

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CHRISTOPHER MORA, KELI GAMBRILL,
and GREG DOLEZAL, individually and
and in his/her capacity as a candidate
for public office in the May 19, 2026
General Primary Election and as a
qualified elector in the state of Georgia,

Petitioners,

vs.

BRAD RAFFENSPERGER, in his official
capacity as Secretary of State of the
State of Georgia,

Respondent.

CIVIL ACTION
FILE NO. 26CV007174

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
INTERLOCUTORY INJUNCTION**

COMES NOW Petitioners, by and through undersigned counsel, and file this
Emergency Motion for Temporary Restraining Order (“TRO”) and Interlocutory
Injunction pursuant to C.C.G.A. § 9-11-65(b). Petitioners respectfully move this
Court for immediate emergency relief to enforce their statutory rights to observe the
tabulation, aggregation, verification, and reporting of election results on Election
Day, May 19, 2026 (tomorrow).

INTRODUCTION AND EXTREME URGENCY

1.

This is an emergency election matter. The Georgia General Primary Election is
scheduled for tomorrow, May 19, 2026. County election superintendents will
tabulate and transmit results to the Secretary of State, who will then perform
central aggregation, verification, and public reporting from the Election Night
Reporting Room (or equivalent facility).

2.

Georgia law mandates transparency in all aspects of the “conduct of the election and the counting and recording of votes.” O.C.G.A. § 21-2-408(d). Poll watchers must be granted access to tabulation centers, and all proceedings “shall be open to the view of the public.” O.C.G.A. §§ 21-2-379.11(b), 21-2-483(b). The State Election Board also possesses independent statutory oversight authority that requires meaningful real-time access. O.C.G.A. §§ 21-2-30, 21-2-31.

3.

Respondent has indicated, through counsel, an intent to exclude even State Election Board observers from these critical processes. Without immediate judicial intervention, properly designated poll watchers and SEB observers will be denied access, permanently destroying the transparency required by law and irreparably harming Petitioners and the public.

4.

This Court has a statutory duty to remain available on Election Day “so long as it may appear that the process of such court will be necessary to secure a free, fair, and correct computation and canvass of votes.” O.C.G.A. § 21-2-412. Uniform Superior Court Rule 6.7 authorizes expedited consideration of this emergency motion.

INCORPORATION BY REFERENCE

5.

Petitioners incorporate by reference the Verified Petition filed contemporaneously herewith, including all factual allegations, the affidavits of each Petitioner, and all attached exhibits, as if fully set forth herein.

LEGAL STANDARD AND FOUR-FACTOR ANALYSIS

A TRO may be granted without notice under O.C.G.A. § 9-11-65(b) when (1) immediate and irreparable injury will result before the adverse party can be heard, and (2) the applicant’s attorney certifies the reasons why notice should not be required. The standard for interlocutory injunctive relief requires Petitioners to show: (1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined; (3) there is a substantial likelihood that the moving party will prevail on the merits of her claims at trial; and (4) granting the interlocutory injunction will not disserve the public interest. *SRB Inv. Servs., LLLP v. Branch Banking & Tr. Co.*, 289 Ga. 1, 5, 709 S.E.2d 267, 271 (2011)

All four factors are overwhelmingly satisfied:

a. Irreparable Injury Election Day is tomorrow. Once results are tabulated, aggregated, verified, and reported without independent observation, the statutory right to transparency is permanently lost. No post-election remedy can restore the status quo. This constitutes classic irreparable harm. O.C.G.A. § 21-2-412.

b. Balance of Equities The requested relief imposes no meaningful burden on Respondent — it merely requires compliance with existing statutory transparency obligations. The harm to Petitioners, candidates, and the public from denial of observation rights far outweighs any minimal administrative inconvenience.

c. Substantial Likelihood of Success on the Merits Petitioners are virtually certain to prevail. Georgia law mandates that “officials engaged in the conducting of primaries and elections . . . shall perform their activities in public”. O.C.G.A. § 21-2-406 O.C.G.A. § 21-2-408(d) expressly entitles properly designated poll watchers to observe the conduct of the election and the counting and recording of votes at tabulation centers and related locations. The Secretary’s central aggregation and reporting is part of that process. The SEB’s statutory oversight role further requires access. Respondent’s own candidacy for Governor in this election creates an inherent conflict that only strengthens the need for strict enforcement of these ministerial duties.

d. Public Interest The public interest strongly favors relief. Public confidence in Georgia’s elections is paramount, especially when the chief election official is a candidate in the very election being administered. Allowing full observation by poll watchers and SEB representatives promotes uniformity, legality, and purity of the election. O.C.G.A. § 21-2-31.

Petitioners’ counsel certifies that notice to Respondent is impracticable given the extreme time sensitivity. Polls open tomorrow at 7:00 a.m., and any delay will render the requested relief meaningless. Good-faith efforts to notify Respondent’s office have been made, but *ex parte* relief is required.

WHEREFORE, Petitioners respectfully pray that this Court:

(a) Immediately grant this Emergency Motion and issue a Temporary Restraining Order without notice pursuant to O.C.G.A. § 9-11-65(b), in the form of the Proposed Order submitted herewith, prohibiting Respondent from excluding properly designated poll watchers and State Election Board observers from the tabulation, aggregation, verification, and reporting processes on May 19, 2026, and directing Respondent to admit them with reasonable proximity to observe all activities;

(b) Set this matter for the earliest possible hearing on an interlocutory injunction;

(c) Grant such further temporary and permanent injunctive relief as necessary to maintain the status quo of transparency;

(d) Award Petitioners their costs, expenses, and reasonable attorney's fees;
and

(e) Grant such other and further relief as this Court deems just and proper.

This 18th day of May, 2026.

/s/ David E. Oles

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