

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

WILLIAM HENDERSON, DEKALB  
COUNTY REPUBLICAN PARTY, INC.,

*Plaintiffs,*

v.

VASU ABHIRAMAN, in his official capacity;  
NANCY JESTER, in her official capacity;  
ANTHONY LEWIS, in his official capacity;  
SUSAN MOTTER, in her official capacity;  
KARLI SWIFT, in her official capacity,

*Defendants.*

Civil Action File No. 2024CV8564

**Motion to Intervene as Defendants**

Proposed Intervenor Vet Voice Foundation (“Vet Voice”) moves to participate as an intervening defendant to defend its interests by ensuring that constituents, which include veterans, active military members, and their families, may successfully participate in the upcoming election.

For the reasons discussed in the Memorandum of Law in support of this Motion, filed concurrently herewith as Exhibit A, Vet Voice is entitled to intervene in this case as a matter of right under O.C.G.A. § 9-11-24(a)(2). In the alternative, Vet Voice requests permissive intervention pursuant to O.C.G.A. § 9-11-24(b)(2). In accordance with O.C.G.A. § 9-11-24(c), Vet Voice’s Proposed Answer to the Petition is attached as Exhibit B, and Vet Voice also submits a Proposed Order granting the Motion to Intervene attached as Exhibit C. An affidavit in support of this Motion from Vet Voice CEO Janessa Goldbeck is attached as Exhibit D.

WHEREFORE, the Proposed Intervenor Vet Voice respectfully requests that the Court permit its intervention in the above-captioned matter on an expedited basis.

Dated: September 30, 2024

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# **Exhibit A**

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*Defendants.*

Civil Action File No. 2024CV8564

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE**

Proposed Intervenor Vet Voice Foundation (“Vet Voice”) moves to intervene as a defendant in this matter.<sup>1</sup> Intervention as of right is appropriate under O.C.G.A. § 9-11-24(a)(2) and, alternatively, § 9-11-24(b)(2), for the reasons set forth below.

**INTRODUCTION**

In late August 2024—just weeks before DeKalb County finalized its voter lists for the 2024 general election—Plaintiff William Henderson brought mass challenges to the eligibility of more than 5,000 DeKalb County voters. The Board did not fail to consider Henderson’s challenges altogether, as Plaintiffs contend. Instead, the Board weighed its responsibilities under both federal and state law and determined, in consultation with the County Attorney, that the correct way to handle challenges like Henderson’s was to postpone full consideration of them until after

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<sup>1</sup> Accompanied with this motion is a proposed Answer, as required by O.C.G.A. § 9-11-24(c). As of filing, Plaintiffs have not filed any proof of service on the public docket. If Plaintiffs do intend to prosecute this case, Vet Voice intends to file an opposition to the Petition for Writ of Mandamus, explaining why the Court should dismiss the Petition.

certification of the November 2024 election. That is because federal law—the National Voter Registration Act (“NVRA”), which imposes strict limitations on when a state may remove a voter from the voter registration rolls—prohibits systematic voter purges within 90 days of any federal election. 52 U.S.C. 20507(c)(2)(A) (the “90-day quiet period”).

The Board’s decision cannot properly be revisited now. In addition to the clear restrictions imposed by federal law’s 90-day quiet period, Georgia law separately prohibits the Board from processing challenges within 45 days of an election, *see* O.C.G.A. § 21-2-230(b)(1), and as of today, there are only 36 days until election day. Under the Board’s Resolution, Henderson’s challenges will be processed in due course after the November election, as required by state and federal law. Plaintiffs’ requested relief should accordingly be denied.

Vet Voice moves to intervene to protect the fundamental voting rights of its core constituency—retired and active military voters and their families, who are among those most at risk of being disenfranchised due to Plaintiffs’ voter challenges. If Plaintiffs succeed in forcing baseless challenges and removals of voters from the rolls in the days ahead, Vet Voice’s constituents will be plainly harmed, and its mission of turning out veterans to the polls will be consequently impaired.

Although Vet Voice agrees with the Board’s initial refusal to uphold Henderson’s challenges, the existing DeKalb County Defendants do not adequately represent Vet Voice’s interests. They instead represent the interests of the government—including the competing obligations that come with responding to constituents who have different views on how the relevant laws should be enforced—and a robust defense against Plaintiffs’ challenge very well may be cabined by their statutory obligations to carry out list-maintenance protocols. Indeed, while Vet Voice opposes practices that expand burdensome voter challenges and purges from the voter

rolls, Defendants are charged with processing and facilitating certain challenges and purges. Under such circumstances, courts routinely recognize that government defendants do not adequately represent the interests of private parties, including voter advocacy organizations like Vet Voice.

Because Vet Voice satisfies each requirement for intervention as a matter of right under O.C.G.A. § 9-11-24(a)(2), the motion to intervene should be granted. Alternatively, the motion should be granted on a permissive basis under O.C.G.A. § 9-11-24(b)(2).

## STATEMENT OF FACTS

### I. DeKalb County's Obligations Under the NVRA and Georgia Law

The NVRA requires states to provide simplified, voter-friendly systems for registering to vote. It establishes procedures designed to “increase the number of eligible citizens who register to vote” and also seeks to make it “possible for Federal, State, and local governments to implement [the NVRA] in a manner that enhances the participation of eligible citizens as voters.” 52 U.S.C. §§ 20501(b)(1)–(2). Congress enacted these measures in part because it found that “discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation . . . and disproportionately harm voter participation by various groups, including racial minorities.” *Id.* § 20501(a)(3).

To further Congress's pro-voter objectives, the NVRA imposes limitations on whether, when, and how a state may remove a voter from its registration rolls. *See* 52 U.S.C. §§ 20507(a)(3)–(4), (b)–(d). Immediate removal is permitted only in rare circumstances, such as when a voter requests to be deregistered or is convicted of a disenfranchising felony. *See id.* §§ 20507(a)(3)(A)–(B). Otherwise, a state may not remove voters from the rolls without first complying with prescribed procedural safeguards that Congress imposed to minimize risks of erroneous cancellation. *See id.* §§ 20507(a)(3)(C), (c), (d). For instance, a registrant may be removed from the rolls because of a change in residence, in most cases, *only after* failing to respond

to a notice *and* failing to appear to vote for two general elections after receipt of that notice. *Id.* § 20507(d)(1).

The NVRA also prohibits systematic voters purges within 90 days of any federal election. *Id.* § 20507(c)(2)(A). The 90-day quiet period “requires states to ‘complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.’” *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1338–39 (11th Cir. 2014) (citing the NVRA). Courts have found that Congress’ use of “the phrase ‘any program’ suggests that the 90 Day Provision has a broad meaning.” *Id.* at 1344. The distinction between individualized and systematic removals exists because

individualized removals are safe to conduct at any time because this type of removal is usually based on individual correspondence or rigorous individualized inquiry, leading to a smaller chance for mistakes. For programs that systematically remove voters, however, Congress decided to be more cautious.

