

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DEMOCRATIC PARTY OF GEORGIA,
INC., DSCC, and WARNOCK FOR
GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

Civil Action No. _____

EMERGENCY RELIEF REQUESTED

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Democratic Party of Georgia, Inc. (“DPG”), DSCC, and Warnock for Georgia allege as follows:

PRELIMINARY STATEMENT

1. This is an emergency action for declaratory and injunctive relief to vindicate the right to vote in the upcoming December 6, 2022 runoff election for one of Georgia’s seats in the U.S. Senate. Georgia law requires counties to commence “a period of advance voting” for the runoff as “soon as possible” but in any event “no later than the second Monday immediately prior to such runoff.” O.C.G.A. § 21-2-385(d)(1)(B). In other words, while counties must begin allowing voters to participate in advance voting no later than November 28, 2022, they are required to start earlier if they can.

2. Despite the law’s command that counties begin offering advance voting “as soon as possible,” *id.*, Secretary of State Brad Raffensperger has taken the unsupportable position that counties are barred from opening the polls on Saturday, November 26. The Secretary’s purported legal rationale for this restriction is the second sentence of § 21-2-385(d)(1), which states that

(1) early voting must be conducted on the second and third Saturday before a *primary or general election*; and (2) when the second Saturday before the day of a *primary or general election* falls on a holiday or immediately after a holiday, counties must conduct mandatory advance voting on the third Saturday before Election Day. In other words, § 21-2-385(d)(1) guarantees early voting on specific weekend days for primary and general elections and imposes conditions on that mandate, neither of which apply to runoffs.

3. Just last week, the State’s two highest election officers acknowledged publicly that counties may conduct early voting on November 26, the Saturday after Thanksgiving. Secretary Raffensperger appeared on national television on November 9 and stated that he “anticipate[s] that some counties may likely have Saturday voting following Thanksgiving.”¹ That same day, his office’s Chief Operating Officer, Gabriel Sterling, appeared on a different national news network and explained that counties could open their polls to voters on the Saturday after Thanksgiving “if they so choose.”² Yet, just three days later, the Secretary reversed course, distributing a bulletin informing counties that they were *not* permitted to hold advance voting on November 26.

4. The Secretary’s interpretation misreads § 21-2-385(d)(1) and cherry-picks provisions that have no application to runoffs. Section 21-2-385(d)(1)’s restrictions on Saturday voting are inextricably linked with its mandate that counties must offer early voting on the second and third Saturday before each primary or election—and those rules do not apply to runoffs, which involve a significantly more compressed advance-voting period. The Secretary’s insistence that counties may not hold advance voting on November 26 therefore has no support in the law and

¹ *Ga. Sec’y of the State News Conf. on Election Results*, CSPAN at 5:08–5:25 (Nov. 9, 2022), <https://www.c-span.org/video/?524156-1/georgia-secretary-state-brad-raffensperger-update-senate-runoff-election>.

² *Tr.: Control of Congress Still Uncertain, Key Races Too Close to Call*, CNN (Nov. 9, 2022, 1:00PM), <https://transcripts.cnn.com/show/se/date/2022-11-09/segment/15>

conflicts with § 21-2-385(d)(1)(B)'s requirement that counties begin advance voting for the December 6 runoff as soon as possible.

5. Plaintiffs respectfully ask the Court to immediately declare that § 21-2-385(d)(1) does not preclude counties from holding advance voting on November 26, and to enjoin Defendant from taking any action to prevent or interfere with counties holding advance voting on that date.

JURISDICTION AND VENUE

6. This Court has power to exercise original jurisdiction over this action, declare the rights of the parties in this action, and enjoin Defendant from engaging in unlawful conduct. O.C.G.A. §§ 9-4-2, 9-4-3, 9-11-65, 15-6-8.

7. Venue is proper in this Court under Ga. Const. of 1983, Art. VI, Sec. II, Para. III and O.C.G.A. § 9-10-30.

PARTIES

8. Plaintiff DPG is a state committee of the Democratic Party in Georgia, as defined by 52 U.S.C. § 30101(15), dedicated to electing candidates of the Democratic Party to public office throughout the State of Georgia. DPG has members and constituents from across Georgia, including many eligible voters who regularly support and vote for candidates affiliated with the Democratic Party. DPG brings these claims on their behalf, as well as in its own right.

