

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

REPUBLICAN NATIONAL COMMITTEE,
GEORGIA REPUBLICAN PARTY,
GWINNETT COUNTY REPUBLICAN
PARTY, and TIM FLEMING,

Plaintiffs,

v.

DAVID HANCOCK, LORETTA
MIRANDOLA, AMY BRAY, ALICE
O'LENICK, and RICHARD PORTER, in their
individual capacities,

Defendants.

Case No. 26-A-05660-7

**DSCC AND JON OSSOFF FOR SENATE'S MOTION TO INTERVENE AS
DEFENDANTS**

Come now DSCC (also known as the Democratic Senatorial Campaign Committee) and Jon Ossoff for Senate ("Proposed Intervenors"), by and through their undersigned counsel of record, and file this Motion to Intervene in the above-referenced matter.

For the reasons discussed in the Memorandum of Law in support of this Motion, filed concurrently herewith as Exhibit A, Proposed Intervenors are entitled to intervene in this case as a matter of right under O.C.G.A. § 9-11-24(a). In the alternative, Proposed Intervenors request permissive intervention pursuant to O.C.G.A. § 9-11-24(b).

In accordance with O.C.G.A. § 9-11-24(c), Proposed Intervenors' Proposed Answer to the Petition is attached as Exhibit B.¹ Proposed Intervenors also submit a Proposed Order granting

¹ Proposed Intervenors respectfully request leave to file a motion to dismiss under O.C.G.A. § 9-11-12 within the time period prescribed by the statute or pursuant to any schedule set by this Court.

their Motion to Intervene attached as Exhibit C.

WHEREFORE, Proposed Intervenors respectfully request that the Court grant their intervention in the above-captioned matter.

Dated: June 29, 2026

Respectfully submitted,

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EXHIBIT A

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**DSCC AND JON OSSOFF FOR SENATE'S MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO INTERVENE AS DEFENDANTS**

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INTRODUCTION

The Republican National Committee, Georgia Republican Party, Gwinnett County Republican Party, and Republican Secretary of State nominee Tim Fleming seek to invalidate the Gwinnett County Board of Registration and Elections' (the "Gwinnett BRE") policy establishing procedures for voters to cast and hand-deliver absentee by mail ("ABM") ballots. According to Plaintiffs, Gwinnett County's policy flouts statutory requirements for hand delivering ABM ballots, thereby circumventing the General Assembly's regulations of absentee voting. This claim is not only fanciful, it threatens the core interests of Proposed Intervenors—DSCC (also known as the Democratic Senatorial Campaign Committee) and Jon Ossoff for Senate—in the rules governing the upcoming 2026 general election.

Gwinnett County's ABM policy mundanely implements statewide rules for collecting hand-delivered ABM ballots in a manner that appropriately accounts for the scale of Gwinnett County's electoral apparatus. In broad strokes, the Gwinnett BRE exercised its statutorily authorized power to designate early voting sites as "additional registrar's offices" for the purpose of receiving hand-delivered ABM ballots. The policy incorporates safeguards the General Assembly has required to ensure secure and reliable absentee voting while advancing election administration and efficiency, along with voter access. In short, the policy sits comfortably within the considerable discretion Georgia law affords county registrars to administer elections for their residents.

The RNC Plaintiffs think differently, advancing a far-fetched theory that the ABM policy is a covert attempt by Gwinnett County to circumvent the General Assembly's limits on *drop boxes* for ABM ballots. This meritless claim threatens to undermine both sound election administration and voter access to secure absentee voting procedures in the upcoming election. Proposed

Intervenors therefore seek to intervene in this lawsuit to defend the Gwinnett County policy, their own electoral prospects, and the interests of Georgia voters in a free and fair election. The Court should grant the motion.

BACKGROUND

I. Statutory and regulatory background

A. The Gwinnett County Board of Registration and Elections is responsible for the administration of elections in Gwinnett County, Georgia.

The Gwinnett County Board of Registration and Elections bears responsibility for the considerable undertaking of administering elections for Gwinnett County's more than 600,000 voters. It is empowered with the "powers and duties of the election superintendent relating to the conduct of primaries and elections and with the powers and duties of the board of registrars relating to the registration of voters and absentee-balloting procedures." O.C.G.A. § 21-2-40(b). Its responsibilities are significant and include such varied tasks as selecting and equipping polling places; purchasing, preserving, storing and maintaining election equipment of all kinds; receiving the returns of all primaries and elections, canvassing and computing those returns, and certifying the results; taking and processing applications for registration of voters, notifying applicants who fail to provide all of the required information on the application for voter registration and examining the qualifications of electors in their respective counties; receiving and processing absentee ballot applications; and receiving and processing ABM ballots themselves. *See, e.g., id.* § 21-2-70(b) (enumerating the powers of a board acting as election superintendent); *id.* §§ 21-2-386, 21-2-228, 21-2-315, 21-2-219.

To bear the administrative weight of administering an election in a jurisdiction the size of Gwinnett County, the General Assembly afforded the Gwinnett BRE broad discretion to "establish additional registrar's offices . . . for the purpose of receiving absentee ballots under Code Section

21-2-381.” *Id.* § 21-2-382(a). These additional locations may be a government building or, if using a government building is not practicable, a non-government building “that is used as an election day polling place.” *Id.*; State Election Board Rule 183-1-14-.08(2). The Georgia State Election Board’s (“SEB”) rules further recognize that county registrars—particularly in populous areas like Gwinnett County—necessarily must delegate to perform their roles effectively. To that end, SEB regulations authorize any “designee of a board of registrars” to perform duties relating to advance voting otherwise required to be performed by the “registrar” or “registrars.” *See* Ga. Comp. R. & Regs. 183-1-14-.02(1).