*Id.* at 1346.

Given these extensive protections, courts have recognized that the NVRA “does not require states to immediately remove every voter who may have become ineligible.” *Pub. Int. Legal Found. v. Benson*, No. 1:21-cv-929, 2024 WL 1128565, at \*11 (W.D. Mich. Mar. 1, 2024) (“*PILF*”). Rather, Congress prioritized accuracy over speed and requires caution when removing voters to minimize the risk that qualified registrants will be disenfranchised. *See, e.g., Bellitto v. Snipes*, 935 F.3d 1192, 1198–99 (11th Cir. 2019) (discussing the “balance” that Congress “crafted” in enacting the NVRA’s list maintenance provisions). As a result, “Congress did not establish a specific program for states to follow for removing ineligible voters,” *PILF*, 2024 WL 1128565 at \*10, nor did it demand perfection; it required only “reasonable” list maintenance efforts—and only in response to a registrant’s death or change of residence.

Just as federal law proscribes when and how states may remove voters from voting rolls, Georgia law also proscribes when and how electors may challenge a voter's registration or ability to participate in an election. *See* O.C.G.A. § 21-2-228 *et seq.* Under Section 230, for example, although any elector of a county may challenge the right of any elector in that same county to vote in an election, challenges made within 45 days of an election are not processed until after the election. *See id.* § 21-2-230(b)(1). And although Plaintiffs contend that Section 230 challenges only challenge an elector's ability to vote in a certain election, rather than to remain on the rolls as a registered voter, Section 230 itself says otherwise. Specifically, under Section 230(h), if a voter is successfully challenged, "the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name *shall be removed from the list of electors.*" *Id.* § 21-2-230(h) (emphasis added). Henderson has challenged the qualifications of more than 5,000 DeKalb voters. If successful, Henderson's challenges could result in the removal of those voters' registrations from the voter rolls on the eve of the November election. It goes without saying that such voters would accordingly be unable to cast a ballot.

Moreover, as federal courts in Georgia have found, the difference between a Section 230 challenge (to participate in an individual election) and a Section 229 challenge (to remain on the voter rolls) is—for NVRA purposes—illusory. As one court explained in rejecting the same argument that Plaintiffs make here—that Section 230 challenges do not implicate the NVRA— "[r]emaining registered, or on the list of eligible voters, is meaningless if one is precluded from voting." Order at 13, *Fair Fight, Inc. v. Engelbrecht*, No. 2:20-cv-00302 (N.D. Ga. Jan. 1, 2021), ECF No. 29. That is because "the purpose of the NVRA's list maintenance fail safe provisions is to protect the right to *vote*—not some arbitrary right to remain on the list of electors." *Id.*; *see also*

*Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1368 (M.D. Ga. 2021) (noting that a challenge to a voter’s eligibility to vote versus a challenge to a voter’s eligibility to appear on list of electors is a “distinction without a difference” because the “effect of not appearing on the list of electors is the same as not being eligible to vote—a voter for whom a challenge is ultimately upheld will not be allowed to cast a ballot”).

## II. Plaintiff Henderson’s Voter Challenges

In the window of just nine days—between August 19 and August 28—Henderson filed multiple mass voter challenges under O.C.G.A. § 21-2-230, cumulatively challenging roughly 5,000 voters’ ability to participate in the 2024 general election.<sup>2</sup> These thousands of voters were lumped into three categories of challenges: (1) voters whose registration allegedly lists a residential address that links to U.S. Post Offices, UPS Stores, or other mail center businesses; (2) voters who allegedly filed a permanent address change with the National Change of Address (“NCOA”) system and registered to vote in a new state; and (3) voters whom Henderson contends should have moved to inactive status and previously been removed from the rolls under O.C.G.A. § 21-2-234 and § 21-2-235.

Henderson challenged 169 voters in the first category,<sup>3</sup> testifying before the State Election Board that he identified them by making a “hash string of those [mailing center] addresses and matched it to the DeKalb voter roll.”<sup>4</sup> Notably, although O.C.G.A. § 21-2-230 does recognize probable cause for a challenge where an elector is registered at a non-residential address, it does

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<sup>2</sup> Marci McCarthy, Chair of Plaintiff DeKalb County Republican Party, testified at the State Election Board meeting on September 23, 2024 that Henderson challenged “more than 5,000 voters.” Georgia State Election Bd., *Georgia State Election Board Meeting: Sept. 23, 2024* at 5:24:45–53, YouTube (Sept. 23, 2024), [https://www.youtube.com/watch?v=2yz2AGLpU\\_k&t=24754s](https://www.youtube.com/watch?v=2yz2AGLpU_k&t=24754s) (“GSEB Meeting”).

<sup>3</sup> *Id.* at 5:25:16–22.

<sup>4</sup> *Id.* at 5:43:35–50.

so only if such address is “confirmed or listed by or in a government office, data base, website, or publicly available sources derived *solely* from such governmental sources.” O.C.G.A. § 21-2-230(b) (emphasis added). Henderson, however, does not contend he relied exclusively on such sources in crafting his challenge list. To the contrary, Henderson admits that he used postofficepage.com, locations.upsstore.com, and Google Maps—none of which are government websites or purport to rely solely on governmental sources. *See Pet.*, Ex. A at 2.

Henderson’s second category of voter challenges implicates 185 voters.<sup>5</sup> Henderson testified that he went to the Florida Secretary of State’s website and looked up particular registrants he identified from the NCOA list he received from the post office to determine whether the individual was also registered in Florida.<sup>6</sup> Notably, the Florida Secretary of State’s website explicitly states that it is only to be used by voters to determine their own voter registration and voting status.<sup>7</sup> Moreover, in order to look up a voter’s registration information, the website requires the voter’s full date of birth, information that is not included in a NCOA list.

Even a cursory review of some of these challenges demonstrates the unreliability of the evidence Henderson presented to the Board. For example, Henderson challenged Georgia voter “Margaret Joan Cottrill” because a voter named “Margaret Joan Chatlain” with the same birth year (not birthdate) is registered in Florida. *Pet.*, Ex. C at 6. Henderson similarly challenged Georgia voter “Michele Blovet Allen” after identifying a “Michele Ann Allen” with the same birth year in

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<sup>5</sup> *Id.* at 5:25:40–44.

<sup>6</sup> *Id.* at 5:44:31–20.

<sup>7</sup> *See Voter Information Look Up*, Florida Dep’t of State, <https://registration.elections.myflorida.com/en/CheckVoterStatus/Index> (last accessed Sept. 30, 2024) (“This website is intended for use by a registered voter to determine his or her voter registration and voting status. It is unlawful to knowingly alter another person’s voter registration information or to attempt, assist with, or otherwise commit fraud in connection with the right to vote. *See* §§ 104.011, 104.041, and 104.41, Fla. Stat.”) (last accessed Sept. 26, 2024).