9. Plaintiff DSCC is the Democratic Party's national senatorial committee, as defined by 52 U.S.C. § 30101(14). Its mission is to elect candidates of the Democratic Party across the country, including in Georgia, to the U.S. Senate. DSCC works to accomplish its mission by, among other things, assisting state parties throughout the country, including in Georgia, and mobilizing and supporting voters. In 2022, DSCC has and will continue to make millions of dollars in expenditures and contributions to persuade, educate, and mobilize voters to support U.S. Senate

candidates who affiliate with the Democratic Party. For the 2022 election for U.S. Senate in Georgia, DSCC has worked (and will continue to work) to elect the Democratic candidate Senator Raphael Warnock and has made (and will continue to make) substantial contributions and expenditures to support Senator Warnock in his candidacy.

10. Plaintiff Warnock for Georgia is the principal campaign committee for Reverend Raphael Warnock, an incumbent U.S. Senator for Georgia who is seeking reelection in the December 6 runoff.

11. Defendant State of Georgia is sued under Article I, Section 2, Paragraph V(b)(2) of the Georgia Constitution. Defendant, through its agents, oversees the administration of elections. This includes promulgating rules governing the conduct of elections; issuing official guidance; and tabulating, canvassing, and certifying votes. *Id.* at art. II. It performs these acts through two agents: the Secretary of State, *id.* at art. V, § 3, ¶ 1, and the State Election Board. O.C.G.A. § 21-2-31. Members of the State Election Board (SEB) are responsible for “promulgat[ing] the rules and regulations so as to obtain uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers, and other officials, as well as the legality and purity in all primaries and elections.” *Id.* § 21-2-31(1). They also investigate “irregularities” in the administration of elections generally, *id.* § 21-2-31(5), and can suspend local election officials and replace them with officials of the SEB’s choosing. *Id.* § 21-2-33.2. In light of this power, members of the SEB have the ability to coerce county elections officials to take certain actions (or refrain from taking certain actions) under the threat of replacing those local officials with SEB-chosen individuals.

FACTS

I. Defendant is prohibiting counties from allowing voters to cast in-person ballots on Saturday, November 26 for the forthcoming runoff election.

12. Georgia law requires that its members of Congress be elected by a majority of the vote. O.C.G.A. § 21-2-501(a)(1). If no candidate wins a majority of the vote, a runoff election is held between the two candidates who received the most votes in the general election. *Id.*

13. On November 8, 2022, Georgia held an election for one of its seats in the U.S. Senate. The Democratic nominee was incumbent Senator Raphael Warnock, and the Republican nominee was Herschel Walker.

14. Senator Warnock and Mr. Walker were the top two finishers in the November 8 election for the U.S. Senate seat, with neither receiving a majority of the vote. As a result, those two candidates will proceed to a runoff.

15. Georgia law provides that a run-off election “shall be held on the twenty-eighth day after the day of holding the preceding general or special primary or general or special election.” O.C.G.A. § 21-2-501(a)(1). Accordingly, the run-off election between Senator Warnock and Mr. Walker will occur on December 6, 2022.

16. O.C.G.A. § 21-2-385(d)(1) sets forth parameters by which counties must provide voters the opportunity to vote in person prior to Election Day:

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election; and

(B) *As soon as possible prior to a runoff* from any general primary or election but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second

Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this paragraph, the registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; provided, however, that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days. (Emphasis added.)

17. On November 9, 2022, Secretary Raffensperger stated in an appearance on national television that he “anticipate[s] that some counties may likely have Saturday voting following Thanksgiving.”³ That same day, his office’s Chief Operating Officer, Mr. Sterling, appeared on a different national network and reiterated the Secretary’s statement, affirming that counties had the option to open their polls to voters on the Saturday after Thanksgiving.⁴

18. However, just three days later, the Secretary’s Office reversed course. On November 12, 2022, Blake Evans, the Director of the Elections Division of the Secretary of State’s Office, issued an “official election bulletin” addressed to county election officials and county registrars. The subject line of the November 12 Bulletin reads “Certification Target for General Election and Advance Voting for December 6th Runoff.” Exhibit 1 (“Nov. 12 Bulletin”).