B. Georgia law establishes baseline procedures for counties to collect ABM ballots.

This case involves statutes governing voters’ return of ABM ballots—one of the many facets of election administration that falls within the purview of the Gwinnett BRE.

Georgia law allows voters to return ABM ballots in one of three ways: First, and most relevant to this lawsuit, voters may return an ABM ballot by “personally deliver[ing]” it “to the board of registrars or absentee ballot clerk.” O.C.G.A. § 21-2-385(a). This delivery may take place at the main board of registrars’ office or at “additional registrar’s offices or places of registration” established by the board “for the purpose of receiving absentee ballots.” *Id.* § 21-2-382(a).

Second, voters may also “deliver their ballots to the board of registrars or absentee ballot clerk” through a “drop box” that is open during the “hours of advance voting.” O.C.G.A. § 21-2-382(c)(1). Each county must have at least one drop box and may set up additional drop boxes that total up to the lesser number of “one drop box for every 100,000 active registered voters in the county or the number of advance voting locations in the county.” *Id.* Ballots deposited in a drop box are collected at the conclusion of each advance voting day and transferred to the “board of registrars or absentee ballot clerk.” *Id.* And third, voters may return ballots by mail. *Id.*

The General Assembly has further established procedures for the initial intake of ABM ballots by a registrar: “Upon receipt of each [absentee] ballot,” whether by mail, personal delivery, or drop box, “a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope.” *Id.* § 21-2-386(a)(1)(B). After, the registrar or clerk compares the identifying information on the ballot envelope with the information contained in the elector’s voter registration records, and “shall also” confirm that the elector has signed the required oath. *Id.* If the information matches and the oath is signed, the registrar or clerk “shall so certify by signing or initialing his or her name below the voter’s oath.” *Id.*

II. Gwinnett County establishes the ABM ballot hand-delivery policy.

On February 21, 2024, the Gwinnett County Board of Registration and Elections exercised the authority conferred upon it by Georgia law and approved a new policy establishing standards and procedures for the hand delivery of ABM ballots. The new policy authorizes the Board to designate early voting locations as “additional registrars offices,” consistent with the authority the legislature afforded the Board under O.C.G.A. § 21-2-382(a). *See* Compl. Ex. A at 2 (“Gwinnett County Policy”).

The effect of this new policy is that voters in Gwinnett County may now hand-deliver their ABM ballots to the registrar at advanced voting locations. *See* Gwinnett County Policy at 2. The registrar will then record the time and date they received the ballot and place the ballot in a “secured ballot bag with the appropriate seals” to be collected and processed later. *Id.*

Gwinnett County implemented these procedures for the first time in the 2024 general election without challenge or issue.

III. The RNC Plaintiffs sue to invalidate Gwinnett County’s ABM hand-delivery policy.

On June 18, 2026, a group of plaintiffs led by the Republican National Committee (the “RNC Plaintiffs”) sued members of the Gwinnett County Board of Registration and Elections,

alleging that its ABM hand-delivery policy violates Georgia statutory law and the State Election Board's governing rules. Their complaint raises a cacophony of objections to the mechanics of Gwinnett County's policy, but the thrust of their claim is that Gwinnett County inappropriately exercised its discretion in implementing the statutorily authorized procedures for hand delivery of ABM ballots. *See* Compl. ¶ 37. And in an extraordinary leap, they allege that because Gwinnett County's policy vis-à-vis hand-delivering ballots is purportedly out of step with statutory requirements for the same, the policy is, in fact, an end-run around statutory limits on *drop boxes*.

The RNC Plaintiffs' claims are wholly without merit. The ABM policy is a sound exercise of county officials' discretion to administer elections in a manner that comports with statutory requirements, while both advancing administrative efficiency and improving access to the franchise for the hundreds of thousands of eligible voters in Gwinnett County. The RNC Plaintiffs' challenge threatens to disrupt the orderly administration of Gwinnett County's ABM voting process on the cusp of preparations for the upcoming general election, all in an effort to make it more difficult for Gwinnett County residents to vote.

IV. Interests of Proposed Intervenors

Jon Ossoff for Senate and DSCC seek intervention to protect their interests in the orderly administration of the ABM voting process in Gwinnett County; the rights of their constituents to submit ABM ballots through the lawful means prescribed by the Gwinnett BRE; and their finite resources, in order to advance the electoral prospects of Democratic candidates, including in particular Senator Jon Ossoff, the incumbent candidate for United States Senate in Georgia's 2026 General Election.

Jon Ossoff for Senate (the "Ossoff Campaign") is the duly organized political campaign in support of the re-election of Senator Jon Ossoff to the office of U.S. Senator for Georgia in the November 2026 general election. The Ossoff Campaign relies on the support of voters who utilize

ABM ballots, including in Gwinnett County, and has a core interest in ensuring that these voters have appropriate means to return their ABM ballots and have those ballots counted in accordance with Georgia law.

