No. 20 -

IN THE

Supreme Court of the United States

In Re: L. LIN WOOD, JR.,

Petitioner,

vs.

BRAD RAFFENSPERGER, in his official capacity as Secretary of State of the 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; and ANH LE, in her official capacity as a Member of the Georgia State Election Board,

Respondents.

EMERGENCY PETITION UNDER RULE 20 FOR EXTRAORDINARY WRIT OF MANDAMUS

L. Lin Wood, Jr., Esq.
GA Bar No. 774588
L. LIN WOOD, P.C.
P.O. BOX 52584
Atlanta, GA 30355-0584
(404) 891-1402
lwood@linwoodlaw.com

QUESTIONS PRESENTED FOR REVIEW

The Georgia Legislature has plenary authority to set the "Times, Places and Manner" of Federal Elections and has clearly set forth the procedures to be followed in verifying the identity of in-person voters as well as mail-in absentee ballot voters. The Georgia Secretary of State usurped that power by entering into a Settlement Agreement with the Democratic Party earlier this year and issuing an "Official Election Bulletin" that modified the Legislature's clear procedures for verifying the identity of mail-in voters. The effect of the Secretary of State's unauthorized procedure is to treat the class of voters who vote by mail different from the class of voters who vote in-person, like Petitioner. That procedure dilutes the votes of in-person voters by votes from persons whose identities are less likely to verified as required by the legislative scheme. The Secretary's unconstitutional modifications to the legislative scheme violated Petitioner's Equal Protection rights by infringing on his fundamental right to vote. The Eleventh Circuit has held that Petitioner does not have standing to challenge State action that dilutes his vote and infringes upon his constitutional right to Equal Protection. The questions presented are:

1. Whether the Petitioner/voter has standing to challenge state action based on the predicate act of vote dilution where the underlying wrong infringes upon a voter's right to vote.

PARTIES TO THE PROCEEDINGS BELOW

Petitioner is L. Lin Wood, Jr., individually, is a voter and donor to the Republican party. Petitioner was the Plaintiff at the trial court level. Petitioner is not a corporate entity.

Respondents are BRAD RAFFENSPERGER, in his official capacity as Secretary of State of the 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, and ANH LE, in her official capacity as a Member of the Georgia State Election Board, et al. The Respondents were the Defendants at the trial court level.

The intervenors at the trial court level are the Democratic Party of Georgia, Inc., and the DSCC.

List of Directly Related Proceedings

Wood vs. Raffensperger, et al., Case No. 1:20-cv-046451-SDG (N.D. Ga.) - opinion and order dated November 20, 2020.

Wood vs. Raffensperger, et al. Case No. 20-14418 (11th Cir.) - opinion and judgment dated December 5, 2020.

Wood vs. Raffensperger, et al., Case No. 1:20-cv-0515-TCB (N.D. Ga.) - opinion and order dated December 28, 2020.

TABLE OF CONTENTS

INDEX TO APPENDIX

TABLE OF CITED AUTHORITY

STATUTES

OTHER LEGAL AUTHORITY

INTRODUCTION

Petitioner respectfully requests an immediate, emergency writ of injunction to order the Respondents—the State of Georgia, Secretary of State and Chair of the Georgia Election Board, Brad Raffensperger, and the members of the Georgia State Election Board, David J. Worley, Rebecca N. Sullivan, Matthew Mashburn, and Anh Lee, each in their official capacities—to halt the January 5, 2021 senatorial runoff election until such time as the Respondents agree to comply with the Georgia Legislature's prescribed election procedures.

Alternatively, Petitioner requests that this Court enter a writ of mandamus to the Honorable Timothy C. Batten, Sr. of the United States District Court, Northern District of Georgia, Atlanta Division ("District Court") ordering him to (1) vacate the District Court's December 28, 2020 final judgment in Docket No. 1:20-cv-5155-TCB ("December 28 Order") dismissing Petitioner's December 18, 2020 complaint ("Complaint"); and (2) grant Petitioner's December 18, 2020 Emergency Motion for Injunctive Relief ("TRO Motion") in appropriate part.

The District Court erred when it summarily dismissed Petitioner's Complaint and TRO Motion based on the erroneous conclusion that Petitioner lacks standing to pursue his claims, and failed to conduct any analysis or consideration of the factual or legal issues raised in Petitioner's Complaint supported by numerous fact and expert witness declarations and affidavits.

****

Time is short so Petitioner will get straight to the point: Petitioner's Complaint to the District Court is part of a larger effort to expose and reverse an unprecedent

conspiracy to steal the 2020 General Election, as well as the January 5, 2021 senatorial runoff election in the State of Georgia.

Petitioner and others like him seek to expose the massive, coordinated election fraud that occurred in the 2020 General Election, that will inevitably repeat itself in the January 5, 2021 runoff election. Petitioner and other pro–Trump supporters have been almost uniformly derided as "conspiracy theorists" or worse by Democrat politicians and activists and have been attacked or censored by their allies in the mainstream media and social media platforms – the modern public square. But nearly every day new evidence comes to light, new eyewitnesses and whistleblowers come forward, and expert statisticians confirm Petitioner's core allegation: **the 2020 General Election was tainted by unconstitutional election fraud on a scale that has never been seen before—at least not in America. Hundreds of thousands if not millions of illegal, fraudulent, ineligible or purely fictitious ballots were cast for Biden (along with hundreds of thousands of Trump votes that were intentionally destroyed, lost or switched to Biden), changing the outcome from a Biden loss to a Biden "win."**

Time is not on the fraudsters' side, as it becomes increasingly clear that the November 3rd election was stolen, and that Respondents' unconstitutional election procedures will once again permit these fraudsters from contravening the will of the electorate in Georgia, by allowing fraudulent ballots to be cast in the 2021 runoff election.

****

Petitioner's Complaint – supported by numerous fact and expert witness declarations and affidavits – described how Georgia election officials, including Respondents, knowingly enabled, permitted, facilitated, or even collaborated with third parties in practices resulting in hundreds of thousands of illegal, ineligible or fictitious votes being cast in the State of Georgia. The rampant lawlessness witnessed in Georgia was part of a larger pattern of illegal conduct seen in several other states, including Arizona, Michigan, Pennsylvania, and Wisconsin. Georgia State officials – administrative, executive and judicial – adopted new rules or "guidance" that circumvented or nullified the election laws, enacted by the Georgia Legislature, to protect election integrity and prevent voter fraud, using COVID-19 and public safety as a pretext.

