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Angela Elder Johnson
Angela Elder-Johnson, Clerk
Oconee County, Georgia

IN THE SUPERIOR COURT OF OCONEE COUNTY
STATE OF GEORGIA

SUZANNAH HEIMEL)
)
Plaintiff,)
)
v.)
)
SHARON GREGG, Director of the)
Oconee County Board of Elections, and)
JAY HANLEY, Chair of the Oconee)
County Board of Elections)
)
Respondents.)
)
and)
)
SUSAN NOAKES and COMMON)
CAUSE GEORGIA,)
)
)
Intervenors.)

CASE NO. SUSR2024000058-LL

ORDER

Before this Court is Plaintiff Suzannah Heimel's Petition for a Writ of Mandamus and her Motion for Emergency Injunction. The Court held a Rule Nisi on October 7, 2024 where Defendants Sharon Gregg and Jay Hanley moved to dismiss the Petition for Writ of Mandamus and deny the Motion for Emergency Injunction. Intervenor-Defendants Common Cause and Susan Noakes similarly moved in a Motion to Dismiss filed on October 4, 2024. Having heard argument from the parties and having reviewed the pleadings, this Court **GRANTS** Defendants and Intervenors Motions to Dismiss.

Accordingly, Plaintiff's Petition for Writ of Mandamus is **DISMISSED** and her Motion for Emergency Injunction is **DENIED**.

On September 4, 2024, Plaintiff Suzannah Heimel filed a Petition for a Writ of Mandamus seeking to force Defendants Sharon Gregg, Elections Director at the Oconee County Board of Elections and Registration, and Jay Hanley, Chairman of the Oconee County Board of Elections and Registration, to (1) hold hearings on 230 voter challenges that were submitted by a different Oconee County elector (not Plaintiff) pursuant to O.C.G.A. § 21-2-229 and (2) to stop registering voters until they hold a hearing on the challenged voters. Plaintiff then filed a Motion for Emergency Injunction seeking that all of the 230 challenged voters should be placed into "challenged" status pursuant to O.C.G.A. § 21-2-230 and be required to vote with provisional ballots regardless of the fact that the Oconee County Board of Elections and Registrations (the "Board") had dismissed the challenges on August 6, 2024.

"In ruling on a motion to dismiss, the trial court must accept as true all well-pled material allegations in the complaint and must resolve any doubts in favor of the plaintiff." (Citation, punctuation, and footnote omitted.) *Wright v. Waterberg Big Game Hunting Lodge Otjahewita (PTY), Ltd.*, 330 Ga. App. 508, 509 (2014).

"Mandamus is an extraordinary remedy to compel a public officer to perform a required duty when there is no other adequate legal remedy. It is a discretionary remedy that courts may grant only when the petitioner has a clear legal right to relief sought or the public official has committed a gross abuse of discretion. In general, mandamus relief is not available to compel officials to follow a general course of conduct, perform a

discretionary act, or undo a past act.” *Bland Farms, LLC v. Georgia Dept. of Agr.*, 281 Ga. 192, 193 (2006) (citing *Schrenko v. Dekalb Cnty. School Dist.*, 276 Ga. 786, 794 (2003)) (internal citations omitted).

Accepting the allegations in Plaintiff’s petition as true and resolving any doubts in favor of Plaintiff, the Court finds that the Petition for Writ of Mandamus should be dismissed and Plaintiff’s Motion for Emergency Injunction should be denied. Plaintiff seeks an order in part requiring the Board to stop registering new voters until they hold a hearing on certain voter challenges. Registering new voters is a legal duty that the Board is required by law to do. A writ of mandamus that the Board stop performing a required legal duty is not appropriate; in fact, it is the exact opposite of what a writ of mandamus is meant to accomplish. The voter registration deadline for the upcoming November 5, 2024 General Election was October 7, 2024, and the Board kept processing voter registrations submitted until that deadline as required by law. Because that deadline has already passed, that aspect of Plaintiff’s requested relief is moot in addition to being inappropriate on its face.

Georgia law clearly grants some discretion to county board of elections in determining how to conduct its legal duty to determine the eligibility of voters. *See* O.C.G.A. §§ 21-2-226, 228. In this case, the Board has acted within its entrusted discretion. Plaintiff disagrees with the decision made by the Board to dismiss the challenges and asks this Court to undo the actions of the Board and place the challenged voters in “challenged” status. Plaintiff may disagree with the determination by the Board to dismiss the challenges,

but she has no clear legal right that the Board agree with her preferred outcome. Because Plaintiff does not have “a clear legal right to the relief sought,” mandamus cannot issue.

Even if Plaintiff’s requested relief to undo the Board’s determination to dismiss the challenges and place the challenged voters in “challenged status” were appropriate, which it is not, her requested relief should still be denied because it is barred by the 45-day deadline to move voters to “challenged” status in O.C.G.A. § 21-2-230. As a result, mandamus would have no practical effect. Finally, to the extent Plaintiff complains about how the Board is performing its duties, the body who oversees that aspect of the Board is the State Election Board.

Because the Board has acted within its discretion in a matter that is left to its discretion and because Plaintiff has no clear legal right to the relief sought and has other adequate legal remedies, Plaintiff’s Petition for a Writ of Mandamus is **DISMISSED** and her Motion for Emergency Injunction is **DENIED**.¹

So ORDERED this 15th day of November, 2024.



Hon. Lisa Lott, Chief Superior Court Judge
Superior Court of Oconee County

¹ Since the hearing on this matter, Plaintiff has filed additional motions with the Court, including a Motion for Default Judgment and a Motion for Clarification. Those motions are **DENIED**.

Order Prepared By:

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