DSCC, also known as the Democratic Senatorial Campaign Committee, is the Democratic Party's national senatorial committee. Its mission is to elect Democratic candidates to the U.S. Senate, including in Georgia. DSCC works to accomplish its mission by coordinating with state parties and senatorial campaigns to encourage and support programs that assist voters in casting their ballots and preserving their legal voting rights, including programs encouraging supporters in Georgia—and in Gwinnett County specifically—to utilize ABM and early voting. Plaintiffs' requested relief would create obstacles for voters seeking to cast their ABM ballots in Gwinnett County, which would impair Proposed Intervenors' turnout efforts and threaten their candidate's electoral prospects. Additionally, as a political committee, DSCC has finite resources; Plaintiffs' efforts to make voting more challenging will require DSCC to retool its strategy to help voters adjust to the very burdens Gwinnett County has sought to eliminate with the challenged Policy.

LEGAL STANDARD

Upon a timely motion, a party is entitled to intervene “[w]hen the applicant claims an interest relating to the property or transaction which is the subject matter of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.” O.C.G.A. § 9-11-24(a)(2). Accordingly, intervention “requires a three-fold showing of (1) interest, (2) potential impairment, and (3) inadequate representation.” *DeKalb County v. Post Props.*, 245 Ga. 214, 219, 263 S.E.2d 905, 908 (1980).

Courts also have discretion to allow intervention “[w]hen an applicant’s claim or defense and the main action have a question of law or fact in common.” O.C.G.A. § 9–11–24(b). “In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.” *Id.*

Georgia’s intervention rules are “modeled on” their federal analogues. *Stephens v. McGarrity*, 290 Ga. App. 755, 757, 660 S.E.2d 770, 772 (2008). Accordingly, “decisions of the federal courts interpreting the federal rules are persuasive authority.” *Synovus Bank v. Peachtree Factory Ctr., Inc.*, 331 Ga. App. 628, 630 n.2, 770 S.E.2d 887, 889 (2015) (quoting *WellStar Health Sys. v. Kemp*, 324 Ga. App. 629, 638 n.19, 751 S.E.2d 445 (2013)).

ARGUMENT

I. DSCC and the Ossoff Campaign are entitled to intervene as of right.

DSCC and the Ossoff Campaign meet all the requirements to intervene as of right. Their motion is timely, filed just eleven days after the Complaint and before any deadlines have been set or responsive pleadings filed (and before returns of service have been filed). Proposed Intervenors have significant interests at stake in the administration of the upcoming November election and in ensuring their supporters can readily cast ABM ballots using the procedures Gwinnett County has implemented. This lawsuit threatens to impair those interests by disrupting the efficient administration of elections in Gwinnett County and by making it more difficult for voters to cast ABM ballots, thereby threatening Senator Ossoff’s electoral prospects. The existing parties do not adequately represent Proposed Intervenors’ interests—they share neither the Proposed Intervenors’ electoral objectives, nor their interests in ensuring access to ABM voting for their supporters or in conserving campaign resources. For these reasons, the Court should grant Proposed Intervenors intervention as of right.

A. The motion to intervene is timely.

This motion is undoubtedly timely. The case is in its infancy, as no responsive pleading has been filed and no deadlines have been set. *See Moore v. Moore*, 247 Ga. 243, 245, 275 S.E.2d 334, 335 (1981) (motion to intervene “was timely” when filed “before any substantial proceedings (had) been had in the case” (quoting *Sw., etc., Ass’n v. Wainwright*, 241 Ga. 355, 356, 245 S.E.2d 306, 307 (1978))). Indeed, this motion comes eleven days after Plaintiffs filed their complaint. *See Kroger v. Taylor*, 320 Ga. App. 298, 298, 739 S.E.2d 767, 768 (2013) (motion to intervene approximately three months after suit was timely); *Stephens v. McGarrity*, 290 Ga. App. 755, 758, 660 S.E.2d 770, 773 (2008) (motion to intervene approximately three weeks after notice of settlement was timely).

B. Proposed Intervenors have significant interests at stake.

Proposed Intervenors have undeniable interests at stake in this litigation. Under Georgia law, an applicant for intervention need only “claim[] an interest relating to the property or transaction which is the subject matter of the action.” O.C.G.A. § 9-11-24(a)(2). In at least three ways, the Ossoff Campaign and DSCC easily meet that standard here.

First, Proposed Intervenors have a concrete interest in the orderly administration of the upcoming election in Gwinnett County, and thus in the rules and procedures the County has implemented to achieve that goal. DSCC and the Ossoff Campaign seek to re-elect Senator Jon Ossoff to the office of U.S. Senator for Georgia, and county-level rules determine whether voters have readily available opportunities to cast ballots—including ABM ballots—that will ultimately be counted. Plaintiffs’ lawsuit threatens this interest through its efforts to undo a policy Gwinnett County implemented to ensure orderly election administration. And indeed, Georgia state courts granting intervention have recognized that political committees’ core interests in “election of their candidate and advancement of their party platform . . . are arguably affected by the implementation

(or invalidation)” of election rules and procedures. Order, *Abhiraman v. State Election Bd.*, No. 24CV010786 (Fulton Cnty. Super. Ct. Sep. 10, 2024); *see also, e.g.*, Order, *Pigg v. Raffensperger*, No. 24CV011040 (Fulton Cnty. Super. Ct. Sep. 11, 2024) (granting Georgia Republican Party’s motion to intervene); *Republican Nat’l Comm. v. Eternal Vigilance Action, Inc.*, 321 Ga. 771, 774, 917 S.E.2d 125, 138 (2025) (noting that the Republican National Committee and the Georgia Republican Party intervened as defendants); *Al-Bari v. Pigg*, 319 Ga. 825, 829 n.5, 907 S.E.2d 186, 191 n.5 (2024) (“The Georgia Republican Party sought, and was granted, intervention pursuant to OCGA § 9-11-24 in *Pigg v. Raffensperger*, No. 24CV011040 (Sept. 11, 2024) (the De la Cruz elector challenge); it joined the case on the side of the De la Cruz electors.”).

