

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

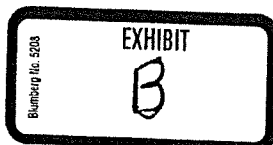
DONALD J. TRUMP, in his capacity as a)
Candidate for President, DONALD J.)
TRUMP FOR PRESIDENT, INC., and)
DAVID J. SHAFER, in his capacity as a)
Registered Voter and Presidential Elector)
pledged to Donald Trump for President,)

Petitioners,)

v.)

CIVIL ACTION FILE NO.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of Georgia,)
REBECCA N. SULLIVAN, in her official)
capacity as Vice Chair of the Georgia State)
Election Board, DAVID J. WORLEY, in his)
official capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as a)
Member of the Georgia State Election)
Board, ANH LE, in her official capacity as a)
Member of the Georgia State Election)
Board, RICHARD L. BARRON, in his)
official capacity as Director of Registration)
and Elections for Fulton County and)
Members of the Fulton County Board of)
Elections and Registration in their Official)
Capacities, JANINE EVELER, in her)
official capacity as Director of Registration)
and Elections for Cobb County and)
Members of the Cobb County Board of)
Elections and Registration in their Official)
Capacities, ERICA HAMILTON, in her)
official capacity as Director of Voter)
Registration and Elections for DeKalb)
County and Members of the DeKalb County)
Board of Elections and Registration in their)
Official Capacities, KRISTI ROYSTON, in)
her official capacity as Elections Supervisor)
for Gwinnett County and Members of the)
Gwinnett County Board of Elections and)
Registration in their Official Capacities,)
RUSSELL BRIDGES, in his official)



capacity as Elections Supervisor for)
 Chatham County and Members of the)
 Chatham County Board of Elections and)
 Registration in their Official Capacities,)
 ANNE DOVER, in her official capacity as)
 Acting Director of Elections and Voter)
 Registration for Cherokee County and)
 Members of the Cherokee County Board of)
 Elections and Registration in their Official)
 Capacities, SHAUNA DOZIER, in her)
 official capacity as Elections Director for)
 Clayton County and Members of the)
 Clayton County Board of Elections and)
 Registration in their Official Capacities ,)
 MANDI SMITH, in her official capacity as)
 Director of Voter Registration and Elections)
 for Forsyth County and Members of the)
 Forsyth County Board of Elections and)
 Registration in their Official Capacities,)
 AMEIK A PITTS, in her official capacity as)
 Director of the Board of Elections &)
 Registration for Henry County and)
 Members of the Henry County Board of)
 Elections and Registration in their Official)
 Capacities, LYNN BAILEY, in her official)
 capacity as Executive Director of Elections)
 for Richmond County and Members of the)
 Richmond County Board of Elections and)
 Registration in their Official Capacities,)
 DEBRA PRESSWOOD, in her official)
 capacity as Registration and Election)
 Supervisor for Houston County and)
 Members of the Houston County Board of)
 Elections and Registration in their Official)
 Capacities, VANESSA WADDELL, in her)
 capacity as Chief Clerk of Elections for)
 Floyd County and Members of the Floyd)
 County Board of Elections and Registration)
 in their Official Capacities, JULIANNE)
 ROBERTS, in her official capacity as)
 Supervisor of Elections and Voter)
 Registration for Pickens County and)
 Members of the Pickens County Board of)
 Elections and Registration in their Official)
 Capacities, JOSEPH KIRK, in his official)
 capacity as Elections Supervisor for Bartow)

County and Members of the Bartow County Board of Elections and Registration in their Official Capacities, GERALD MCCOWN, in his official capacity as Elections Supervisor for Hancock County and Members of the Hancock County Board of Elections and Registration in their Official Capacities, and MISTY MARTIN, in her official capacity as Elections Supervisor for Coffee County and Members of the Coffee County Board of Elections and Registration in their Official Capacities,

Respondents.

**FIRST AMENDED PETITION TO CONTEST GEORGIA'S PRESIDENTIAL
ELECTION RESULTS FOR VIOLATIONS OF THE CONSTITUTION AND LAWS OF
THE STATE OF GEORGIA, DECLARATORY JUDGMENT, AND INJUNCTIVE
RELIEF – EXPEDITED DISCOVERY AND DECERTIFICATION OF DECEMBER 7,
2020 ELECTION RESULTS (AND ALL OTHER CERTIFIED RESULTS OF THE 2020
PRESIDENTIAL CONTEST)**

Certified Results of the 2020 Presidential Contest (the “Petition”), respectfully showing this Honorable Court as follows.¹

Matter is Not Moot.

This matter is not mooted by 3 U.S.C. § 5 (the “Safe Harbor Statute”) because the claims herein challenge whether Georgia’s determination of its electors has been and will be conducted pursuant to state election laws enacted prior to the electors’ appointment. The plain language of the Safe Harbor Statute permits a state’s appointment of electors to be “conclusive” only when a state’s actions governing its appointment of electors is made pursuant to “laws enacted prior to the day fixed for the appointment of electors” existing “at least six days before the time fixed for the meeting of the electors.” This matter puts squarely in dispute whether Georgia’s determination of electors will have been made pursuant to Georgia law. As the merits of that dispute remain unresolved, Georgia’s electors’ appointment cannot be deemed “conclusive.” If the Court were to hold that the Safe Harbor Statute prevents a decision on the merits, the decision would raise Due Process concerns.

Laches Is Not Applicable.

The equitable defense of laches is not applicable to this matter. Petitioners have not delayed in asserting their claims. Petitioners file an as “applied challenge” to Respondents’ enforcement of the Georgia Election Code. These claims could not have been made until after the election was completed. The results of the November 3rd election were not certified until November 20, 2020. The next day, President Trump and the Trump Campaign notified Secretary Raffensperger of President Trump’s request to invoke the statutory recount authorized by

¹ Petitioners incorporate by reference as set forth herein verbatim all of the Exhibits Attached to its December 4, 2020 Petition.

O.C.G.A. § 21-2-495(c) for elections in which the margin is less than one-half of one percent (the “Statutory Recount”). On December 4th, while the results of the recount were still outstanding, Petitioners challenged the election results. On December 7th, the Secretary of State certified the election results again, this time, with different totals. A mere two (2) days later (and within the statutory window allowed by Georgia election law), Petitioners seek to amend their pleadings to challenge the new certification. In addition, Respondents cannot show prejudice by any delay.

INTRODUCTION

1.

The United States Constitution sets forth the authority to regulate federal elections: “The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.” U.S. Const. art. I, § 4.

2.

With respect to the appointment of presidential electors, the Constitution further provides, “[e]ach State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress.” U.S. Const. art. II, § 1.

3.

In Georgia, the General Assembly is the “legislature.” *See* Ga. Const. art. III, § 1, para. I.

4.

Pursuant to the legislative power vested in the Georgia General Assembly (the “Legislature”), the Legislature enacted the Georgia Election Code governing the conduct of elections in the State of Georgia. *See* O.C.G.A. §§ 21-2-1 et seq. (the “Election Code”).

5.

Through the Election Code, the Legislature promulgated a statutory framework for choosing the presidential electors, as directed by the Constitution.

6.

In this case, Petitioners present to this Court substantial evidence that the November 3, 2020, Presidential Election in Georgia (the “Contested Election”) was not conducted in accordance with the Election Code, that the tabulation and certification processes were not in accordance with the Election Code, and that the named Respondents deviated significantly and substantially from the Election Code.

7.

Due to significant systemic misconduct, fraud, and other irregularities occurring during the election process, many thousands of illegal votes were cast, counted, and included in the tabulations from the Contested Election for the Office of the President of the United States, and other legal votes were not included in these tabulations, thereby creating substantial doubt regarding the results of that election.

8.

Petitioners demonstrate that the Respondents' repeated violations of the Election Code constituted an abandonment of the Legislature's duly enacted framework for conducting the election and for choosing presidential electors, contrary to Georgia law and the United States Constitution.

9.

Petitioners bring this contest pursuant to O.C.G.A. §21-2-522.

10.

"Honest and fair elections must be held in the selection of the officers for the government of this republic, at all levels, or it will surely fall. If [this Court] place[s] its stamp of approval upon an election held in the manner this one [was] held, it is only a matter of a short time until unscrupulous men, taking advantage of the situation, will steal the offices from the people and set up an intolerable, vicious, corrupt dictatorship." *Bush v. Johnson*, 111 Ga. App. 702, 705, 143 S.E.2d 21, 23 (1965).

11.

The Georgia Supreme Court has made clear that it is not incumbent upon Petitioners to show how voters casting irregular ballots would have voted had their ballots been regular. Petitioners "only [have] to show that there were enough irregular ballots to place in doubt the result." *Mead v. Sheffield*, 278 Ga. 268, 271, 601 S.E.2d 99, 101 (2004) (citing *Howell v. Fears*, 275 Ga. 627, 628, 571 S.E.2d 392, 393 (2002)).

12.

To allow Georgia's presidential election results to stand uncontested, and its presidential electors chosen based upon election results that are erroneous, unknowable, not in accordance with the Election Code and unable to be replicated with certainty, constitutes a fraud upon Petitioners and the Citizens of Georgia, an outcome that is unlawful and must not be permitted.

THE PARTIES

13.

President Donald J. Trump ("President Trump") is President of the United States of America and a natural person. He is the Republican candidate for reelection to the Presidency of the United States of America in the November 3, 2020, General Election conducted in the State of Georgia.

14.

Donald J. Trump for President, Inc. is a federal candidate committee registered with, reporting to, and governed by the regulations of the Federal Election Commission, established pursuant to 52 U.S.C. §§ 30101 et seq. as the principal authorized committee of President Trump, candidate for President, which also serves as the authorized committee for the election of the Vice Presidential candidate on the same ticket as President Trump (the "Committee"). The agent designated by the Committee in the State of Georgia is Robert Sinners, Director of Election Day Operations for the State of Georgia for President Trump (collectively the "Trump Campaign"). The Trump Campaign serves as the primary organization supporting the election of presidential electors pledged to President Trump and Vice President Pence.

15.

David J. Shafer (“Elector Shafer”) is a resident of the State of Georgia and an aggrieved elector who was entitled to vote, and did vote, for President Trump in the November 3, 2020, General Election. Elector Shafer is an elector pledged to vote for President Trump at the Meeting of Electors pursuant to United States Constitution and the laws of the State of Georgia.

16.

Petitioners are “Contestants” as defined by O.C.G.A. § 21-2-520(1) who are entitled to bring an election contest under O.C.G.A. § 21-2-521 (the “Election Contest”).