Florida’s registration database. *Id.*, Ex. C at 14. Unless Henderson knows these voters personally—and he admits that he does not—the evidence presented plainly does not establish that these individuals with different names and potentially different birthdates are the same person. Instead, these examples demonstrate exactly why mass, unsubstantiated challenges like Henderson’s are so dangerous, and particularly on the eve of an election.

Henderson’s third set of challenges comprised the bulk of those he filed, challenging 4,861 voters.<sup>8</sup> Henderson used what he identifies as an “EXACT Match” formula to identify voters whom he alleges “should have been removed from the county’s voter roll in 2023” “as part of the mandated list maintenance procedures” given the voters’ inactive status. Pet., Ex. B at 1–2. Henderson specifically alleges that these voters were not removed from the rolls given actions the Georgia Secretary of State failed to take in 2019. *See id.*, Ex. C at 2. Henderson nonetheless alleges that DeKalb is required to remove those voters now, even though he filed his challenges within the NVRA’s 90-day quiet period that prohibits states from engaging in general list maintenance or systematic removals of voters.

### **III. The Board’s Resolution**

On September 12, 2024, after receiving Henderson’s challenges, the DeKalb County Board met and—following presentation and analysis by the County Attorney and the supervising attorney in charge of elections—passed a Resolution “Relating to the Scheduling of Voter Challenges Received Less than Ninety Days Prior to the Date of a Primary or General Election.”<sup>9</sup> The

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<sup>8</sup> GSEB Meeting, *supra* note 2, at 5:26:20–24.

<sup>9</sup> *Scheduled Meeting* at 16, DeKalb Cnty. Bd. of Registration & Elections (Sept. 12, 2024), <https://www.dekalbcountyga.gov/sites/default/files/users/user3667/BRE%20Materials%202024-09-11.pdf> (“DeKalb BRE Meeting”); *see also Board of Registration and Elections Meeting* at 1:26:15, DeKalb Cnty. Bd. of Registration & Elections (Sept. 12, 2024), [https://dekalbcountyga.granicus.com/player/clip/4385?view\\_id=2&redirect=true](https://dekalbcountyga.granicus.com/player/clip/4385?view_id=2&redirect=true).

Resolution conforms O.C.G.A. § 21-2-230 to the requirements of the NVRA by specifying certain challenges that would be considered “a program of systematic removal” under federal law, including challenges that:

- (1) Do not rely upon individualized information or investigation to determine the validity of the individual challenges; or
- (2) Use a mass computerized data-matching process to compare the voter rolls with other state and federal databases; or
- (3) Lack unique identifiers, indicia of reliability, or evidence of authenticity; or
- (4) Lack reliable first-hand evidence specific to individual voters.<sup>10</sup>

The Resolution directs the Executive Director of the DeKalb County Department of Voter Registration and Elections to review all voter challenges received pursuant to “§ 21-2-230 for compliance with all applicable Federal, State, and Local laws, including the NVRA and Georgia Election Code,” to determine whether the challenge is a program of systematic removal, and if so, to “schedule, in consultation with the Board of Registration and Elections, a hearing to determine probable cause as soon as practicable, and in accordance with law, *after* the certification of the primary or general election and any required run-off election.”<sup>11</sup> The Resolution was presented by the County Attorney following the release of guidance by the U.S. Department of Justice related to voter registration list maintenance, which specifically states that “prohibitions of the NVRA extend to any list maintenance activity based on third-party submissions,” like Henderson’s submission, and that the NVRA’s 90-day quiet period before federal elections “applies to list maintenance programs based on third-party challenges derived from any large, computerized data-

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<sup>10</sup> Dekalb BRE Meeting, *supra* note 9, at 16.

<sup>11</sup> *Id.* at 17 (emphasis added).

matching process.”<sup>12</sup> Henderson’s challenges are thus set to be fully considered by the Board “as soon as practicable” following the 2024 general election, a decision that harmonized the Board’s obligations under both federal and state law.

#### **IV. Plaintiffs’ Lawsuit**

Following the Board’s passage of the Resolution, Henderson and the DeKalb County Republican Party filed this lawsuit. Plaintiffs allege, among other things, that Henderson’s challenges are not contrary to the NVRA and that the Board is required to process his challenges immediately, including before the 2024 general election. Pet. ¶¶ 18–22.

As of this filing, there are only 36 days until the November 5, 2024 general election. Accordingly, even if federal law permitted the Board to process Henderson’s challenges—and the Board has already determined it does not—the Board still could not legally process them under O.C.G.A. § 21-2-230(b)(1), which prohibits it from processing challenges within 45 days of an election.

#### **V. Proposed Intervenor Vet Voice Foundation**

Vet Voice Foundation is a nonpartisan nonprofit organization operating under section 501(c)(3) of the Internal Revenue Code. *See* Affidavit of Janessa Goldbeck (“Goldbeck Aff.”) ¶ 4. Vet Voice’s mission is to empower veterans across the country to become civic leaders and policy advocates. *Id.* ¶ 7. Vet Voice educates and advocates for veterans on issues such as health care, voting rights, jobs, and environmental protection. *Id.* Vet Voice has over 1.5 million subscribers and constituents who engage with and receive updates from Vet Voice, over 40,000 of

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<sup>12</sup> *Voter Registration List Maintenance: Guidance Under Section 9 of the National Voter Registration Act*, 52 U.S.C. § 20507 at 3–4, U.S. Dep’t of Justice (Sept. 2024), <https://www.justice.gov/crt/media/1366561/dl>.

whom reside in Georgia. *Id.* ¶ 6. Nearly 7,000 of these subscribers reside in DeKalb County specifically. *Id.*

Increasing voter turnout among its constituents, which include veterans, active-duty military voters, and their families, is central to Vet Voice's mission: by turning out such voters, Vet Voice builds its constituency's political power. *Id.* ¶ 8. To support its voter turnout work, Vet Voice has built a first-of-its-kind military voter file—comprising veterans, activity-duty military, and family—which includes hundreds of thousands of Georgia voters. *Id.* ¶ 10. Vet Voice targets those voters to ensure they are registered, informed about the issues, and turn out to vote. This program is highly effective: For lower-propensity voters, engagement by a Vet Voice volunteer makes it three times more likely that the voter will turn out to vote. *Id.* ¶ 11. Vet Voice plans to actively target and turn out to vote approximately 70,000 Georgia voters as part of its 2024 mobilization effort, over 4,400 of whom reside in DeKalb County. *Id.* ¶ 12.