Federal courts in Georgia have likewise recognized repeatedly that party committees and campaigns have sufficiently distinct interests in the rules governing the election of their candidates to warrant intervention in election disputes. *Martin v. Crittenden*, 347 F. Supp. 3d 1302, 1307-08 (N.D. Ga. 2018) (granting intervention as of right and, in the alternative, permissive intervention to candidate’s campaign in case regarding absentee ballot-counting rules) Text Order, *Sixth Dist. of Afr. Methodist Episcopal Church v. Kemp*, No. 1:21-cv-01284 (N.D. Ga. June 7, 2021) (granting national Republican party committees and Georgia Republican Party motion to intervene in case challenging Georgia law regulating election-related processes); Order, *Pearson v. Kemp*, No. 1:20-cv-04809-TCB (N.D. Ga. Dec. 3, 2020), ECF No. 42 (granting intervention to Democratic Party of Georgia, DSCC, and Democratic Congressional Campaign Committee in election lawsuit); Order, *Democratic Party of Ga., Inc. v. Crittenden*, No. 1:18-cv-05181-SCJ (N.D. Ga. Nov. 14, 2018), ECF No. 40 (granting intervention to political party in voting rights lawsuit); *see also Bergland v. Harris*, 767 F.2d 1551, 1555 n.5 (11th Cir. 1985) (noting that political party had intervened in lawsuit to challenge provisions of Georgia Elections Code).

Second, Plaintiffs’ requested relief would force DSCC and the Ossoff Campaign to modify their strategies and expend additional resources to ensure their supporters have sufficient avenues to return ABM ballots and avoid disenfranchisement. This shift would divert resources away from Proposed Intervenor’s broader persuasion and mobilization activities in advance of the November election. As such, their interest in preserving finite resources firmly supports intervention. *See, e.g., La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 306 (5th Cir. 2022) (granting intervention to political parties in election dispute when parties “expend[ed] significant resources” on regulated issues); *Paher v. Cegavske*, No. 3:20-CV-00243-MMD-WGC, 2020 WL 2042365 at *2 (D. Nev. Apr. 28, 2020) (“Plaintiffs’ success on their claims would disrupt the [DNC, DCCC and Nevada Democratic Party’s] efforts to promote the franchise and ensure the election of Democratic Party candidates”); *Issa v. Newsom*, No. 2:20-CV-01044-MCE-CKD, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020) (granting intervention to Democratic Congressional Campaign Committee when proposed intervenor “would have to devote their limited resources” in response to the relief plaintiffs sought).

Third, DSCC and the Ossoff Campaign cannot realize their core organizational purpose of securing Senator Ossoff’s re-election unless his supporters can cast lawful ballots. Rules that make voting accessible, like Gwinnett County’s policy, advance that purpose; and efforts to make voting more challenging, like this lawsuit, threaten it. This interest too supports intervention. *See, e.g., Nelson v. Warner*, 472 F. Supp. 3d 297, 304–06 (S.D. W. Va. 2020); *Pavek v. Simon*, 467 F. Supp. 3d 718, 739 (D. Minn. 2020); *DCCC v. Ziriak*, 87 F. Supp. 3d 1207, 1213 (N.D. Okla. 2020) (“DCCC and the Democratic candidates it supports . . . have an interest in ensuring that Democratic voters in Oklahoma have an opportunity to express their will regarding Democratic Party candidates running for elections”).

Together, Proposed Intervenors' interests in the orderly administration of Georgia's U.S. Senate election, in protecting their own resources, and in ensuring Senator Ossoff's supporters can readily cast their ballots are more than sufficient to support intervention.

C. The disposition of this action may impair Proposed Intervenors' interests.

The disposition of this litigation without Proposed Intervenors' involvement "may as a practical matter impair or impede [their] ability to protect [their] interest[s]." O.C.G.A. § 9-11-24(a)(2). Proposed Intervenors need only show that if they cannot intervene, there is a "potential" that their interest could be impaired or impeded," rather than a certainty. *Post Props.*, 245 Ga. at 219; *see also Brown v. Truluck*, 239 Ga. 105, 106, 236 S.E.2d 60, 62 (1977) (requiring a prospective intervenor to merely show "an impairment of his interest which *may* result from an unfavorable disposition of the lawsuit") (emphasis added).

As stated above, Proposed Intervenors have concrete interests in the rules governing the ABM voting process and in ensuring Georgia voters supporting Senator Ossoff can readily cast their ABM ballots using the procedures Gwinnett County has implemented. *See supra* § I.B. The Plaintiffs' challenge to Gwinnett County's policy establishing procedures for hand delivery of ABM ballots threatens to impair those interests. Plaintiffs' desired relief would make it more difficult for Gwinnett County voters to cast and return ABM ballots, including those who intend to support Senator Ossoff, which, in turn, could impair the Ossoff Campaign's core objective. Georgia courts have previously recognized that party committees' interests in the election of their candidates and advancement of their platform are "affected by the implementation (or invalidation)" of challenged election rules. Order at 2, *Abhiraman*, No. 24CV010786 (Fulton Cnty. Super. Ct. Sep. 10, 2024). This logic extends even more readily to the candidate's campaign.