17.

Respondent Brad Raffensperger is named in his official capacity as the Secretary of State of Georgia.² Secretary Raffensperger serves as the Chairperson of Georgia’s State Election Board, which promulgates and enforces rules and regulations to (i) obtain uniformity in the practices and proceedings of election officials as well as legality and purity in all primaries and general elections, and (ii) be conducive to the fair, legal, and orderly conduct of primaries and general elections. *See* O.C.G.A. §§ 21-2-30(d), 21-2-31, 21-2-33.1. Secretary Raffensperger, as Georgia’s chief elections officer, is also responsible for the administration of the Election Code. *Id.*

18.

Among the below allegations, Secretary Raffensperger has failed to train, supervise, conduct, maintain (Georgia’s voter list), audit, and properly certify.

² Secretary Raffensperger is a state official subject to suit in his official capacity because his office “imbues him with the responsibility to enforce the [election laws].” *Grizzle v. Kemp*, 634 F.3d 1314, 1319 (11th Cir. 2011).

19.

Specifically, Secretary Raffensperger improperly and illegally certified election results for the Presidential election contest, including but not limited to the Secretary's December 7, 2020 election certification.³

20.

Respondents Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le in their official capacities as members of the Georgia State Election Board (the "State Election Board"), are members of the State Election Board in Georgia, responsible for "formulat[ing], adopt[ing], and promulgat[ing] such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections." O.C.G.A. § 21-2-31(2). Further, the State Election Board "promulgate[s] rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system" in Georgia. O.C.G.A. § 21-2-31(7).

21.

Respondent Richard L. Barron is named in his official capacity as Director of Registration and Elections for Fulton County, Georgia, and conducted the Contested Election within that county.

³ The 3rd Certification of the results for Contested Election. Among the Secretary of State's errors and irregularities, is the fact that the Secretary of State failed to use every counties audit number in his 3rd (and final?) certification.

22.

Respondent Mary C. Cooney is named in her official capacity as the Chair of the Fulton County Board of Elections and Registration.

23.

Respondent Vernetta K. Nuriddin is named in her official capacity as the Vice Chair of the Fulton County Board of Elections and Registration.

24.

Respondent Dr. Kathleen Ruth is named in her official capacity as a member of the Fulton County Board of Elections and Registration.

25.

Respondent Aaron Johnson is named in his official capacity as a member of the Fulton County Board of Elections and Registration.

26.

Respondent Mark Wingate is named in his official capacity as a member of the Fulton County Board of Elections and Registration.

27.

Respondent Janine Eveler is named in her official capacity as Director of Registration and Elections for Cobb County, Georgia, and conducted the Contested Election within that county.

28.

Respondent Phil Daniell is named in his official capacity as the Chair of the Cobb County Board of Elections and Registration.

29.

Respondent Fred Aiken is named in his official capacity as the Vice Chair of the Cobb County Board of Elections and Registration.

30.

Respondent Pat Gartland is named in his official capacity as a member of the Cobb County Board of Elections and Registration.

31.

Respondent Jessica M. Brooks is named in her official capacity as a member of the Cobb County Board of Elections and Registration.

32.

Respondent Darryl O. Wilson is named in his official capacity as a member of the Cobb County Board of Elections and Registration.

33.

Respondent Erica Hamilton is named in her official capacity as Director of Voter Registration and Elections for DeKalb County, Georgia, and conducted the Contested Election within that county.

34.

Respondent Anthony Lewis is named in his official capacity as a member of the DeKalb County Board of Elections and Registration.

35.

Respondent Susan Motter is named in her official capacity as a member of the DeKalb County Board of Elections and Registration.

36.

Respondent Dele L. Smith is named in the official capacity as a member of the DeKalb County Board of Elections and Registration.

37.

Respondent Samuel E. Tillman is named in his official capacity as a member of the DeKalb County Board of Elections and Registration.

38.

Respondent Baoky N. Vu is named in the official capacity as a member of the DeKalb County Board of Elections and Registration.

39.

Respondent Kristi Royston is named in her official capacity as Elections Supervisor for Gwinnett County, Georgia, and conducted the Contested Election within that county.

40.

Respondent John Mangano is named in his official capacity as the Chair of the Gwinnett County Board of Elections and Registration.

41.

Respondent Ben Satterfield is named in his official capacity as the Vice Chair of the Gwinnett County Board of Elections and Registration.

42.

Respondent Dr. Wandy Taylor is named in her official capacity as a member of the Gwinnett County Board of Elections and Registration.

43.

Respondent Stephen Day is named in his official capacity as a member of the Gwinnett County Board of Elections and Registration.

44.

Respondent Alice O'Lenick is named in her official capacity as a member of the Gwinnett County Board of Elections and Registration.

45.

Respondent Russell Bridges is named in his official capacity as Elections Supervisor for Chatham County, Georgia, and conducted the Contested Election within that county.

46.

Respondent Thomas Mahoney, III is named in his official capacity as the Chair of the Chatham County Board of Elections and Registration.

47.

Respondent Marianne Heimes is named in her official capacity as a member of the Chatham County Board of Elections and Registration.

48.

Respondent Malinda Hodge is named in her official capacity as a member of the Chatham County Board of Elections and Registration.

49.

Respondent Antwan Lang is named in his official capacity as a member of the Chatham County Board of Elections and Registration.

50.

Respondent Debbie Raders is named in her official capacity as a member of the Chatham County Board of Elections and Registration.

51.

Respondent Anne Dover is named in her official capacity as Acting Director of Elections and Voter Registration for Cherokee County, Georgia, and conducted the Contested Election within that county.

52.

Respondent Alan Shinall is named in his official capacity as the Chair of the Cherokee County Board of Elections and Registration.

53.

Respondent Cindy Castello is named in her official capacity as the Vice Chair of the Cherokee County Board of Elections and Registration.

54.

Respondent Donald Sams named in his official capacity as a member of the Cherokee County Board of Elections and Registration.

55.

Respondent Frankie Shephard is named in his official capacity as a member of the Cherokee County Board of Elections and Registration.

56.

Respondent Mike Byrd is named in his official capacity as a member of the Cherokee County Board of Elections and Registration.

57.

Respondent Shauna Dozier is named in her official capacity as Elections Director for Clayton County, Georgia, and conducted the Contested Election within that county.

58.

Respondent Carol Wesley is named in her official capacity as the Chair of the Clayton County Board of Elections and Registration.

59.

Respondent Dorothy F. Hall is named in her official capacity as the Vice Chair of the Clayton County Board of Elections and Registration.

60.

Respondent Patricia Pullar is named in her official capacity as a member of the Clayton County Board of Elections and Registration.

61.

Respondent Diane Givens is named in her official capacity as a member of the Clayton County Board of Elections and Registration.

62.

Respondent Mandi Smith is named in her official capacity as Director of Voter Registration and Elections for Forsyth County, Georgia, and conducted the Contested Election within that county.

63.

Respondent Barbara Luth is named in her official capacity as the Chair of the Forsyth County Board of Elections and Registration.

64.

Respondent Matthew Blender is named in his official capacity as the Vice Chair of the Forsyth County Board of Elections and Registration.

65.

Respondent Joel Natt is named in his official capacity as a member of the Forsyth County Board of Elections and Registration.

66.

Respondent Carla Radzikinas is named in her official capacity as a member of the Forsyth County Board of Elections and Registration.

67.

Respondent Randy Ingram is named in his official capacity as a member of the Forsyth County Board of Elections and Registration.

68.

Respondent Ameika Pitts is named in her official capacity as Director of the Board of Elections & Registration for Henry County, Georgia, and conducted the Contested Election within that county.

69.

Respondent Dr. Donna Morris-McBride is named in her official capacity as the Chair of the Henry County Board of Elections and Registration.

70.

Respondent Andy Callaway is named in his official capacity as the Co-Chair of the Henry County Board of Elections and Registration.

71.

Respondent Arch Brown is named in his official capacity as a member of the Henry County Board of Elections and Registration.

72.

Respondent Mildred Schmelz is named in her official capacity as a member of the Henry County Board of Elections and Registration.

73.

Respondent Lynn Bailey is named in her official capacity as Executive Director of Elections for Richmond County, Georgia, and conducted the Contested Election within that county.

74.

Respondent Tim McFalls is named in his official capacity as the Chair of the Richmond County Board of Elections and Registration.

75.

Respondent Sherry T. Barnes is named in her official capacity as the Vice Chair of the Richmond County Board of Elections and Registration.

76.

Respondent Marcia Brown is named in her official capacity as a member of the Richmond County Board of Elections and Registration.

77.

Respondent Terence Dicks is named in his official capacity as a member of the Richmond County Board of Elections and Registration.

78.

Respondent Bob Finnegan is named in his official capacity as a member of the Richmond County Board of Elections and Registration.

79.

Respondent Debra Presswood is named in her official capacity as Registration and Election Supervisor for Houston County, Georgia, and conducted the Contested Election within that county.

80.

Respondent Katherine Shelton is named in her official capacity as the Chair of the Houston County Board of Elections and Registration.

81.

Respondent Barbara Waddle is named in her official capacity as the Vice Chair of the Houston County Board of Elections and Registration.

82.

Respondent John Applegate is named in his official capacity as a member of the Houston County Board of Elections and Registration.

83.

Respondent Henry Childs is named in his official capacity as a member of the Houston County Board of Elections and Registration.

84.

Respondent Sherman Falana is named in his official capacity as a member of the Houston County Board of Elections and Registration.

85.

Respondent Vanessa Waddell is named in her official capacity as Chief Clerk of Elections for Floyd County, Georgia, and conducted the Contested Election within that county.

86.

Respondent Dr. Tom Rees is named in his official capacity as the Chair of the Floyd County Board of Elections and Registration.

87.

Respondent Dr. Melanie Conrad is named in her official capacity as a member of the Floyd County Board of Elections and Registration.

88.

Respondent John S. Husser is named in his official capacity as a member of the Floyd County Board of Elections and Registration.

89.

Respondent Julianne Roberts is named in her official capacity as Supervisor of Elections and Voter Registration for Pickens County, Georgia, and conducted the Contested Election within that county.

90.

Respondent Jack Barnes is named in his official capacity as a member of the Pickens County Board of Elections and Registration.

91.

Respondent Tara Cannon is named in her official capacity as a member of the Pickens County Board of Elections and Registration.

92.

Respondent Sheralee Brindell is named in her official capacity as a member of the Pickens County Board of Elections and Registration.