Vet Voice has reason to fear that its constituents will be improperly identified for removal and disenfranchised if Plaintiffs obtain the relief they seek. Military voters and their families are disproportionately likely to move frequently as part of their role in serving the United States. *Id.* ¶ 13. As a result, they are more likely to be targeted through mass challenges like Henderson's, which rely on the post office's NCOA database. *Id.* And because they may be away from Georgia serving their country, military voters are also disproportionately unlikely to be able to defend themselves against challenges to their registrations. *Id.*; see also *Majority Forward*, 512 F. Supp. 3d at 1372 (recognizing likelihood that eligible military voters will appear on NCOA lists and will face difficulty responding to a Section 230 challenge). Processing Henderson's challenges on the eve of the election would frustrate Vet Voice's mission of promoting maximum voter registration

and participation among its constituents, and impair Vet Voice's efforts to turn out those same voters, harming its mission in the process. *See* Goldbeck Aff. ¶ 14.

## ARGUMENT AND CITATION OF AUTHORITY

### I. Vet Voice is entitled to intervene as a matter of right under O.C.G.A. § 9-11-24(a)(2).

Vet Voice meets Georgia's traditional test for intervention as of right. O.C.G.A. § 9-11-24(a)(2) provides that upon a timely application, "anyone shall be permitted to intervene" in an action "[w]hen the applicant claims an interest relating to" the subject matter of the action and "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." *Id.* § 9-11-24(a)(2). When a prospective intervenor meets these requirements, the court must permit intervention. *See id.* § 9-11-24(a). Here, Vet Voice satisfies each prong, and accordingly must be permitted to intervene as of right.

#### A. Vet Voice's motion is timely.

Vet Voice's motion, which follows shortly after Plaintiffs filed their suit and before any Defendants have appeared in the case, is unquestionably timely. Although there is no set rule for timeliness under Georgia law, Georgia courts have found that trial courts abused their discretion to deny intervention where a proposed intervenor acted to protect their interests shortly after learning of the suit and before major actions in the case had yet occurred. *See Stephens v. McGarrity*, 290 Ga. App. 755, 758 (2008).

Given that it has moved to intervene at such an early stage of the case, Vet Voice's participation will not prejudice the existing parties, which is the "most important factor" in determining whether a motion is timely. *Star-Power Indus., Inc. v. Avant*, 134 Ga. App. 952, 958, (1975). Vet Voice is prepared to comply with any briefing or hearing schedules this Court sets and participate in any proceedings without delay.

At the same time, as detailed below, Vet Voice will suffer substantial prejudice if its request to intervene is denied because it will be unable to protect its constituents' or its own significant interests in the tight timeline before the impending 2024 general election. *See, e.g., First Nat'l Bank in Newnan v. Blackburn*, 254 Ga. 379, 380 (1985) (considering prejudice to proposed intervenor if their motion is denied in analyzing timeliness).

**B. Vet Voice's interests may be impaired by the disposition of this suit.**

Because Vet Voice has interests that may be impaired by the disposition of this suit—harm to its constituents and corresponding harm to its mission to turn out those same voters to the polls—Vet Voice must be permitted to intervene. As previously noted, Vet Voice represents voters who are disproportionately likely to be affected by challenges like those filed by Henderson, and Vet Voice seeks to ensure that its constituents remain registered to vote and can successfully participate in the upcoming election. Goldbeck Aff. ¶¶ 13-14.

Numerous courts have agreed that this is a sufficient basis to demonstrate a protectible interest for the purpose of intervening in a case seeking to challenge voters' eligibility to participate in elections via voter challenges or voter purges. *See generally* Order Granting Intervention, *Frazier v. Fulton Cnty. Dep't of Registration & Elections*, No. 1:24-cv-03819 (N.D. Ga. Sept. 12, 2024), ECF No. 28 (granting organization's motion to intervene in case seeking to compel Fulton County to process voter challenges on eve of 2024 general election); *Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, \*2-3 (S.D. Fla. Sept. 21, 2016) (granting organization intervention as a matter of right in NVRA case); *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867, 2024 WL 3454706, \*3 (N.D. Ill. July 18, 2024) (granting intervention as of right based in part on “an associational interest in protecting their members from unlawful removal from the voter rolls

should Plaintiffs succeed in obtaining their requested relief”).<sup>13</sup> In *Bellitto*, for example, the district court permitted an organization to intervene because “the interests of its members would be threatened by [any] court-ordered ‘voter list maintenance’ sought by Plaintiffs,” a “potential harm” the court found “*particularly great in light of the upcoming . . . General Election.*” 2016 WL 5118568, at \*2 (emphasis added). That is precisely the case here.

As already explained, Vet Voice’s constituents face an acute risk from the kinds of systematic removals that Plaintiffs seek. Should Plaintiffs’ action be successful and this Court order DeKalb to process such a challenge, Vet Voice’s constituents face a realistic danger that they will be precluded from participating in this year’s election given the magnitude of the voters whom Plaintiffs seek to exclude from the upcoming election and the likelihood that military voters and their families will be swept up in such a challenge. These actions, of course, would also impair Vet Voice’s mission of turning out military voters and their families to vote, decreasing its political power in the process. *See Goldbeck Aff.* ¶ 14.

To be entitled to intervene, Vet Voice need not show that its interests *will* be impaired by this action. Rather, like the federal rules for intervention, Georgia’s intervention statute requires only that the case “*may* as a practical matter impair or impede [the movants’] ability to protect [their] interest.” O.C.G.A. § 9-11-24(a)(2) (emphasis added). Relatedly, because the upcoming general election will occur only once, Vet Voice is “not assured of an opportunity” to defend its interests “in any future action.” *Liberty Mut. Fire Ins. Co. v. Quiroga-Saenz*, 343 Ga. App. 494,

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<sup>13</sup> This same interest has also regularly supported permissive intervention. *See, e.g., Pub. Int. Legal Found. v. Winfrey*, 463 F. Supp. 3d 795, 799–800, 802 (E.D. Mich. 2020) (granting organization permissive intervention in NVRA case); Order Granting Intervention, *Daunt v. Benson*, 1:20-cv-522 (W.D. Mich. Sept. 28, 2020), ECF No. 30 (same); Order Granting Intervention, *Voter Integrity Proj. NC, Inc. v. Wake Cnty. Bd. of Elections*, No. 5:16-cv-683 (E.D.N.C. Dec. 1, 2016), ECF No. 26 (granting voters permissive intervention in NVRA case).

500 (2017). As one court aptly described, “once the election occurs, there can be no do-over and no redress.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014).

**C. Vet Voice’s interests are not adequately represented by the existing parties.**

If denied intervention, no existing party would adequately represent Vet Voice’s interest in ensuring its constituents remain on the voting rolls and can participate in this year’s elections.

Because “there is good reason in most cases to suppose that the applicant is the best judge of the representation of the applicant’s own interests,” courts are “liberal in finding” the lack of adequate representation requirement to be met. 7C Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1909 (3d ed. 2024). Indeed, the U.S. Supreme Court recently cautioned that courts should not conduct this inquiry at too “high [a] level of abstraction,” and reaffirmed that, even where the parties’ interests “seem[] closely aligned,” the burden to demonstrate inadequate representation remains “minimal” unless those interests are “identical.” *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196 (2022).

