

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

DEKALB COUNTY BOARD OF
REGISTRATION AND ELECTIONS and
DEKALB COUNTY, GEORGIA,
Petitioners,

v.

STATE ELECTION BOARD,
Respondent, and

GEORGIA REPUBLICAN PARTY, INC.,
Intervenor-Respondent.

CIVIL ACTION
FILE NO. 24CV9085-10

ORDER ON MOTIONS FOR SUMMARY JUDGMENT

On February 21, 2026, the Court heard argument on Petitioners' Motion for Summary Judgment and Respondent's Motion for Summary Judgment. After hearing arguments and reviewing the parties' submissions, this Court **GRANTS** Petitioners' Motion for Summary Judgment and **DENIES** Respondent's Motion for Summary Judgment for the reasons set forth below and **DISMISSES AS MOOT** Petitioners' request for declaratory relief as to the Hand Counting Rule, Rule 183-1-12-12(a)(5).

I. PROCEDURAL HISTORY

Petitioners seek a declaratory judgment under the Administrative Procedure Act, O.C.G.A. § 50-13-10, that rules promulgated by the State Election Board ("SEB") shortly before the 2024 Presidential Election are invalid because they go beyond and conflict with statutory law. Before this Court ruled on the merits, the rules challenged in this case were declared invalid and enjoined by a court in Fulton County. That case was appealed to the Georgia Supreme Court, and the Court stayed this case pending the outcome.

The Georgia Supreme Court issued its opinion in *Republican National Committee et al. v. Eternal Vigilance Action, Inc. et al.*, 321 Ga. 771 (2025), on June 10, 2025. The Court determined the Hand Counting Rule to be invalid but did not reach the merits of the Daily Reporting Rule and the Poll Watcher Rule.¹ The parties agree that Petitioners' request for declaratory judgment as to the Hand Counting Rule is now moot. As to the Daily Reporting Rule and Poll Watcher Rule, the parties agreed to Stipulated Facts and Documents, and Petitioners and Respondent filed cross motions for summary judgment.

II. FINDINGS OF FACT

The parties agree there are no material facts in dispute, and the following findings of fact are drawn from their Stipulated Facts and Documents.

A. The Parties

Petitioner DeKalb County is the fourth largest county in Georgia by population. DeKalb County (the "County") pays for the administration of primaries and elections in DeKalb County and provides funding to pay workers who conduct primaries and elections in DeKalb County.

Petitioner DeKalb County Board of Registration and Elections ("DeKalb BRE") is charged with organizing, conducting, and certifying elections in DeKalb County, Georgia. DeKalb BRE oversees the administration of primaries and elections and the registration of electors in DeKalb County. DeKalb BRE's duties include ensuring that elections conducted in DeKalb County comply with applicable law, including the Georgia Election Code, rules enacted by the State Election

¹ The Georgia Supreme Court reversed, vacated, and remanded the decision on standing grounds. *Eternal Vigilance Action*, 321 Ga. at 787-89 (remanding for a determination in the first instance of whether an individual county board member has constitutional standing to challenge the Rules).

Board, and other relevant federal and state laws and constitutional provisions. DeKalb BRE is a superintendent as defined by O.C.G.A. § 21-2-2(35) and exercises the powers and is obligated to perform the duties of a superintendent. DeKalb BRE is also vested with all powers, duties, and responsibilities of the board of registrars.

Respondent State Election Board (the “SEB”) was created by O.C.G.A. § 21-2-30 and is an Agency as defined by O.C.G.A. § 50-13-2. The SEB has the power to investigate violations of the Election Code and relevant rules and can penalize violators by assessing civil penalties, issuing public reprimands, and assessing investigative costs. Pursuant to O.C.G.A. § 21-2-33.2, the SEB may suspend a superintendent for repeated violations as outlined in that statute and appoint a temporary superintendent in its place.

Intervenor-Respondent Georgia Republican Party, Inc. is an organization that is the Georgia political party affiliate of the national Republican Party.

B. The State Election Board Rules

On August 21, 2024, SEB issued a Notice of Proposed Rulemaking, proposing Rule 183-1-12-.21, County Participation and Totals Reporting (the “Daily Reporting Rule”). On August 21, 2024, SEB issued a Notice of Proposed Rulemaking, proposing amendments to Rule 183-1-13-.05, Poll Watchers for Tabulation Center (the “Poll Watcher Rule”). On September 20, 2024, SEB voted to adopt several new and amended rules governing the administration of elections in Georgia, including Rule 183-1-12-.21, the Daily Reporting Rule, and Rule 183-1-13-.05, the Poll Watcher Rule. The Daily Reporting Rule and Poll Watcher Rule (collectively, “the Rules”) became

effective on October 22, 2024. DeKalb County and DeKalb BRE will expend resources implementing the Daily Reporting Rule and the Poll Watcher Rule.