Respondents' responsibility for the chaos that now engulfs us is compounded by their abuses of office to prevent any meaningful investigation or judicial inquiry into their misconduct and to run out the clock to prevent the public from ever discovering the scale and scope of the fraud.

In the District Court, Respondents dismissed Petitioner's requested relief as "unprecedented" and hinted that granting it could undermine faith in our election system. But to use a phrase favored by the District Court in a similar complaint in Michigan: that "ship has sailed." *King v. Whitmer*, No. 20-cv-13134 at *13 (E.D. Mich. Dec. 7, 2020). According to a Rasmussen poll, 75% of Republicans and ***30% of Democrats*** believe that "fraud was likely" in the 2020 General Election.[1] Public

[1] https://pjmedia.com/news-and-politics/matt-margolis/2020/11/19/whoa-nearly-a-third-of-democrats-believe-the-election-was-stolen-from-trump-n1160882/amp?__twitter_impression=true Last visited December 10, 2020.

confidence is already shattered and will be destroyed beyond repair if an election widely perceived as fraudulent were ratified in the name of preserving confidence.

The entire nation was watching Election Night when President Trump led by hundreds of thousands of votes in five key swing states when, nearly simultaneously, counting was shut down for hours in key, Democrat–run cities in these five States. When counting resumed, Biden had somehow made up the difference and taken a narrow lead in Wisconsin and Michigan (and dramatically closed the gap in the others). Voters who went to bed with Trump having a nearly certain victory, awoke to see Biden overcoming Trump's lead (which experts for Petitioner have shown to be a statistical impossibility).

Now tens of millions have seen how this turnaround was achieved in Georgia. Election observers were told to leave the State Farm Arena in Fulton County on the pretext that counting was finished for the night. But election workers resumed scanning when no one (except security cameras) was watching – a clear violation of the "public view" requirement of O.C.G.A. § 21-2-483(b). There are dozens of eyewitnesses and whistleblowers who have testified to illegal conduct by election workers, Dominion Voting Systems ("Dominion") employees or contractors, as well as other conduct indicative of fraud such as USB sticks discovered with thousands of missing votes, vote switching uncovered only after manual recounts, etc., etc.). This is 2020, and what is casually dismissed as a "conspiracy theory" one day proves to be a conspiracy fact the next. Without this Court's intervention, this fraudulent conduct will inevitably repeat itself in the January 5, 2021 runoff election.

Further, the Georgia Secretary of State used a procedure regarding mail–in absentee voter identification that was different from and in conflict with those procedures promulgated by the Georgia Legislature. The Secretary's procedure treated the in–person voters different from the mail–in voters by loosening the standards for mail–in voters, as indicated by a sharp fall–off in ballots rejected for lack of signatures, oaths, or a signature mis–match.

The Georgia Legislature has plenary power to set the "Times, Places and Manner" of the Federal elections and these changes wrought by the Secretary of State, together with other changes not currently the subject of this suit, were not authorized by any act of the Georgia Legislature. During this election year, when mail–in balloting increased nearly seven times over the amount in the last general election, this dilution is particularly severe. The change by the Secretary denies all in–person voters their rights under the scheme authorized under the Elections Clause in violation with U.S. CONST., Art. I, Sec. 4.

The Respondents' official policies caused a substantial and unlawful erosion of statutory election integrity safeguards, permitted fraudulent schemes and artifices to flourish, resulting in tens to hundreds of thousands of illegal ballots being counted, which will inevitably re–occur during the January 5, 2021 runoff election.

Petitioner presented numerous sworn statements and expert reports that the District Court dismissed without examination or consideration. The District Court instead accepted at face value Respondents' denials of any wrongdoing and their inapposite legal defenses – the opposite of the 12(b)(6) standard of review. The

District Court did not acknowledge Petitioner's expert testimony showing that illegal ballots numbered well in excess of Biden's 11,779 post–recount vote margin. Evidence of illegal ballots in excess of the margin of victory are sufficient to place the outcome of the election in doubt and warrants injunctive relief. *Cf.* O.C.G.A. § 21-2-527(d).

Petitioners also showed strong evidence of election computer fraud through the declarations and affidavits of mathematical and cyber security experts. The forms of illegality present in this election put the results in doubt and warrants this Court enjoining the Respondents from conducting the January 5, 2020 runoff elections, until such time as the unconstitutional procedures are cured.

Closing closing down any inquiry into the merits of the unconstitutional and illegal conduct, which is likely to repeat, yet continue to evade judicial review, would be a slap in the face to many millions of Americans who believe it was a stolen election. Our common bonds require answers on the merits, not procedural evasion.

JURISDICTION

Petitioner invokes this Court's jurisdiction pursuant to 28 U.S. Code § 1254, Supreme Court Rule 11 (Certiorari to a United States Court of Appeals before Judgment) and Supreme Court Rule 20 (Procedure on Petition for an Extraordinary Writ). The district court entered its final judgment below on December 28, 2020. Petitioner filed a notice of appeal to the Eleventh Circuit later the same day. The case is therefore "pending in a United States court of appeals . . . ." Sup. Ct. R. 11. Petitioner plans to file a Petition for Certiorari as soon as humanly possible. Because the Senatorial runoff election is set to occur on January 5, 2021, the time for obtaining effective relief is extraordinarily short, it would be impossible to present the case to

the Eleventh Circuit and then await a decision from that court before seeking relief in this Court. Moreover, as demonstrated herein, "the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court." *Id.*

A petition directly to this Court for a Writ before judgment in the Court of Appeals and a request for a Preliminary Injunction is an extraordinary request, but it has its foundation. *See Cheney v. U.S. Dist. Court*, 542 S.Ct. 367, 380–81 (2004). In *Ex Parte Peru*, 318 U.S. 578 (1943) the Court granted a similar extraordinary writ "where a question of public importance is involved, or where the question is of such a nature that it is peculiarly appropriate that such action by this Court should be taken." *Id.* at 585.

DECISION UNDER REVIEW

The December 28, 2020, decision of the Northern District of Georgia dismissing Petitioner's Complaint and TRO Motion is attached as Appendix 1. *Wood v. Raffensperger*, Judgment, No. 1:20-cv-5155-TCB (NDGA Dec. 28, 2020) ("December 28 Order").

PARTIES TO THE PROCEEDINGS

All parties appear in the caption of the case on the cover page.

