of Ala.*, 902 F.3d 1294, 1305 (11th Cir. 2018). That recognition derives from a series of Supreme Court decisions in which that requirement was met without record evidence of the plaintiff’s intent to run in future elections. *See e.g., Storer v. Brown*, 415 U.S. 724, 737 n.8 (1974); *Moore v. Ogilvie*, 394 U.S. 814, 816 (1969).

As we explained in *Hall*, *Storer* advises that in appropriate circumstances it may not be “unreasonable to expect that politically active persons . . . would [run again] in another . . . election,” even in the absence of anything in the record addressing a plaintiff’s future intent. *See Hall*, 902 F.3d at 1300. Indeed, in another election-related case, the Supreme Court relied, in part, on an allegation in the complaint that the plaintiff would engage in similar conduct in

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the future (that would risk the same enforcement action) to hold that the challenge was “capable of repetition, yet evading review.” *See Federal Election Comm’n v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 463 (2007).

In light of these authorities, I do not read *Graham* to discredit the plaintiffs’ allegation in that case that Graham would run again for some statewide office in future elections as “purely theoretical.” *Graham*, 110 F.4th at 1246 (quotation omitted). Instead, *Graham* reasoned that, even accepting that allegation, Graham did not allege or contend that he would run “for one of the two offices that would allow him to form a leadership committee.” *Id.* For that reason, the possibility of recurrence of the same controversy involving the leadership committee statute remained “purely theoretical.” *Id.* (quotation omitted).