The Daily Reporting Rule provides as follows:

- (1) For each primary election and general election and any associated runoffs, no later than the beginning of the advance voting period set by O.C.G.A. 21-2-385(d), each registrar shall establish a method of daily reporting to the public the total number of voters who have participated in the election or runoff.
 - (a) For each primary election and associated runoff, the registrar shall report (1) the total number of voters who have participated, (2) the method by which those voters participated (advance voting or absentee by mail), (3) the number of political party or nonpartisan ballots cast, and (4) the date on which the information was provided.
 - (b) For each general election and associated runoff, the registrar shall report (1) the total number of voters who have participated, (2) the method by which those voters participated (advance voting or absentee by mail), and (3) the date on which the information was provided.
- (2) For each primary election and general election and any associated runoffs, at the conclusion of the canvass and computation of votes provided for in O.C.G.A. 21-2-493(a), with the exception of the processing of UOCAVA ballots, provisional ballots, and ballots requiring adjudication, the election superintendent shall create a report indicating the vote totals for all contests on the ballot by precinct.
- (3) The registrar must post the daily reporting information required by paragraph (1) on the internet website operated by the registrar or county election superintendent.
- (4) The election superintendent must post the information required by paragraph (2) on the internet website operated by the county election superintendent.
- (5) If a registrar and/or county election superintendent does not operate an internet website, the registrar must post the daily reporting information required by paragraph (1) and the report required by paragraph (2) in a public place in its office, accessible 24 hours a day to the public.
- (6) The daily reporting information required by paragraph (1) must be updated on each day on which advance voting occurs in the county prior to any primary election, general election, and/or associated runoffs.

Ga. Comp. R. & Regs. r. 183-1-12-.21.

The Poll Watcher Rule provides as follows:

In counties and municipalities using central count optical scanning vote tabulation equipment, the election superintendent shall allow each political party to appoint two poll watchers for each primary or election, each political body to appoint two poll watchers for each election, and each independent candidate and each nonpartisan candidate to appoint one poll watcher for each election, to serve in each of the locations designated by the election superintendent within the tabulating center. Such designated places shall include the check-in area, the computer room, the duplication area, and such other areas **that tabulation processes are taking place including but not limited to provisional ballot adjudication of ballots, closing of advanced voting equipment, verification and processing of mail in ballots, memory card transferring, regional or satellite check-in centers and any election reconciliation processes** as the election superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center. Poll watchers designated for the tabulating center shall be appointed and serve in the same manner as other poll watchers.

Ga. Comp. R. & Regs. r. 183-13-.05 (emphasis added to the language added by the Poll Watcher Rule).

III. LEGAL STANDARD

Summary judgment is proper where there is no genuine issue as to any material fact. O.C.G.A. § 9-11-56(c). As there are no material facts in dispute in this case, judgment as a matter of law is appropriate. *E.g. Pender v. Doe*, 276 Ga. App. 178, 178 (Ga. App. 2005).

IV. CONCLUSIONS OF LAW

A. **Petitioners' request for declaratory relief as to the Hand Counting Rule is moot.**

The parties agree that Petitioners' request for declaratory judgment related to the Hand

Counting Rule, Rule 183-1-12-.12(a)(5), is now moot, as the Georgia Supreme Court held the Hand Counting Rule was invalid in *Republican National Committee et al. v. Eternal Vigilance Action, Inc. et al.*, 321 Ga. 771, 806-08 (2025). Accordingly, the Court **DISMISSES AS MOOT** Petitioners' request for declaratory relief as to the Hand Counting Rule, Rule 183-1-12-.12(a)(5).