Petitioner, an individual residing in Fulton County, Georgia, is a qualified, registered "elector" who possesses all of the qualifications for voting in the State of Georgia. See O.C.G.A. §§ 21-2-2(7), 21-2-216(a).

Respondent, Brad Raffensperger is named in his official capacity as Secretary of State of the State of Georgia and the Chief Election Official for the State of Georgia pursuant to Georgia's Election Code and O.G.C.A. § 21-2-50.

Respondents Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le are members of the Georgia State Election Board, which also includes Chairman Brad Raffensperger. The State Election Board is responsible for "formulating, adopting, and promulgating 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). The State Election Board acted under color of state law at all times relevant to this action and are sued in their official capacities for emergency declaratory and injunctive relief.

CONSTITUTIONAL AND STATUTORY PROVISIONS

This case is brought under the Elections Clause, U.S. Const. Art. I, § 4, clause 1; the Equal Protection and Due Process Clauses of U.S. Constitution Amendment XIV, § 1; and Georgia's election contest statutes, O.G.C.A § 21-2-520 et seq.

The full text of the following constitutional provisions, statutes and the Secretary of State's unconstitutional procedures are attached as Appendix A to this Petition:

1. Article I, Section 4, Clause 1, of the United States Constitution (Elections Clause);

2. Amendment XIV, Section 1, United States Constitution (Equal Protection);
3. O.C.G.A, Section 21-2-386; and
4. O.C.G.A., Section 21-2-417

STATEMENT OF THE CASE

The Northern District of Georgia had jurisdiction over Petitioner's claim in the first instance pursuant to 28 U.S.C. §§1331, 1343 and 42 U.S.C. §1983.

Petitioner/Plaintiff, an individual residing in Fulton County, Georgia, is a qualified, registered "elector" who possesses all of the qualifications for voting in the State of Georgia. See O.C.G.A. §§ 21-2-2(7), 21-2-216(a); (*see also* Verified Am. Compl. for Decl. and Inj. Relief (APP. B, the "Complaint", at 2). Plaintiff sought declaratory relief and an emergency injunction from the district court below, among other things, halting the certification of Georgia's January 5, 2021 senatorial runoff election until such time as the Respondents cure the unconstitutionally enacted procedures which differed from the election scheme established by the State Legislature and diminished the rights of the Petitioner pursuant to the Equal Protection Clause. As a result of the Respondents' violation of the United States Constitution, Plaintiff alleged below that Georgia's election tallies were created in an unconstitutional manner and must be cured.

On December 18, 2020, Plaintiff filed his original Verified Complaint for Declaratory and Injunctive Relief. The named defendants include Defendant Brad Raffensperger, in his official capacity as Secretary of State of Georgia and as Chairperson of Georgia's State Election Board, as well as the other members of the State Election Board in their official capacities – Rebecca N. Sullivan, David J.

Worley, Matthew Mashburn, and Anh Le (hereinafter the "State Election Board"). (*See* APP. B, Compl., at 3.) The Complaint alleges violations of the United States Constitution and the amendments thereto with regard to the November 3, 2020 general election, as well as the "full hand recount" of all ballots cast in that election, with those same violations certain to occur again in the January 5, 2021 run–off election for Georgia's United States Senators. (See generally *id.*)

The Georgia Legislature established a clear and efficient process for handling absentee ballots, in particular for resolving questions as to the identity/signatures of mail–in voters. To the extent that there is any change in that process, that change must, under Article I, Section 4 of the Constitution, be prescribed only by the Georgia Legislature. (*See* APP. B Compl., at 4-5.)

Specifically, the unconstitutional procedure in this case involved the unlawful and improper processing of mail–in ballots. The Georgia Legislature set forth the manner for handling of signature/identification verification of mail–in votes by county registrars and clerks (the "County Officials"). O.C.G.A. §§ 21-2-386(a)(1)(B), 21-2-380.1. (*See* APP. B Compl., at 5.) Those individuals must follow a clear procedure for verifying signatures to verify the identity of mail–in voters in the manner prescribed by the Georgia Legislature:

> 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...

O.C.G.A. § 21-2-386(a)(1)(B) (emphasis added); (*see* APP. B Compl., at 5). O.C.G.A. § 21-2-417 establishes an equivalent procedure for a poll worker to verify the identity of an in-person voter.

The Georgia Legislature also established a clear and efficient process to be used by a poll worker if he/she determines that an elector has failed to sign the oath on the outside envelope enclosing the mail-in absentee ballot or that the signature does not conform with the signature on file in the registrar's or clerk's office (a "defective absentee ballot"). *See* O.C.G.A. § 21-2-386(a)(1)(C); (APP. B Compl., at 6.) 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) *(see* APP. B Compl., at 6). The Georgia Legislature clearly contemplated the use of written notification by the county registrar or clerk in notifying the elector of the rejection. (*See* APP. B Compl., at 6.) This was the legislatively set *manner* for the elections for Federal office in Georgia.

In March 2020, Defendants, Secretary Raffensperger, and the State Election Board, who administer the state elections (collectively the "Administrators") entered into a "Compromise and Settlement Agreement and Release" (the "Litigation Settlement") with the Democratic Party of Georgia, Inc., the Democrat Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee (the "Democrat Agencies"), *setting forth totally different standards to be followed a poll worker processing absentee ballots in Georgia.* (*See* APP. B Compl., 6-8.) See also *Democratic Party of Georgia, Inc., et al. v. Raffensperger, et al.*, Civil Action File No. 1:19-cv-05028-WMR, United States District Court for the Northern District of Georgia, Atlanta Division, Doc. 56-1 (APP. C, 30-35).

Although Secretary Raffensperger is authorized to promulgate rules and regulations that are "conducive to the fair, legal, and orderly conduct of primaries and elections," all such rules and regulations must be "consistent with law." O.C.G.A. §21-2-31(2); *(see* APP. B Compl., at 7).

Under the Litigation Settlement, the Administrators agreed to change the statutorily prescribed process of handling absentee ballots in a manner that was not consistent with the laws promulgated by the Georgia Legislature. (*See* APP. B Compl., at 7.) The Litigation Settlement provides that the Secretary of State would issue an "Official Election Bulletin" to County Officials overriding the prescribed statutory procedures. The unauthorized Litigation Settlement procedure, set forth below, is more cumbersome, and makes it much more difficult

to follow legislative framework with respect to defective absentee ballots. (*See* APP. B, Compl., at 8-13.)

