

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FULTON COUNTY REPUBLICAN PARTY, INC.;
GEORGIA REPUBLICAN PARTY, INC.;
REPUBLICAN NATIONAL COMMITTEE,

Plaintiffs,

v.

NADINE WILLIAMS, in her official capacity as
Director of Fulton County Department of
Registration & Elections.,

Defendant.

Civil Action File No.
24CV012584

EMERGENCY APPLICATION FOR WRIT OF MANDAMUS

Plaintiffs file this Application for Emergency Writ of Mandamus, pursuant to O.C.G.A.

§ 9-6-20 and § 9-6-24, respectfully showing the Court as follows:

JURISDICTION AND VENUE

1.

This Court has jurisdiction over this mandamus action as it concerns Defendant's refusal to perform duties mandated by state law.

2.

Venue is proper because the Fulton County Department of Registration & Elections office, including each of its individual staff offices, is in Fulton County, Georgia.

PARTIES AND JURISDICTION

3.

Plaintiff Fulton County Republican Party, Inc. (“Fulton GOP”) is a political party affiliated with the Republican National Committee and committed to election integrity and electing Republicans in Fulton County.

4.

Plaintiff Georgia Republican Party, Inc. (“GRP”) is a political party affiliated with the Republican National Committee and committed to election integrity and electing Republicans in Georgia.

5.

Plaintiff Republican National Committee (“RNC”) is a federal political committee engaged in a national effort to fight for the rights and liberties of Republicans, promote election integrity, and elect Republicans on the ballot.

6.

Defendant Nadine Williams, is the Director of Fulton County Department of Registration and Elections and in this capacity she serves as the superintendent of elections for Fulton County. Defendant is tasked with the responsibility to make appointments of eligible poll workers pursuant to O.C.G.A. §§ 21-2-90 through 21-2-92. Defendant may be served at 5600 Campbellton Fairburn Road, Fairburn, GA 30213, or wherever else they may be found.

FACTUAL BACKGROUND

7.

To promote confidence in the fairness and integrity of elections, the State of Georgia requires election officials to hire poll workers from lists submitted by different political parties.

Under the law, political parties have the right to submit to the superintendent of elections “a list of qualified persons” to work in the polling places. O.C.G.A. § 21-2-90.

8.

O.C.G.A. § 21-2-90 states, in pertinent part:

All elections and primaries shall be conducted in each polling place by a board consisting of a chief manager, who shall be chairperson of such board, and two assistant managers assisted by clerks. The managers of each polling place shall be appointed by the superintendent. If the political parties involved elect to do so, they may submit to the superintendent, for consideration in making such appointment, a list of qualified persons. When such lists are submitted to the appropriate office, the superintendent, insofar as practicable, shall make appointments so that there shall be equal representation on such boards for the political parties involved in such elections or primaries.

(Emphasis added).

9.

The Georgia legislature has also provided the qualifications for a Georgia resident to become a poll worker:

Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be judicious, intelligent, and upright citizens of the United States, residents of or otherwise employed by the county in which they are appointed ... , 16 years of age or over, and able to read, write, and speak the English language. No poll officer shall be eligible for any nomination for public office or to be voted for at a ... election at which the poll officer shall serve.”

O.C.G.A. § 21-2-92

10.

Pursuant to this statute, and with the assistance of RNC and GRP, Fulton GOP submitted the lists of qualified poll workers to Defendant Williams.

11.

With the assistance of the RNC and GRP, Fulton GOP submitted a total of 74 names to Defendant Williams in multiple submissions on July 15th, August 13th, and September 5th.

12.

Based upon information and belief, Fulton GOP does not believe that any other political party has submitted a list of qualified poll workers to Defendant Williams.

13.

Based upon information and belief, the vast majority of the qualified poll workers listed in Fulton GOP's lists applied to work as a poll worker as is required by the Defendant Williams.

14.