93.

Respondent Will Bell is named in his official capacity as a member of the Pickens County Board of Elections and Registration.

94.

Respondent Paul Lindsey is named in his official capacity as a member of the Pickens County Board of Elections and Registration.

95.

Respondent Joseph Kirk is named in his official capacity as Elections Supervisor for Bartow County, Georgia, and conducted the Contested Election within that county.

96.

Respondent Neil Hopper is named in his official capacity as the Chair of the Bartow County Board of Elections and Registration.

97.

Respondent Janet Queen named in her official capacity as the Vice Chair of the Bartow County Board of Elections and Registration.

98.

Respondent Dexter Benning is named in his official capacity as a member of the Bartow County Board of Elections and Registration.

99.

Respondent Ken Cathcart is named in his official capacity as a member of the Bartow County Board of Elections and Registration.

100.

Respondent Mike Powell is named in his official capacity as a member of the Bartow County Board of Elections and Registration.

101.

Respondent Gerald McCown is named in his official capacity as Elections Supervisor for Hancock County, Georgia, and conducted the Contested Election within that county.

102.

Respondent Robert Ingram is named in his official capacity as the Chair of the Hancock County Board of Elections and Registration.

103.

Respondent Roshiba McCrary is named in her official capacity as a member of the Hancock County Board of Elections and Registration.

104.

Respondent Teresa Kell is named in her official capacity as a member of the Hancock County Board of Elections and Registration.

105.

Respondent Nancy Stephens is named in her official capacity as a member of the Hancock County Board of Elections and Registration.

106.

Respondent James Culver is named in his official capacity as a member of the Hancock County Board of Elections and Registration.

107.

Respondent Misty Martin is named in her official capacity as Elections Supervisor for Coffee County, Georgia, and conducted the Contested Election within that county.

108.

Respondent Ernestine Thomas-Clark is named in her official capacity as the Chair of the Coffee County Board of Elections and Registration.

109.

Respondent Wendell Stone is named in his official capacity as the Vice Chair of the Coffee County Board of Elections and Registration.

110.

Respondent Eric Chaney is named in his official capacity as a member of the Coffee County Board of Elections and Registration.

111.

Respondent Matthew McCullough is named in his official capacity as a member of the Coffee County Board of Elections and Registration.

112.

Respondent C.T. Peavy is named in his official capacity as a member of the Coffee County Board of Elections and Registration.

113.

All references to Respondents made herein include named Respondent and those election workers and election officials deputized by Respondents to act on their behalf during the Contested Election.

JURISDICTION AND VENUE

114.

Jurisdiction is proper in this Court pursuant to O.C.G.A. § 21-2-523(a) as the Superior Court of the county where Secretary Raffensperger, the State Board of Elections, and Respondent Richard L. Barron are located. *See also Ga. Dep't of Human Servs. v. Dougherty Cty.*, 330 Ga. App. 581, 582, 768 S.E.2d 771, 772 (2015).

115.

“The court having jurisdiction of the action shall have plenary power, throughout the area in which the contested primary or election was conducted, to make, issue, and enforce all necessary orders, rules, processes, and decrees for a full and proper understanding and final determination and enforcement of the decision of every such case, according to the course of practice in other civil cases under the laws of this state, or which may be necessary and proper to carry out this chapter.” O.C.G.A. § 21-2-525(b).

116.

“Notwithstanding the deadlines specified in this Code section, such times may be altered for just cause by an order of a judge of superior court of this state.” O.C.G.A. § 21-2-499(b).

117.

“It is declared to be the policy of this state, in furtherance of its responsibility to protect the integrity of the democratic process and to ensure fair elections...” O.C.G.A. § 21-5-2.

118.

Venue is proper before this Court.

FACTUAL BACKGROUND

The Georgia Election Code and Election Contest Provisions

119.

The Election Code sets forth the manner in which the Citizens of Georgia are allowed to participate in the Legislature’s duty of choosing presidential electors by specifying, *inter alia*, which persons are eligible to register to vote in Georgia, the circumstances and actions by which a voter cancels his or her voter registration, the procedures for voting in person and by absentee ballot, the manner in which elections are to be conducted, and the specific protocols and procedures for recounts, audits, and recanvasses. *See* O.C.G.A. §§ 21-2-1 et seq.

120.

The Election Code in O.C.G.A. § 21-2-522 provides the means for a candidate in a federal election to contest the results of said election based on:

1. Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
2. When the defendant is ineligible for the nomination or office in dispute;
3. When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
4. For any error in counting the votes or declaring the result of the primary or election, if such error would change the results; or

5. For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.⁴

121.

The results of an election may be set aside when a candidate has “clearly established a violation of *election procedures* and has demonstrated that the violation has placed the result of the election in doubt.” *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193-94, 835 S.E.2d 245, 248 (2019) (quoting *Hunt v. Crawford*, 270 GA 7, 10, 507 S.E.2d 723 (1998) (emphasis added).

122.

The Election Code “allows elections to be contested through litigation, both as a check on the integrity of the election process and as a means of ensuring the fundamental right of citizens to vote and to have their votes counted securely.” *Martin*, 307 Ga. at 194.

123.

The Georgia Supreme Court has made clear that “it [is] not incumbent upon [Petitioners] to show *how . . . voters would have voted* if their . . . ballots had been regular. [Petitioners] only ha[ve] to show that there were enough irregular ballots to place in doubt the result.” *Mead* at 268 (emphasis added).

⁴ Petitioners do not contest pursuant O.C.G.A. § 21-2-522 Ground (2).

The Contested Election

124.

On November 3, 2020, the Contested Election for electors for President of the United States took place in the State of Georgia.

125.

President Trump, former Vice President Joseph R. Biden (“Mr. Biden”), and Jo Jorgensen were the only candidates on the ballot for President in the Contested Election.

126.

The original results reported by Secretary Raffensperger for the Contested Election (the “Original Result”) consisted of a purported total of 4,995,323 votes cast, with Mr. Biden “ahead” by a margin of 12,780 votes.

127.

The results of the subsequent Risk Limiting Audit conducted by the Secretary of State (the “Risk Limiting Audit”) included a total of 5,000,585 votes cast, with Mr. Biden “ahead” by a margin of 12,284 votes.

128.

On November 20, 2020, the Contested Election was declared and certified for Mr. Biden by a margin of only 12,670 votes (the “Certified Result”).⁵

⁵ The first certified number of votes. The Secretary of State also certified a “Canvass and Risk Limiting Audit” (which is a creature invented by the Secretary of State and not found in the O.C.G.A.), as well as a 3rd certification on December 7, 2020. Petitioners contest all three (3) of the Secretary of States certifications, but take particular dispute,

129.

On November 21, 2020, President Trump and the Trump Campaign notified Secretary Raffensperger of President Trump's request to invoke the statutory recount authorized by O.C.G.A. § 21-2-495(c) for elections in which the margin is less than one-half of one percent (the "Statutory Recount"). A true and correct copy of President Trump's request for the Statutory Recount is attached as **Exhibit 1** to the original Verified Complaint filed in this matter and incorporated herein by reference.

130.

At the direction and under the supervision of Secretary Raffensperger, the State of Georgia began conducting a Statutory Recount.

131.

On December 1, 2020, Robert Gabriel Sterling, Statewide Voting System Implementation Manager for the Secretary of State, gave a press conference to discuss the status of the ongoing Statutory Recount.

132.

During his press conference, Mr. Sterling stated that at least two counties needed to recertify their vote counts as the totals reached during the Statutory Recount differed from the Certified Results.

and thereby focus on the December 7, 2020 recount certification and all applicable county certifications associated therewith.

133.

On December 4, 2020, Secretary Raffensperger received a letter from the chair of the Board of Elections and Registration of Coffee County, Georgia, which was sent with the unanimous consent of the entire Board, and in which the Board stated that it could not certify its electric recount numbers “given its inability to repeatedly duplicate creditable election results.” Its electronic recount produced patently inaccurate results. The December 4th letter is attached as **Exhibit 19** and incorporated by reference.

134.

Despite this evidence of suspect election results, Secretary Raffensperger certified the Statutory Recount on December 7, 2020. Secretary Raffensperger’s December 7, 2020, certification of the Statutory Recount (“Third Certification”) shows Mr. Biden ahead by only 11,779 votes (the “Differential”) with the following vote tallies: Biden: 2,473,633; Trump: 2,461,854; Jorgensen: 62,229.

135.

Petitioners dispute all of the Secretary of State’s Contested Election certifications. Petitioners seek and pray that this Honorable Court decertify the Secretary of State’s Contested Election Certifications.

136.

Petitioners seek and pray that, in particular, this Honorable Court decertify the Third Certification and declare the Contested Election invalid, null, and void.

137.

Petitioners dispute the Differential.

138.

On multiple occasions prior to December 7, 2020, Secretary Raffensperger announced he does not anticipate the Statutory Recount to yield a substantial change in the results of the Contested Election.

139.

As of the date of this Petition, not all of Georgia's 159 counties have certified their results from the Statutory Recount.⁶

140.

Consequently, as of the date of this Petition, Secretary Raffensperger has yet to properly certify the results from the Statutory Recount. *See* O.C.G.A. § 21-2-495 *et seq.*

141.

Secretary Raffensperger has certified three different results for the Contested Election.

142.

The presidential electors of the States are scheduled to meet on December 14, 2020. Therefore, this matter is ripe, and time is of the essence.

143.

An actual controversy exists.

⁶ *See* Coffee County Letter of December 4, 2020 (Ex. 19) whereby, although *certifying* its results, they were not and could not be the “audit results” as required by the Election Code.

144.

Because the outcome of the Contested Election is in doubt, Petitioners jointly and severally hereby contest Georgia's November 3, 2020, election results for President of the United States pursuant to O.C.G.A. §§ 21-2-521 and 21-2-522 et seq. and all certifications.

145.

Petitioners assert that the laws of the State of Georgia governing the conduct of the Contested Election were disregarded, abandoned, ignored, altered, and otherwise violated by Respondents, jointly and severally, and all agents of Respondents including but not limited to all designated contractors, employees, election workers and/or election officials, allowing a sufficient number of illegal votes to be included in the vote tabulations, such that the results of the Contested Election are invalid, and the declaration of the presidential election in favor of Mr. Biden must be enjoined, vacated, and nullified.

**THERE WERE SYSTEMIC IRREGULARITIES AND VIOLATIONS OF THE
GEORGIA ELECTION CODE IN THE CONTESTED ELECTION**

Requirements to Legally Vote in Georgia

146.