Under the Litigation Settlement, the following language added to the pressures and complexity of processing defective absentee ballots, making it less likely that they would be identified or, if identified, processed for rejection:

> County registrars and absentee ballot clerks *are required,* upon receipt of each mail-in absentee ballot, to compare the signature or make of the elector on the mail-in absentee ballot envelope with the signatures or marks in eNet and on the application for the mail in absentee ballot. If the signature does not appear to be valid, registrars and clerks are required to follow the procedure set forth in O.C.G.A. § 21-2-386(a)(1)(C). When reviewing an elector's signature on the mail-in absentee ballot envelope, the registrar or clerk must compare the signature on the mail-in absentee ballot envelope to each signature contained in such elector's voter registration record in eNet and the elector's signature on the application for the mail-in absentee ballot.
>
> ***If the registrar or absentee ballot clerk determines that the voter's signature on the mail-in absentee ballot envelope does not match any of the voter's signatures on file in eNet or on the absentee ballot application, the registrar or absentee ballot clerk must seek review from two other registrars, deputy registrars, or absentee ballot clerks. A mail-in absentee ballot shall not be rejected unless a majority of the registrars, deputy registrars, or absentee ballot clerks reviewing the signature agree that the signature does not match any of the voter's signatures on file in eNet or on the absentee ballot application. If a determination is made that the elector's signature on the mail-in absentee ballot envelope does not match and of the voter's signatures on file in eNet or on the absentee ballot application, the registrar or absentee ballot clerk shall write the names of the three elections officials who conducted the signature review across the face of the absentee ballot envelope, which shall be in addition to writing "Rejected" and the reason for the rejection as required under O.C.G.A. § 21-2-386(a)(1)(C).*** Then, the registrar or

> absentee ballot clerk shall commence the notification procedure set forth in O.C.G.A. § 21-2-386(a)(1)(C) and State Election Board Rule 183-1-14-.13.

(*See* APP. B Compl.; *see* Litigation Settlement, p. 3-4, paragraph 3, "Signature Match" (emphasis added).)

Petitioner filed suit in the United States District Court for the Northern District of Georgia arguing, among other things, that the Settlement Agreement and Official Election Bulletin were unconstitutional and a usurpation of the Georgia Legislature's plenary authority to set the time, place and manner of elections; that the Secretary's procedure resulted in the disparate treatment of the Petitioner's vote and the dilution thereof; and the procedure violated Petitioner's rights to Equal Protection under the U.S. Constitution (APP. B). Petitioner sought injunctive relief including enjoining the January 5, 2021 runoff election until such time as the Respondents cure the constitutional violations, so that the unconstitutional procedures employed in the General Election would not be utilized in connection with the Senatorial runoff election in January of next year. (APP. B and C).

The District Court issued an Opinion and Order (APP. D) that denied Petitioner relief based on the flawed determination that he lacked standing as a voter to challenge the unconstitutional procedures adopted by the Secretary of State and the State Election Board.

Petitioner now seeks relief from this Court.

REASONS IN SUPPORT OF GRANTING EMERGENCY APPLICATION FOR EXTRAORDINARY WRIT OF INJUNCTION

ARGUMENT

In Section I, Petitioner demonstrates that the District Court erred in dismissing Petitioner's Complaint and TRO Motion, and that this Court has jurisdiction to grant this Application and the extraordinary relief requested.

In Section II, Petitioner sets forth the evidence presented in the Complaint, as well as additional evidence that has come to light since the filing of the Complaint, that justifies the relief requested.

I. THE DISTRICT COURT ERRED WHEN IT DISMISSED THE COMPLAINT AND TRO MOTION.

The Framers famously gave us "a republic, if you can keep it." In the United States, voting is one of the sacraments by which we do so. Without public faith and confidence therein, all is lost.

In the Complaint, Petitioner submitted powerful evidence of widespread voter irregularities in Georgia. Other litigation shows similar or worse irregularities in four other States – Arizona, Michigan, Pennsylvania, and Wisconsin – that use Dominion voting machines. These states all show a common pattern of non-legislative State officials weakening statutory voter fraud safeguards, and strong evidence of voter fraud, from eyewitnesses and statistical analyses. Petitioner also submitted evidence that the 2020 General Election may have been subject to interference by hostile foreign governments including China and Iran. *See* Doc. 1-9 (Appdx. p. 525) and 1-10 (Appdx. p. 450).

The District Court without a hearing, summarily denied Petitioner's Complaint and TRO Motion. The Court's rationale rested on the erroneous and perfunctory conclusion that Petitioner lacks standing to bring any of his claims.

To be sure, this Court has held that the right to vote is a "fundamental political right," "preservative of all rights." *Yick Wo v. Hopkins*, 6 S. Ct. 1064 (1886); *see also United States v. Anderson*, 481 F.2d 685, 699 (4th Cir. 1973). This right extends not only to "the initial allocation of the franchise," but also to "the manner of its exercise." *Bush v. Gore*, 121 S. Ct. 525 (2000). Infringement of fundamental constitutional freedoms such as the right to vote "for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 96 S. Ct. 2673 (1976); *see also Newsom v. Albemarle Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003). Respondents' ongoing violations of Petitioner's constitutional rights unlawfully infringe upon the Petitioner's fundamental right to vote. The constitutional violation is ongoing; Amendment XX of the Constitution sets forth a timeline for action in the Presidential contest that does not permit delay. Further, the same unconstitutional procedures will be used in the ongoing election for two U.S. Senators. The harm to Petitioner is immediate and cannot be remedied by monetary relief. Petitioner requests that the Respondents follow the legislative scheme enacted by the State Legislature to correct and prevent immediate and irreparable injury to Petitioner.

A. Petitioner, as the holder of the fundamental right to vote, has standing to maintain his Constitutional challenge to Respondents' signature verification procedures because they violate his constitutional right to Equal Protection.

