

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CHRISTOPHER MORA, KELI GAMBRILL, and GREG DOLEZAL, individually 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,

v.

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

Respondent.

Civil Action No. 26CV007174

ORDER GRANTING RESPONDENT'S MOTION TO DISMISS

The above-captioned action is before the Court for decision on Respondent Georgia Secretary of State Brad Raffensberger's O.C.G.A. § 9-11-12 (b) (6) Motion to Dismiss Petitioners Christopher Mora, Keli Gambrell and Greg Dolezal's Verified Petition for Writ of Mandamus filed May 26, 2026, and renewed, by Respondent, on June 10, 2026, at a hearing which addressed all pending matters before the Court. The hearing was re-scheduled to allow Petitioners an opportunity to respond to a Motion to Dismiss filed by Respondent. Respondent's "renewed" Motion to Dismiss, as argued at the hearing, is offered in opposition to Petitioners' Amended Verified Petition for Writ of Mandamus filed June 8, 2026, two days before the re-scheduled hearing. Petitioners also filed their response to Respondents' Motion to Dismiss on that date.

This mandamus action arises out of Petitioners' desire to compel Respondent Secretary of State to allow designated poll watchers and members of the State Election Board access to an Emergency Operations Center, where Respondent's Elections Division operates on election days. Petitioners argue they are entitled to such relief in accordance with O.C.G.A. § § 21-2-406 and 21-2-408 (d). Respondent challenges Petitioners' position arguing Petitioners lack standing to seek mandamus relief and that the foregoing code sections undergirding Petitioners' claims fail to support such claims. This Court, having considered evidence presented at the hearing, as well as written

submissions and argument of counsel, pertinent portions of the record and the applicable law finds and concludes as follows:

“Standing is a jurisdictional prerequisite necessary to invoke a court’s judicial power under the Georgia Constitution.” Cobb Cnty. v. Floam, 319 Ga. 89, 91 (2024). Standing requires a plaintiff to “show that it has ‘a cognizable injury which can be redressed by a judicial decision.’” Lucid Grp. USA, Inc. v. State, 323 Ga. 601, 620 (2026) [citing Sons of Confederate Veterans v. Henry Cnty. Bd. of Comm’rs, 315 Ga. 39, 39 (2022)]. A plaintiff only has a “cognizable injury” if he/she “assert[s] a violation of his/her legal rights—a legal injury.” Wasserman v. Franklin Cnty., 320 Ga. 624, 638–39 (2025). This legal injury must belong to the plaintiff individually. Republican Nat’l Comm. v. Eternal Vigilance Action, Inc., 321 Ga. 771, 775-76 (2025). To the extent Petitioners contend they are generally concerned with transparency in election procedures and election integrity, those generalized grievances *are shared by all Georgia voters*. The Georgia Constitution requires a plaintiff to “assert the violation of his *own* rights and cannot merely vindicate the rights of another.” Id. at 775 (citing Wasserman, 320 Ga. at 640) (emphasis in original). Allegations of “factual harm, by itself,” are “generally . . . not sufficient under Georgia law to establish constitutional standing.” Id. at 788.

Respondent contends Petitioners Mora, Gambrell and Dolezal lack standing as they have not suffered a violation of their legal rights.¹ For the reasons articulated in footnote 1, this Court has determined Petitioners Christopher Mora and Keli Gambrell lack standing to pursue their claims in connection with this matter. However, this Court concludes Petitioner Greg Dolezal, as a viable candidate running for public office and participating in the run-off primary on June 16, 2026, does have standing to bring this action; Mr. Dolezal is a candidate who has a right to designate poll

¹ Respondent seeks to dismiss Petitioner Christopher Mora as he is not currently a candidate for public office and therefore lacks standing to pursue his claims against Respondent. The Court agrees and DISMISSES Petitioner Mora as a party petitioner. Petitioner Keli Gambrell neither verified the Amended Verified Petition nor did she present any evidence before this Court which would amend this defect nor is Petitioner Gambrell a candidate in the primary runoff election on June 16, 2026. This Court hereby DISMISSES Petitioner Gambrell as a party petitioner, accordingly.

watchers for the upcoming June 16, 2026, primary run-off, pursuant to O.C.G.A. § 21-2-408 (a).² Embedded in his right to appoint poll watchers is the expectation that the poll watchers be permitted to perform their duties, to suggest otherwise would render the right to appoint poll watchers meaningless.³ O.C.G.A. § 21-2-408 also designates the spaces (i.e. “precincts”) within which poll watchers are to be permitted access to fulfill their statutory function. Petitioners contend that the Emergency Operations Center (EOC), utilized by employees of the Respondent on election days, is such a space. This Court disagrees.

At the hearing on June 10, 2026, this Court heard and considered testimony from Petitioner Greg Dolezal, a candidate currently running for public office (and participating in the June 2026 runoff primary); Christopher Mora, a former candidate who did not earn enough votes to proceed as a candidate in the upcoming runoff primary and Blake Evans, Elections Director for the Office of the Secretary of State of Georgia.