B. Petitioners have standing to bring this action.

The Court finds that Petitioners have asserted legal injuries sufficient to invoke the judicial power of Georgia courts and bring this declaratory judgment action. “The core of the judicial power conferred by the Georgia Constitution has long been described as the power to resolve a controversy about the relative rights and obligations of the parties before it, and bind those parties to that judgment.” *Wasserman v. Franklin Cty.*, 320 Ga. 624, 637-68 (2025). Thus, constitutional standing requires that a plaintiff “assert a violation of her legal rights – a legal injury – to maintain an action.” *Id.* at 368-69. Similarly, to bring a claim under the Administrative Procedures Act, Petitioners' legal rights must be threatened or impaired: “The validity of any rule, waiver, or variance may be determined in an action for declaratory judgment when it is alleged that the rule, waiver, or its threatened application interferes with or impairs the legal rights of the petitioner.” O.C.G.A. § 10-13-10(a).

Petitioners have asserted that the two Rules presently at issue threaten their legal rights to conduct elections within the confines of the law. DeKalb BRE has the right to administer primaries and elections in DeKalb County *in accordance with the law*, and DeKalb County has the right to ONLY appropriate the funds necessary, *in accordance with the law*, to properly conduct those primaries and elections. These rights, **conferred on Petitioners by statute**, are impaired by the

Rules at issue. And in this declaratory judgment action, DeKalb BRE and DeKalb County challenge the validity of two Rules that threaten to impair their legal rights.

As presented above, the County and the BRE each have a statutory right to conduct elections and provide resources to conduct elections, but they also have a right to do so “in accordance with the law.” This is because the legislature provided that the SEB, who is empowered to regulate the County’s and BRE’s election actions, has to perform their functions in a manner that is “consistent with law.” *Republican National Committee et al. v. Eternal Vigilance Action, Inc. et al.*, 321 Ga. 771 (2025) (Quoting O.C.G.A. § 21-2-31 (2), (10))

Further, the Petitioners’ right to challenge the SEB can be seen through the SEB’s clear duty. The SEB has a DUTY “[t]o promulgate rules and regulations so as to obtain uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers, and other officials, as well as the **legality and purity** in all primaries and elections.” The SEB has a duty to ensure that the elections are done legally with purity. The BRE and the County have a right to enforce that duty, especially since the rules directly affect them in that the SEB has the power to sanction violators of their promulgated rules and regulations.

Specifically, the State Election Board is vested with the power to issue orders, after the completion of appropriate proceedings, directing compliance with this chapter or prohibiting the actual or threatened commission of any conduct constituting a violation. OCGA § 21-2-33.1. Fundamentally, the County and the BRE have a right to ensure that the rules which are to be used to determine their compliance are within the framework of the statute (i.e., in harmony with the

purposes of the law), such that they may modify behavior if legally necessary.

As the county superintendent and registrar, DeKalb BRE is the entity *whose conduct the Rules directly regulate*. The Daily Reporting Rule requires “the registrar,” and “the election superintendent” to take certain actions, Ga. Comp. R. & Regs. R. 183-1-12-.21, and the Poll Watcher Rule similarly acts upon “the election superintendent,” Ga. Comp. R. & Regs. R. 183-13-.05. DeKalb BRE asserts the Rules impair its right to conduct primaries and elections in accordance with the law. The Daily Reporting Rule requires DeKalb BRE to report and post information beyond and conflicting with statutory requirements, and the Poll Watcher Rule infringes on DeKalb BRE’s right to designate locations for poll watchers in a tabulating center. *See* O.C.G.A. § 21-2-408(c) (giving superintendents the power to designate additional locations for poll watchers to be located within the tabulating center); O.C.G.A. § 21-2-385(e) (requiring the county board of registrars to report and post certain voting information). The DeKalb BRE, therefore, faces uncertainty and sanctions if it acts contrary to the election rules.

DeKalb County has the right to fund only the necessary costs of conducting primaries and elections in DeKalb County. By statute, it must “appropriate annually and from time to time, to the superintendent of such county or municipality, the funds that it shall deem necessary for the conduct of primaries and elections in such county or municipality and for the performance of his or her other duties under this chapter.” O.C.G.A. § 21-2-71(a). Implementing the Rules would require DeKalb County to allocate additional funds. DeKalb County has the right to fund only necessary expenses and seeks clarification of its rights and obligations vis a vis the Rules. Ultimately, if DeKalb County does not provide the resources that SEB has mandated, DeKalb risks

incurring sanctions from the SEB.

Respondents argue that the BRE and Dekalb County only have obligations and duties to its citizens to conduct an election, but have no right to challenge SEB's rules as to how that must be done. This Court disagrees.