The Election Code sets forth the requirements for voting in Georgia, including the requirements that a voter must be: (1) "Registered as an elector in the manner prescribed by law; (2) A citizen of this state and of the United States; (3) At least 18 years of age on or before the date of the...election in which such person seeks to vote; (4) A resident of this state and of the county or municipality in which he or she seeks to vote; and (5) "Possessed of all other qualifications prescribed by law." O.C.G.A. § 21-2-216(a). "No person shall remain an elector longer than such

person shall retain the qualifications under which such person registered.” O.C.G.A. § 21-2-216(f).

147.

In violation of O.C.G.A. § 21-2-216, Respondents, jointly and severally, allowed thousands of unqualified persons to register to vote and to cast their vote in the Contested Election. These illegal votes were counted in violation of Georgia law. **Exhibits 2, 3, 4, and 10** are attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

148.

O.C.G.A. § 21-2-216(b) provides that “[n]o person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”

149.

In violation of O.C.G.A. § 21-2-216(b), Respondents, jointly and severally, allowed as many as 2,560 felons with an uncompleted sentence to register to vote and to cast their vote in the Contested Election. **Exhibit 3** attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

150.

In violation of Georgia law, Respondents, jointly and severally, counted these illegal votes in the Contested Election.

151.

“Any person who possesses the qualifications of an elector except that concerning age shall be permitted to register to vote if such person will acquire such qualification within six months after the day of registration.” O.C.G.A. § 21-2-216(c).

152.

In violation of O.C.G.A. § 21-2-216(c), Respondents, jointly and severally, allowed at least 66,247 underage—and therefore ineligible—people to illegally register to vote, and subsequently illegally vote. *See Exhibit 3.*

153.

In violation of Georgia law, Respondents, jointly and severally, counted these illegal votes in the Contested Election.

154.

In order to vote in Georgia, a person must register to vote.

155.

Respondents, jointly and severally, allowed at least 2,423 individuals to vote who were not listed in the State’s records as having been registered to vote. *See Exhibit 3.*

156.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election.

157.

Because determining a voter's residency is necessary to confirm he or she is a qualified voter in this state and in the county in which he or she seeks to vote, the Election Code provides rules for determining a voter's residency and when a voter's residency is deemed abandoned. *See* O.C.G.A. § 21-2-217.

158.

"The residence of any person shall be held to be in that place in which such person's habitation is fixed." O.C.G.A. § 21-2-217(a)(1). "Residence" means "domicile". O.C.G.A. 21-2-2(32).

159.

Additionally, "[t]he specific address in the county...in which a person has declared a homestead exemption...shall be deemed the person's residence address." O.C.G.A. § 21-2-217(a)(14).

160.

A voter loses his or her Georgia and/or specific county residence if he or she: (1) "register[s] to vote or perform[s] other acts indicating a desire to change such person's citizenship and residence;" (2) "removes to another state with the intention of making it such person's residence;" (3) "removes to another county or municipality in this state with the intention of making it such person's residence;" or (4) "goes into another state and while there exercises the right of a citizen by voting." O.C.G.A. § 21-2-217(a); *see also* O.C.G.A. § 21-2-218(f) ("No person shall vote in any county or municipality other than the county or municipality of such

person's residence except ["an elector who moves from one county...to another after the fifth Monday prior to a[n]...election"] O.C.G.A. § 21-2-218(e).)

161.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 4,926 individuals to vote in Georgia who had registered to vote in another state after their Georgia voter registration date. *See Exhibit 2.*

162.

It is illegal to vote in the November 3, 2020, general election for president in two different states.

163.

It is long established that "one man" or "one person" has only one vote.

164.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 395 individuals to vote in Georgia who also cast ballots in another state (the "Double Voters"). *See Exhibit 2.*

165.

The number of Double Voters is likely higher than 395, yet Respondents have the exclusive capability and access to data to determine the true number of Double Voters.

166.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

167.

Despite having the exclusive ability to determine the true number of Double Voters in Contested Election, to date Respondents, jointly and severally, have failed to properly analyze and remove the Double Voters from the election totals.

168.

To date, and despite multiple requests, Respondents, jointly and severally, have failed to provide identifying information or coordinate with the other 49 states and U.S. Territories and federal Districts to adequately determine the number of Double Voters.

169.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

170.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 15,700 individuals to vote in Georgia who had filed a national change of address with the United States Postal Service prior to November 3, 2020. *See Exhibit 2.*

171.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

172.

If a Georgia voter “who is registered to vote in another county...in this state...moves such person’s residence from that county...to another county...in this state,” that voter “shall, at the time of making application to register to vote in that county...provide such information as specified by the Secretary of State in order to notify such person’s former voting jurisdiction of the person’s application to register to vote in the new place of residence and to cancel such person’s registration in the former place of residence.” O.C.G.A. § 21-2-218(b); *see also The Democratic Party of Georgia, Inc. v. Crittenden*, Civil Action File No. 1:18-CV-05181-SCJ, Doc. 33, Supplemental Declaration of Chris Harvey, Elections Director of the Office of the Secretary of State, ¶ 11 (N.D. Ga. Nov. 13, 2018) (“If the state allowed out of county voting, there would be no practical way of knowing if a voter voted in more than one county.”).

173.

In violation of O.C.G.A. § 21-2-218(b), Respondents, jointly and severally, allowed at least 40,279 individuals to vote who had moved across county lines at least 30 days prior to Election Day and who had failed to properly re-register to vote in their new county after moving. **Exhibit 4** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

174.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

175.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 1,043 individuals to cast ballots who had illegally registered to vote using a postal office box as their habitation. *See Exhibit 2.*

176.

Respondents then, jointly and severally improperly counted these illegal votes in the Contested Election.

177.

A postal office box is not a residential address.

178.

One cannot reside or have a domicile within a postal office box.

179.

It is a violation of Georgia law to list a postal office box as one's voter place of habitation. *See O.C.G.A. § 21-2-217(a)(1).*

180.

A person desiring “to vote at any...general election” must apply to register to vote “by the close of business on the fifth Monday...prior to the date of such...general election.” O.C.G.A. § 21-2-224(a).

181.

The application for registration is “deemed to have been made as of the date of the postmark affixed to such application,” or if received by the Secretary of State through the United States Postal Service, by “the close of business on the fourth Friday prior to a . . . general election.” O.C.G.A. § 21-2-224(c).

182.

In violation of O.C.G.A. § 21-2-224, Respondents, jointly and severally, allowed at least 98 individuals to vote who the state records as having registered after the last day permitted under law. *See Exhibit 3.*

183.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

184.

“Each elector who makes timely application for registration, is found eligible by the board of registrars and placed on the official list of electors, and is not subsequently found to be disqualified to vote shall be entitled to vote in any...election.” O.C.G.A. § 21-2-224(d).

185.

“Neither the original applications of voter registration nor any copies thereof shall be open for public inspection except upon order of a court of competent jurisdiction.” O.C.G.A. § 21-2-225(a).

186.

Respondents, jointly and severally, have access to and the ability to exchange confidential information in order to maintain voter registration systems. O.C.G.A § 21-2-225.

187.

Secretary Raffensperger is required to maintain and update a list of registered voters within this state.

188.

On the 10th day of each month, each county is to provide to the Secretary of State a list of convicted felons, deceased persons, persons found to be non-citizens during a jury selection process, and those declared mentally incompetent. *See* O.C.G.A. § 21-2-231(a)-(b), (d).

189.

In turn, any person on the Secretary of State’s list of registered voters is to be removed from the registration list if the voter dies, is convicted of a felony, is declared mentally incompetent, confirms in writing a change of address outside of the county, requests his or her name be removed from the registration list, or does not vote or update his or her voter’s registration through two general elections. *See* O.C.G.A. §§ 21-2-231, 21-2-232, 21-2-235.

190.

Respondents, jointly and severally, did not update the voter registration list(s).

191.

In violation of O.C.G.A. § 21-2-231(a)-(b) and (d), Respondents, jointly and severally, allowed as many as 10,315 or more individuals to vote who were deceased by the time of Election Day. *See Exhibit 3.*

192.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

193.

Of these individuals, 8,718 are recorded as having perished prior to the date the State records as having accepted their vote. *See Exhibit 3.*

194.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

195.

For example, Affiant Lisa Holst received three absentee mail-in ballots for her late father-in-law, Walter T. Holst, who died on May 13, 2010. **Exhibit 5** attached hereto and incorporated by reference.

196.

Voter history shows that an absentee ballot was returned for Mr. Holst on October 28, 2020.

197.

Someone deceased for 10 years should not have received three absentee ballots.

198.

Someone deceased for 10 years should not have received any absentee ballot.

199.

Someone deceased for 10 years should not have had any absentee ballot counted.

200.

Another Affiant, Sandy Rumph, has stated that her father-in-law, who died on September 9, 2019, had his voter registration change from “deceased” to “active” 8 days *after* he passed away. **Exhibit 6** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

201.

With his registration status change, his address was also changed online from his real address in Douglasville to an unfamiliar address in DeKalb County. *Id.*

202.

Respondents jointly and severally failed to maintain and update voter registration lists which allowed voter registration information to be changed after the death of an elector.

203.

Respondents jointly and severally failed to maintain and update voter registration lists which allowed absentee ballots to be used fraudulently.

**RESPONDENTS COMMITTED SUBSTANTIAL VIOLATIONS OF GEORGIA LAW
WITH RESPECT TO ABSENTEE BALLOTS**

204.

The Legislature has established procedures for absentee voting in the state.

205.

Pursuant to O.G.C.A. 21-2-381, absentee ballots must be requested by the voter, or the voter's designee, before they can be sent out.

206.

In violation of O.C.G.A. § 21-2-381, Respondent Raffensperger sent unsolicited absentee ballot applications before the 2020 primary election to all persons on the list of qualified electors, whether or not an application had been requested by the voter.

207.

The unlawfully sent applications allowed the recipient to check a box to request an absentee ballot for the Contested Election in advance of the period for which an absentee ballot could be requested.

208.

Individuals wishing to vote absentee may apply for a mail-in ballot “**not more than 180 days prior to the date of the primary or election.**” O.C.G.A. § 21-2-381(a)(1)(A) (emphasis added).

209.

In violation of O.C.G.A. § 21-2-381(a)(1)(A), Respondents, jointly and severally, allowed at least 305,701 individuals to vote who, according to State records, applied for an absentee ballot more than 180 days prior to the Contested Election. *See Exhibit 3.*

210.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

211.

