

IN THE SUPERIOR COURT FOR THE COUNTY OF COBB

STATE OF GEORGIA

Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

COBB COUNTY BOARD :
OF ELECTIONS AND REGISTRATION :
Petitioner, : Civil Action File
: No: _____
In re: November 8, 2022 General/Special :
Election :
_____ :

**PETITION FOR EXTRAORDINARY WRIT
TO ALLOW VOTING PRECINCTS TO REMAIN OPEN**

COMES NOW, Petitioner, Cobb County Board of Elections and Registration, and petitions this Court for an extraordinary writ, issued pursuant to O.C.G.A. § 21-2-403(b), to authorize certain Cobb County Voting Precincts to remain open for the times noted below, so that voters may return to those locations to cast their vote for the November 8, 2022 General/Special Election, (“the Election”).

In support of the petition, Cobb County Board of Elections and Registration sets forth the following facts, as laid out in the Affidavit of Janine Eveler, which will be filed concurrently with this petition:

1.

On the morning of November 8, 2022 Cobb County polling locations opened at 7:00 a.m. for voting in the Election. However, the following polling locations experienced brief delays, opening at the times noted, and some voters who arrived at these polling locations during that time may have been unable to cast their ballots:

Kennesaw 3A (Ben Robertson Community Center) 7:45 a.m.

Oregon 03 (Fair Oaks Recreation Center) 7:06 a.m.

2.

Georgia law anticipates that polling places will remain open for 12 hours on election day, pursuant to O.C.G.A. 21-2-403 (a), which states: “At all primaries and elections the polls shall be opened at 7:00 a.m. eastern standard time or easterly daylight time, whichever is applicable, and shall remain open continuously until 7:00 p.m...”

3.

O.C.G.A. 21-2-403 (b) goes on to permit the superior court to extend the time for voting upon a showing of good cause:

Poll hours at a precinct may be extended only by order of a judge of the superior court of the county in which the precinct is located upon good cause shown by clear and convincing evidence that persons were unable to vote at that precinct during a specific period or periods of time. Poll hours shall not be extended longer than the total amount of time during which persons were unable to vote at such precinct. Any order extending poll hours at a precinct beyond 9:00 P.M. shall be by written order with specific findings of fact supporting such extension.

4.

Further, on election days, O.C.G.A. § 21-2-412 mandates that this court “...shall issue process, if necessary, to enforce and secure compliance with the primary or election laws and shall decide such other matters pertaining to the primary or election as may be necessary to carry out the intent of this chapter.”

5.

In order to secure a free, fair, and correct computation and canvass of votes cast the polling locations identified above, the Cobb County Board of Elections and Registration moves this Court, pursuant to O.C.G.A. §§ 21-2-403 and 21-2-412, for a writ requiring the identified voting precincts to remain open until 7:45 pm Kennesaw 3A (Ben Robertson Community Center) and 7:06 p.m. for Oregon 03 (Fair Oaks Recreation Center) in order to correct for the delay in opening.

A proposed order will be submitted separately for the Court’s consideration.

So moved this 8th day of November, 2022.

HAYNIE, LITCHFIELD & WHITE, PC

/s/ Daniel W. White
Georgia Bar No. 153033
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of Elections and Registration*

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