The disposition of this litigation without Proposed Intervenors' involvement also threatens to impair their resources, financial and otherwise. Courts have recognized that changes to election

laws injure political parties and committees when they must “retool” strategies and divert resources in response. *See, e.g., Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949, 951 (7th Cir. 2007) (change to electoral laws “injure[d] the Democratic Party by compelling the party to devote resources” that it would not have otherwise); *Democratic Nat’l Comm. v. Reagan*, 329 F. Supp. 3d 824, 841 (D. Ariz. 2018) (Democratic committees had standing where law “require[d] Democratic organizations . . . to retool their [get-out-the-vote] strategies and divert [] resources”), *rev’d on other grounds*, 948 F.3d 989 (9th Cir. 2020) (en banc); *N.C. Green Party v. N.C. Bd. of Elections*, 619 F. Supp. 3d 547, 561 (E.D.N.C. 2022), *dismissed*, No. 22-1830, 2022 WL 18586807 (4th Cir. Aug. 30, 2022) (recognizing that political parties’ interests in a competitive playing field for candidates and “conserving party resources” were protectable interests that could be impeded or impaired by the court’s decision in an election case). Both the Ossoff Campaign and DSCC have spent—and will continue to spend—millions of dollars in support of the Senator’s reelection campaign. Gwinnett County enacted a policy *two years* ago that provides more options for voters to deliver their ballots and have their votes counted. Plaintiffs’ attempt to block this policy threatens to confuse voters—many of whom will be used to the procedure the policy authorizes, as it has been in effect since before the 2024 election. Plaintiffs’ requested relief therefore risks injuring the Ossoff Campaign and DSCC by forcing them to spend resources they would not have otherwise to inform voters about any change in policy, ensure that voters have appropriate means to return ABM ballots, and retool their get-out-the-vote efforts.

Furthermore, “once the election occurs, there can be no do-over and no redress.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014). DSCC and the Ossoff Campaign must be able to protect their interests in *advance* of the upcoming election. *See Craig v. Simon*, 493 F. Supp. 3d 773, 780 (D. Minn. 2020) (acknowledging candidate’s interests in

enforcing election law could be impaired or impeded by Court decision because of impending election, after which issues would become moot). Because “[t]he very purpose of intervention is to allow interested parties to air their views so that a court may consider them before making potentially adverse decisions,” *Brumfield v. Dodd*, 749 F.3d 339, 345 (5th Cir. 2014), Proposed Intervenors’ motion should be granted.

D. The existing parties do not adequately represent Proposed Intervenors’ interests.

Proposed Intervenors’ interests are not adequately represented in this lawsuit. No current party shares the Ossoff Campaign and DSCC’s electoral objectives, or their interests in ensuring access to ABM voting for their supporters and conserving campaign resources. Defendants serve the public interest, and Plaintiffs represent *opposing* candidates.

The U.S. Supreme Court has long held that the “burden of” showing inadequate representation “should be treated as minimal,” even when an existing party is a government entity. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). That is because the interests of government officials are “necessarily colored by [their] view of the public welfare rather than the more parochial views of a proposed intervenor whose interest is personal to it.” *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998). Accordingly, courts have “often concluded that governmental entities do not adequately represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003); *see also Post Props., Inc.*, 245 Ga. at 219 (favorably citing Wright & Miller’s Federal Practice & Procedure on intervention). Federal courts are “liberal in finding” inadequate representation because “there is good reason in most cases to suppose that the applicant is the best judge of the representation of the applicant’s own interests.” 7C Wright & Miller’s Federal Practice & Procedure § 1909 (3d ed. 2024).

Those principles support intervention here. Government entities such as the Gwinnett BRE responsible for managing elections may have interests in “obtain[ing] uniformity in their practices and proceedings and legality and purity in all elections,” but as partisan entities, Proposed Intervenors’ interests are keyed toward their *own* electoral prospects and conserving their *own* finite campaign resources. *Democratic Party of Va. v. Brink*, No. 3:21-CV-756-HEH, 2022 WL 330183, at *2 (E.D. Va. Feb. 3, 2022). In other words, the Gwinnett BRE must “bear in mind broader public-policy implications,” whereas Proposed Intervenors seek to vindicate their own rights “full stop.” *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 195–96 (2022) (citing *Trbovich*, 404 U.S. at 538–39). The Gwinnett BRE, accordingly, does not adequately represent Proposed Intervenors’ interests, as other courts have found when DSCC sought to intervene. *See, e.g., N.C. Green Party*, 619 F. Supp. 3d at 562 (finding state elections board did not adequately represent DSCC).