While Georgia courts sometimes “assume[] that the intervenor’s interests are adequately represented” when “the interest of the intervenor is identical to that of a governmental body or officer,” *DeKalb County v. Post Props., Inc.*, 245 Ga. 214, 219 (1980), by its own terms that test “applies only when the interests of the governmental body and the [intervenor] are *identical*,” *Cleland v. Gwinnett County*, 226 Ga. App. 636, 638 (1997) (emphasis added). And when proposed intervenors “may be expected to vindicate different points of view” from the government, such as the impact of a suit on Vet Voice’s constituents, courts should not “presume a full overlap of interests.” *Berger*, 597 U.S. at 197.

Here, Vet Voice’s interests are not adequately represented by Defendants, whose stake in this lawsuit is defined solely by their statutory duties. Defendants’ mission is not to ensure that Vet Voice’s constituents are able to vote. Instead, they are charged with a variety of administrative

duties, including, in appropriate circumstances, examining the qualifications of electors and removing individuals deemed to be unqualified from the lists of electors. *See* O.C.G.A. § 21-2-228 *et seq.* Because the DeKalb County Board of Registration and Elections is not institutionally designed to protect individual voters' rights, it cannot adequately represent the interests of Vet Voice, whose mission is just that. Indeed, as local officials, Defendants must consider "a range of interests likely to diverge from those of the intervenors," *Meek v. Metropolitan Dade County*, 985 F.2d 1471, 1478 (11th Cir. 1993), including the interest of Plaintiff Henderson, a DeKalb County voter himself. *See* Pet. ¶ 3.

Indeed, as other courts have recognized, the divergence of interests between government officials and private parties is particularly sharp in actions like this one that seek to identify and remove voters from the rolls. *See Bellitto*, 2016 WL 5118568, at \*2; *Jud. Watch*, 2024 WL 3454706, at \*4; *Winfrey*, 463 F. Supp. 3d at 799–800. This is because government defendants have competing obligations "to protect the integrity of the electoral process and to ensure that accurate and current voter registration rolls are maintained," while groups like Vet Voice have a more limited focus on protecting their own interests and those of their voters. *Winfrey*, 463 F. Supp. 3d at 800 (quotation marks omitted) (citing *Bellitto*, 935 F.3d at 1198). And regardless of the outcome of the case, if intervention is not granted, Vet Voice lacks another independent remedy against the parties to protect its interests. *See generally Gregory v. Tench*, 138 Ga. App. 219, 220(1)(a) (1976).

At bottom, while Vet Voice opposes practices that expand burdensome voter challenges and purges from the voter rolls, Defendants are charged with facilitating some of these acts. That alone is cause to find that Vet Voice, and the constituents it represents, will not be adequately represented if denied intervention.

**II. The Court should alternatively grant Vet Voice permissive intervention under O.C.G.A. § 9-11-24(b).**

If the Court does not grant intervention as a matter of right, Vet Voice requests that the Court exercise its discretion to allow it to intervene under O.C.G.A. § 9-11-24(b). The Court has discretion to grant permissive intervention when upon a timely application, “an applicant’s claim or defense and the main action have a question of law or fact in common.” O.C.G.A. § 9-11-24(b)(2). In addition, “[i]n exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties,” *id.*, as well as “other relevant circumstances such as the degree to which the intervenor would be affected by the outcome in the underlying case.” *Branch v. Maxwell*, 203 Ga. App. 553, 554 (1992).

Vet Voice easily satisfies the criteria for permissive intervention. *First*, the motion to intervene is timely, and Vet Voice will inevitably raise common questions of law and fact in defending this lawsuit. *Second*, given the early stage of this litigation, intervention will not unduly delay or prejudice the adjudication of the rights of the original parties. To the contrary, Vet Voice is prepared to proceed in accordance with any schedule the Court establishes. As federal courts considering permissive intervention have found, “allowing intervention by Movants will not unduly delay or prejudice the adjudication of [Plaintiffs’] claims” when the “litigation is in a relatively nascent stage and none of the deadlines” have passed, as they have not here. *Ga. Aquarium, Inc. v. Pritzker*, 309 F.R.D. 680, 691 (N.D. Ga. 2014). At this early stage, “[w]hatever additional burdens adding [Vet Voice] to this case may pose, those burdens fall well within the bounds of everyday case management.” *Berger*, 597 U.S. at 200.

As Vet Voice has shown, courts regularly grant permissive intervention to voters and organizations seeking to defend those voters in cases seeking to remove voters from the rolls in

cases just like this one. *See supra* at 15 n.13. And given Vet Voice’s interest in this case, its intervention will only serve to contribute to the complete development of the factual and legal issues before the Court, including by providing a voice for and the important perspective of those voters who are most vulnerable to Plaintiffs’ late-breaking and improper voter challenges.

### CONCLUSION

Vet Voice respectfully requests that the Court grant its motion to intervene as a matter of right under O.C.G.A. § 9-11-24(a) or, in the alternative, permit Vet Voice to intervene under O.C.G.A. § 9-11-24(b).

Dated: September 30, 2024

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*\*Pro Hac Vice Application Forthcoming*

# **Exhibit B**

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

WILLIAM HENDERSON, DEKALB  
COUNTY REPUBLICAN PARTY, INC.,

*Plaintiffs,*

v.

VASU ABHIRAMAN, in his official capacity;  
NANCY JESTER, in her official capacity;  
ANTHONY LEWIS, in his official capacity;  
SUSAN MOTTER, in her official capacity;  
KARLI SWIFT, in her official capacity,

*Defendants,*

VET VOICE FOUNDATION,

*Intervenor-Defendant.*

Civil Action File No. 2024CV8564

**[PROPOSED] INTERVENOR-DEFENDANT’S ANSWER TO PLAINTIFFS’  
APPLICATION FOR WRIT OF MANDAMUS**

Proposed Intervenor-Defendant Vet Voice Foundation (“Vet Voice”), by and through its attorneys, answer the Petition as set forth below.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this mandamus action as it concerns Defendants’ refusal to perform duties mandated by state law.

**ANSWER:** Paragraph 1 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

2. Venue is proper because the DeKalb Board of Voter Registration and Elections office, including each of its individual staff offices, is in DeKalb County, Georgia.

**ANSWER:** Admitted that the DeKalb Board of Voter Registration and Elections offices are in DeKalb County, Georgia. Paragraph 2 otherwise contains a legal conclusion to which no response is required. To the extent a response is required, denied.

### **PARTIES AND JURISDICTION**

3. Plaintiff William Henderson is a DeKalb County Elector with pending vote challenges before the Dekalb County Board of Registrations and Elections.

**ANSWER:** Vet Voice lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 3 and, on that basis, denies the same.

4. Plaintiff Dekalb County Republican Party, Inc. (DBA DeKalb GOP) is a political party affiliated with the Republican National Committee and committed to election integrity and electing Republicans in DeKalb County.