19. With respect to advance voting, the November 12 Bulletin instructs that “[p]ursuant to O.C.G.A. 21-2-385(d)(1)(B), Advance Voting for the December 6th general election runoff must begin as soon as possible prior to the runoff and no later than Monday, November 28th.” *Id.*

³ CSPAN, *supra* note 1.

⁴ CNN, *supra* note 2.

20. However, the November 12 Bulletin also instructs:

Pursuant to O.C.G.A. 21-2-385(d)(1), ***Advance Voting cannot occur on Thursday, November 24th (Thanksgiving Day), Friday, November 25th (Observance of State Holiday 1), or Saturday, November 26th.*** Advanced Voting on Saturday, November 26th is prohibited by OCGA 21-2- 385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed. (Emphasis added.)

21. The remainder of the November 12 Bulletin discusses, in relevant part, two tasks that counties must perform prior to beginning advance voting. First, citing § 21-2-385(d)(3), it explained that counties must publish, “no later than seven days prior to beginning [advance] voting,” the “dates, times, and locations” where advance voting will occur. Second, citing § 21-2-379.25(c), the bulletin noted that at least three days prior to the beginning of advance voting, counties “must also commence Logic & Accuracy testing of equipment to be used in the runoff.”

II. Defendant’s instruction to counties that they may not allow voters to cast in-person ballots on Saturday, November 26 contradicts Georgia law.

22. The November 12 Bulletin’s instruction to counties that they may not conduct advance voting on November 26 contradicts § 21-2-385(d)(1)’s plain language.

23. In drafting § 21-2-385(d)(1), the Legislature expressly distinguished between three different categories of elections: (1) a primary election (referred to as a “primary”); (2) a general election (referred to as an “election,” *see id.* § 21-2-2(5) (defining “election” as a “general or special election and not . . . a primary or special primary”)); and (3) a runoff, *id.* § 21-2-385(d)(1)(B).

24. Specifically, § 21-2-385(d)(1) sets forth different dates for when advance voting may (or must) begin based on the type of election: For primary and general elections, advance voting must begin the “fourth Monday immediately prior to” the election; by contrast, for a runoff election, advance voting must begin as “soon as possible . . . but no later than the second Monday” before the election.

25. In the clause that follows, § 21-2-385(d)(1) continues expressly and distinctly referring to all three categories of elections under Georgia law, instructing that advance voting “shall end on the Friday immediately prior to each *primary, election, or runoff*.” (Emphasis added.)

26. The Legislature’s specific references to each of Georgia’s three categories of elections in these initial clauses of §§ 21-2-385(d)(1)(A) & (B) make “clear that the legislature knew how to specify” among different categories of elections when it so desired, including between the different advance voting rules for runoffs, as compared to general and primary elections. *Avila v. State*, 333 Ga. App. 66, 70 (2015). By the same token, by expressly and consistently identifying three distinct types of elections in § 21-2-385(d)(1), the Legislature also made clear that if an instruction in that provision names some but not all three election types, that instruction does not apply to the omitted election. *See Allen v. Wright*, 282 Ga. 9, 13–14 (2007) (“Georgia law provides that the express mention of one thing in an Act or statute implies the exclusion of all other things.” (quoting *Abdulkadir v. State*, 279 Ga. 122, 123 (2005))); *see also Citibank (S.D.), N.A. v. Graham*, 315 Ga. App. 120, 122 (2012) (explaining legislature’s intentional omission of a term it used elsewhere shows “legislature knew how” to include it when desired but decision not to do so was “a matter of considered choice”).

27. That is the case for the second sentence of § 21-2-385(d)(1), which reads in full:

Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior to **a primary or election** during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall

be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. (Emphases added.)

28. As the emphasized portions of the language provided above make clear, § 21-2-385(d)(1)'s exception for advance voting on Saturdays falling on or after a holiday applies only to *primary* and *general* elections, not *runoffs*. If the legislature desired otherwise, it “knew how” to say so and its decision *not* to refer to runoffs—which it references elsewhere throughout the provision—should be respected as a “matter of considered choice.” *Graham*, 315 Ga. App. at 122.