As of the date of filing this Application for Emergency Writ of Mandamus, RNC, GRP and Fulton GOP believe that a total of 45 individuals on their lists have applied with Defendant to work during Early Voting. However, only 9 of these 45 qualified workers have been hired to work in the upcoming election. A large percentage of the 45 qualified workers have never been contacted or have no idea of whether Defendant Williams intends to issue an order of appointment.

15.

As of the date of filing this Application for Emergency Writ of Mandamus, RNC, GRP and Fulton GOP believe that a total of 62 individuals on their list have applied with Defendant to work on Election Day. However, Defendant has only hired 6 of these 62 qualified workers. A large percentage of these 62 qualified workers have never been contacted or have no idea of whether Defendant Williams intends to issue an order of appointment.

16.

Based upon information and belief, Defendant Williams has found that 12 of the 62 individuals that are willing to work on Election Day are qualified to work the elections. However, rather than issue an appointment, Defendant Williams has put these qualified poll workers "on

reserve.” Defendant Williams has ostensibly placed the RNC, GRP and Fulton GOP’s list of qualified workers at the back of the line for Election Day work.

17.

Based upon information and belief, Plaintiff Fulton GOP understands that Defendant Williams has retained Dover Staffing, Inc. to hire 540 individuals to work the November 5, 2024 election.

18.

Based upon information and belief, Plaintiff Fulton GOP understands that Defendant Williams has retained Abacus Corporation to hire 264 individuals to work the November 5, 2024 election.

19.

RNC, GRP and Fulton GOP have looked at the contracts that Defendant Williams has entered with both Dover Staffing, Inc. and the Abacus Corporation and has found nothing in such agreements that notify the staffing agency that they need to give priority to the list of names provided to Defendant Williams pursuant to O.C.G.A. § 21-2-90.

20.

Based upon information and belief, RNC, GRP and Fulton GOP understand that Defendant Williams is hiring over 804 individuals to work the November 5th Election. This number far exceeds the number of qualified poll workers submitted by Fulton GOP and other political parties.

21.

Based upon information and belief, Fulton GOP understands that Defendant Williams is allowing poll managers to select their own teams for individual polls rather than give priority to the list of qualified poll workers that they have submitted pursuant to O.C.G.A. § 21-2-90.

22.

Based upon information and belief, Fulton GOP understands that Defendant Williams has shifted her responsibility for appointing poll workers to temp agencies and to the poll managers.

23.

Based upon information and belief, Fulton GOP understands that Defendant Williams has transferred her responsibilities to make appointments of poll workers who are working on Advance Voting to a temp agency and that this temp agency is not giving preference to the list of poll workers submitted by Fulton GOP but instead is giving preference to those workers who have prior experience.

24.

Based upon information and belief, RNC, GRP and Fulton GOP believe that at the time that they submitted the list of qualified poll workers, there were more than sufficient open positions that these individuals could have filled for the upcoming November 5, 2024 election. Because there were more open positions than qualified workers named by all the political parties, Defendant Williams had no practicable limitations in appointing each and every individual listed on Fulton GOP's list of qualified workers.

COUNT I
Mandamus
(Failure of Defendant to Follow State Law)

25.

The allegations of paragraphs 1 to 24 are incorporated by reference as if fully set forth here.

26.

“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

27.

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.

28.

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

29.

Plaintiffs have a clear legal right to have their lists of qualified poll workers to be given preference in hiring for the upcoming November 5, 2024 election pursuant to O.C.G.A. § 21-2-90.

30.

Plaintiff Fulton GOP followed the law and provided to Defendant Williams a list of qualified poll workers as is required by O.C.G.A. § 21-2-90 but Defendant Williams failed to appoint all the individuals on Plaintiff’s list and failed to provide a detailed explanation as to why it was not practicable to make such appointments.

31.

Defendant Williams has violated O.C.G.A. § 21-2-90 by refusing to fully consider all the applicants that are listed on Plaintiff Fulton GOP’s list of qualified poll workers.

32.

