

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

AMERICAN OVERSIGHT and )  
JOHN DOE, )  
 )  
 *Plaintiffs,* )  
 )  
 v. ) Civil Case No. 24CV009124  
 )  
 THE GEORGIA STATE ELECTION )  
 BOARD; JANICE JOHNSTON, in her )  
 Individual capacity and official capacity )  
 as a Member of the Georgia State Election )  
 Board; RICK JEFFARES, in his individual )  
 Capacity and official capacity as a member )  
 of the Georgia State Election Board; )  
 JANELLE KING, in her individual )  
 capacity and official capacity as a Member )  
 of the Georgia State Election Board; JOHN )  
 FERVIER, in his official capacity as the )  
 Chairman of the Georgia State Election )  
 Board; SARA TINDALL GHAZAL, in her )  
 official capacity as a Member of the Georgia )  
 State Election Board; )  
 )  
 *Defendants.* )

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**GEORGIA REPUBLICAN PARTY, INC.’S MOTION TO INTERVENE AND  
INCORPORATED BRIEF IN SUPPORT**

**COMES NOW**, THE GEORGIA REPUBLICAN PARTY, Inc. (“GRP”) by counsel, and respectfully moves to intervene in the above captioned action as a Defendant pursuant to O.C.G.A. § 9-11-24, and in support states as follows:

**BACKGROUND**

The GRP 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. The GRP has an appointee to the Georgia State Election Board (“SEB”), to wit; Dr. Janice Johnston. Unfortunately, the Chairman of the Georgia State Election Board and others within the

Georgia State Government have prevented Dr. Johnston and the majority of the members of the SEB to reconvene properly noticed meetings, promulgate rules approved by the majority of the SEB, to post notice of meetings of the SEB on the website controlled by the Georgia Secretary of State's Office, or to have the Georgia Attorney General's billeted to the SEB paralegal perform or execute duties and tasks assigned to her by the majority of the SEB, including but not limited to disseminating majority approved rules to the Georgia Secretary of State's Office or to all members of the County Elections Board, thereby preventing the majority of the SEB to pass or disseminate rules or regulations or giving proper notice of meetings and agendas, thereby hampering the majority of the SEB from performing their statutory duties and depriving the GRP and its representative on the SEB, as well as the will of the majority to perform their duties, including but not limited to protecting the interests of the GRP, Republican voters, and sanctity of having free and fair elections for all Georgian voters, specifically to promulgate rules 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 GRP seeks to intervene in this matter to protect the interests of its members, candidates, and voters and ensure elections conducted within the state are devoid of any fraud, deceit, or abuse.

### **THE GRP 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 GRP qualifies to intervene by right.

At the very core of this action is a question about the way in which elections within the state of Georgia are conducted and certified as well as to ensure that the GRP's representative to the SEB is enabled to represent the GRP and its interests on the SEB. This goes to the very heart of the mission of the GRP and its interest in this case. The GRP seeks the election of candidates affiliated with 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 and the election is conducted in a fair, transparent, and consistent manner throughout every county in Georgia. It is in the utmost interest of the GRP 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); *see also Shays v. FEC*, 414 F.3d 76, 85 (D.C. Cir. 2005) (candidates have interest in preventing “illegal structuring of a competitive environment”).

Second, the GRP 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 conduct and certify the results of an election and ensure that the reported return is the result of an accurate tabulation. The purpose of the SEB is, in part, to promulgate rules and oversee that all counties conduct elections in a fair, transparent, consistent, and accurate matter. 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 refusal of the SEB Chairman and others in the state government to allow the will of the majority of the SEB to meet, pass rules, disseminate rules, or provide key election

information to the public and county election board members and superintendents inhibits the process dictated by the General Assembly, and requires the majority of the SEB, including the GRP's SEB representative (Dr. Johnston) to potentially violate the very oath they took as part of that process. This in turn harms the GRP, and its members, who necessarily rely on representatives such as the Dr. Johnston to conduct themselves in accordance with the law and their oaths and to be effective on the SEB, and thereby maintain voter confidence in the election process. The interests of the GRP, its candidates, members, and voters at large are owed certainty in the outcomes of elections.

Thirdly, Movant's interests are not sufficiently represented by the collective Defendants or the State of Georgia. While Dr. Johnston has a personal interest to ensure she can execute her duties as assigned by the legislature, that interest differs from that of the GRP 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 GRP's Motion to Intervene by right.

#### **THE GRP 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, the GRP and Dr. Johnston will raise common issues of law and fact regarding the process by which the July 9<sup>th</sup> meeting was reconvened and the legitimacy of said reconvened meeting as well as the enforceability of the rules passed by the majority of the SEB. Further, the proposed intervention by the GRP 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 GRP is prepared to proceed on whatever schedule the Court wishes to establish for the adjudication of this case.

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

Respectfully submitted this 25th day of July, 2024.

/S/Alex B. Kaufman  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of July, 2024, I did cause to be served a true and accurate copy of the foregoing GEORGIA REPUBLICAN PARTY, INC'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.) to all parties and counsel of record.

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