29. Moreover, § 21-2-385(d)(1)'s statutory history confirms that the view expressed in the November 12 Bulletin is wrong. When the General Assembly in 2016 first added the provision regarding advance voting on the Saturday after a holiday, it named all three categories of elections, stating that the provision applied during a “primary, election, or runoff.” 2016 Ga. Laws Act 347 § 4 (emphasis added). Just one year later, the General Assembly updated the provision, deliberately deleting the words “or runoff,” leaving only “primary or election.” 2017 Ga. Laws Act 250 § 18.

30. What's more, prior to issuing the November 12 Bulletin, Secretary Raffensperger publicly acknowledged that counties may choose to conduct advance voting for a runoff on the Saturday immediately following a holiday. In a news conference on November 9, he stated “we do anticipate that some counties may likely have Saturday voting following Thanksgiving,” and, consistent with that expectation, his office was working with counties to ensure that their “voters can make the best plans.”⁵ A few minutes later in the interview, he confirmed the point again, noting that counties would provide five days of mandated advance voting “plus most likely a Saturday,”⁶ which, given that § 21-2-385(d)(1) prohibits advance voting the last Saturday before Election Day, could only be a reference to Saturday, November 26.

⁵ CSPAN, *supra* note 1.

⁶ *Id.* at 8:18–27.

31. The same day Secretary Raffensperger made that public statement, the Chief Operating Officer of the Secretary of State’s Office, Gabriel Sterling, stated on CNN that “[t]here’s a very good possibility that we’ll probably have voting on Saturday, November 26th, in many of the counties if they so choose and we’re planning for that right now.”⁷

32. Yet, just three days after Georgia’s chief election official made these statements—broadcast nationwide to millions of viewers, including no doubt many voters across Georgia—his office issued the November 12 Bulletin, which reversed course by instructing counties that they may *not* hold advance voting on November 26.

33. The November 12 Bulletin’s interpretation of the statute is flawed on its own terms, but should further be discarded because it fails to follow the natural consequences of its own reading of the statute. If the second sentence of § 21-2-385(d)(1) does in fact apply to runoffs—despite its reference only to “a primary or election”—then it mandates that all counties in Georgia “*shall* . . . conduct [in-person advance voting] on the second and third Saturdays” prior to the December 6 runoff, subject to the exception cited in the November 12 Bulletin—that voting need not be held on a “second Saturday” if it “follows a public and legal holiday occurring on the Thursday or Friday” prior. O.C.G.A. § 21-2-385(d)(1). That would still, at minimum, require that every county in Georgia open their polls on November 19, the *third* Saturday prior to the runoff.⁸

34. Tellingly, neither the Secretary nor the November 12 Bulletin have instructed

⁷ CNN, *supra* note 2.

⁸ Plaintiffs recognize the logistical burden of requiring each county across the state to hold advance voting on Saturday, November 19. That practical consideration reinforces Plaintiffs’ reading of the statute—that the language quoted above from § 21-2-385(d)(1) does not apply to runoff elections, including the prohibition on holding advance voting on the second Saturday before the runoff when it follows a Thursday or Friday holiday. *Cf. Najarian Cap., LLC v. Fed. Nat’l Mortg. Ass’n*, 354 Ga. App. 159, 162 (2020) (noting that “interpretation of a statute must conform with common sense and sound reasoning”), *cert. denied* (Mar. 1, 2021).

counties across Georgia that they must hold advance voting on that date, opting instead to cherry-pick portions of the provision and apply them selectively to runoffs. That is not how the statute operates: if the sentence's prohibition on holding advance voting on a Saturday after a holiday applies to runoffs, so too must its command that advance voting be held on the second and third Saturday in the first place. To read the statute otherwise is nonsensical.

COUNT I
Request for Declaratory Relief, O.C.G.A. § 9-4-2

35. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint as if fully set forth herein.

36. As explained, O.C.G.A. § 21-2-385(d)(1)'s prohibition against advance voting on a Saturday immediately following a legal holiday applies only to primary and general elections, not runoffs.