Defendant Williams has refused to follow the processes mandated by O.C.G.A. § 21-2-90 in regard to Plaintiff Fulton GOP’s qualified list of poll workers.

Time is of the essence, as in-person early voting for the 2024 election begins on October 15, 2024. Plaintiffs therefore respectfully request expedited consideration of this Emergency Application for Writ of Mandamus.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request relief as follows:

- A. Grant a mandamus nisi and set this matter for a hearing pursuant to O.C.G.A. § 9-6-27, with such hearing to be scheduled as soon as practicable and not more than ten (10) days after issuance of the mandamus nisi;
- B. Upon hearing, issue a mandamus absolute requiring Defendant to immediately issue appointments to the individuals listed on Plaintiff Fulton GOP's list of qualified poll workers or provide a written explanation as to why such appointment is not practicable;
- C. Award Plaintiffs their reasonable attorneys' fees and costs in this action pursuant to O.C.G.A. § 13-6-11; and
- D. Any other relief this Court deems just and proper.

Respectfully submitted this 3rd day of October, 2024.

CHALMERS ADAMS BACKER &
KAUFMAN LLC

/s/ Alex B. Kaufman

Alex B. Kaufman

GA BAR: 136097

Kevin T. Kucharz

GA BAR: 713718

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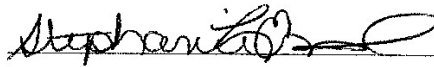
Defendant.

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VERIFICATION OF FULTON COUNTY REPUBLICAN PARTY, INC.

Personally appeared before the undersigned attesting officer authorized to administer oaths, Stephanie Endres, being duly sworn, deposes and states under oath that the facts contained in the foregoing Emergency Application for Writ of Mandamus are true and correct to the best of her personal knowledge, information, and belief.

Fulton County Republican Party, Inc.



By: Stephanie Endres
Title: Chairman

Signed and sworn to before me this
3 day of October, 2024 by
Stephanie Endres who proved to me
on the basis of satisfactory evidence to
be the person who appeared before me.


NOTARY PUBLIC

My Commission Expires: 12/2/27



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VERIFICATION OF REPUBLICAN NATIONAL COMMITTEE

Personally appeared before the undersigned attesting officer authorized to administer oaths, **ALEX MEYER**, being duly sworn, deposes and states under oath that the facts contained in the foregoing Application for Emergency Writ of Mandamus are true and correct to the best of his/her personal knowledge, information, and belief.

Republican National Committee

Alex Meyer

By: ALEX MEYER

Title: Deputy Political Director

Signed and sworn to before me this
3rd day of October, 2024 by
ALEX MEYER who proved to me
on the basis of satisfactory evidence to
be the person who appeared before me.

Kelly Ann Armistead

NOTARY PUBLIC

My Commission Expires: 10/02/2030

KELLY ANN ARMISTEAD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF LIVINGSTON
MY COMMISSION EXPIRES **OCTOBER 2, 2030**
ACTING IN THE COUNTY OF Washtenaw

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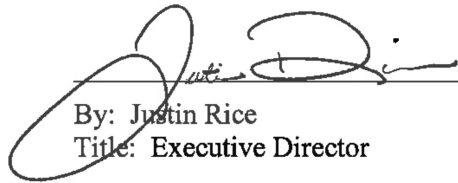
Defendant.

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VERIFICATION OF GEORGIA REPUBLICAN PARTY, INC.

Personally appeared before the undersigned attesting officer authorized to administer oaths, Justin Rice, being duly sworn, deposes and states under oath that the facts contained in the foregoing Emergency Application for Writ of Mandamus are true and correct to the best of his personal knowledge, information, and belief.

Georgia Republican Party, Inc.


By: Justin Rice
Title: Executive Director

Signed and sworn to before me this
3rd day of October, 2024 by
Justin Rice who proved to me
on the basis of satisfactory evidence to
be the person who appeared before me.


NOTARY PUBLIC

My Commission Expires:

