

FIRST DEFENSE

This Court lacks subject matter jurisdiction as to some or all claims made in the Petition.

SECOND DEFENSE

Some or all claims raised by Petitioners may be barred by sovereign immunity.

THIRD DEFENSE

Petitioners' Complaint must be dismissed in its entirety as it asserts a claim for declaratory judgment that may be brought exclusively against the state and in the name of the State of Georgia. *See* Ga. Const. Art. I, § II, Para. V (b)(1),(2); *Lovell v. Raffensperger*, 318 Ga. 48 (2024).

FOURTH DEFENSE

The Petition fails to state a claim upon which relief can be granted. See O.C.G.A. § 9-11-12(b)(6).

FIFTH DEFENSE

Petitioners lack standing to bring their claims.

SIXTH DEFENSE

The Petition is largely comprised of Petitioners' legal arguments, conclusions and opinions. Under this Court's scheduling order, Respondent's briefing of the legal issues is due on or before September 25, 2024, and

Respondent will address the legal arguments made by Petitioners in that briefing.

SEVENTH DEFENSE

Without waiving the above defenses or any other defense to which the Board may be entitled, the Board responds to the individual paragraphs of the Petition, as alleged, as follows:

INTRODUCTION

1.

Paragraph 1 contains legal argument and conclusions to which no response is required. To the extent a response is required, the Board admits the allegation that the two rules passed by a 3-2 vote. The Board asserts that the rules speak for themselves. The Board lacks sufficient knowledge to form a belief as to the truth or falsity of “[the rules] drafters” subjective belief that the rules rest “on the assumption that certification of election results by a county board is discretionary and subject to free ranging inquiry that may delay certification or foreclose it entirely,” and these allegations are therefore denied. The Board denies these allegations to the extent that they purport to impute the drafters’ purported characterization of the rules onto the Board, and further deny that this Paragraph accurately characterizes the rules. Any remaining allegation contained in Paragraph 1 not specifically responded to herein is denied.

2.

Paragraph 2 contains legal argument and conclusions, to which no response is required. To the extent a response is required, the Board admits that both rules can and should be read as consonant with Georgia statutes. The Board denies any remaining allegations of Paragraph 2.

3.

Paragraph 3 contains legal argument and conclusions, to which no response is required. To the extent a response is required, the allegations of Paragraph 3 are denied.

SUMMARY

4.

In response to Paragraph 4, the Board admits that certification is mandatory but denies any characterization of the “following process” that is contrary to or does not accurately describe Georgia law.

5.

In response to Paragraph 5, the Board asserts that the statutes cited speak for themselves. To the extent a response is required, the Board denies any characterization of the statutes contained in Paragraph 5 that differs from the cited provisions of the Georgia election code.

6.

In response to Paragraph 6, the Board asserts that the statutes cited speak for themselves and that this Paragraph contains legal argument and conclusions to which no response is required. To the extent a response is required, the Board denies any characterization of the statutes cited in Paragraph 6 to the extent that such characterization differs from the cited provisions of the Georgia election code.

7.

In response to Paragraph 7, the Board asserts that the statutes cited speak for themselves. To the extent a response is required, the Board denies any characterization of the statutes contained in Paragraph 7 that differs from the cited provisions of the Georgia election code.

8.

In response to Paragraph 8, the Board asserts that the statutes cited speak for themselves and that this Paragraph contains legal argument and conclusions to which no response is required. To the extent a response is required, the Board denies any characterization of the statutes contained in Paragraph 8 that differs from the cited provisions of the Georgia election code.

9.

Paragraph 9 contains legal argument and conclusions to which no response is required. To the extent a response is required, the Board denies

any characterization of the statutes contained in Paragraph 9 that differs from the cited provisions of the Georgia election code. The Board admits that O.C.G.A. § 21-2-493 provides that consolidated returns shall be certified by the superintendent not later than 5:00 P.M. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State.

10.

In response to Paragraph 10, the Board admits that it approved an amendment to Rule 183-1-12-.02 containing the language quoted in Paragraph 10 on August 6, 2024. The remaining allegations and characterizations of the rule amendment are legal argument and conclusions to which no response is required, but to the extent that a response is required, the allegations are denied.

11.

In response to Paragraph 11's characterizations of the rule and the recitation of the text of the rule, the Board states that the text of the rules speak for themselves. The Board states that it is not responsible for any comments made by the sponsor of the rule and denies any allegations made by Petitioners imputing the statements of any non-Board member to the Board. The Board denies any remaining allegations contained in Paragraph 11.

12.

In response to Paragraph 12, the Board admits it approved an amendment to Rule 183-1-12-.12 on August 17, 2024 that contains the quoted language. The text of the rule speaks for itself. The text of the Amended Rule and the comments contained in the rule petition speak for themselves. The Board states that it is not responsible for any comments made by the sponsor of the rule and denies any allegations made by Petitioners imputing the statements of any non-Board member to the Board. The Board denies any remaining allegations contained in Paragraph 12.

13.

Paragraph 13 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

14.

Paragraph 14 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

15.

Paragraph 15 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

16.

Paragraph 16 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

PARTIES

17.

In response to Paragraph 17, the Board asserts that it is without sufficient knowledge or information to admit or deny the allegations and the allegations are therefore denied. The Board asserts that the provisions of O.C.G.A. § 21-2-70(15)(b) speak for themselves; to the extent the allegations differ from those provisions, they are denied.

18.

In response to Paragraph 18, the Board asserts that the provisions of O.C.G.A. § 21-2-2(35) speak for themselves; to the extent the allegations differ from those provisions, they are denied.

19.

In response to Paragraph 19, the Board admits the allegations.

20.

In response to Paragraph 20, the Board is without sufficient knowledge or information to admit or deny the allegations and therefore denies same. The Board asserts that the provisions of O.C.G.A. § 21-2-70(15)(b) speak for

themselves; to the extent the allegations differ from those provisions, they are denied.

21.

In response to Paragraph 21, the Board admits the allegations.

22.

In response to Paragraph 22, the Board is without sufficient knowledge or information to admit or deny the allegations and therefore denies same. The Board asserts that the provisions of O.C.G.A. § 21-2-70(15)(b) speak for themselves; to the extent the allegations differ from those provisions, they are denied.

23.

In response to Paragraph 23, the Board admits the allegations.

24.

In response to Paragraph 24, the Board is without sufficient knowledge or information to admit or deny the allegations and therefore denies same. The Board asserts that the provisions of O.C.G.A. § 21-2-70(15)(b) speak for themselves; to the extent the allegations differ from those provisions, they are denied.

25.

In response to Paragraph 25, the Board admits the allegations.

26.

In response to Paragraph 26, the Board is without sufficient knowledge or information to admit or deny the allegations and therefore denies. The Board asserts that the provisions of O.C.G.A. § 21-2-70(15)(b) speak for themselves; to the extent the allegations differ from those provisions, they are denied.

27.

In response to Paragraph 27, the Board admits the allegations.

28.

In response to Paragraph 28, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore denies the same. Paragraph 28 also contains legal conclusions to which no response is required.

29.

In response to Paragraph 29, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore deny the same. Paragraph 29 also contains legal conclusions to which no response is required.

30.

In response to Paragraph 30, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore deny the same. Paragraph 30 also contains legal conclusions to which no response is required.

31.

In response to Paragraph 31, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore deny the same. Paragraph 31 also contains legal conclusions to which no response is required.

32.

In response to Paragraph 32, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore deny the same. Paragraph 32 also contains legal conclusions to which no response is required.

33.

In response to Paragraph 33, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore deny the same. Paragraph 33 also contains legal conclusions to which no response is required.

34.

In response to Paragraph 34, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore deny the same. The Board asserts that the provisions of O.C.G.A. § 21-2-2(25) speak for themselves; to the extent the allegations differ from those provisions, they are denied.

35.

In response to Paragraph 35, the Board is without sufficient knowledge or information to admit or deny the allegations contained therein, and therefore deny the same. Paragraph 33 also contains legal conclusions to which no response is required.

36.

In response to Paragraph 36, the Board admits that it is a Georgia state board but denies that it is a division of the Secretary of State's office. The Board admits that it is an agency within the meaning of the Georgia Administrative Procedure Act. The Board asserts that O.C.G.A. § 21-2-31(2) speaks for itself and denies any characterization of the statute that conflicts with Georgia law. The Board admits that it regularly conducts business in Fulton County at its principal office, 2 Martin Luther King, Jr. Drive, Suite 802, Floyd West Tower, Atlanta, Georgia 30334.