This Court recognized in *Baker v. Carr*, 82 S. Ct. 691, 703-704 (1962) that a group of qualified voters had standing to challenge the constitutionality of a redistricting statute. An individual's "right of suffrage" is "denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (abridgment of Equal Protection rights); see also C*rawford v. Marion Cty. Elec. Bd.*, 472 F.3d 949, 952 (7th Cir. 2007), aff'd, 553 U.S. 181 (2008); *Fla. State Conf. of the NAACP v. Browning*, 569 F. Supp. 2d 1237, 1251 (N.D. Fla. 2008). Voters therefore have a legally cognizable interest in preventing "dilution" of their vote through improper means. *Baker v. Reg'l High Sch. Dist.*, 520 F.2d 799, 800 n.6 (2d Cir. 1975) ("It is, however, the electors whose vote is being diluted and as such their interests are quite properly before the court.") This applies to prevent votes from being cast by persons whose signatures have not been verified in the manner prescribed by the Georgia Legislature.

Similarly, in *Gray v. Sanders*, 83 S. Ct. 801 (1963), this Court observed that any person whose right to vote was impaired by election procedures had standing to sue on the ground the system used in counting votes violated the Equal Protection Clause. Indeed, every voter's vote is entitled to be correctly counted once and reported, and to be protected from the diluting effect of illegal ballots. *Id.* at 380. See also, *McLain v. Mier*, 851 F. 2d 1045, 1048 (8th Cir. 1988)(voter had standing to challenge constitutionality of North Dakota ballot access laws); *Martin v. Kemp*, 341 F. Supp. 3d 1326, 1333 (N.D. Ga. 2018)(individual voters whose absentee ballots were

rejected on the basis of signature mismatch had standing to assert constitutional challenge to absentee voting statute).

The court in *Roe v. Alabama*, 43 F. 3d 574, 580, 581 (11th Cir. 1995) held that a voter sufficiently alleged the violation of a right secured by the Constitution to support a section 1983 claim based on the counting of improperly completed absentee ballots. In *Roe*, the voter and two candidates for office sought injunctive relief preventing enforcement of an Alabama circuit court order requiring that improperly completed absentee ballots be counted. This Court stated that failing to exclude these defective absentee ballots constituted a departure from previous practice in Alabama and that counting them would dilute the votes of other voters. *Id.* 581. Recognizing that "the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise, this court modified but affirmed the preliminary injunction issued by the district court in that case and enjoined the inclusion in the vote count of the defective absentee ballots. *Id.*

Further, in *Common Cause/Georgia v. Billups*, 554 F. 3d 1340, 1351 (11th Cir. 2009) the Eleventh Circuit held that voters had standing to challenge the requirement of presenting government issued photo identification as a condition of being allowed to vote. The plaintiff voters in that case did not have photo identification, and consequently, would be required to make a special trip to the county registrar's office that was not required of voters who had identification. *Id.* 1351. There was no impediment to the plaintiff's ability to obtain a free voter

identification card. Although the burden on the Plaintiff voters was slight in having to obtain identification, the Eleventh Circuit held that a small injury, even "an identifiable trifle" was sufficient to confer them standing to challenge the election procedure. *Id.*

In *George v. Haslam*, 112 F. Supp. 3d 700, 709 (M.D. Tenn. 2015), registered voters were found to have standing to sue the state governor and others based on the allegation that the method by which votes cast in the election were counted violated their rights to Equal Protection. That court observed that citizens have a constitutionally protected right to participate in elections on an equal basis with other citizens, and the equal protection clause prohibited the state from valuing one person's vote over that of another. *Id.*

In *New Ga. Project v. Raffensperger*, 2020 WL 5200930 (N.D. Ga. August 31, 2020), registered voters had standing to sue the Georgia Secretary of State and the State Election Board challenging policies governing Georgia's absentee voting process in light of dangers presented by Covid-19.

Further, the district court in *Middleton v. Andino*, 2020 WL 5591590 at *12 (D.S.C. September 22, 2020) ruled that a voter had standing to challenge an absentee ballot signature requirement and a requirement that absentee ballots be received on election day in order to be counted. Notably, the court observed that the fact that an injury may be suffered by a large number of people does not by itself make that injury a non-justiciable generalized grievance, as long as each individual suffers

particularized harm, and voters who allege facts showing disadvantage to them have standing to sue. *Id.*

In the instant case, the Eleventh Circuit, while denying that the Petitioner/voter had standing to challenge the Secretary's unauthorized procedures and the vote dilution they caused, it recognized that "a candidate or political party would have standing" to make the challenge (APP. T at 16). Most respectfully, the reasoning below gives less protection to a private voter's right to vote than to the rights of candidates and political parties who are not the holders of the fundamental right to vote. Only the voter holds this fundamental right. When the voter is treated in a disparate manner whereby his right to vote is impaired, he must be deemed to have standing to seek redress from the courts.

Indeed, the Petitioner has shown below that as a voter and as a financial supporter of the Republican Party, he has legal standing to maintain the challenge to the Respondents' unconstitutional signature verification requirements implemented and used in the 2020 election. *Accord Citizens for Legislative Choice v. Miller*, 993 F. Supp. 1041, 1044-1045 (E.D. Mich. 1998)(voters who wished to vote for specific candidates in an election had standing to challenge constitutionality of a state constitutional amendment establishing term limits for state legislators).

To be sure, Petitioner Wood has standing in this case. As discussed below, the Respondents' procedure for verifying signatures and rejecting absentee ballots was unconstitutional. It valued absentee votes more than in person votes, and

impermissibly diluted the Petitioner's in person vote. Accordingly, the trial court and the Court of Appeals erred in concluding the Petitioner lacked standing.

II. RESPONDENTS VIOLATED THE U.S. CONSTIUTION AND GEORGIA STATE LAW.

A. The Secretary of State's actions through the Settlement Agreement and 2020 Official Election Bulletin violate the U.S. Constitution.

The Elections Clause of the United States Constitution states that "[t]he 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, cl. 1 (emphasis added); *(see* APP. B Compl., at 12). Regulations of congressional and presidential elections, thus, "must be in accordance with the method which the state has prescribed for legislative enactments." *Smiley v. Holm,* 285 U.S. 355, 367 (1932); *see also Arizona St. Leg. v. Arizona Indep. Redistricting Comm 'n,* 576 U.S. 787, 807-08 (2015); *(see* APP. B Compl. at 13). In Georgia, the "legislature" is the General Assembly (the "Georgia Legislature"). *See* Ga. Const. Art. III, § I, Para. I; *(see* APP. B Compl., at 14).