Pursuant to O.C.G.A. § 21-2-381(b) an absentee voter must have requested an absentee ballot before such ballot is capable of being received by the voter.

212.

If such applicant is eligible under the provisions of the Election Code, an absentee ballot is to be mailed to the voter.

213.

In violation of O.C.G.A. § 21-2-385, Respondents, jointly and severally, allowed at least 92 individuals to vote whose absentee ballots, according to State records, were returned and accepted prior to that individual requesting an absentee ballot. *See Exhibit 3.*

214.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

215.

Absentee ballots may only be mailed after determining the applicant is registered and eligible to vote in the election. O.C.G.A. § 21-2-381(b)(1).

216.

In violation of O.C.G.A. § 21-2-381(b)(1), Respondents, jointly and severally, allowed state election officials to mail at least 13 absentee ballots to individuals who were not yet registered to vote according to the state's records. *See Exhibit 3.*

217.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

218.

Pursuant to O.C.G.A. § 21-2-384(a)(2) absentee ballots may not be mailed more than 49 days prior to an election.

219.

Respondents, jointly and severally, mailed at least 2,664 absentee ballots to individuals prior to the earliest date permitted by law. *See Exhibit 3.*

220.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

221.

According to State records, Respondents jointly and severally allowed at least 50 individuals to vote whose absentee ballots were returned and accepted prior to the earliest date that absentee ballots were permitted by law to be sent out. *See Exhibit 3.*

222.

Respondents then, jointly and severally improperly counted these illegal votes in the Contested Election. *Id.*

223.

An absentee voter's application for an absentee ballot must have been accepted by the election registrar or absentee ballot clerk in order for that individual's absentee ballot vote to be counted. O.C.G.A. § 21-2-385.

224.

In violation of O.C.G.A. § 21-2-385, Respondents, jointly and severally, allowed at least 2 individuals to vote whose absentee ballot applications had been rejected, according to state records.

See Exhibit 3.

225.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

226.

It is not possible for an absentee voter to have applied by mail, been issued by mail, and returned by mail an absentee ballot, and for that ballot to have accepted by election officials, all on the same day.

227.

In violation of O.C.G.A. § 21-2-384, Respondents, jointly and severally, allowed at least 217 individuals to vote whose absentee ballots, according to state records, were applied for, issued, and received by mail all on the same day. *See Exhibit 3.*

228.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

**RESPONDENTS FAILED TO COMPLY WITH GEORGIA LAW PROVISIONS FOR
MATCHING SIGNATURES AND CONFIRMING VOTER IDENTITY FOR ELECTORS
SEEKING TO VOTE ABSENTEE**

229.

O.C.G.A. §21-2-381(b) mandates the procedures to be followed by election officials upon receipt of an absentee ballot application:

“Upon receipt of a timely application for an absentee ballot, a registrar or absentee ballot clerk...shall determine...if the applicant is eligible to vote in the...election involved. In order to be found eligible to vote an absentee ballot by mail, the registrar or absentee ballot clerk **shall compare the identifying information on the application with the information on file in the registrar’s office and, if the application is signed by the elector, compare the signature or mark of the elector on the application with the signature or mark of the elector on the elector’s voter registration card.** In order to be found eligible to vote an absentee ballot in person...**shall show one of the forms of identification listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the identifying information on the application with the information on file in the registrar’s office.”** O.C.G.A. § 21-2-381(b) (emphasis added).

230.

O.C.G.A. § 21-2-386(a)(1)(B) mandates the procedures to be followed by election officials upon receipt of an absentee ballot:

Upon receipt of each [absentee] ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk **shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or make on the oath with the signature or mark on the absentee elector’s voter card or the most recent update to such absentee elector’s voter registration card and application for absentee ballot or a facsimile of said signature or maker taken from said card or application,** and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter’s oath. Each elector’s name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct. O.C.G.A. § 21-2-386(a)(1)(B) (emphasis added).

231.

O.C.G.A. § 21-2-386(a)(1)(C) mandates the procedures to be followed by election officials with respect to defective absentee ballots:

If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk *shall* write across the face of the envelope "Rejected," giving the reason therefor. The board of registrars or absentee ballot clerk *shall* promptly notify the elector of such rejection, a copy of which notification *shall* be retained in the files of the board of registrars or absentee ballot clerk for at least one year. O.C.G.A. § 21-2-386(a)(1)(C) (emphasis added).

RESPONDENT RAFFENSPERGER DISREGARDED THE ELECTION CODE BY FIAT AND INSTRUCTED THE RESPONDENT COUNTIES TO DO LIKEWISE

232.

On March 6, 2020, Respondents Raffensperger and the State Election Board entered into a "Compromise and Settlement Agreement and Release" (the "Consent Decree") in litigation filed by the Democratic Party of Georgia, Inc., the Democrat Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee (collectively the "Democrat Party Agencies").⁷ A true and correct copy of the Consent Decree is attached to the original Verified Complaint filed in this matter as **Exhibit 7** and incorporated herein by reference.

233.

The litigation was one of more than one hundred lawsuits nationwide filed by Democrats and partisan affiliates of the Democratic Party seeking to rewrite the duly enacted election laws of

⁷ See *Democratic Party of Georgia, Inc., et al. v. Raffensperger, et al.*, Civil Action File No. 1:19-cv-05028-WMR, Doc. 56-1, Joint Notice of Settlement as to State Defendants, Att. A, Compromise Settlement Agreement and Release (N.D. Ga. Mar. 6, 2020).

the states. **Exhibit 8** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

234.

Without legislative authority, Respondents unlawfully adopted standards to be followed by the clerks and registrars in processing absentee ballots inconsistent with the election code.

235.

The Consent Decree exceeded Respondents' authority under the Georgia Constitution. *See* Ga. Const. art. III, §1; **Exhibit 15** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference; *see also* O.C.G.A. § 21-2-31 (providing that the State Election Board shall "formulate, adopt, and promulgate such rules and regulations, *consistent with the law*, as will be conducive to the fair, legal, and orderly conduct of primaries and elections" (emphasis added)).

236.

The Consent Decree changed the plain language of the statute for receiving and processing absentee ballot applications and ballots.

237.

The Consent Decree increased the burden on election officials to conduct the mandatory signature verification process by adding additional, cumbersome steps.

238.

For example, the Consent Decree tripled the number of personnel required for an absentee ballot application or ballot to be rejected for signature mismatch.

239.

The Consent Decree further violated the Election Code by purporting to allow election officials to match signatures on absentee ballot envelopes against the application, rather than the voter file as required by O.C.G.A. §§ 21-2-381, 21-2-385.

**RESPONDENTS DID NOT CONDUCT MEANINGFUL VERIFICATION OF
ABSENTEE BALLOT APPLICANT AND VOTER IDENTITIES**

240.

Notwithstanding the changes made by the Consent Decree, the mandatory signature verification and voter identification requirements were not altogether eliminated.

241.

Despite the legal requirement for signature matching and voter identity verification, Respondents failed to ensure that such obligations were followed by election officials. **Exhibit 9** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

242.

According to state records, an unprecedented 1,768,972 absentee ballots were mailed out in the Contested Election. **Exhibit 10** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

243.

Of the total number of absentee ballots mailed out in the Contested Election, 1,317,000 were returned (i.e., either accepted, spoiled, or rejected). *Id.*

244.

The number of absentee ballots returned in the Contested Election represents a greater than 500% increase over the 2016 General Election and a greater than 400% increase over the 2018 General Election. *Id.*

245.

The state received over a million more ballots in the Contested Election than the 2016 and 2018 General Elections. *Id.*

246.

The number of returned absentee ballots that were rejected in the Contested Election was 4,471, yielding a 0.34% rejection rate. *Id.*

247.

The number of returned absentee ballots that were rejected in the 2016 General Election was 6,059, yielding a 2.90% rejection rate. *Id.*

248.

The number of returned absentee ballots that were rejected in the 2018 General Election was 7,889, yielding a 3.46% rejection rate. *Id.*

249.

Stated differently, the percentage of rejected ballots fell to 0.34% in 2020 from 2.9% in 2016 and 3.46% in 2018, despite a nearly sixfold increase in the number of ballots returned to the state for processing.

250.

The explosion in the number of absentee ballots received, counted, and included in the tabulations for the Contested Election, with the simultaneous precipitous drop in the percentage of absentee ballots rejected, demonstrates there was little or no proper review and confirmation of the eligibility and identity of absentee voters during the Contested Election.

251.

Had the statutory procedure for signature matching, voter identity and eligibility verification been followed in the Contested Election, Georgia's historical absentee ballot rejection rate of 2.90-3.46% applied to the 2020 absentee ballot returned and processed, between 38,250 and 45,626 ballots should have been rejected in the Contested Election. *See Exhibit 10.*

**RESPONDENTS VIOLATED GEORGIANS' FUNDAMENTAL RIGHT TO A
TRANSPARENT AND OPEN ELECTION**

252.

A fair, honest, and transparent vote count is a cornerstone of democratic elections. INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE, INTERNATIONAL ELECTORAL STANDARDS, GUIDELINES FOR REVIEWING THE LEGAL FRAMEWORK OF ELECTIONS (2002).

253.

All citizens, including Georgians, have rights under the United States Constitution to the full, free, and accurate elections built upon transparency and verifiability. *Purcell v. Gonzalez*, 549 U.S. 1, 4, 127 S. Ct. 5, 7 (2006) (per curiam).

254.

Citizens are entitled—and deserve—to vote in a transparent system that is designed to protect against vote dilution. *Bush v. Gore*, 531 U.S. 98, 104-05, 121 S. Ct. 525, 529-30 (2000); *Anderson v. United States*, 417 U.S. 211, 227 (1974); *see also Baker v. Carr*, 369 U.S. 186, 208, 82 S. Ct. 691, 705 (1962).

255.

This requires that votes be counted, tabulated and consolidated in the presence of the representatives of parties and candidates and election observers, and that the entire process by which a winner is determined is fully and completely open to public scrutiny. INTERNATIONAL ELECTORAL STANDARDS at 77.

256.

The importance of watchers and representatives serving as an important check in elections is recognized internationally. *Id.*

257.

Georgia law recognizes “the fundamental right of citizens to vote *and to have their votes counted accurately*.” *Martin* at 194 (emphasis added).

258.