STANDING

37.

Paragraph 37 is a reincorporation of the allegations contained in the preceding paragraphs, including, and the Board reincorporates and restates its responses to the respective allegations in the preceding paragraphs, inclusive.

38.

Paragraph 38 contains legal argument and conclusions regarding Petitioners' claims, to which no response is required. To the extent a response is required, the allegations are denied.

39.

Paragraph 39 contains legal argument and conclusions regarding Petitioners' claims, to which no response is required. To the extent a response is required, the allegations are denied. The Board asserts that O.C.G.A. § 21-2-33.2 speaks for itself; to the extent the allegations differ from the text of the statute, they are denied.

40.

The Board denies the allegations contained in Paragraph 40.

41.

The Board denies the allegations contained in Paragraph 41.

42.

The Board denies the allegations contained in Paragraph 42.

43.

The Board denies the allegations contained in Paragraph 43.

44.

The Board denies the allegations contained in Paragraph 44.

45.

The Board denies the allegations contained in Paragraph 45.

46.

The Board denies the allegations contained in Paragraph 46.

47.

The Board denies the allegations contained in Paragraph 47.

48.

The Board denies the allegations contained in Paragraph 48.

49.

The Board denies the allegations contained in Paragraph 49.

JURISDICTION AND VENUE

50.

Denied; this Court lacks jurisdiction over the Board due to sovereign immunity and Petitioners' lack of standing.

51.

Subject to the denial of jurisdiction contained in Paragraph 50, the Board admits that to the extent this Court were to have jurisdiction over the Board, venue would be proper in Fulton County.

FACTUAL ALLEGATIONS

A. Georgia's Process for Tabulation, Canvassing, Certification, and Contest¹

52.

In response to Paragraph 52, the Board asserts that the Georgia election code and the provisions cited therein speak for themselves. The Board denies any allegation that characterizes the statutes in a manner contrary to Georgia law.

53.

In response to Paragraph 53, the Board asserts that the Georgia election code and the provisions cited therein speak for themselves. The Board denies any allegation that characterizes the statutes in a manner contrary to Georgia law.

¹ For clarity, the Board uses the section titles that appear in the Petition. However, that should not be construed to mean the Board accepts or agrees with any characterization of the allegations.

54.

In response to Paragraph 54, the Board asserts that the Georgia election code and the provisions cited therein speak for themselves. The Board denies any allegation that characterizes the statutes in a manner contrary to Georgia law.

55.

In response to Paragraph 55, the Board asserts that the Georgia election code and the provisions cited therein the speak for themselves. The Board denies any allegation that characterizes the statutes in a manner contrary to Georgia law.

56.

Paragraph 56 contains legal conclusions, to which no response is required. The Board asserts that the provisions O.C.G.A. § 21-2-499 and 3 U.S.C. § 5(a)(1) speak for themselves. The Board denies any allegation that characterizes the statutes in a manner contrary to law.

57.

Paragraph 57 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

58.

Paragraph 58 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

59.

Paragraph 59 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

B. Recent Refusals to Certify Election Results

60.

Paragraph 60 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

61.

In response to Paragraph 61, The Board asserts the cited cases and articles speak for themselves. To the extent that Paragraph 61's description of those cases or articles may be inaccurate, those allegations are denied.

62.

The Board states that the news articles referenced in Paragraph 62 speak for themselves. To the extent the descriptions of the contents of those

articles or the contents themselves may be inaccurate, those allegations are denied.

63.

In response to Paragraph 63, The Board asserts the cited cases and articles speak for themselves. To the extent that Paragraph 63's description of those cases or articles may be inaccurate, or the contents of the articles may be inaccurate, those allegations are denied.

B. The Petition for the Reasonable Inquiry Rule

64.

In response to Paragraph 64, the Board admits that Michael Heekin petitioned to amend Rule 183-1-12-.02. The Board asserts that Mr. Heekin's petition and the minutes of the Fulton County Board of Registration and Elections speak for themselves. To the extent the descriptions of those documents in Paragraph 64 misstate or mischaracterize the contents of those documents, such allegations are denied. The Board denies the remaining allegations to the extent they purport to impute Mr. Heekin's characterization of the rule as a statement of the Board.