**ANSWER:** Admitted that the DeKalb County Republican Party is a political party affiliated with the Republican National Committee and is committed to electing Republicans in DeKalb County. The remaining allegations in Paragraph 4 are denied.

5. Defendants Vasu Abhiraman, Nancy Jester, Anthony Lewis, Susan Motter, and Karli Swift are members of the Board of Registration and Elections (together “DeKalb BRE”) with the responsibility to process election challenges brought under § 21-2-230. Defendants may be served at 1300 Commerce Drive, Decatur, GA 30030, or wherever else they may be found.

**ANSWER:** Admitted that Defendants Vasu Abhiraman, Nancy Jester, Anthony Lewis, Susan Motter, and Karli Swift are members of the DeKalb Board of Registration and Elections. Paragraph 5 otherwise contains a legal conclusion to which no response is required. To the extent a response is required, denied.

### **FACTUAL BACKGROUND**

6. The State of Georgia has instituted a procedure by which an elector may challenge another elector for individualized removal from voter rolls in certain circumstances. § 21-2-230.

**ANSWER:** Admitted that O.C.G.A. § 21-2-230 contains a procedure by which Georgia electors may challenge other electors. The statute otherwise speaks for itself, and Vet Voice denies the characterizations of the statute contained within Paragraph 6. To the extent further response is required, denied.

7. § 21-2-230 (a) states that “[A]ny elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the

list of electors, to vote in an election.” It also provides a list of appropriate challenge criteria. § 21-2-230 (b) states that “[u]pon the filing of such a [sic] challenge, the board of registrars *shall immediately consider such challenge* and determine whether probable cause exists to sustain such challenge.” § 21-2-230(b) (emphasis added). The only exception to the general rule that board of registrars “immediately consider” challenges, is found in § 21-2-230(b)(1) which states: “[a]ny challenge of an elector within 45 days of a primary, run-off primary, election, or run-off election shall be postponed until the certification of such primary, election, or runoff is completed.”

**ANSWER:** Admitted that the quoted language is contained within O.C.G.A. § 21-2-230.

The statute otherwise speaks for itself, and Vet Voice denies the characterizations of the statute contained within Paragraph 7. To the extent further response is required, denied.

8. On August 19, 2024, August 26, 2024 and August 28, 2024, Plaintiff Henderson filed three separate voter challenges under O.C.G.A. § 21-2-230 (“§ 21-2-230”).

**ANSWER:** Vet Voice lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 8, and on that basis, denies the same.

9. Henderson filed his first set of challenges on August 19, 2024, for “electors being [sic] registered at a nonresidential address.” § 21-2-230(b). Specifically, the challenges were for electors that used addresses of U.S. Post Offices, UPS Stores, or other Mail Center businesses, not residential addresses. A true and correct copy of Plaintiff Henderson’s challenges for nonresidential addresses as found on the DeKalb County Board of Registration and Elections website is attached to this complaint as Exhibit A.

**ANSWER:** Vet Voice lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 9 and, on that basis, denies the same.

10. Henderson filed his second set of challenges on August 26, 2024, for registrations where voters have filed a permanent address change with the NCOA system, registered to vote at the new address, and in fact did vote at their new address. A true and correct copy of Plaintiff Henderson’s challenges for change of residence as found on the DeKalb County Board of Registration and Elections website is attached to this complaint as Exhibit B.

**ANSWER:** Vet Voice lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 10 and, on that basis, denies the same.

11. Henderson filed his third set of challenges on August 28, 2024, for registrations that should have already been removed from the voter rolls under the requirements of O.C.G.A. 21-2-234 and 21-2-235. A true and correct copy of Plaintiff Henderson’s challenges for noncompliance with O.C.G.A. 21-2-234 and 21-2-235 as found on the DeKalb County Board of Registration and Elections website is attached to this complaint as Exhibit C.

**ANSWER:** Vet Voice lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 11 and, on that basis, denies the same.

12. On September 12, 2024, the DeKalb BRE held a regularly scheduled meeting.

**ANSWER:** Admitted.

13. At the September 12, 2024, meeting, the DeKalb BRE did not consider any of Henderson's challenges.

**ANSWER:** Admitted that DeKalb BRE had a meeting on September 12, 2024, but otherwise deny the characterizations of what happened during this meeting.

14. Instead, the DeKalb BRE passed a resolution titled "Resolution Of The Dekalb County Board Of Registration And Elections Relating To The Scheduling Of Voter Challenges Received Less Than Ninety Days Prior To The Date Of A Primary Or General Election" ("DeKalb BRE Resolution"). The Resolution confirmed that DeKalb BRE would not hear any of William's challenges despite the statutory obligation to do so.

**ANSWER:** Admitted that the DeKalb BRE passed the resolution identified in Paragraph

14. The second sentence of paragraph 14 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

15. The DeKalb BRE Resolution referenced language from the National Voter Registration Act (NVRA) that prohibits the State of Georgia or a county Board of Registrars from conducting any program to "systematically remove the names of ineligible voters from the official lists of eligible voters within (90) [sic] days of the date of a primary or general election."

**ANSWER:** Admitted.

16. The DeKalb BRE Resolution then went on to state that individual voter challenges were "a program of systematic removal" prohibited by the NVRA if the challenges:

- a. Do not rely upon individualized information or investigation to determine the validity of the individual challenges; or
- b. Use a mass computerized data-matching process to compare the voter rolls with other state and federal databases; or
- c. Lack unique identifiers, indicia of reliability, or evidence of authenticity; or
- d. Lack reliable first-hand evidence specific to individual voters (together "DeKalb BRE Criteria").

**ANSWER:** Admitted.

17. While the DeKalb BRE Resolution admitted that the NVRA prohibited states and county Boards of Registrars from conducting a “systemic removal” program, the DeKalb BRE Resolution then went on to say that it would refuse to process § 21-2-230 challenges from individual electors if the individual electors did not meet the DeKalb BRE Criteria when making their § 21-2-230 challenges.

**ANSWER:** The DeKalb BRE Resolution speaks for itself, and Vet Voice denies the characterizations of it contained within Paragraph 17. To the extent further response is required, denied.

18. The DeKalb BRE Criteria are extra statutory requirements that are not included in state or federal law.

**ANSWER:** Paragraph 18 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

19. As of the date of filing, Henderson’s three § 21-2-230 challenges (Exhibits A-C) have yet to receive a hearing.

**ANSWER:** Vet Voice lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 19 and, on that basis, denies the same.

20. There is no constitutional basis by which the NVRA could be deemed to restrict individual efforts to ensure accurate voter rolls.

**ANSWER:** Paragraph 20 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

21. As noted by the Eleventh Circuit, the NVRA’s “90 Day Provision” by its terms only applies to programs which ‘systematically’ remove the names of ineligible voters.” *Arcia v. Florida Secretary of State*, 772 F.3d 1335, 1348 (11th Cir. 2014).