For many of the same reasons, no presumption of adequate representation applies. Georgia courts apply such a presumption “*only* when the interests of the governmental body and the [intervenor] are *identical*.” *Cleland v. Gwinnett County*, 226 Ga. App. 636, 638, 487 S.E.2d 434, 436 (1997) (emphasis added); *see also Post Props.*, 245 Ga. at 219 (applying presumption when interests were “identical”). The U.S. Supreme Court has cautioned against comparing interests at a “high level of abstraction,” instead explaining that courts should presume adequate representation only when a prospective intervenor’s interests “fully overlap” with an existing party. *Berger*, 597 U.S. at 181, 196–97 (citation modified). Here, Proposed Intervenors’ interests are unique; they are keyed to their own electoral prospects and therefore not adequately represented by those of any of the existing parties.

II. Alternatively, DSCC and the Ossoff Campaign should be granted permissive intervention.

The Court should, alternatively, exercise its discretion to permit Proposed Intervenors to intervene in this action because their “claim[s] or defense[s] and the main action have a question of law or fact in common.” O.C.G.A. § 9–11–24(b). Proposed Intervenors will argue that Gwinnett County’s policy complies with Georgia law, so their defense addresses the central issue already presented in this case. And since this motion comes only eleven days after the suit was initiated and before any substantive proceedings, intervention will not “unduly delay or prejudice the adjudication of the rights of the original parties.” *Id.* Proposed Intervenors will abide by any schedule set by the Court and will not cause any delay.

The Court should also consider “the degree to which the intervenor would be affected by the outcome in the underlying case.” *Branch v. Maxwell*, 203 Ga. App. 553, 554, 417 S.E.2d 176, 178 (1992). This case concerns an issue of paramount public importance that will have significant ramifications for the upcoming elections, including on Proposed Intervenors’ electoral prospects. That further supports permissive intervention in the event that the Court does not grant intervention as of right. *See, e.g., Martin*, 347 F. Supp. 3d at 1307 (holding that “even if intervention as a matter of right [was] inappropriate,” permissive intervention was “plain[ly]” warranted for campaign challenging Gwinnett County absentee ballot counting rules); Minute Entry, *Wood v. Raffensperger*, No. 1:20-cv-04651-SDG (N.D. Ga. Nov. 19, 2020), ECF No. 52 (granting intervention to DSCC in action seeking to invalidate election in Georgia).

CONCLUSION

For the reasons stated above, the Court should grant Proposed Intervenors’ motion and allow them to proceed in all briefing moving forward.

Dated: June 29, 2026

Respectfully submitted,

/s/ Adam M. Sparks

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EXHIBIT B

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**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

REPUBLICAN NATIONAL COMMITTEE,
GEORGIA REPUBLICAN PARTY,
GWINNETT COUNTY REPUBLICAN
PARTY, and TIM FLEMING,

Plaintiffs,

v.

DAVID HANCOCK, LORETTA
MIRANDOLA, AMY BRAY, ALICE
O'LENICK, and RICHARD PORTER, in their
individual capacities,

Defendants.

Case No. 26-A-05660-7

**[PROPOSED] INTERVENOR-DEFENDANTS' ANSWER TO PLAINTIFFS' VERIFIED
PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF**

Proposed Intervenor-Defendants DSCC (also known as the Democratic Senatorial Campaign Committee) and Jon Ossoff for Senate ("Proposed Intervenor"), by and through their attorneys, answer the Petition as set forth below.

1. Defendants, members of the Gwinnett County Board of Registrations and Elections (the "Gwinnett County BOE" or the "Board"), violate Georgia law through an unauthorized process for returning Absentee by Mail ("ABM") ballots not countenanced by Georgia law. Georgia law permits three means of voting ABM ballots: (1) by mail to the board of registrars or absentee ballot clerk; (2) by hand delivery to the board of registrars or absentee ballot clerk; and (3) by ABM ballot drop boxes for delivery to the board of registrars or absentee ballot clerk. The Gwinnett County BOE has attempted to create a fourth voting method whereby electors may vote ABM ballots at a polling place by handing the ballot to a poll manager or assistant manager, who applies a time and date stamp and places the ballot in a "secured ballot bag" for transfer to the registrar's office at an unspecified later time. In reality, this new process is an attempt by the Gwinnett County BOE to make an end-run around Georgia law limiting the number of ABM ballot drop boxes permitted in a county and the associated safeguards mandated to ensure the integrity of ABM ballots submitted through an ABM ballot drop box. As this process violates Georgia law, Plaintiffs seek a declaration that the process is unlawful and an injunction prohibiting Defendants from using it.

ANSWER: Admitted that Georgia law permits return of ABM ballots by mail, by hand delivery, and by ABM ballot drop boxes. Otherwise, Paragraph 1 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

2. The Georgia Constitution provides that elections in Georgia “shall be conducted in accordance with procedures provided by law,” meaning those established by the General Assembly. Ga. Const. Art. II, § I, ¶ I.

ANSWER: Admitted that the Georgia Constitution, Art. II, § I, ¶ I, contains the words quoted. The remainder of Paragraph 2 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

3. The Georgia General Assembly has comprehensively occupied the field of election administration through Title 21, Chapter 2 of the Official Code of Georgia Annotated (the “Election Code”), which was amended in 2021 by the Georgia General Assembly “[t]o comprehensively revise elections and voting.” S.B. 202 (2021) at 1:1.

ANSWER: Paragraph 3 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

4. The Election Code prescribes in detail Georgia’s electoral process applicable to all 159 Georgia counties to ensure fair and transparent elections. This includes new processes implemented in 2021 addressing, inter alia, “absentee ballot drop boxes and the requirements therefor,” “the manner of . . . returning absentee ballots,” and “the processing and tabulation of absentee ballots.”¹

ANSWER: Paragraph 4 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

5. The Gwinnett County Board of Registrations and Elections was established by Act of the Georgia General Assembly as the body responsible for administering elections in Gwinnett County, including the receipt of ABM ballots. Ga. Laws 1988, p.4296 § 9; O.C.G.A. § 21-2-40(b). The Gwinnett County BOE possesses only those powers expressly granted to it by the General Assembly or necessarily implied therefrom. Id.

¹ See The Election Integrity Act of 2021, S.B. 202 (2021) at 2:35-40.

ANSWER: Admitted that the Gwinnett County Board of Registration and Elections was established by Act of the Georgia General Assembly as the body responsible for administering elections in Gwinnett County, including the receipt of ABM ballots. The remainder of Paragraph 5 contains a legal conclusion, to which no response is required. To the extent a response is required, denied.

6. On February 21, 2024, the Gwinnett County BOE adopted Policy BRE-603, “Return of Absentee By Mail Ballots at Advance Voting or Alternate Locations” (the “Policy”), which exceeds the Board’s statutory authority by (i) directing electors to hand-deliver ABM ballots to poll managers and assistant managers—persons not among those O.C.G.A. § 21-2-385(a) authorizes to receive ABM ballots; (ii) establishing “secured ballot bags” at locations without an ABM drop box that operate as de facto drop boxes beyond the cap imposed by O.C.G.A. § 21-2-382(c)(1); (iii) allowing receipt of ABM ballots without (a) the chain-of-custody safeguards required by O.C.G.A. § 21-2-382(c)(3), (b) registrar verification processes under O.C.G.A. § 21-2-386, and (c) poll-watcher access required under O.C.G.A. § 21-2-408(d); and (iv) reserving authority to designate additional registrar’s offices each election cycle without limiting those sites to the categories of buildings O.C.G.A. § 21-2-382(a) and State Election Board Rule 183-1-14-.08(2) permit.

ANSWER: Admitted that Defendants on February 21, 2024, approved a policy regarding absentee ballot drop-off. Otherwise, denied.

7. This Court should grant declaratory and injunctive relief declaring the Policy unlawful and prohibiting Defendants from implementing it.

ANSWER: Paragraph 7 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

JURISDICTION

8. This Court has jurisdiction to grant declaratory and injunctive relief under O.C.G.A. §§ 9-4-2 and 9-4-3.

ANSWER: Denied.

9. Venue is proper in this Court because all of the acts alleged in this petition were done by Defendants within Gwinnett County, Georgia.

ANSWER: Admitted.

10. Pursuant to O.C.G.A. § 21-2-32(g), upon filing Plaintiffs will serve a copy of this Petition upon the State Election Board by statutory overnight delivery.

ANSWER: Proposed Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 10 and, on that basis, deny the same.

PARTIES

11. Plaintiff Republican National Committee (“RNC”) is a national political committee that nominates candidates whose names appear on the ballots received and counted in Gwinnett County and recruits and credentials poll watchers under O.C.G.A. § 21-2-408 to observe the receipt and processing of absentee ballots in Gwinnett County.

ANSWER: Admitted that the Republican National Committee is a national political committee. Proposed Intervenors lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 11 and, on that basis, deny the same.

12. Plaintiff Georgia Republican Party (“GRP”) is a state political party affiliated with the RNC. The GRP recruits and nominates poll watchers under O.C.G.A. § 21-2-408 to observe the receipt and processing of absentee ballots in Gwinnett County.

ANSWER: Admitted that the Georgia Republican Party is a state political party affiliated with the RNC. Proposed Intervenors lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 12 and, on that basis, deny the same.

13. Plaintiff Gwinnett County Republican Party (“Gwinnett GOP”) is a political party organized and operating in Gwinnett County, Georgia as defined by O.C.G.A. § 21-2-2(25), whose officers and members are citizens, residents, electors, and taxpayers of Gwinnett County. The Gwinnett GOP is authorized under 1988 Ga. Laws, p. 4296, *as amended*, to nominate candidates to serve on the Gwinnett County BOE. As a Gwinnett County body whose members are stakeholders in the County’s government, and whose members’ tax dollars fund the conduct of the County’s elections, the Gwinnett GOP has a cognizable interest, shared with the County’s electors and taxpayers, in enjoining the members of the Gwinnett County BOE from utilizing a Policy for receipt and processing of ABM ballots that does not comply with the Election Code.

ANSWER: Admitted that the Gwinnett GOP is a political party organized and operating in Gwinnett County, Georgia. Proposed Intervenors lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 13 and, on that basis, deny the same.

14. Plaintiff Tim Fleming is a resident and elector of Newton County, Georgia, and a duly qualified candidate for Georgia's Secretary of State in the general election to be conducted in Gwinnett County on November 3, 2026. As a candidate whose name will appear on the ballot in an election administered by Defendants, Tim Fleming has a direct and substantial interest in the lawful administration of absentee voting procedures by the Gwinnett County BOE, including the locations, personnel, and procedures by which ABM ballots cast for or against his candidacy are received, processed, and counted.

ANSWER: Paragraph 14 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor lacks sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 14 and, on that basis, deny the same.