65.

Paragraph 65 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

66.

The Board states that the contents of the referenced exhibit speak for themselves. To the extent that the allegations purport to characterize Mr. Heekin's petition comments as being statements of the Board, such allegations are denied. Paragraph 66 contains legal conclusions to which no response is required. To the extent any further response is required, the Board denies any remaining allegations contained in Paragraph 66.

67.

In response to Paragraph 67, the Board asserts that the rule petition speaks for itself. The Board denies the allegations to the extent they purport to imply that Mr. Heekin's characterization of the rule is a statement of the Board.

68.

In response to Paragraph 68, the Board admits the allegation.

69.

In response to Paragraph 69, the Board admits the allegation that Mr. Heekin spoke at the meeting. The Board asserts that the hearing transcript speaks for itself. The Board denies the allegations to the extent they suggest that Mr. Heekin's comments are a statement of the Board.

70.

In response to Paragraph 70, the Board admits the allegation that Mr. Heekin spoke at the meeting. The Board asserts that the hearing transcript speaks for itself. The Board denies the allegations to the extent they suggest that Mr. Heekin's comments are a statement of the Board.

71.

In response to Paragraph 71, the Board admits the allegation that Mr. Heekin spoke at the meeting. The Board asserts that the hearing transcript speaks for itself. The Board denies the allegations to the extent they suggest that Mr. Heekin's characterization of the rule is a statement of the Board.

72.

In response to Paragraph 72, the Board asserts the EAC Glossary speaks for itself and that the allegations of this Paragraph contain legal conclusions to which no response is required. To the extent any further response is required, the Board denies the allegation to the extent it suggests that the EAC may define terms used in statutes that are part of the Georgia Election Code.

73.

In response to Paragraph 73, the Board asserts the EAC Glossary speaks for itself. To the extent a response is required, the Board admits the

cited EAC Glossary contains the quoted provision. The Board denies the allegation to the extent it suggests that the EAC may define terms used in statutes that are part of the Georgia Election Code.

74.

In response to Paragraph 74, the Board asserts the EAC Glossary speaks for itself. To the extent a response is required, the Board admits that the cited EAC Glossary contains the quoted provisions. The Board denies the allegation to the extent it suggests that the EAC may define terms used in statutes that are part of the Georgia Election Code.

75.

In response to Paragraph 75, the Board admits that it voted to advance the petition to proposed rulemaking on May 8, 2024. The news article cited in this Paragraph speaks for itself.

C. Adoption of the Reasonable Inquiry Rule

76.

In response to Paragraph 76, the Board admits the allegation.

77.

In response to Paragraph 77, the Board admits the allegation.

78.

In response to Paragraph 78, the Board asserts the notice of proposed rulemaking for the Reasonable Inquiry Rule speaks for itself. To the extent that any further response is required, the Board admits that the cited language is found in the notice of proposed rulemaking. Any further allegation contained in Paragraph 78 not specifically responded to herein is denied.

79.

In response to Paragraph 79, the Board admits that Donald Trump made the comments recited therein, but denies the allegations to the extent it suggests they former President's comments are or were relevant to the Board's actions.

80.

In response to Paragraph 80, the Board admits the allegation.

81.

In response to Paragraph 81, the Board admits the allegation that the DPG submitted comments regarding the Reasonable Inquiry Rule. To the extent any further response is required, the Board denies that DPG's comments accurately describe the nature or purpose of the Reasonable Inquiry Rule.

82.

In response to Paragraph 82, the Board admits the allegations.

83.

In response to Paragraph 83, the Board denies that DPG made a clear request for the Board to issue a concise statement and that to the extent that such a request was made, it was made in such a manner as to be likely to escape SEB staff members' notice. The Board denies any remaining allegations contained in Paragraph 83 not responded to herein.

84.

In response to Paragraph 84, the Board asserts that the Secretary's comments speak for themselves. The Board denies the allegations to the extent they suggest that the statement of the Secretary may be imputed to the Board. Any remaining allegation contained in Paragraph 84 not specifically responded to herein is hereby denied.

85.

In response to Paragraph 85, the Board asserts that the Secretary's comments speak for themselves. The Board denies the allegations to the extent they suggest that the statement of the Secretary may be imputed to the Board. Any remaining allegation contained in Paragraph 84 not specifically responded to herein is hereby denied.