**ANSWER:** Admitted that the quoted language is contained within the cited opinion. The case otherwise speaks for itself, and Vet Voice denies the characterizations of it contained within Paragraph 21. To the extent further response is required, denied.

22. § 21-2-230 challenge challenges do not remove voters from the voter rolls, so the NVRA provisions prohibiting systematic removal do not apply.

**ANSWER:** Paragraph 22 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

23. Here, DeKalb BRE would simply [sic] conducting a hearing under § 21-2-230 to determine if there is “probable cause” that Plaintiff Henderson’s challenged electors are registered at a nonresidential address, should have already been removed from the voter rolls pursuant to Georgia law, have registered at a new address, or already voted at their new address.

**ANSWER:** Paragraph 23 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

24. Should DeKalb BRE determine that there is probable cause, the challenged elector remains on the voter rolls and may vote if they refute the grounds of the challenge.

**ANSWER:** Paragraph 24 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

25. Even if this Court were to determine that a § 21-2-230 challenge is a removal from the voter rolls and thus the NVRA is applicable to this case (a decision that would not comport with the plain reading of the NVRA), a § 21-2-230 challenge is not a systematic removal since the § 21-2-230 challenge is a response to individual information being provided by electors.

**ANSWER:** Paragraph 25 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

26. The court in *Arcia* made clear that the “90 Day Provision would not bar a state from investigating potential [ineligible voters] and removing them on the basis of individualized information, even within the 90-day window.” *Id.*

**ANSWER:** Admitted that the quoted language is contained within the cited opinion. The case otherwise speaks for itself, and Vet Voice denies the characterizations of it contained within Paragraph 26. To the extent further response is required, denied.

27. A Montana Federal District court further found that, while the state could not conduct a systematic review of the voter rolls, nothing in the NVRA prohibited a political party from conducting a systematic review and such a review “is not necessarily a violation of federal law by the State of Montana.” *Montana Democratic Party v. Eaton*, 581 F.Supp.2d 1077, 1082 (Mont. [sic] 2008). To the extent further response is required, denied.

**ANSWER:** Admitted that the quoted language is contained within the cited opinion. The case otherwise speaks for itself, and Vet Voice denies the characterizations of it contained within Paragraph 27.

28. Thus, DeKalb BRE Criteria are not required by the NVRA and directly violate the statutory mandates of § 21-2-230.

**ANSWER:** Paragraph 28 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

**COUNT I**  
**Mandamus**  
**(Failure of Defendants to follow State Law)**

29. The allegations of paragraphs 1 to 28 are incorporated by reference as if fully set forth here.

**ANSWER:** Vet Voice incorporates the responses to the foregoing paragraphs as if fully set forth herein. To the extent any allegation has been left unanswered, Vet Voice denies those allegations.

30. “All official duties should be faithfully performed, and whenever, from any cause, a defect of legal justice would ensue from a failure to perform or from improper performance, the writ of mandamus may issue to compel a due performance if there is no other specific legal remedy for the legal rights.” O.C.G.A. § 9-6-20.

**ANSWER:** Admitted that the quoted language is contained within O.C.G.A. § 9-6-20.

31. Where the question is one of public right and the object is to procure the enforcement of a public duty, no legal or special interest need be shown, but it shall be sufficient that a plaintiff is interested in having the laws executed and the duty in question enforced. O.C.G.A. § 9-6-24.

**ANSWER:** Paragraph 31 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

32. Plaintiffs have no other adequate legal remedy available to effectuate the relief sought.

**ANSWER:** Paragraph 32 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

33. Plaintiffs have a clear legal right to have election challenges heard as § 21-2-230 states that, when an individual elector files a § 21-2-230 challenge, “the board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such a [sic] challenge.” (emphasis added).

**ANSWER:** Admitted that the quoted language is contained within O.C.G.A. § 21-2-230. The statute otherwise speaks for itself, and Vet Voice denies the characterizations of it contained within Paragraph 33. To the extent further response is required, denied.

34. § 21-2-230 then further details what constitutes probable cause, including “an elector who is deceased; an elector voting or registering to vote in a different jurisdiction; an elector obtaining a homestead exemption in a different jurisdiction; or an elector being registered at a nonresidential address as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources.”

**ANSWER:** Admitted that the quoted language is contained within O.C.G.A. § 21-2-230. The statute otherwise speaks for itself, and Vet Voice denies the characterizations of it contained within Paragraph 34. To the extent further response is required, denied.

35. The DeKalb BRE Resolution directs the DeKalb BRE to violate § 21-2-230 by refusing to consider challenges if the challenges do not meet artificial criteria not included in the statute and not required by any federal law.

**ANSWER:** Paragraph 35 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

36. The DeKalb BRE has refused to follow the processes mandated by § 21-2-230 in regard to Plaintiff Henderson’s § 21-2-230 voter challenges See Exhibits A, B, and C.

**ANSWER:** Paragraph 36 contains a legal conclusion to which no response is required. To the extent a response is required, denied.

### **PRAYER FOR RELIEF**

Vet Voice denies that Plaintiffs are entitled to any of the requested relief set forth in the prayer for relief section of Plaintiffs’ Petition.

## **AFFIRMATIVE DEFENSES**

Vet Voice asserts the following affirmative defenses without accepting any burdens regarding them:

### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred in whole or in part because this Court lacks jurisdiction to adjudicate Plaintiffs' claims.

### **SECOND AFFIRMATIVE DEFENSE**

Plaintiffs lack standing to assert their claims.

### **THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' Petition fails, in whole or in part, to state a claim upon which relief can be granted.

### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the doctrine of laches.

## **PROPOSED INTERVENOR'S REQUEST FOR RELIEF**

Having answered Plaintiffs' Petition, Vet Voice requests that the Court:

1. Deny Plaintiffs' requested relief;
2. Immediately dismiss Plaintiffs' Petition with prejudice;
3. Award Vet Voice its costs and attorneys' fees incurred in defending against Plaintiffs' claims in accordance with O.C.G.A. § 9-15-14; and
4. Grant such other and further relief as this Court deems just and proper.

Dated: September 30, 2024

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*\*Pro Hac Vice Application Forthcoming*

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# Exhibit C

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

WILLIAM HENDERSON, DEKALB  
COUNTY REPUBLICAN PARTY, INC.,

*Plaintiffs,*

v.

VASU ABHIRAMAN, in his official capacity;  
NANCY JESTER, in her official capacity;  
ANTHONY LEWIS, in his official capacity;  
SUSAN MOTTER, in her official capacity;  
KARLI SWIFT, in her official capacity,

*Defendants.*

Civil Action File No. 2024CV8564

**[Proposed] Order Granting Motion to Intervene**

Upon consideration of the Motion to Intervene by Proposed Intervenor-Defendant Vet Voice Foundation (“Vet Voice”), the Court having considered the Motion, the Memorandum of Law in support thereof, and any opposition thereto, and good cause having been found, it is hereby ORDERED that the Motion is GRANTED.