The Supreme Court of Georgia has recognized that statutes delegating legislative authority violate constitutional nondelegation and separation of powers. *Premier Health Care Investments, LLC. v. UHS of Anchor,* LP, 2020 WL 5883325 (Ga. 2020). The non-delegation doctrine is rooted in the principle of separation of powers in that the integrity of the tripartite system of government mandates the

general assembly not divest itself of the legislative power granted to it by the State Constitution. *Department of Trans. v. City of Atlanta*, 260 Ga. 699, 703 (Ga. 1990) (finding OCGA § 50-16-180 through 183 created an impermissible delegation of legislative authority). See also *Mitchell v. Wilkerson, 258 Ga. 608, 610 (Ga. 1988)*(election recall statute's attempt to transfer the selection of the reasons to the applicant amounted to an impermissible delegation of legislative authority.)

Because the Constitution reserves for state legislatures the power to set the times, places, and manner of holding federal elections, state executive officers have no authority to unilaterally exercise that power, much less flout or ignore existing legislation. (*See* APP. B Compl., at 15.) While the Elections Clause "was not adopted to diminish a State's authority to determine its own lawmaking processes," it does hold states accountable to their chosen processes in regulating federal elections. *Arizona St. Leg.,* 135 S.Ct. at 2677, 2668.

In *North Fulton Med. Center v. Stephenson*, 269 Ga. 540 (Ga. 1998), a hospital outpatient surgery center which had already relocated to a new site and commenced operations applied to the State Health Planning Agency for a certificate of need under the agency's second relocation rule, which certificate was provided by the agency. A competitor sought appellate relief and the Georgia Supreme Court held that the agency rule conflicted with the State Health Planning Act, and thus, was invalid and had to be stricken. Additionally, the court held that the rule was the product of the agency's

unconstitutional usurpation of the general assembly's power to define the thing to which the statute was to be applied. *Id.* at 544. See also *Moore v. Circosta*, 2020 WL 6063332 (M.D.N.C. October 14, 2020)(North Carolina State Board of Elections exceeded its statutory authority when it entered into consent agreement and eliminated witness requirements for mail-in ballots).

The procedures for processing and rejecting ballots employed by the Respondents during the election constitute a usurpation of the legislator's plenary authority. This is because the procedures are not consistent with - *and in fact conflict with* - the statute adopted by the Georgia Legislature governing the identity/signature verification and rejection process for absentee ballots. *(See* APP. B Compl.) First, the Litigation Settlement overrides the clear statutory authority granted to s i n g u l a r County Officials and forces them to form a committee of three if any one official believes that an absentee ballot is a defective absentee ballot. *Id.* Such a procedure creates a cumbersome bureaucratic procedure to be followed with each defective absentee ballot - and makes it likely that such ballots will simply not be identified by the County Officials. *Id.*

Second, the Litigation Settlement allows a County Official to compare signatures in ways not permitted by the statutory structure created by the Georgia Legislature. *Id.* The Georgia Legislature prescribed procedures to ensure that any request for an absentee ballot must be accompanied by sufficient identification of the elector's identity. *See* O.C.G.A. § 21-2-381(b)(1

) (providing, in pertinent part, "In order to be found eligible to vote an absentee ballot in person at the registrar's office or absentee ballot at the clerk's office, such person shall show one of the forms of identification listed in Code Section 21-2-417..."); *Id.* Under O.C.G.A. § 21-2-220(c), the elector must present identification, but need not submit identification if the electors submit with their application information such information that the County Officials are able to match the elector's information with the state database, generally referred to as the eNet system. *Id.* The system for identifying absentee ballots was carefully constructed by the Georgia Legislature to ensure that electors were identified by one poll worker confirming acceptable identification, but at some point in the process, the Georgia Legislature mandated the system whereby the elector be identified for each absentee ballot. *Id.* Under the Litigation Settlement, any determination of a signature mismatch would lead to the cumbersome process described in the settlement and the Bulletin, which was not intended by the Georgia Legislature, which expressly authorized those decisions to be made by single election officials. *Id.* The Georgia Legislature also provided for the opportunity to cure (again, different from the opportunity to cure in the Litigation Settlement) but did not allocate funds for three County Officials for every mismatch decision. *Id.*

Finally, under paragraph 4 of the Litigation Settlement, the Administrators delegated their responsibilities for determining when there was a signature mismatch by considering "additional guidance and training

materials" drafted by the "handwriting and signature review expert" of the Democrat Agencies. *(See* APP. B Compl.; *see* Ex. A, Litigation Settlement, p. 4, at 4, "Consideration of Additional Guidance for Signature Matching."). Allowing a single political party to write rules for reviewing signatures is not "conducive to the fair conduct of primaries and elections" or "consistent with law" under O.C.G.A. § 21-2-31. *(See* APP. B Compl.). In-person voter identity remains subject to verification by a single poll worker, not three like absentee ballots, hence the disparate treatment of Petitioner's vote and violation of his Equal Protection rights.

In short, the Litigation Settlement by itself has created confusion, misplaced incentives, and undermined the confidence of the voters of the State of Georgia in the electoral system. *Id.* Neither it nor any of the activities spawned by it were authorized by the Georgia Legislature, as required by the Constitution. *Id.*

"A consent decree must of course be modified, if, as it later turns out, one or more of the obligations placed upon the parties has become impermissible under Federal law." *Rufo v. Inmates of Suffolk County Jail,* 502 U.S. 367388 (1992). As such, the decision below should be reversed and the injunction requested should be granted.

Moreover, the Litigation Settlement should be deemed invalid for the additional reason that on its face it was not signed by the parties themselves. (See APP. C TRO). By its very terms, the agreement was to take effect "when each and every party has signed it, as of the date of the last signature." *Id.* However, the

signature page fails to contain any party's signature; instead, only the electronic signatures of counsel for the parties appear.

Finally, the new procedures created through the Litigation Settlement were illegally implemented by Respondents because, as conceded by the Respondents and Intervenors, the rules were not promulgated pursuant to official rule making procedures. Accordingly, the settlement parties, and Respondents in particular, took it upon themselves to bypass the customary requirement for public notice and comment that is attendant to official rulemaking. Rather, this new and different procedure, which changed the clear legislative framework for elections, was disseminated under the guise of an "Official Election Bulletin." However, such Bulletins are not a substitute for formal rulemaking, assuming arguendo the rule were constitutional. Therefore, the Litigation Settlement and the new rules for signature verification it generated are unconstitutional for these additional reasons. The Elections Clause of the Constitution expressly reserves this legislative domain to the elected representatives of the electoral and not to a single official. The fact that the wrong was committed by an official of one's own party is irrelevant. Thus, the court below erred in refusing to grant Petitioner relief.