37. Defendant, through its agent the Secretary, has issued guidance instructing counties that they may not hold advance voting on Saturday, November 26—the Saturday immediately following Thanksgiving—based on the incorrect view that § 21-2-385(d)(1) prohibits counties from doing so.

38. Upon information and belief, several counties within Georgia would hold in-person advance voting on Saturday, November 26 but for Defendant's issuance of the November 12 Bulletin. Thus, in issuing such guidance, the Defendant is unlawfully restricting the number of advance voting days counties may provide to voters for the 2022 senate runoff election. This restriction specifically harms Plaintiffs and their preferred candidate in the forthcoming runoff, as well as DPG's members, by eliminating a potential advance voting day that is likely to be used by voters who affiliate with the Democratic Party.

39. Plaintiffs' injuries are therefore traceable to Defendant's issuance of the November

12 Bulletin and the faulty interpretation of § 21-2-385(d)(1) therein, and will be redressed by declaratory or injunctive relief that nullifies the November 12 Bulletin or makes clear that it is not a correct interpretation of the law.

40. Defendant's actions have created a real and actual controversy between Plaintiffs and Defendant in that Plaintiffs and their members and constituents face an imminent risk of suffering irreparable injury during the advance voting period.

41. Plaintiffs are entitled to a declaration from this Court that Georgia law does not preclude counties from holding advance voting on Saturday, November 26, 2022, and neither Defendant nor its agents may take any action to prevent or impede counties' efforts to do so.

COUNT II
Request for Temporary Restraining Order and/or Interlocutory Injunctive Relief,
O.C.G.A. §§ 9-4-3, 9-11-65

42. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint as if fully set forth herein.

43. Plaintiffs are entitled to a temporary restraining order and/or interlocutory injunctive relief under O.C.G.A. §§ 9-4-3 and 9-11-65 ordering Defendant and its agents to immediately refrain from taking any action to prevent counties from holding advance voting on Saturday, November 26, 2022, or to prevent any votes cast on that day from being counted or included in the certified election results, and accordingly enjoy a substantial likelihood that they will prevail on the merits of their claims at trial.

44. Absent injunctive relief, Plaintiffs and their members and constituents will suffer actual, immediate, and irreparable injury for which Plaintiffs have no adequate remedy at law.

45. Without temporary injunctive relief, Plaintiffs' members and constituents will be deprived of their right to vote during the advance voting period permitted by Georgia law. Immediate and effective relief is essential to protect against that irreparable harm.

46. The injury that would be inflicted upon Plaintiffs and their members and constituents by the denial of relief outweighs the injury that would be inflicted upon Defendant by granting relief.

47. Issuance of an injunction granting relief to Plaintiffs will not substantially harm Defendant. An injunction will properly restore the parties to their status as it existed prior to the wrongful conduct described herein.

48. The public interest weighs heavily in favor of entry of an injunction designed to protect the right to a full and fair election, including permitting counties to hold advance voting on all days they are permitted to do so under Georgia law.

PRAYER FOR RELIEF

Plaintiffs pray that this Court:

a. Issue an order declaring that O.C.G.A. § 21-2-385(d)(1) does not prohibit counties from conducting in-person advance voting on November 26;

b. Issue an order enjoining Defendant State of Georgia through any of its agents, including Secretary of State Brad Raffensperger, from instructing counties that they may not provide advance voting on Saturday, November 26, 2022, or from interfering in any effort by counties to provide advance voting on Saturday, November 26, 2022, or from taking any action to prevent votes cast during advance voting on November 26 from being counted and included in the certified election results;

c. Issue an order enjoining Defendant State of Georgia through any of its agents, including the State Elections Board, from taking any action against any county based on the county offering Saturday voting in advance of a general election runoff;

d. Issue an order enjoining Defendant State of Georgia through any of its agents,

including Secretary of State Brad Raffensperger and the State Elections Board, from interfering in any effort by the counties to provide advance voting on Saturday, November 26 due to any failure by the board of registrars to comply with the requirement in O.C.G.A. § 21-2-385(d)(3) to publish the date, time, and locations of the availability of advance voting in its jurisdiction at least seven days prior to November 26;

e. Grant such other and further relief as the Court deems necessary, appropriate, and equitable.