The right to have one’s vote counted accurately infers a right to a free, accurate, public, and transparent election, which is reflected throughout Georgia election law. *Cf. Ellis v. Johnson*, 263 Ga. 514, 516, 435 S.E.2d 923, 925 (1993) (“Of particular importance is that the General

Assembly has provided the public with the right to examine . . . the actual counting of the ballots, . . . and the computation and canvassing of returns”).

259.

Georgia law requires “[s]uperintendents, poll officers, and other officials engaged in the conducting of primaries and elections . . . shall perform their duties in public.” O.C.G.A. §21-2-406.

260.

Each political party who has nominated a candidate “shall be entitled to designate . . . state-wide poll watchers.” O.C.G.A. § 21-2-408 (b)(2).

261.

Poll watchers “may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes.” O.C.G.A. § 21-2-408 (d).

262.

“All proceedings at the tabulating center and precincts shall be open to the view of the public.” O.C.G.A. § 21-2-483(b).

263.

Under O.C.G.A. § 21-2-493, “[t]he superintendent shall, at or before 12:00 noon on the day following the primary or election, at his or her office or at some other convenient **public place** at the county seat or in the municipality, of which **due notice of shall have been given** as provided by Code Section 21-2-492, **publicly commence** the computation and canvassing of returns and continue the same from the day until completed.” (Emphasis added.)

264.

During the tabulation of votes cast during an election, vote review panels are to convene to attempt to determine a voter's intent when that intent is unclear from the ballot, consisting of equal Republican and Democratic representation. *See* O.C.G.A. § 21-2-483(g)(2).

265.

The activities of the vote review panel are required to be open to the view of the public. *See* O.C.G.A. § 21-2-483(a).

266.

Moreover, Respondent Raffensperger declared that for the Risk Limiting Audit:

Per the instructions given to counties as they conduct their audit triggered full hand recounts, **designated monitors will be given complete access to observe the process from the beginning. While the audit triggered recount must be open to the public and media, designated monitors will be able to observe more closely. The general public and the press will be restricted to a public viewing area. Designated monitors will be able to watch the recount while standing close to the elections' workers conducting the recount.**

Political parties are allowed to designate a minimum of two monitors per county at a ratio of one monitor per party for every ten audit boards in a county **Beyond being able to watch to ensure the recount is conducted fairly and securely, the two-person audit boards conducting the hand recount call out the votes as they are recounted, providing monitors and the public an additional way to keep tabs on the process.**⁸

267.

Respondents, jointly and severally, violated Petitioners' fundamental right to a free, accurate, public, and transparent election under the Constitution of the State of Georgia in the

⁸ Office of Secretary of State Brad Raffensperger, *Monitors Closely Observing Audit-Triggered Full Hand Recount: Transparency is Built Into Process* (Nov. 17, 2020), https://sos.ga.gov/index.php/elections/monitors_closely_observing_audit_triggered_full_hand_recount_transparency_is_built_into_process.

Contested Election and the Risk Limiting Audit. *See* composite Affidavit Appendix attached is attached to the original Verified Complaint filed in this matter and incorporated herein by reference as **Exhibit 17**.

268.

Respondents, jointly and severally, violated provisions of the Georgia Election Code mandating meaningful public oversight of the conduct of the election and the counting and recording of votes in the Contested Election and the Risk Limiting Audit. *Id.*

269.

Respondents, jointly and severally, failed to adhere to Respondent Raffensperger's own guidelines promising a free, accurate, public, and transparent process in the Risk Limiting Audit. *Id.*

**RESPONDENTS HAVE ADMITTED MISCONDUCT, FRAUD, AND WIDESPREAD
IRREGULARITIES COMMITTED BY MULTIPLE COUNTIES**

270.

The Secretary of State has admitted that multiple county election boards, supervisors, employees, election officials and their agents failed to follow the Election Code and State Election Board Rules and Regulations.⁹

⁹ Note: These are samples and not an exhaustive list of the Secretary of State's admissions of Respondents' failures and violations of Georgia law.

271.

The Secretary of State has called The Fulton County Registration and Elections Board and its agents' ("Fulton County Elections Officials") job performance prior to and through the Election Contest "dysfunctional."

272.

The Secretary of State and members of his staff have repeatedly criticized the actions, poor judgment, and misconduct of Fulton County Elections Officials.

273.

Fulton County Elections Officials' performance in the 2020 primary elections was so dysfunctional that it was fined \$50,000 and subject to remedial measures.

274.

Describing Respondent Barron's and the Fulton County Election Officials conduct in the Fulton County Elections in the Election Contest, Secretary Raffensperger stated, "Us and our office, and I think the rest of the state, is getting a little tired of always having to wait on Fulton County and always having to put up with [Fulton County Elections Officials'] dysfunction."

275.

The Secretary of State's agent, Mr. Sterling, said initial findings from an independent monitor allegedly show "generally bad management" with Fulton's absentee ballots.¹⁰

¹⁰ Ben Brasch, *Georgia Opens 2 Investigations Into Fulton's Elections Operations*, The Atlanta Journal-Constitution (Nov. 17, 2020), <https://www.ajc.com/news/atlanta-news/georgia-opens-2-investigations-into-fultons-elections-operations/EVCBN4ZJTZELPDHMH63POL3RKQ/>.

Fulton County Elections' Deception and Fraud

276.

The Secretary of State's Office claims it investigated an incident where Fulton County election officials fraudulently stated there was a "flood" and "a pipe burst," which was later revealed to be a "leaky" toilet.

277.

At approximately 10:00 p.m. on November 3, 2020, Fulton County Election Officials, who were handling and scanning thousands of ballots at the State Farm Arena, instructed Republican poll watchers and the press that they were finished working for the day and that the Republican poll watchers and the press were to leave. The Fulton County Elections Officials further stated that they would restart their work at approximately 8:00 a.m. on November 4, 2020.

278.

The Fulton County Election Officials lied.

279.

Deliberate misinformation was used to instruct Republican poll watchers and members of the press to leave the premises for the night at approximately 10:00 p.m. on November 3, 2020. **Exhibits 12, 13, and 14** are attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

280.

After Fulton County Elections Officials **lied and defrauded** the Republican poll watchers and members of the press, whereby in reasonable reliance the Republican poll watchers and

members of the press left the State Farm Arena (where they had been observing the ballots being processed), without public transparency Fulton County Elections Officials continued to process, handle, and transfer many thousands of ballots. *See Exhibit 14.*

281.

Fulton County Elections Officials' fraudulent statements not only defrauded the Republican poll watchers and the press, but also deprived every single Fulton County voter, Georgian, American, and Petitioners of the opportunity for a transparent election process and have thereby placed the Election Contest in doubt.

Spalding County Elections & Voter Registration Supervisor and Her Agents' Failures

282.

Respondent Raffensperger has called for the resignation of the Spalding County Elections and Voter Registration Supervisor, who has, as of this filing, resigned.¹¹

283.

Respondent Raffensperger cited "serious management issues and poor decision-making" by Election Supervisor Marcia Ridley during the Contested Election.

¹¹ David Wickert, *Georgia Officials Call for Spalding Election Director to Resign*, The Atlanta Journal-Constitution (Nov. 17, 2020), <https://www.ajc.com/politics/election/georgia-officials-call-for-spalding-election-director-to-resign/YYUISCBSV5FTHDZPM3N5RJVV6A/>.

284.

Respondent Raffensperger has called for the resignation of the Executive Director of the Floyd County Board of Registrations and Elections for his failure to follow proper election protocols.¹²

**RESPONDENTS CONSPIRED TO DISREGARD THE ELECTION CODE AND TO
SUBSTITUTE THEIR OWN UNLAWFUL EDICTS**

285.

In violation of O.C.G.A. § 21-2-386 et seq. the State Board of Election promulgated a rule that authorized county election boards to begin processing absentee ballots on the third Monday preceding the election, provided they give the Secretary of State and the public notice of such intention to begin processing absentee ballots.

286.

Failure to follow the process directed by the statute is a derogation of the Election Code and denies voters the ability to cancel their absentee ballot up until Election Day.

287.

Respondents, jointly and severally, were complicit in conspiring to violate and violating the Election Code.

¹² Jeffrey Martin, Georgia Secretary of State Calls for Resignation of County Election Director After 2,600 Ballots Discovered (Nov. 16, 2020), <https://www.newsweek.com/georgia-secretary-state-calls-resignation-county-election-director-after-2600-ballots-discovered-1547874>.

288.

Respondents, jointly and severally, are “Violators” as defined by the Election Code.

289.

As a direct and proximate result of Respondents multiple, continued, and flagrant disregard of the Election Code, the outcome of the Contested Election is not capable of being known with certainty.

290.

Petitioners incorporate by reference and reallege all prior paragraphs of this Petition and the paragraphs in the Counts below as though set forth fully herein.

291.

Despite Respondents receiving substantial funding from the Center for Technology and Civic Life (CTCL), Respondents failed to use such funds to train the election workers regarding signature verification, the proper procedures for matching signatures, and how to comply fully with the Election Code. **Exhibit 11** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

292.

Due to the lack of uniform guidance and training, the signature verification and voter identity confirmation was performed poorly or not at all in some counties and served as virtually no check against improper voting. *See Exhibit 9.*

RESPONDENT SECRETARY OF STATE MUST ALLOW AND CONDUCT AN AUDIT OF THE SIGNATURES ON ABSENTEE BALLOT APPLICATIONS AND ABSENTEE BALLOTS IN ORDER TO DETERMINE WHETHER THE SIGNATURES WERE PROPERLY MATCHED PRIOR TO BEING COUNTED AND INCLUDED IN THE TABULATIONS

293.

The data regarding the statistically miniscule rejection rate of absentee ballots cast and counted in the Contested Election gives rise to sufficient concerns that there were irregularities that should be reviewed and investigated.

294.

Petitioners have brought these concerns about the signature matching and voter verification process to the attention of Respondent Raffensperger **on five separate occasions** since the Contested Election, requesting that the Secretary conduct an audit of the signatures on the absentee ballot applications and absentee ballots, via Letter on November 10, 2020; Letter on November 12, 2020; Letter on November 23, 2020; Email on November 23, 2020, and again via Letter on November 30, 2020. **Exhibit 18** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

295.

The Secretary of State is obligated by law to “to permit the public inspection or copying, in accordance with this chapter, of any return, petition, certificate, paper, account, contract, report, or any other document or record in his or her custody.” O.G.C.A. § 21-2-586(a). The Court has the power to compel the open inspection of original applications. O.C.G.A. § 21-2-225(a).¹³

¹³ Petitioners are ready, willing and able to enter into a mutually agreeable Protective Order to protect any personal identifying information.