In *Republican National Committee et al. v. Eternal Vigilance Action, Inc. et al.*, 321 Ga. 771 (2025), seven (7) rules promulgated by the SEB were challenged. The Georgia Supreme Court ruled that the individual plaintiffs (voters) have standing to challenge five rules - the Reasonable Inquiry Rule, the Examination Rule, the Hand Count Rule, the Drop Box ID Rule, and the Drop Box Surveillance Rule - *based on their right to vote*. *Id.* at 784. However, the remaining two rules — the Poll Watcher Rule and the Daily Reporting Rule — “do not concern the casting or counting of votes, so the individual plaintiffs do not have voter standing to challenge these rules.” *See Id.* at 786.

The Georgia Supreme Court recognized the right to vote as fundamental to the individual voters, but noted that such right did not give them standing to challenge all election rules. Beyond the casting and counting of votes, a free and fair election involves political freedoms and fair processes leading up to and after the vote as well. Failure to have transparency and purity in the election is the fastest way to erode public confidence in the process. So, if a voter only has standing to challenge the casting and counting of their vote AND the election process clearly starts before and continues after the casting and count of the vote, who then has the right to challenge these other processes for a “fair” election? Surely, at minimum, the entities that are directly regulated

by the rules and/or the entity responsible for allocating resources to pay for any rule promulgated by the SEB. The Georgia Supreme Court has not answered this directly. In fact, the Court remanded the issue for a determination in the first instance of whether an individual county board member (Hall) has constitutional standing to challenge the Rules. *Eternal Vigilance Action*, 321 Ga. at 787-89.²

In sum, the Petitioners have a statutory right to conduct and finance a fair election. Further, the BRE and DeKalb County have the right to enforce the SEB's duty³ – to ensure that all elections are done consistent with the law so that they may act according to their statutory mandate. In that regard, the Court concludes that Petitioners have asserted that the Rules impair their legal rights and command them to act contrary to their statutory rights and obligations. As a result, Petitioners have constitutional standing and standing to bring this declaratory judgment action.

Alternatively, SEB is estopped from arguing that DeKalb BRE does not have standing because the State of Georgia took the position while arguing *Eternal Vigilance Action* before the Georgia Supreme Court that a county board of elections – and not the petitioners in that case – would be the proper plaintiff to challenge the SEB rules. Oral Arguments – March 19, 2025, Supreme Court of Georgia, S25A0362 and S25A0490 at 5:42, 6:10, and 9:05, <https://www.gasupreme.us/oa-march-19-2025/>. The Georgia Supreme Court in *Eternal Vigilance Action* held that the petitioners in that case – a nonprofit organization and individual voters – did

² If the trial court concludes that Hall has standing based on his official capacity, it must then evaluate the two rules we do not consider today — the Daily Reporting Rule and the Poll Watcher Rule — to determine the validity of those rules under the nondelegation framework set forth in this opinion. *See Id.* at 811.

³ SEB has a duty to “**promulgate rules** and regulations” to ensure “**legality** and purity” in all elections. *See OCGA § 21-2-31 (1)* (emphasis added).

not have standing to challenge the rules. *Eternal Vigilance Action*, 321 Ga. at 778-88. “The purpose of judicial estoppel is to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment.” *Fulton Cty. v. Ward-Poag*, 310 Ga. 289, 292 (2020). Because the State of Georgia has previously taken the position that a county board of elections would be the proper party to challenge the SEB rules, the SEB is judicially estopped from taking a contrary position.

C. DeKalb County has sufficient uncertainty to invoke the Declaratory Judgment Act.

The SEB also contends that DeKalb County does not have the uncertainty necessary to invoke the Declaratory Judgment Act. “[T]o state a claim for declaratory judgment, a party need only allege the existence of a justiciable controversy in which future conduct depends on resolution of uncertain legal relations.” *City of Atlanta v. Hotels.com, L.P.*, 285 Ga. 231, 234 (2009). DeKalb County’s obligation to provide the funding necessary to conduct primaries and elections in DeKalb County is ongoing: “The governing authority of each county or municipality shall appropriate annually and from time to time...” O.C.G.A. § 21-2-71(a). A declaratory judgement regarding the validity of the Rules will dispel DeKalb County’s uncertainty about whether it must appropriate additional funds required to implement the Rules. The Court finds that DeKalb County has sufficient uncertainty to invoke the Declaratory Judgment Act.