86.

In response to Paragraph 86, the Board admits that the Rule becomes effective 20 days after it is filed with the Secretary of State's office under O.C.G.A. § 50-13-6(a). The Board lacks sufficient information to admit or deny the allegations as to what Petitioners' understanding of the Rule may be, but admits that the Rule was filed with the Secretary of State's office on August 15 and became effective on September 4, 2024.

D. The Petition for the Examination Rule

87.

In response to Paragraph 87, the Board admits the allegation that Salleigh Grubbs submitted a petition for rulemaking on June 17, 2024. The petition document speaks for itself. The Board denies Paragraph 87's characterization of the petition and denies that commentary found within the petition are neither binding upon nor imputed to be statements of the Board. To the extent Paragraph 87 contains any remaining allegations not responded to herein, the Board denies those allegations.

88.

In response to Paragraph 88, the Board that the petition contains the quoted language, but denies that Petitioners have properly characterized the Petition.

89.

In response to Paragraph 89, the Board asserts that the proposed rule and any applicable provisions of the Georgia election code speak for themselves. Paragraph 89 also contains legal argument and conclusions, to which no response is required. To the extent a response is required, the Board denies the allegations to the extent they characterize the rule as inconsistent with the Georgia code.

90.

Paragraph 90 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

91.

Paragraph 91 contains purely legal argument to which no response is required. To the extent that a response is required, the allegations are denied.

E. Adoption of the Examination Rule

92.

In response to Paragraph 92, the Board admits the allegation that the Board published notice of Ms. Grubbs's rule petition on July 18, 2024 and noticed the proposed rule for rulemaking and hearing on August 19, 2024. The Board asserts that the notice speaks for itself and denies the allegations

of Paragraph 92 to the extent that those allegations in any misstate or mischaracterize the contents of the notice.

93.

In response to Paragraph 93, the Board admits the allegation.

94.

In response to Paragraph 94, the Board admits the allegation that the DPG submitted comments to the Board on or about August 17, 2024. The Board asserts that the DPG's written comments speak for themselves. The Board denies that DPG's comments accurately characterized the purpose or legality of the rule. Any remaining allegation contained in Paragraph 94 not specifically responded to herein is denied.

95.

In response to Paragraph 95, the Board admits the allegations.

96.

In response to Paragraph 96, the Board denies that DPG made a clear request for the Board to issue a concise statement and that to the extent that such a request was made, it was made in such a manner as to be likely to escape SEB staff members' notice. The Board denies any remaining allegations contained in Paragraph 83 not responded to herein.

97.

In response to Paragraph 97, the Board admits that it filed the rule with the Secretary of State on August 16, 2024 and that it became effective 20 days later on September 16, 2024.

EXISTING STATUTORY CERTIFICATION REQUIREMENTS

98.

Paragraph 98 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the allegations are denied.

99.

In response to Paragraph 99, the Board asserts that the provisions of O.C.G.A. §§ 21-2-2(35) and 2019 Ga. Laws 4181 speak for themselves

100.

In response to Paragraph 100, the Board asserts that the provisions of O.C.G.A. § 21-2-70(9) speak for themselves and that the remaining allegations contained in Paragraph 100 contain legal conclusions to which no response is required. To the extent a response may be required, the Board denies any allegation that may be contained in Paragraph 100 that characterizes the provisions manner contrary to Georgia law.

101.

In response to Paragraph 101, the Board asserts that the provisions of O.C.G.A. § 21-2-493 speak for themselves. The Board denies any allegation that characterizes the provisions in a manner contrary to Georgia law.

102.

In response to Paragraph 102, the Board asserts that the provisions of O.C.G.A. § 21-2-493 speak for themselves. The Board denies any allegation that characterizes the provisions in a manner contrary to Georgia law.

103.

In response to Paragraph 103, the Board asserts that the provisions of O.C.G.A. §§ 21-2-493 and 21-2-14 speak for themselves. The Board denies any allegation that characterizes the provisions in a manner contrary to Georgia law.

104.

Paragraph 104 contains legal argument, to which no response is required. To the extent a response is required, the Board asserts that the statutes, cases and dictionary quotations contained in Paragraph 104 speak for themselves. The Board denies any characterization of any such authority that is contrary to law.

