

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

JULIE ADAMS, in her official capacity as a )  
member of the Fulton County Board of )  
Elections and Registration, a/k/a Fulton )  
County Board of Registration and Elections, )  
*Plaintiff,* )  
)  
v. ) Civil Case No. 24CV006566  
)  
FULTON COUNTY BOARD OF )  
ELECTIONS AND REGISTRATION, a/k/a )  
FULTON COUNTY BOARD OF )  
REGISTRATION AND ELECTIONS, )  
and NADINE WILLIAMS, in her official )  
capacity as Elections Director, )  
*Defendants.* )

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**FULTON COUNTY REPUBLICAN PARTY'S MOTION TO INTERVENE AND  
INCORPORATED BRIEF IN SUPPORT**

**COMES NOW** THE FULTON COUNTY REPUBLICAN PARTY, by counsel, and respectfully moves to intervene in the above captioned action as a Plaintiff pursuant to O.C.G.A. § 9-11-24, and in support states as follows:

**BACKGROUND**

The Fulton County Republican Party exists, in part, to promote the election of Republican candidates for office through free and fair elections, and to ensure that those elections are conducted in a manner consistent with the law. Unfortunately, the unelected Election Director of Fulton County has prevented the Plaintiff in this case, a member of the Fulton County Republican Party, from performing her duties to prevent any fraud, deceit, or abuse in elections, as well as making a true and perfect return of such primaries and elections. See O.C.G.A. § 21-2-70(15)(B). The Fulton County Republican Party seeks to intervene in this

matter to protect the interests of its members—and all legal voters of Fulton County—and ensure elections conducted within the county are devoid of any fraud, deceit, or abuse.

**THE FULTON COUNTY REPUBLICAN PARTY HAS THE RIGHT TO INTERVENE**

An applicant for intervention shall be permitted to intervene in an action by right when such applicant “claims an interest relating to the property or transaction which is the subject matter of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties.” O.C.G.A § 9-11-24 (a)(2). When considering if a proposed intervenor may intervene by right, Georgia Courts evaluate the applicant’s (1) interest, (2) potential impairment, and (3) if the applicant’s interest is adequately represented. *Buckler v. Dekalb County*, 290 Ga. App. 190, 193 (2008). Under the present facts and circumstances, the Fulton County Republican Party qualifies to intervene by right.

At the very core of this action is a question about way in which elections within the county are conducted and certified. This goes to the very heart of the mission of the Fulton County Republican Party and its interest in this case. The Fulton County Republican Party seeks the election of members of the Republican Party. This is achieved by the winning of elections, and can only be accomplished legally when all proper ballots—but only proper ballots—have been cast and counted accurately. It is in the utmost interest of the Fulton County Republican Party that all the integrity of the voting process be transparent and in accordance with the law. *See Black Voters Matter Fund v. Raffensperger*, Doc. 42 at 5, No. 1:20-cv-4869 (N.D. Ga. Dec. 9, 2020).

Second, the Fulton County Republican Party is harmed by deviations from the established elections process. The General Assembly has, by law, established a process by

which boards of elections are to certify the results of an election and ensure that the reported return is the result of an accurate tabulation. Any deviation from these established rules places a cloud over the validity of the outcome in any race in which a Republican candidate has run. The Defendants' refusal to provide key election information to the Plaintiff inhibits the process dictated by the General Assembly, and requires Plaintiff to violate the very oath she took as part of that process. This in turn harms the Fulton County Republican Party, and its members, who necessarily rely on representatives such as the Plaintiff to conduct themselves in accordance with the law and their oaths. A veritable "trust me, everything is fine" from the elections director is not sufficient to protect the interests of the Fulton County Republican Party, nor its members, who are owed certainty in the outcomes of elections.

Thirdly, Movant's interests are not sufficiently represented by the Plaintiff. While Plaintiff has a personal interest to ensure she can execute her duties as assigned by the legislature, that interest differs from that of the Fulton County Republican Party and its members whose interest extends to ensuring the legitimate votes of its members are not diluted or miscounted. *See La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 308 (5th Cir. 2022)

As such, this Court should Grant the Fulton County Republican Party's Motion to Intervene by right.

#### **THE FULTON COUNTY REPUBLICAN PARTY MAY PERMISSIVELY INTERVENE**

Alternatively, O.C.G.A. § 9-11-24 (b) provides that a Court may allow an applicant to intervene "[w]hen an applicant's claim or defense and the main action have a question of law or fact in common." In evaluating whether to allow an applicant to intervene, the Court is directed by the statute to "consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties." *Id.* Here it is indubitable that the Fulton

County Republican Party and Ms. Adams will raise common issues of law and fact regarding the process by which elections are certified by the Fulton County Board of Registration and Elections, and what her rights and responsibilities as a board member are. Further, the proposed intervention by the Fulton County Republican Party will not delay the adjudication of this case nor prejudice any Party as this application has been made before any hearings have been held, or Orders issued. The Fulton County Republican Party is prepared to proceed on whatever schedule the Court wishes to establish for the adjudication of this case.

WHEREFORE, The Fulton County Republican Party respectfully requests that its Motion to Intervene be GRANTED as a matter of right, or in the alternative, Granted permissibly.

Respectfully submitted this 28th day of May, 2024.

*/S/ Christopher J. Gardner*  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of May, 2024, I did cause to be served a true and accurate copy of the foregoing FULTON COUNTY REPUBLICAN PARTY'S MOTION TO INTERVENE AND INCORPORATED BRIEF IN SUPPORT through the Court's E-Filing system, STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5 et seq.) and/or via regular First Class U.S. Mail with proper postage prepaid to the following:

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