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Respectfully submitted on this 14th day of November, 2022.

KREVOLIN & HORST, LLC

/s/ Adam M. Sparks

Joyce Gist Lewis

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** Pro Hac Vice application forthcoming
Counsel for Plaintiffs*

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM



OFFICIAL ELECTION BULLETIN

November 12, 2022

TO: County Election Officials and County Registrars

FROM: Blake Evans, Elections Division Director

RE: Certification Target for General Election and Advance Voting for December 6th Runoff.

The Secretary of State's Office is targeting Monday, November 21st for state certification of the November 8th General Election. While this target date is subject to change if delays come up during the statutorily required audit or if issues arise during normal pre-certification processes, I am sharing it with you to assist with preparation for the December 6th Runoff.

Pursuant to O.C.G.A. 21-2-385(d)(1)(B), Advance Voting for the December 6th general election runoff must begin as soon as possible prior to the runoff and no later than Monday, November 28th.

Advance Voting must be held Monday, November 28th through Friday, December 2nd from 9:00 a.m. to 5:00 p.m., with the option of extending those hours by beginning at 7:00 a.m. and ending no later than 7:00 p.m. Advance Voting may be held on Sunday, November 27th. Advance Voting may also be held prior to Thanksgiving if you are able to complete all required preparations and notifications by then.

Pursuant to OCGA 21-2-385(d)(1), Advance Voting cannot occur on Thursday, November 24th (Thanksgiving Day), Friday, November 25th (Observance of State Holiday 1), or Saturday, November 26th. Advanced Voting on Saturday, November 26th is prohibited by OCGA 21-2-385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed.

In determining when it is possible for you to begin Advance Voting for the runoff, remember that dates, times, and locations for Advance Voting must be published no later than seven days prior to beginning early voting on your county election's website (or, if you don't have a website, in a paper of general circulation and in a prominent location in the county). OCGA 21-2-385(d)(3). SEB Regulations also require that you "shall endeavor not to remove or alter any advance voting locations after they are published, unless there are emergency or unforeseen circumstances that make such a change necessary." SEB Rule 183-1-14-.02(2).

On or before the third day prior to beginning Advance Voting, you must also commence Logic & Accuracy testing of equipment to be used in the runoff. OCGA 21-2-379.25(c), SEB Rule 183-1-12-.08(1)(b). Public notice of the date, time, and location of L&A testing must be published on your website and in a paper of general circulation five days prior to the commencement of L&A testing. OCGA 21-2-379.25(c), SEB Rule 183-1-12-.08(1)(c).

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DEMOCRATIC PARTY OF GEORGIA, INC.
DSCC, and WARNOCK FOR GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

Civil Action

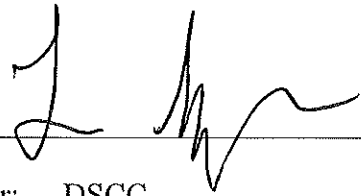
Case No. _____

VERIFICATION

Personally appeared before me, the undersigned officer, duly authorized by law to administer oaths, came Lauren Brainerd and who on oath, does depose and say that I have reviewed the foregoing VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF with regard to the facts contained therein, and that the facts set forth therein are true where derived from my own knowledge or from documents that are maintained in the course of business and are believed to be true where derived from the knowledge of others or from documents that are maintained in the course of business.

[verified signature on following page]

This 14th day of November, 2022.

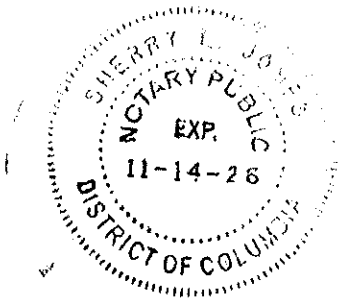


For: DSCC
By: Lili Snyder
Its: Chief Operating Officer

Sworn to and subscribed before me

This 14th day of ~~October 2020~~ ^{November} 2022

SHERRY L. JONES
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 14, 2026
Notary Public



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