296.

Failure to comply with any such request by the Secretary of State or an employee of his or her office shall [constitute] a misdemeanor.” O.G.C.A. § 21-2-586(a).

297.

The Secretary of State’s refusal on five separate occasions to comply with requests to produce the signatures used to request absentee ballots and to confirm the identities of those individuals requesting such ballots in the contested election is a violation of O.G.C.A. § 21 2 586(a).

298.

In order for the Secretary of State to comply with O.G.C.A. § 21-2-586(a), professional handwriting experts recommend a minimum of Ten Thousand (10,000) absentee ballot signatures be professionally evaluated. **Exhibit 16** is attached to the original Verified Complaint filed in this matter and incorporated herein by reference.

299.

Petitioners respectfully request that the Court order the production of the records of the absentee ballot applications and absentee ballots, for purposes of conducting an audit of the signatures on absentee ballot applications and absentee ballots cast in the Contested Election.

**THERE ARE MYRIAD REPORTS OF IRREGULARITIES AND VIOLATIONS OF
THE ELECTION CODE DURING THE CONTESTED ELECTION**

300.

Petitioners have received hundreds of incident reports regarding problems, irregularities, and violations of the Election Code during the Contested Election.

301.

From those reports, Petitioners have attached affidavits from dozens of Citizens of Georgia, sworn under penalty of perjury, attesting to myriad violations of law committed by Respondents during the Contested Election. *See Exhibit 17.*

302.

The affidavits are attached to this Petition as an Appendix, with details of the multiple violations of law. *Id.*

303.

Also included in the Appendix are sworn declarations from data experts who have conducted detailed analysis of irregularities in the State's voter records. *See Exhibits 2, 3, 4, and 10.*

COUNTS

COUNT I:

ELECTION CONTEST

O.C.G.A §21-2-521 *et seq.*

304.

Petitioners incorporate by reference and re-allege the applicable foregoing paragraphs stated above.

305.

Respondents, jointly and severally, have violated the Constitution of the State of Georgia.

306.

Respondents, jointly and severally, have violated the laws of the State of Georgia.

307.

Respondents, jointly and severally, have violated the Election Code.

308.

Respondents, jointly and severally, have violated State Election Board Rules and Regulations.

309.

Respondents, jointly and severally, have violated the basic tenants of an open, free, and fair election.

310.

Respondents, jointly and severally, have failed in their duties to their constituents, the people of the State of Georgia, and the entire American democratic process.

311.

The Contested Election has been timely and appropriately contested per O.C.G.A. § 21-2-522 et seq.

312.

As a direct and proximate result of Respondents' actions, the Contested Election is fraught with misconduct, fraud, and irregularities.

313.

Due to the actions and failures of Respondents, many thousands of illegal votes were accepted, cast, and counted in the Contested Election, and legal votes were rejected.

314.

The fraud, misconduct, and irregularities that occurred under the “supervision” of Respondents are sufficient to change the purported results of the Contested Election.

315.

The fraud, misconduct, and irregularities that occurred under the “supervision” of Respondents are sufficient to place the Contested Election in doubt.

316.

Respondents’ misconduct is sufficient to change the purported results in the Contested Election in President Trump’s favor.

317.

Respondents’ misconduct is sufficient to place the purported Contested Election results in doubt.

318.

Respondents, jointly and severally, erred in counting the votes in the Contested Election.

319.

Respondents’ error in counting the votes in the Contested Election would change the result in President Trump’s favor.

320.

Respondents, jointly and severally, erred in declaring the Contested Election results in favor of Mr. Biden.

321.

Respondents' systemic negligent, intentional, willful, and reckless violations of the Georgia Constitution, Georgia law, as well as the fundamental premise of a free and fair election created such error and irregularities at every stage of the Contested Election—from registration through certification and every component in between—that the outcome of the Contested Election is in doubt.

322.

As a result, there is sufficient evidence to call the result of the Contested Election into doubt as to the outcome of the Contested Election, and the Contested Election and any certification associated therewith shall be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia law or, in the alternative, that such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia.¹⁴ See O.C.G.A. § 21-2-522.

COUNT II:

VIOLATIONS OF THE GEORGIA CONSTITUTION'S EQUAL PROTECTION PROVISION

323.

Petitioners incorporate by reference and re-allege the paragraphs stated above.

¹⁴ In the event this Court enjoins, vacates, and nullifies the Contested Election, the Legislature shall direct the manner of choosing presidential electors. U.S. art II, § 1; *see also Bush v. Gore*, 531 U.S. 98.

324.

The Constitution of the State of Georgia provides, “Protection and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.” Ga. Const. art. I, § I, para. II.

325.

Under Georgia’s Equal Protection Clause, “the government is required to treat similarly situated individuals in a similar manner.” *State v. Jackson*, 271 GA 5 (1999), *Favorito v. Handel*, 285 Ga. 795, 798 (2009) (citation and quotations omitted). See **Exhibit 15**.

326.

This requires establishing a uniform procedure for all counties to conduct absentee voting, advance voting, and Election Day in-person voting.

327.

Respondents, jointly and severally, failed to establish such uniform procedure for the verification of signatures of absentee ballots.

328.

Respondents, jointly and severally, failed to establish a uniform level of scrutiny for signature matching.

329.

Respondents, jointly and severally, failed to train those who would be conducting signature verification on how to do so.

330.

The burdens of applying for and voting an absentee ballot were different in various counties throughout the State of Georgia.

331.

Electors voting via by absentee mail-in ballot were not required to provide identification, other than a matching signature.

332.

Electors voting in person were required to show photo identification and verify the voter's identity.

333.

The burdens of applying for and voting via absentee mail-in ballot were different from those for absentee in person.

334.

Georgia voters were treated differently depending on how they voted (i.e., whether by mail or in person), where they voted, when they voted, and for whom they voted.

335.

An elector in one county casting a ballot would not have his or her ballot treated in a similar manner as a voter in a different county.

336.

Electors in the same county would not have their ballots treated in a similar manner as electors at different precincts.

337.

Electors in the same precinct would not have their ballots treated in a similar manner whose votes were tabulated using different tabulators.

338.

Respondents, jointly and severally, failed to establish uniform procedures for treating similarly situated electors similarly.

339.

Respondents' systemic failure to even attempt uniformity across the state is a flagrant violation of the Constitution of the State of Georgia.

340.

Such a violation of the rights of the Citizens of Georgia constitutes misconduct and irregularity by election officials sufficient to change or place in doubt the result of the Contested Election.

341.

As a result, there is substantial doubt as to the outcome of the Contested Election, and the Contested Election and any certification associated therewith should be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia

law or such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia. *See* O.C.G.A. § 21-2-522.

COUNT III:

VIOLATIONS OF THE GEORGIA CONSTITUTION'S DUE PROCESS PROVISIONS

342.

Petitioners incorporate by reference and re-allege the paragraphs stated above.

343.

Pursuant to the Constitution of the State of Georgia, “No person shall be deprived of life, liberty, or property except by due process of law.” Ga. Const. art. I, § I, para. I.

344.

Moreover, “All citizens of the United States, resident in this state, are hereby declared citizens of this state; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship.” Ga. Const. art. I, § 1, para. VII.

345.

The right to vote is a fundamental right.

346.

When a fundamental right is allegedly infringed by government action, substantive due process requires that the infringement be narrowly tailored to serve a compelling state interest. *Old S. Duck Tours v. Mayor & Aldermen of City of Savannah*, 272 Ga. 869, 872, 535 S.E.2d 751, 754 (2000).

347.

By allowing illegal ballots to be cast and counted, Respondents diluted the votes of qualified Georgia electors.

348.

By allowing illegal ballots to be cast and counted, Respondents, by and through their misconduct, allowed the disenfranchisement of qualified Georgia electors.

349.

Respondents, jointly and severally, violated the Due Process protections of qualified Georgia Electors guaranteed by the Georgia State Constitution.

350.

As a result, there is substantial doubt as to the outcome of the Contested Election and any certification associated therewith should be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia law or such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia.

COUNT IV:

DECLARATORY JUDGMENT AND RELIEF

351.

Petitioners incorporate by reference and re-allege the paragraphs stated above.

352.

This claim is an action for a declaratory judgment pursuant to O.C.G.A. §§ 9-4-1 et seq.

353.

An actual controversy is ripe and exists between Petitioners and Respondents with regard to the misconduct, fraud, and irregularities occurring in the Contested Election, specifically including but not limited to:

- a. The illegal and improper inclusion of unqualified voters on Georgia's voter list;
- b. allowing ineligible voters to vote illegally in the Contested Election;
- c. whether the Contested Election results are invalid;
- d. whether the results of the Contested Election are null and void.

354.

It is necessary and proper that the rights and status amongst the parties hereto be declared.

355.

This Honorable Court is a Court of Equity and therefore endowed with the authority to hear and the power to grant declaratory relief.

356.

As a result of the systemic misconduct, fraud, irregularities, violations of Georgia law, and errors occurring in the Contested Election and consequently in order to cure and avoid said uncertainty, Petitioners seek the entry of a declaratory judgment providing that:

- a. ineligible and unqualified individuals are unlawfully included on Georgia's voter role;
- b. unregistered, unqualified, and otherwise ineligible voters cast their votes during the Contested Election;
- c. the results of the Contested Election are null and void;

- d. any such other relief under the Election Code and which equity would otherwise require.

COUNT V:

**REQUEST FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF**

357.

Petitioners incorporate by reference and re-allege the paragraphs stated above.

358.

Petitioners seek an temporary restraining order, as well as preliminary and permanent injunctive relief per O.C.G.A. § 9-11-65, to:

- a. Order expedited discovery and strict compliance with all open records requests;
- b. Order Respondents to respond to this Petition within 3 days;
- c. Require Respondents to immediately fulfill their obligations under the Election Code to properly maintain and update Georgia's list of registered voters to remove ineligible voters;
- d. Prevent Respondents from allowing unqualified, unregistered, and otherwise ineligible individuals from voting in Georgia elections, including but not limited to the upcoming January 5, 2021 run-off¹⁵;
- e. Require an immediate audit of the signatures on absentee ballot applications and ballots as described in Exhibit 16;
- f. Require the Secretary of State to decertify the results of the Contested Election and declare it a nullity;

¹⁵ To the extent ineligible voters have already voted absentee for the January 5, 2021, runoff, those votes should be put into a provisional status.

