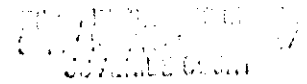


IN THE SUPERIOR COURT OF OCONEE COUNTY

STATE OF GEORGIA



2024 SEP 12 P 4: 21

ANGELA ELDON JOHNSON
OCONEE COUNTY, GEORGIA

Suzannah B. Heimel

Plaintiff,

v.

Sharon Gregg- Director Board of Elections

CASE NO. SUSR2024000058-LL

Jay Hanley- Chairman Board of Elections

Defendant

MOTION FOR EMERGENCY INJUCTION

Suzannah B. Heimel, Oconee County, Georgia taxpayer and resident, requests an EMERGENCY INJUCTION in her case against the Oconee County Board of Elections and Sharon Gregg, Director of Board of Elections and Jay Hanley, Chairman of Board of Elections. The Plaintiff seeks enforcement of Official Code of Georgia (OCGA) 21-2-229 to render actions taken at the August 6, 2024 Board of Elections meeting wherein the Board voted to dismiss 230 challenged voters without the required hearings null and void. In addition the Board, while dismissing these challenges without the required hearings failed to fulfill its duties to remove dead and ineligible voters, per OCGA 21-2-231, and failed to confirm eligibility of voters per OCGA 21-2-216, 21-2-226, 21-2-228, 21-2-234.

INTRODUCTION

The regularly scheduled Board of Elections meeting was held August 6, 2024. At this meeting the Board dismissed 228 of the 230 challenged voters that were presented to the Board via email on July 19, 2024. At the meeting the Plaintiff

notified the Board that they were required to hold hearing within 10 days for all challenged voters, per OCGA 21-2-229. The Board stated they were dismissing the challenges, without a hearing.

The Plaintiff then contacted the county attorney, Daniel Haygood, on August 7, 2024 informing him that the Board is in violation of this code, referencing the code and the requirement for a hearing within 10 days of notification, and asked him to intervene with a remedy. The Plaintiff did not hear from the attorney.

The Plaintiff contacted the State Board of Elections asking it to intervene on August 7, 2024. She did not hear from them.

The Board held a public hearing for 2 of the 230 challenged voters on August 15, 2024; they did not hear the balance of the challenges. The Plaintiff again contacted Daniel Haygood stating that the county was still in violation of OCGA 21-2-229, and asked for a remedy. The Plaintiff once again did not hear from the attorney.

On September 4, 2024 the Plaintiff filed suit against the Board of Elections with the hopes of a remedy.

The Board adopted a new policy manual at their September 4, 2024 meeting which is still in violation of the codes mentioned in the policy.

The Board adopted Policy 2: Procedures for Public Comment, in which 4(b) limits political candidates from speaking at Board meetings.

The Board adopted Policy 3: Procedures for Responding to Voter Challenges which is in violation of the OCGA codes it contains.

The Plaintiff feels this is of utmost importance as the November 5, 2024 General Election may be compromised if a new policy for voting by the challenged voters isn't put into place.

The Plaintiff feels that by allowing the challenged voters to vote without investigation into their eligibility, there is a likelihood these voters will cast votes, even without being eligible.

ALLEGATIONS

The Board is in violation of OCGA 21-2-229 by not conducting hearing for all challenged voters.

The Board is in violation of OCGA 21-2-231 for failing to fulfill its duties to remove dead and ineligible voters.

The Board is in violation of OCGA 21-2-216, OCGA 21-2-226, OCGA 21-2-228, OCGA 21-2-234 for failing to confirm the eligibility of voters.

In addition, the REGISTRATION POLICY FOR VOTER CHALLENGES that was adopted at the Board meeting on September 4, 2024 is still in violation of the Georgia OCGA. The new procedures introduced into policy in this manual do not follow the OCGA, even though the specific codes are mentioned.

Policy 2 part 4(b), adopted by the Board on September 4, 2024, entitled Procedures for Public Comment is in violation of the First Amendment: Freedom of Speech, as it states "Candidates for public office, at the time of qualification until after the date of the election, may NOT address the Board during public comment period." It is also redundant and unnecessary, as section 4 (c) addresses political speech at Board meetings by political candidates as it states "Political speeches or speeches on behalf of individuals who are on the ballot will not be permitted during the public comments period."

Policy 3, adopted on September 4, 2024 entitled Procedures for Responding to Voter Challenges is also in violation of the OGCA 21-2-229. Section 2, which states "Any challenge must contain all grounds and accompanying documents..." is not stated in the state code itself;

Section 3, which states "a challenge shall provide..." is not stated in the state code itself.

Section 5, which states "Documentation or information supporting a challenge that is vague... will not satisfy they standards.." is not stated in the code itself.

Section 12 (a), which states "If a challenge is received more than 10 days prior to the next scheduled BER meeting, the hearing will be set for the meeting.." is not stated in the code itself.

Section 12 (c) which states "Non-exclusive examples of challenges that would fail to meet the minimum standards... shall be rejected.." are not included in the code itself.

Section 13 (a) which states the Board will conduct hearings "if practical and feasible.." is not in the code itself. Section 13 (c) which states "The challenger shall have no more than five minutes to present any or other relevant information.." is not in the code itself.

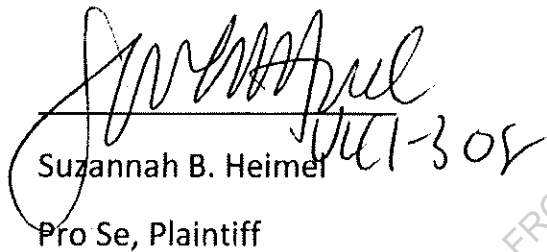
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court award the following relief:

1. Declare the resolutions, rules, or other official actions taken, made or adopted in reference to the dismissal of the challenged voters at the August 6, 2024 meeting are invalid;

2. Instruct the Board to allow the challenged voters to vote by PROVISIONAL BALLOT in the upcoming general election on November 5, 2024;
3. Instruct the Board to verify the eligibility of EACH PROVISIONAL BALLOT cast by the challenged voter before counting the ballot in the general election.
4. Instruct the Board to correct the REGISTRATION POLICY FOR VOTER CHALLENGES, POLICY 2, POLICY 3 manual adopted by the board on September 4, 2024 to reflect actual code stated in the OCGA.
5. Award Plaintiff the filing fees associated with this suit as well as any further relief the Court deems appropriate.

Respectfully submitted, on this 12th day of September, 2024.


Suzannah B. Heimer
Pro Se, Plaintiff

Enclosed in this packet:

OCGA 21-2-216, 21-2-226, 21-2-228,
21-2-229, 21-2-231, 21-2-234, Registration
Policy for Voter Challenges, Policy 2, Policy 3.