D. DeKalb County Board of Registration and Elections has the capacity to bring this action.

The Court finds that DeKalb BRE also has the capacity to bring this action concerning the validity of Rules that govern the way it conducts elections. The capacity to sue and be sued is a

power that can be given either expressly or implicitly. *Cravey v. Se. Underwriters Ass'n*, 214 Ga. 450, 453 (1958). DeKalb BRE's capacity to sue and be sued in matters related to election administration is clearly implied from numerous statutory provisions that authorize it to be party to such litigation. *E.g.* O.C.G.A. § 21-2-520 (superintendents as defendants in election contests); O.C.G.A. § 21-2-33.1(b-d) (authorizing legal action in superior court against any violator of any SEB rules); and O.C.G.A. § 21-2-33.2(f) (superintendents can appeal their suspension by SEB to superior court). The Court does not hold that DeKalb BRE has the power to sue and be sued in any case, as that is not the question presented here. Rather, based on other provisions permitting DeKalb BRE to be a party to litigation concerning the laws that govern the conduct of elections, the Court finds DeKalb BRE has the capacity to bring this declaratory judgment action concerning the validity of the two Rules pertaining to election administration.

E. The Rules do not survive a nondelegation analysis.

Rooted in the separation of powers, Georgia's nondelegation doctrine prohibits the General Assembly from transferring essential legislative functions to administrative agencies. *Eternal Vigilance Action*, 321 Ga. at 793-94. Thus, SEB does not have the power to legislate; it may only implement and enforce the Election Code. *Id.* at 797. Georgia's nondelegation doctrine employs a three-step framework, and the parties agree that the only steps the Court needs to consider here are steps one and three.

Step one of the nondelegation doctrine asks, "whether the statute at issue delegates, either expressly or by necessary implication, the powers exercised by the executive branch agency." *Id.* 803. In *Eternal Vigilance Action*, the Georgia Supreme Court applied a reasonable limiting principle to SEB rulemaking at step one: the SEB has "only the authority to pass rules consistent

with the existing statutory structure.” *Id.* at 804-05 (emphasis added). Making that determination requires looking at “the specific substantive statutory provision at issue.” *Id.* at 805. To the extent the SEB’s rules “go beyond, change, or contradict the statutory scheme,” they are invalid at step one of the nondelegation framework set out in *Eternal Vigilance Action*. *Id.* at 804.

At step three, to ensure an agency is not legislating but implementing specific legislation, the key question is “whether the statute provides objective, judicially enforceable guidelines to direct and cabin the agency’s exercise of that discretion.” *Id.* at 797-98. “[S]tatutes that fail to provide objective, judicially enforceable guidelines that cabin the exercise of agency discretion essentially give to the executive the core legislative power to say what the law shall be and thus violate the nondelegation doctrine.” *Id.*

1. The Daily Reporting Rule

The Daily Reporting Rule adds to and changes the reporting requirements found in the Election Code. *Compare* O.C.G.A. § 21-2-385(e) *with* Ga. Comp. R. & Regs. r. 183-1-12-.21. O.C.G.A. § 21-2-385(e) already lists the specific information that registrars must report and post during the absentee and advance voting periods and provides when and how it must be reported.

The Daily Reporting Rule requires different categories of reporting than the statute. *Compare* O.C.G.A. § 21-2-385(e) *with* Ga. Comp. R. & Regs. r. 183-1-12-.21(1). The statute requires county registrars to report the following categories of information: the number of persons to whom absentee ballots have been issued, returned, and rejected; the number of persons voting at the advanced voting sites; the number of persons who have voted provisional ballots; the number

of provisional ballots that have been verified or cured and accepted; and the number of provisional ballots accepted and rejected. O.C.G.A. § 21-2-385(e). The Daily Reporting Rule changes the statute by requiring county registrars to report: the total number of voters who have participated; the method by which they participated; and the date the information was provided; and in primaries, the number of political party or nonpartisan ballots cast. Ga. Comp. R. & Regs. r. 183-1-12-.21(1).

The Daily Reporting Rule also alters the statute's requirements for reporting and posting the information. The statute requires the information be reported and posted "on a county or municipal website," but the Daily Reporting Rule requires the website be "operated by the registrar or county superintendent." *Compare* O.C.G.A. § 21-2-385(e) *with* Ga. Comp. R. & Regs. r. 183-1-12-.21(3). The statute requires the information to be reported and posted not later than 10:00 am on each business day, but the Daily Reporting Rule requires the information to be updated each day of advance voting, which would include weekends. *Compare* O.C.G.A. § 21-2-385(e) *with* Ga. Comp. R. & Regs. r. 183-1-12-.21(6).