A. The Respondents' change of the procedures for rejecting absentee ballots impermissibly diluted the Petitioner's vote and resulted in mail-in absentee ballots being valued more than in person ballots in violation of his Equal Protection rights.

As shown on their face, the procedures applicable to voter identification verification in connection with the actual voting process treat in-person voters like Petitioner, different from mail-in absentee voters. Pursuant to O.C.G.A. § 21-2-

417(a), an in-person voter must "present proper identification to **a** poll worker" before their vote may be cast. (emphasis added). Similarly, the voter identification procedure provided by OCGA Section 21-2-386 provides that absentee ballots would be received and reviewed by "**a** registrar or clerk." (emphasis added). *See* O.C.G.A. § 21-2-386(a)(1)(B). If the signature does not appear to be valid or does not conform with the signature on file, "the registrar or clerk shall write across the face of the envelope "Rejected" giving the reason therefore." See O.C.G.A § 21-2-386(a)(1)(C). As such, before the Respondents and political party committee Intervenors entered into the unconstitutional settlement agreement, one poll worker was charged with verifying the voter's identity before their ballot was cast regardless of whether the vote was in person or by mail-in absentee ballot.

The Respondents and political party committee intervenors changed the clear statutory procedure for confirming voter identity at the time of voting, so that rather than one poll worker reviewing signatures, a committee of three poll workers was charged with confirming that absentee ballot signatures were defective before rejecting a ballot.

This new procedure treated in-person voter identification verification different from mail-in absentee voter identification verification at the time of casting the vote. By designating a committee of three to check mail-in absentee voter identification but having a single poll worker check in person voter identification, the challenged procedure favors the absentee ballots, treats the absentee voters differently from in-person voters and values absentee votes more than the ballots of in-person voters.

Indeed, when a question of voter identity arises, one poll worker resolves it for an in-person voter, but any questions regarding mail-in absentee voter identification is resolved by three poll workers. Evidence has been presented that the Litigation Settlement led to a decrease in challenged signatures. Thus, the challenged procedure violates the Petitioner's rights to equal protection and cannot be allowed to stand.

It is well established that a state may not arbitrarily value one person's vote over that of another. *Obama For America v. Husted*, 697 F. 3d 423 428 (6th Cir. 2012). The Equal Protection Clause prohibits a state from treating voters in disparate ways. *Id.* 428. *See also Bush*, 121 S. Ct. 525 (having granted the right to vote on equal terms, the state may not later arbitrarily value one person's vote over another, such disparate treatment is a violation and a dilution of a citizen's vote). Before the settlement agreement, one poll worker resolved questions of voter identification regardless of whether the vote was in-person or by mail-in absentee ballot. The Settlement Agreement resulted in a later arbitrary change that improperly treated the in-person votes differently than the mail-in absentee ballots. This is unconstitutional.

B. The District Court's decision conflicts with the decisions of this Court and of other Circuit Courts of Appeals regarding voter standing.

As set forth more fully in point A of the Argument, *supra*, the Petitioner has standing as a voter to challenge voter dilution. The cases cited therein, including specific authority from this Court, was cast aside by the District Court in determining that Petitioner had no standing. Although the court recognizes in one breath "[t]o be sure,

vote dilution can be a basis for standing" (APP. D), in the next it goes on to deny Petitioner, a voter, standing to challenge an unconstitutional procedure that operates to violate, impair and interfere with his fundamental right to vote. This Court must clarify: does the voter have standing for a constitutional challenge to a procedure that dilutes his vote? Petitioner submits the answer, based on this Court's past decisions in *Baker,* 82 S. Ct., 691 and *Gray*, 83 S. Ct. 801, is a resounding "yes". Afterall, it is voters themselves who are the holders of the fundamental right to vote. It would be incongruent with Petitioner's rights to allow organizational standing to political parties and political organizations, to allow standing to candidates, but to deny it to the aggrieved voter whose rights have been violated. Certainly, that cannot be the law. The District Court's decision is inconsistent with this Court's above precedent. It is also inconsistent with or conflicts with precedent, *e.g. Roe,* 43 F. 3d, 574 and *Billups*, 554 F. 3d 1340. Cf. *Carson v. Simon*, 978 F. 3d 1051 (8th Cir. 2020)(electors had standing); *Bush*, 121 S. Ct. 525 (minimum requirement for non-arbitrary treatment of voters must be satisfied under Equal Protection clause).

The District Court has confused dicta in *Bognet* v. *Sec'y of Commonweath of Pa.*, 980 F. 3d 336 (3rd Cir. 2020) (hereinafter "*Bognet*") from the facts at issue in Petitioner's case. It is worth noting that the Third Circuit's discussion in *Bognet* begins with an acknowledgment from Alexander Hamilton that "voting at elections ... ought to stand foremost in the estimation of the law." The Court below, as with other recent court decisions, ignores that prioritization by straining the concept of standing to bar standing to any person – a voter, a candidate, a political party, or

even a State – to challenge the blatantly unconstitutional acts evident in the record. Petitioner believes that this is a serious misreading of *Bognet* and prevailing Supreme Court precedent.

All these cases – including *Bognet* – do not appear to dispute the constitutional imperatives around voting – a single voter can claim harm as a result of an unconstitutional deviation from state law, as is the case here. The Court below acknowledges that standing exists if a voter's vote is diluted. Slip op. at 9. But the Court incorrectly views Petitioner's harm as a "generalized grievance" – one that is "undifferentiated and common to all members of the public." *See U.S.* v. *Richardson*, 418 U.S. 166, 173-75 (1974).

However, Petitioner is not alleging a speculative harm based on mere timing of the receipt of the vote, as was the case in *Bognet*. The Bognet court considered the timing of receipt of the ballots a "violation of state law that does not cause unequal treatment," deciding whether ballots postmarked on election day but received later should be counted. There was no allegation in *Bognet* that the inclusion of ballots postmarked on election day but received after would cause harm to plaintiffs – just that it varied from state law. *Bognet* held that such harm was speculative and generalized, and therefore non-justiciable.[2]

---

[2] The *Bognet* court, citing both *Baker v. Carr*, 369 U.S. 186 (1962) and *Reynolds v. Sims*, 377 U.S. 533 (1964) ("*Reynolds*"), also confirmed the standing of a plaintiff that could show "injury ... that this classification disfavors the voters in the counties in which they reside, placing them in a position of constitutionally unjustifiable inequality *vis-à-vis* voters in irrationally favored counties." *Baker, id.* at 207-08.

In Petitioner's case, the harm alleged is not just a matter of timing but the claim by a voter that his vote – and the vote of all persons who go through the rigorous process of in-person voting – will be diluted by the inclusion of votes from unverified mail-in ballots. Defendants have not disputed – nor could they – that *unverified* mail-in ballots are more likely to contain fraudulent votes than *verified* in-person ballots. The harm of dilution is palpable, particularized, and personal.

Even *Bognet* confirmed that, under the Equal Protection Clause, a state may not "dilute . . . the *weight* of the votes of certain . . . voters" *Reynolds*, 377 U.S. at 557 (emphasis added):

> "The Court then explained that a voter's right to vote encompasses both the right to cast that vote and the right to have that vote counted without "debasement or dilution":
>
> > The right to vote can neither be denied outright, *Guinn v. United States*, 238 U.S. 347 [(1915)], *Lane v. Wilson*, 307 U.S. 268 [(1939)], nor destroyed by alteration of ballots, see *United States v. Classic*, 313 U.S. 299, 315 [(1941)], nor diluted by ballot-box stuffing, *Ex parte Siebold*, 100 U.S. 371 [(1880)], *United States v. Saylor*, 322 U.S. 385 [(1944)]. As the Court stated in *Classic*, "Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted . . . ." 313 U.S., at 315.
>
> > "The right to vote includes the right to have the ballot counted. . . . It also includes the right to have the vote counted at full value without dilution or discount. . . . That federally protected right suffers substantial dilution . . . [where a] favored group has full voting strength . . . [and] [t]he groups not in favor have their votes discounted."

Reynolds, 377 U.S. at 555.

Bognet confirmed that the rights could be "personal" based on a constitutional claim, *citing Ala. Legis. Black Caucus* v. *Alabama*, 575 U.S. 254, 263 (2015) or voter dilution though gerrymandering where "the favored group has full voting strength and the groups not in favor have their votes discounted," *Reynolds* at 555 n.29. The Third Circuit concluded:

> In other words, "voters who allege facts *showing disadvantage to themselves*" have standing to bring suit to remedy that disadvantage, *Baker*, 369 U.S. at 206 (emphasis added), but a disadvantage to the plaintiff exists only when the plaintiff is part of a group of voters whose votes will be weighed differently compared to another group."

Bognet at 40.

But the violations of state law at issue in *Bognet* did not cause the kind of particularized harm that is alleged by Petitioner – dilution and different treatments of different voters. *Bognet* even notes that "ballot-box stuffing" was sufficient evidence of harm to a voter whose vote was diluted, *Bognet* op. at 42, citing *Reynolds* at 555 (and citations therein included). The Court below does not refute the valid Supreme Court precedents that contradict its holding.

The Court also oddly finds that Petitioner has lost standing to complain because the Court alleges that Petitioner could have voted by mail if he so chose, so therefore cannot allege that he suffered harm. Under the Court's logic, all voters who want to preserve their rights should no longer show up at the polls on Election Day, but should cast mail-in ballots. But the Georgia Legislature has not deprived the voters of the right and privilege to vote in-person by making mail-in balloting available – the Legislature has expanded the rights of Georgia voters – including the

Petitioner. Petitioner's efforts to protect that right are met with a standing decision that would prevent any voter from challenging unconstitutional action. That is not the protection of a right that is "foremost in the estimation of the law."

CONCLUSION

WHEREFORE, the Petitioner respectfully request this Honorable Court grant this Emergency Petition Under Rule 20 For Extraordinary Writ Of Mandamus To Vacate the December 28 Judgment of the United States District Court for the Northern District of Georgia.

Petitioner seeks an emergency order instructing Respondents to halt the January 5, 2021 senatorial runoff election until such time as the Respondents agree to comply with the Georgia Legislature's prescribed election procedures.

Petitioners further request that this Court direct the District Court to order production of all registration data, ballots, envelopes, etc. required to be maintained by Georgia state and federal law, to refrain from wiping or otherwise tampering with the data on all voting machines used in the November 2020 election, and to produce one such machine from each Georgia county for forensic examination by Petitioners' experts.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the word limitations under Rule 33. The word count of the Petition totals 8,941, according to Microsoft Word.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been electronically filed with this Court via CM/ECF and was furnished to all counsel on the attached service list by e-mail on December 30th, 2020:

/s/ L. Lin Wood, Jr.
L. Lin Wood, Jr., Esq.
GA Bar No. 774588
L. LIN WOOD, P.C.
P.O. BOX 52584
Atlanta, GA 30355-0584
(404) 891-1402
lwood@linwoodlaw.com

SERVICE LIST

Carey Miller
Josh Belinfante
Melanie Johnson
Robbins Ross Alloy Belinfante Littlefield LLC
500 14th Street NW
Atlanta, GA 30318
Tel.: (678) 701-9381
Fax: (404) 856-3250
cmiller@robbinsfirm.com
jbelinfante@robbinsfirm.com
mjohnson@robbinsfirm.com

Counsel for State Defendants

Adam M. Sparks
Halsey G. Knapp, Jr.
Joyce Gist Lewis
Susan P. Coppedge
Adam M. Sparks

KREVOLIN AND HORST, LLC
One Atlantic Center
1201 W. Peachtree Street, NW, Ste. 3250
Atlanta, GA 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
hknapp@khlawfirm.com
jlewis@khlawfirm.com
coppedge@khlawfirm.com
sparks@khlawfirm.com

Marc E. Elias*
Amanda R. Callais*
Henry J. Brewster*
PERKINS COIE LLP
700 Thirteenth Street NW, Suite 800
Washington, DC 20005
Telephone: (202) 654-6200
melias@perkinscoie.com
acallais@perkinscoie.com
hbrewster@perkinscoie.com

Health L. Hyatt*
Steven Beale*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101
Telephone: (206) 359-8000
hhyatt@perkinscoie.com
sbeale@perkinscoie.com

Jessica R. Frenkel*
PERKINS COIE LLP
1900 Sixteenth Street, Suite 1400
Denver, CO 80202
Telephone: (303) 291-2300
jfrenkel@perkinscoie.com

**Pro Hac Vice Application Pending*
Counsel for Intervenor-Defendants