A. Structure

105.

Paragraph 105 contains legal argument, to which no response is required. To the extent a response is required, the Board asserts that O.C.G.A. § 21-2-493 and the cited case speak for themselves, and the Board denies any characterization of that authority that is contrary to law.

106.

Paragraph 106 contains legal argument, to which no response is required. To the extent a response is required, the Board denies any allegation that is contrary to Georgia law.

107.

Paragraph 107 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the Board denies any allegation that is contrary to Georgia law.

108.

Paragraph 108 contains legal argument, to which no response is required. To the extent a response is required, the Board asserts that the provisions of O.C.G.A. § 21-2-499 speaks for themselves, and the Board denies any characterization of those provisions that is contrary to law.

109.

Paragraph 109 contains legal argument, to which no response is required. To the extent a response is required, the Board asserts that the provisions of O.C.G.A. § 21-2-499(b) and 3 U.S.C. § 5 speak for themselves. The Board denies any characterization of those authorities that is contrary to law.

110.

Paragraph 110 contains legal argument, to which no response is required. To the extent a response is required, the Board denies the allegation to the extent they contain characterizations or interpretations of the Georgia code or of the election process that are contrary to Georgia law.

111.

Paragraph 111 contains legal argument, to which no response is required. To the extent a response is required, the Board asserts that the provisions of O.C.G.A. § 21-2-522 speak for themselves, and the Board denies any characterization of the provisions that is contrary to law.

112.

Paragraph 112 contains legal conclusions, to which no response is required. To the extent a response is required, the Board asserts that O.C.G.A. §§ 21-2-524, 21-2-520, and 21-2-527.1 speak for themselves, and the Board denies any characterization of the statutes that is contrary to law.

113.

Paragraph 113 contains legal argument, to which no response is required. To the extent a response is required, the Board asserts that O.C.G.A. §§ 21-2-493 and 21-2-499 speak for themselves, and the Board denies any characterization of the statute that is contrary to law. The Board admits that the Board cannot override Georgia law, but denies that it has done so.

B. History and Precedent

114.

Paragraph 114 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the Board denies any allegation that characterizes certification in a manner contrary to Georgia law and reserves the right to make detailed legal arguments .

115.

Paragraph 115 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the Board asserts the case speaks for itself.

116.

Paragraph 116 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the Board asserts the case speaks for itself.

117.

Paragraph 117 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the Board asserts the case speaks for itself.

118.

Paragraph 118 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the Board asserts the authority speaks for itself.

119.

Paragraph 118 contains legal argument regarding Petitioners' claims, to which no response is required. To the extent a response is required, the Board asserts the authority speaks for itself.

**COUNT I – DECLARATORY JUDGMENT THAT
THE REASONABLE INQUIRY RULE IS INVALID**

120.

Paragraph 120 is a reincorporation of the allegations contained in the preceding paragraphs, including, and the Board reincorporates and restates

its responses to the respective allegations in the preceding paragraphs, inclusive.

121.

In response to Paragraph 121, the Board admits that the provisions of the Georgia Administrative Procedure Act apply to its rulemaking. The Board asserts that the provisions of O.C.G.A. § 50-13-10 speak for themselves. The Board denies any allegation that characterizes the provisions contrary to Georgia law.

122.

Paragraph 122 contains legal argument, to which no response is required. To the extent a response is required, the Board asserts the case speaks for itself.

123.

Paragraph 123 contains legal conclusions, to which no response is required. To the extent a response is required, the Board admits that the Reasonable Inquiry Rule may be read not to conflict with Georgia statutes. The Board denies that any statement about or characterization of the initial proponent of the Reasonable Inquiry Rule are statements of the Board or otherwise bind or limit the Board to any definition, characterization or description of the Rule offered by the original proponent. The Board denies that the rule is invalid.

124.

In response to Paragraph 124, the Board asserts that the provisions of O.C.G.A. § 21-2-70 speak for themselves; to the extent the allegations differ from those provisions, they are denied.

125.

In response to Paragraph 125, the Board asserts that the provisions of O.C.G.A. § 21-2-493 speak for themselves; to the extent the allegations differ from those provisions, they are denied. Paragraph 125 also contains legal conclusions, to which no response is required. To the extent a response is required, the Board denies any characterization of certification that is contrary to Georgia law.