It is further ORDERED that Vet Voice’s Proposed Answer to the Motion to Intervene shall constitute the initial pleading of Vet Voice and shall be deemed to have been filed as of this date.

IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2024.

---

Honorable Courtney L. Johnson  
Judge, DeKalb County Superior Court

Prepared by:

/s/ Adam M. Sparks

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*\*Pro Hac Vice Application Forthcoming*

# Exhibit D

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

WILLIAM HENDERSON, DEKALB  
COUNTY REPUBLICAN PARTY, INC.,

*Plaintiffs,*

v.

VASU ABHIRAMAN, in his official capacity;  
NANCY JESTER, in her official capacity;  
ANTHONY LEWIS, in his official capacity;  
SUSAN MOTTER, in her official capacity;  
KARLI SWIFT, in her official capacity,

*Defendants.*

Civil Action File No. 2024CV8564

**AFFIDAVIT OF JANESEA GOLDBECK IN SUPPORT OF MOTION TO INTERVENE**

Janessa Goldbeck, who, having been duly sworn, states the following:

1. My name is Janessa Goldbeck. I am over the age of twenty-one years. I am not suffering from any civil disabilities and am capable of making this Affidavit. This Affidavit is given based upon my personal knowledge of the facts set forth herein.

2. I am currently the Chief Executive Officer at Vet Voice Foundation (“Vet Voice”) where I have worked for over two years.

3. Prior to becoming CEO of Vet Voice, I served for seven years as a commissioned combat engineer officer in the U.S. Marine Corps. I left the Marines in 2019 with the rank of captain. During my time in military service, I deployed to military installations throughout the United States, and to Europe in support of NATO operations. I also performed many collateral duties while serving, including acting as my unit’s Voting Assistance Officer.

4. Vet Voice is a national nonpartisan nonprofit organization, founded in 2009 and organized under Section 501(c)(3) of the Internal Revenue Code.

5. As Vet Voice's CEO, my responsibilities include managing personnel and overseeing the operations and funding of programs dedicated to serving our over 1.5 million subscribers across the country.

6. Vet Voice's subscribers are primarily active-duty military members, veterans, and their families. Each of our subscribers takes affirmative steps to receive communications from Vet Voice. Vet Voice has over 40,000 subscribers in Georgia, which includes nearly 7,000 subscribers in DeKalb County.

7. In addition to serving its subscribers and constituent military community, Vet Voice is dedicated to empowering veterans across the country to become civic leaders and policy advocates. We provide the support, training, and tools veterans need to tackle public policy issues at home. We work on issues such as voting rights, combating disinformation, environmental protection, health care, jobs, and more.

8. Increasing turnout among veterans and military voters—and ensuring that their ballots are counted when they do turn out—is critical to our mission. We are best able to achieve our goals by building the voting and organizing power of our constituents. Accordingly, a key part of our work is mobilizing our subscribers by giving them the knowledge and tools to successfully participate in elections. Vet Voice dedicates significant resources, including money, personnel time, and volunteers, to voter education and mobilization efforts.

9. Vet Voice also believes that growing the “veteran vote” benefits all Americans by engaging those who have served their country in the civic process. As a nonpartisan organization, Vet Voice works to increase turnout of not just its affirmative subscribers but the broader veteran and military community. We encourage each voter to participate in our democracy regardless of political beliefs or party membership.

10. To further that work, Vet Voice has built a first-of-its-kind military voter file covering nearly 14 million active duty, veteran, and military family voters. This voter file allows us to execute a cutting-edge, data-driven voter mobilization, education, and turnout effort. Our voter file includes hundreds of thousands of voters in Georgia.

11. Vet Voice's military voter file is critical to our efforts to target and turn out military voters at an unprecedented scale. In the 2020 election, Vet Voice volunteers sent 2.5 million texts to approximately 1.5 million veterans and military families, driving a significant increase in voter participation among those contacted. When engaged by a Vet Voice volunteer, voters in the lowest 40 percent of turnout propensity were three times more likely to vote early or by mail than peers who were not contacted.

12. At this time, Vet Voice has identified and plans to target approximately 70,000 individual veteran and military-affiliated voters in Georgia to mobilize them to vote in the 2024 elections using direct mail and text messages. Over 4,400 of these targeted voters reside in DeKalb County.

13. Plaintiffs' suit threatens the voting rights of Vet Voice's core constituents. Military voters and their families are disproportionately likely to move frequently as part of their role in serving the United States. As a result, they are more likely to be targeted through mass challenges that rely on the post office's National Change of Address database, such as the challenges in this case. And because they may be away from Georgia serving their country, military voters are also disproportionately unlikely to be able to defend themselves against challenges to their voting eligibility.

14. If Plaintiffs succeed in forcing baseless challenges and removals of voters from the rolls in the days ahead, Vet Voice's constituents will be plainly harmed, and Vet Voice's mission of turning out veterans to the polls will be consequently impaired.

15. America's veterans put their lives, bodies, and health on the line to protect our freedoms, rights, and democracy. By virtue of their service, veterans have earned a sacred right to participate fully in our elections. This case threatens that right.

FURTHER AFFIANT SAYETH NOT

Executed this 30th day of September, 2024.

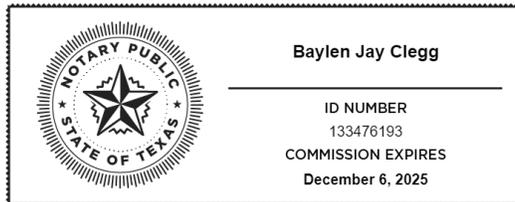
*Janessa Goldbeck*

Janessa Goldbeck

STATE OF TEXAS, COUNTY OF HUNT

Sworn to and subscribed to  
before me this 30<sup>th</sup> day of  
September, 2024.

*Baylen Jay Clegg*  
Notary Public



My commission expires: 12/06/2025

Electronically signed and notarized online using the Proof platform.

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

WILLIAM HENDERSON, DEKALB  
COUNTY REPUBLICAN PARTY, INC.,

*Plaintiffs,*

v.

VASU ABHIRAMAN, in his official capacity;  
NANCY JESTER, in her official capacity;  
ANTHONY LEWIS, in his official capacity;  
SUSAN MOTTER, in her official capacity;  
KARLI SWIFT, in her official capacity,

*Defendants.*

Civil Action File No. 2024CV8564

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court via *Odyssey eFileGA*, which will provide notice and service to all counsel of record, and by electronic mail to the following:

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This 30th day of September, 2024.

*/s/ Adam M. Sparks*

Adam M. Sparks

Georgia Bar No. 341578

*Counsel for Proposed*

*Intervenor-Defendant*

*Vet Voice Foundation*