- g. Enjoin the Secretary of State from appointing the Electors to the Electoral College;
- h. Order a new Presidential Election to occur at the earliest opportune time; and
- i. For such other relief that this Court deems just and proper under the circumstances.

359.

In the absence of a temporary restraining order and preliminary and permanent injunctions, Petitioners (and the Citizens of Georgia and the United States) will suffer irreparable harm for which there is no adequate remedy at law, while injunctive relief will cause no harm to Respondents.

360.

Immediate and irreparable injury, loss, or damage will result to the Petitioners (as well as the Citizens of Georgia and the United States) if the requested injunctive relief is not granted.

361.

There will be immediate and irreparable damage to the Citizens of Georgia by allowing an illegal, improper, fraudulent, error-ridden presidential election to be certified, thereby improperly appointing Georgia's electors for Mr. Biden even though the Contested Election is in doubt.

362.

There will be irreparable damage to the Citizens of Georgia through their loss of confidence in the integrity of the election process by virtue of the illegal votes included in the tabulations of the Contested Election, which outweighs any potential harm to Respondents.

363.

Granting the requested relief will not disserve the public interest.

364.

Granting the requested relief does not violate public policy.

365.

Granting the requested relief is in the interest of public policy.

366.

Petitioners will be irreparably injured in the event the prayed for injunctive relief is not granted.

367.

The public will be irreparably injured in the event the prayed for injunctive relief is not granted.

368.

Petitioners are entitled to ascertain the true outcome of the Contested Election.

369.

Petitioners are entitled to ascertain whether the Contested Election was conducted in a manner that violated the law.

370.

The Citizens of the State of Georgia are entitled to ascertain the true outcome of the Contested Election.

371.

The Citizens of the State of Georgia are entitled to ascertain whether the Contested Election was conducted in a manner that violated the law.

372.

It is further in the public interest to grant Petitioner's request for injunctive relief so that Georgia voters can have confidence that the January 5, 2021, Senate election is conducted in accordance with the Election Code.

373.

As early as possible, notice to Respondents of Petitioners' motion for injunctive relief will be made via email and / or telephone.

374.

Petitioners are further entitled to the injunctive relief sought herein because there is a substantial likelihood of success on the merits.

375.

The damage to Petitioners is not readily compensable by money.

376.

The balance of equities favors entry of a temporary restraining order and injunctive relief against Respondents and would not be adverse to any legitimate public interest.

WHEREFORE, Petitioners respectfully pray as follows for relief as follows:

1. That this Court issue a declaratory judgment that systemic, material violations of the Election Code during the Contested Election for President of the United States occurred that has rendered the Contested Election null and void as a matter of law;

2. That this Court issue a declaratory judgment that systemic, material violations of the Election Code during the Contested Election violated the voters' due process rights under the Georgia Constitution have rendered the Contested Election null and void as a matter of law;
3. That this Court issue a declaratory judgment that systemic, material violations of the Election Code violated the voters' equal protection rights under the Constitution of the State of Georgia that have rendered the Contested Election null and void as a matter of law, and such other and further relief under the Election Code and as equity should dictate;
4. That the Court issue an injunction requiring all Respondents to decertify the results of the Contested Election;
5. That the Court order a new election to be conducted in the presidential race, in the entirety of the State of Georgia at the earliest date, to be conducted in accordance with the Election Code;
6. That the Court order expedited discovery and hearing, since time is of the essence, given the legal requirements that the presidential electors from the State of Georgia are to meet on December 14, 2020, and that the electoral votes from the State of Georgia are to be delivered to and counted by the United States Congress on January 6, 2021;
9. That the Court order Respondents to make available 10,000 absentee ballot applications and ballot envelopes from Respondents, as per Exhibit 16, and access to the voter registration database sufficient to complete a full audit, including but not limited to a comparison of the signatures affixed to absentee ballot applications and envelopes to those on file with the Respondents under O.C.G.A. § 21-2-225(a);

10. That the Court order the Secretary of State and other Respondents to release to Petitioners for inspection all records regarding the Contested Election pursuant to O.C.G.A. § 21-2-586;
11. That the Court order all Respondents to immediately identify and remove felons with uncompleted sentences, cross-county voters, out-of-state voters, deceased voters, and other ineligible persons from Respondents' voter rolls within the next 30 days;
14. That the Court declare that all rules adopted by the Respondents Secretary of State or the State Election Board in contravention of the Georgia Election Code be invalidated, specifically regarding the authentication and processing of absentee ballots, to wit: State Election Board Rule 183-1-14-0.9-.15;
15. That the Court order such other relief as it finds just and proper.

Respectfully submitted this 9th day of December, 2020.

THE HILBERT LAW FIRM, LLC

/s/ Kurt Hilbert (e-sig)

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**COFFEE COUNTY BOARD OF
ELECTIONS AND REGISTRATION**

Ernestine Thomas-Clark, Chairman
Wendell Stone, Vice-chairman
C.T. Peavy, Member

224 West Ashley Street
Douglas, GA 31533
(912) 384-7018
FAX (912) 384-1343
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Eric Chaney, Member
Matthew McCullogh, Member
Misty Martin, Election Supervisor
Jil Ridlehoover Elections Assistant

12/04/2020

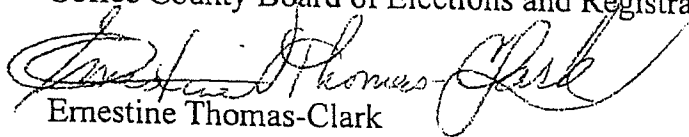
Brad Raffensperger
214 State Capitol
Atlanta, GA. 30334

Dear Mr. Raffensperger,

The Coffee County Board of Elections and Registration cannot certify the electronic recount numbers given its inability to repeatably duplicate creditable election results. Any system, financial, voting, or otherwise, that is not repeatable nor dependable should not be used. To demand certification of patently inaccurate results neither serves the objective of the electoral system nor satisfies the legal obligation to certify the electronic recount.

I am enclosing a spread sheet which illuminates that the electronic recount lacks credibility. NO local election board has the ability to reconcile the anomalies reflected in the attached. Accordingly, the Coffee County Board of Elections and Registration have voted to certify the votes cast in the election night report. The election night numbers are reflected in the official certification of results submitted by our office.

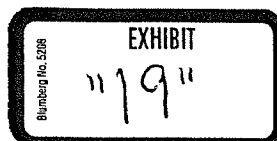
Respectfully,
Coffee County Board of Elections and Registration



Ernestine Thomas-Clark
Chairperson

Signed by Chairperson by expressed permission and consent of 100% of the board.

cc
Dominic LaRicca
Tyler Harper



[illegible]

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the above and foregoing ***MOTION FOR LEAVE TO AMEND VERIFIED PETITION TO CONTEST GEORGIA'S PRESIDENTIAL ELECTION RESULTS FOR VIOLATIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF GEORGIA, AND REQUEST FOR EMERGENCY DECLARATORY AND INJUNCTIVE RELIEF AND INCORPORATED BRIEF IN SUPPORT*** upon all parties and their counsel via this Court's e-file system, via STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5) and/or by placing a copy of the same in the United States mail, first class, with sufficient postage thereon to ensure delivery, addressed as follows:

Brad Raffensperger, in his official capacity as Secretary of State of Georgia
214 State Capitol
Atlanta, Georgia 30334

Rebecca N. Sullivan, in her official capacity as Vice Chair of the Georgia State Election Board,
214 State Capitol
Atlanta, Georgia 30334

David J. Worley, in his official capacity as a Member of the Georgia State Election Board
214 State Capitol
Atlanta, Georgia 30334

Matthew Mashburn, in his official capacity as a Member of the Georgia State Election Board
214 State Capitol
Atlanta, Georgia 30334

Anh Le, in her official capacity as a Member of the Georgia State Election Board
214 State Capitol
Atlanta, Georgia 30334

Richard L Barron in his official capacity as Director of Registration and Elections for Fulton
County,
141 Pryor St. SW
Atlanta, GA 30303

Janine Eveler in her official capacity as Director of Registration and Elections for Cobb County
P.O. Box 649
Marietta, GA 30061-0649

Erica Hamilton, in her official capacity as Director of Voter Registration and Elections for
DeKalb County
1300 Commerce Drive
Decatur, GA 30030

Kristi Royston, in her official capacity as Elections Supervisor for Gwinnett County
455 Grayson Highway
Lawrenceville, GA 30046

Russell Bridges, in his official capacity as Elections Supervisor for Chatham County
1117 Eisenhower Drive, Suite F
Savannah, Georgia 31406

Anne Dover, in her official capacity as Acting Director of Elections and Voter Registration for
Cherokee County,
2782 Marietta Highway, Suite 100
Canton, GA 30114

Shauna Dozier, in her official capacity as Elections Director for Clayton County,
112 Smith Street
Jonesboro, GA 30236

Mandi Smith, in her official capacity as Director of Voter Registration and Elections for Forsyth
County
1201 Sawnee Drive
Cumming, GA 30040

Ameika Pitts, in her official capacity as Director of the Board of Elections & Registration for
Henry County,
140 Henry Parkway
McDonough, GA 30253

Lynn Bailey, in her official capacity as Executive Director of Elections for Richmond County
535 Telfair Street
Augusta, GA 30901

Debra Presswood, in her official capacity as Registration and Election Supervisor for Houston
County

801 Main Street - Room 237, P.O. Box 945
Perry, GA 31069

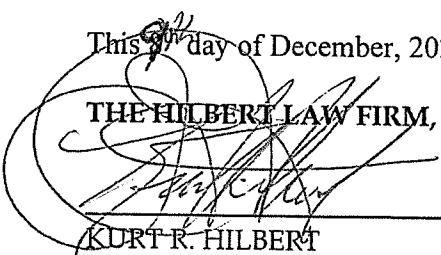
Vanessa Waddell, in her capacity as Chief Clerk of Elections for Floyd County
12 East 4th Avenue, Suite 20
Rome, GA 30161

Julianne Roberts, in her official capacity as Supervisor of Elections and Voter Registration for
Pickens County,
83 Pioneer Road
Jasper, GA 30143

Joseph Kirk, in his official capacity as Elections Supervisor for Bartow County
135 West Cherokee Avenue
Cartersville, GA 30120

Gerald McCown, in his official capacity as Elections Supervisor for Hancock County
12630 Broad Street
Sparta, GA 31087

This 31st day of December, 2020.


THE HILBERT LAW FIRM, LLC

KURT R. HILBERT

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Georgia Bar No. 352877

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