126.

In response to Paragraph 126, the Board asserts that the provisions of O.C.G.A. § 21-2-31 and the Reasonable Inquiry Rule speak for themselves. The Board denies the allegations to the extent they characterize the Board's adoption of the Reasonable Inquiry Rule as improper.

127.

In response to Paragraph 127, the Board denies that Petitioners are entitled to any form of relief in this action.

128.

In response to Paragraph 128, the Board denies the allegation.

129.

In response to Paragraph 129, the Board denies the allegation.

130.

In response to Paragraph 130, the Board denies the allegation.

131.

In response to Paragraph 131, the Board asserts that the provisions of O.C.G.A. § 9-4-2 speak for themselves; to the extent the allegations differ from those provisions, they are denied.

132.

Paragraph 132 contains legal argument, to which no response is required. The Board asserts that the case speaks for itself.

133.

In response to Paragraph 133, the Board denies that Petitioners are entitled to any relief. Paragraph 133 further contains legal argument regarding Petitioners' claims, to which no response is required. To the extent that a response is required, the allegations are denied.

**COUNT II – DECLARATORY JUDGMENT THAT
THE EXAMINATION RULE IS INVALID**

134.

Paragraph 134 is a reincorporation of the allegations contained in the preceding paragraphs, including, and the Board reincorporates and restates

its responses to the respective allegations in the preceding paragraphs, inclusive.

135.

Paragraph 135 contains legal conclusions, to which no response is required. To the extent a response is required, the Board admits that the Examination Rule may be read not to conflict with Georgia statutes. The Board denies the remaining allegations to the extent they impute Ms. Grubbs's characterization of the rule to be statements of the Board. The Board denies that the rule is invalid.

136.

In response to Paragraph 136, the Board denies that Petitioners are entitled to any form of relief in this action.

137.

In response to Paragraph 137, the Board denies the allegation.

138.

In response to Paragraph 138, the Board denies that Petitioners are entitled to any relief. Paragraph 138 further contains legal argument regarding Petitioners' claims, to which no response is required. To the extent that a response is required, the allegations are denied.

PRAYER FOR RELIEF

The remainder of the Petition consists of a prayer for relief to which no response is required. To the extent a response is required, the Board denies that Petitioners are entitled to any relief whatsoever.

Each and every other allegation in the Petition not specifically admitted above is hereby denied.

WHEREFORE, the State Election Board respectfully prays as follows:

- a. that the Petition be dismissed in its entirety;
- b. that all relief requested by Plaintiffs be denied;
- c. that judgment be entered in favor of the Board;
- d. that all costs of this action be borne by Plaintiffs; and
- e. that the Court grant such other relief in favor of the Board as it deems just and proper.

This 16th day of September, 2024.

Respectfully submitted,

CHRISTOPHER M. CARR 112505
Attorney General

BRYAN K. WEBB 743580
Deputy Attorney General

/s/ Elizabeth T. Young
ELIZABETH T. YOUNG 707725
Senior Assistant Attorney General

/s/ Danna Yu
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Please serve:

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

VASU ABHIRAMAN, *et al.*,

Petitioners,

v.

STATE ELECTION BOARD,

Respondent.

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Civil Action No. 24CV010786

VERIFICATION

Personally appeared before the undersigned officer duly authorized to administer oaths in Fulton County, Georgia, Mike Coan, Executive Director for the State Election Board, who, having been first duly sworn, deposes and says that to the best of my knowledge, information, and belief, the facts and information contained in the foregoing **VERIFIED ANSWER AND DEFENSES TO VERIFIED PETITION FOR DECLARATORY RELIEF**, filed in the Superior Court of Fulton County, are true and correct.

This 16th day of September, 2024.



MIKE COAN

Executive Director for the State
Election Board

Sworn to and subscribed before
me this 16th day of September, 2024.



NOTARY PUBLIC

My commission expires:



CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **RESPONSE TO PETITION FOR DECLARATORY RELIEF** with the Clerk of Court using the Odyssey e-filing system, which will send notification of such filing to the parties of record via electronic notification.

Dated: September 16, 2024.

/s/Elizabeth T. Young
Elizabeth Young
Senior Assistant Attorney General

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