Mr. Evans testified, *inter alia*, that on the day of an election, the Emergency Operations Center accepts transmitted unofficial vote tabulations from county precincts across the entire state. These files containing unofficial results are uploaded and their content is shared on the Secretary of State’s website, in service to the public. There is no legal requirement that the Secretary of State publish these unofficial vote tabulations/results on the website.

The unofficial voting results received by the Secretary of State from county precincts are not certified on the day of the election. In fact, such certification can occur days, if not weeks, later. No polling, voting, scanning, tabulation, verification or adjudication of voted ballots takes place at the Emergency Operations Center. All such activities are conducted at the county level, where poll

² While Petitioner Dolezal failed to submit a verification with his Amended Verified Petition for Writ of Mandamus O.C.G.A. § 9-6-20, this Court has considered Petitioner Dolezal’s oral testimony and accepts the same as sufficient to support the content of the petition in the same manner as if such a verification had been submitted.

³ Petitioners also seek to compel Respondents to allow members of the State Election Board entry into the Emergency Operations Center. This Court concludes Petitioners lack standing to pursue this relief as the Georgia Constitution requires a plaintiff to assert a violation of his *own* rights and cannot merely vindicate the rights of another, as set forth earlier in the within Order. Republican Natl. Comm. V. Eternal Vigilance Action, Inc. 321 Ga. 771 (2025)

watchers and members of the State Election Board have access to observe them. O.C.G.A. § 21-2-408 does not require the Secretary of State to permit public access to the Emergency Operations Center.

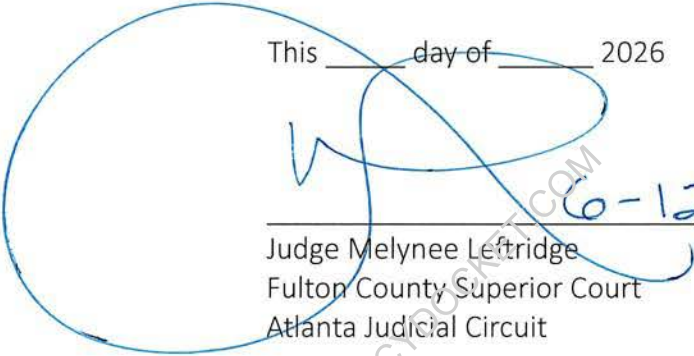
O.C.G.A. § 21-2-406 states that “Superintendents, poll officers, and other officials engaged in the conducting of primaries and elections held under this chapter shall perform their duties in public.” The Secretary of State is not a “superintendent” or “poll officer” as those terms are defined in the Georgia Election Code. See O.C.G.A §§ 21-2-2 (35), 21-2-2 (26). And the term “other officials engaged in the conducting of primaries and elections” does not expand those definitions nor does it apply to the Secretary of State. Where a statute enumerates several classes of persons or things and immediately following and classed with such enumeration the clause embraces ‘other’ persons or things, the word ‘other’ will generally be read as ‘other such like’ so that persons or things therein comprised may be read as *ejusdem generis* with, and not of a quality superior to or different from those specifically enumerated.” Dept. of Educ v. Kitchens, 193 Ga App 229 (1989).

Petitioners rely on O.C.G.A. § 21-2-406 for the proposition that the Secretary must perform the “central aggregation and reporting process on Election Night” –in public—and therefore must permit public access to the Emergency Operations Center; however, the un-rebutted credible testimony presented regarding this issue from the Elections Director indicates that “central aggregation” is not a duty the Secretary of State performs under the Georgia Election Code.

In accordance with O.C.G.A. § 9-11-12(b)(6), a complaint should be dismissed if it “[f]ail[s] to state a claim upon which relief can be granted.” A motion to dismiss should be granted if “(1) the allegations of the complaint disclose with certainty that the claimant would not be entitled to relief under any state of provable facts asserted in support thereof, and (2) the movant establishes that the claimant could not possibly introduce evidence within the framework of the complaint sufficient to warrant a grant of the relief sought.” Bynum v. Horizon Staffing, 266 Ga. App. 337, 338 (2004).

A writ of mandamus should only be granted where there is a clear legal right to the relief being sought-- such relief is appropriate only when "the duty of public officers to perform specific acts is clear and well defined and is imposed by law and when no element of discretion is involved in performance thereof. Forsyth County v. White 272 Ga. 619 (2000). Petitioners have failed to state a claim upon which relief can be granted in connection with their mandamus action. Consequently, this Court hereby GRANTS Respondent's Motion to Dismiss. The case is DISMISSED, accordingly. Let it be SO ORDERED.

This _____ day of _____ 2026



6-12-2026

Judge Melynee Leftridge
Fulton County Superior Court
Atlanta Judicial Circuit

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