The SEB cannot pass rules that "go beyond, change, or contradict" the statute – it can only "implement and enforce" the statute. *Eternal Vigilance Action*, 321 Ga. at 804. It cannot add or modify reporting obligations where the legislature has already specified what must be reported and how, thus leaving no gaps for the SEB to fill. *See Barnes v. State Farm Fire & Cas. Co.*, 373 Ga. App. 331, 339 (2024) (explaining that under the canon of construction *expression unis*, when a statute enumerates a list of items, it is presumed that the General Assembly intended to exclude any omitted items). The Daily Reporting Rule impermissibly goes beyond and alters the

requirements of O.C.G.A. § 21-2-385(e) and is therefore invalid at step one of the nondelegation analysis.

Because the Daily Reporting Rule is invalid at step one, the analysis can end there. *E.g. Eternal Vigilance Action*, 325 Ga. at 806-09 (invalidating four SEB rules that were inconsistent with the Election Code at step one). Even so, moving ahead to step three, the statute does not provide “objective, judicially enforceable guidelines” to cabin the SEB’s rulemaking. The fact that the General Assembly did not restrict the reporting of other categories of information does not allow SEB to impose requirements for *any* other category of information. The Daily Reporting Rule therefore fails the nondelegation test not only at step one, but also at step three.

2. The Poll Watcher Rule

In the Poll Watcher Rule, the SEB begins with the statutory language of O.C.G.A. § 21-2-408(c) and inserts additional areas it believes should be designated within a tabulating center. But the relevant statute, O.C.G.A. § 21-2-408(c), leaves no gap for the SEB to add to the list of designated locations within a tabulating center. Under the plain language of O.C.G.A. § 21-2-408(c), the discretion to add additional locations rests exclusively with superintendents. Superintendents, not the SEB, are given the power to identify any additional locations necessary to assure “fair and honest procedures” and “ensure that each poll watcher can fairly observe the procedures.” O.C.G.A. § 21-2-408(c). The statute implicitly rejects statewide uniformity by leaving the decision to designate additional areas in each tabulating center to county superintendents. Neither does O.C.G.A. § 21-2-408(d) give the SEB the power to add to the list of designated locations provided by the General Assembly in O.C.G.A. § 21-2-408(c). The SEB cannot enact rules for the purpose of obtaining

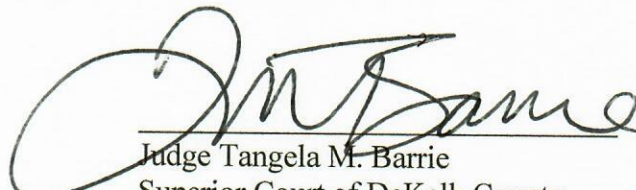
uniformity unless those rules are consistent with statutory law. *Eternal Vigilance Action*, 325 Ga. at 804. The Poll Watcher Rule is inconsistent with O.C.G.A. § 21-2-408(c) and therefore invalid.

Because the Poll Watcher Rule is invalid at step one, the nondelegation analysis can end there. *E.g. Eternal Vigilance Action*, 325 Ga. at 806-09 (invalidating four SEB rules that were inconsistent with the Election Code at step one). Even so, turning to step three, the statute does not provide objective guidelines to cabin the SEB's rulemaking because the General Assembly did not delegate any authority to the SEB to designate additional locations in O.C.G.A. § 21-2-408(c). Nor does O.C.G.A. § 21-2-408(d) provide objective, judicially enforceable guidelines that would permit the SEB to add designated locations and override the discretion specifically given to superintendents in O.C.G.A. § 21-2-408(c). The Poll Watcher Rule thus fails the nondelegation test at step one and step three.

V. CONCLUSION

For the reasons stated above, the Court **DISMISSES** Petitioners' request for declaratory judgment as to Rule 183-1-12-.12(a)(5), the Hand Counting Rule. The Court **GRANTS** Petitioners' Motion for Summary Judgment and **DECLARES** Rule 183-1-12-.21, the Daily Reporting Rule, and Rule 183-1-13-.05, the Poll Watcher Rule, to be invalid. The Court **DENIES** Respondents' Motion for Summary Judgment.

IT IS SO ORDERED, this 28th day of April, 2026.



Judge Tangela M. Barrie
Superior Court of DeKalb County

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