15. Defendants David Hancock, Loretta Mirandola, Amy Bray, Alice O'Lenick, and Richard Porter are members of the Gwinnett County BOE, which is the election superintendent for Gwinnett County. The superintendent is charged with implementing policies in compliance with applicable laws and regulations to oversee elections conducted in Gwinnett County, including managing the process for the collection and tabulation of absentee ballots. O.C.G.A. §§ 21-2-381; 21-2-386(a)(2)(A). Defendants are sued in their individual capacities and can be served in their individual capacities at 455 Grayson Highway, Suite 200, Lawrenceville, Georgia 30046.

ANSWER: Admitted.

BACKGROUND

I. Adoption of S.B. 202

16. The Georgia Constitution vests authority over election procedures in the General Assembly, providing that "[e]lections by the people shall be by secret ballot and shall be conducted in accordance with procedures provided by law." Ga. Const. Art. II, § I, ¶ I.

ANSWER: Admitted that the Georgia Constitution, Art. II, § I, ¶ I, contains the words quoted. The remainder of Paragraph 16 contains legal characterizations, contentions, conclusions, and opinions to which no response is required.

17. Rulemaking authority over matters not specifically addressed in the Election Code is conferred on the State Election Board ("SEB"), not on county boards (unless explicitly authorized). O.C.G.A. §§ 21-2-31, 21-2-33.1.

ANSWER: Paragraph 17 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

18. Prior to the COVID-19 pandemic, absentee ballot drop boxes were not authorized by the General Assembly for voters in state-wide Georgia elections.

ANSWER: Paragraph 18 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

19. Drop boxes were first authorized via a 2020 emergency rule adopted by the SEB in response to the COVID-19 pandemic. Ga. Comp. R. & Regs. 183-1-14-.08 et seq. That authorization expired following the January 2021 runoff election.

ANSWER: Admitted that SEB passed an emergency rule authorizing drop boxes in response to the COVID-19 pandemic that expired after the January 2021 runoff election. Paragraph 19 otherwise contains legal characterizations, contentions, conclusions, and opinions to which no response is required.

20. After the January 2021 runoff election, the Georgia General Assembly adopted O.C.G.A. § 21-2-382 in its current form to “allow[] the use of drop boxes, while also ensuring the security of the system and providing options in emergency situations.” S.B. 202 at 5:113-18.

ANSWER: Admitted that the quoted language is contained within S.B. 202. The statute otherwise speaks for itself, and Proposed Intervenors deny the characterizations of the statute contained within Paragraph 20.

21. While the 2020 emergency rule permitted counties to use drop boxes at their discretion, S.B. 202 requires each county to provide at least one drop box for the receipt of absentee ballots but only authorizes additional drop boxes equal to “the lesser of either one drop box for every 100,000 active registered voters in the county or the number of advance voting locations in the county.” O.C.G.A. § 21-2-382(c)(1).

ANSWER: Admitted that the quoted language is contained within S.B. 202. The statute otherwise speaks for itself, and Proposed Intervenors deny the characterizations of the statute contained within Paragraph 21.

22. The General Assembly devised this limit along with specific chain-of-custody requirements for collection of ballots deposited in drop boxes with the intent of addressing security and oversight concerns following the 2020 elections.

ANSWER: Paragraph 22 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

II. Relevant Statutory Framework

23. O.C.G.A. § 21-2-70(7) authorizes county boards of elections and registration “[t]o make and issue such rules, regulations, and instructions, consistent with law, including the rules and regulations promulgated by the State Election Board, as [it] may deem necessary for the guidance of poll officers, custodians, and electors in primaries and elections.” They are further directed “[t]o conduct all elections in such manner as to guarantee the secrecy of the ballot and to perform such other duties as may be prescribed by law.” O.C.G.A. § 21-2-70(13).

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-70(13). The statute otherwise speaks for itself.

24. O.C.G.A. § 21-2-385(a) governs the return of absentee ballots. After completing the ballot, the elector “shall then personally mail or personally deliver” the ballot “to the board of registrars or absentee ballot clerk.”

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-385(a). The statute otherwise speaks for itself.

25. Under O.C.G.A. § 21-2-382(a), a county board of registrars “may establish additional registrar’s offices . . . for the purpose of receiving [ABM] ballots under Code Section 21-2-381,” “provided that any such site is a building that is a branch of the county courthouse, a courthouse annex, a government service center providing general government services, another government building generally accessible to the public, or a building that is used as an election day polling place, notwithstanding that such building is not a government building.”

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-382(a). The statute otherwise speaks for itself.

26. State Election Board Rule 183-1-14-.08(2) implements O.C.G.A. § 21-2-382(a) and provides that, in establishing additional sites for voters to receive ABM ballots, “[w]henver practicable, a branch of the county courthouse, a courthouse annex, a government service center providing general government services, or another government building generally accessible to the public shall be utilized for such additional sites.”

ANSWER: Admitted that the quoted language is contained within State Election Board Rule 183-1-14-0.8(2). The rule otherwise speaks for itself.

27. O.C.G.A. § 21-2-382(c)(1) authorizes drop boxes as a means for absentee electors to deliver their ballots and caps the number of authorized drop boxes. A board of elections and registration “may establish additional drop boxes, subject to the limitations of this Code section, but may only establish additional drop boxes totaling the lesser of either one drop box for every 100,000 active registered voters in the county or the number of advance voting locations in the county.” *Id.*² Drop boxes must also be located at the registrar’s office or inside advance voting locations, “may be open during the hours of advance voting at that location,” and “shall be closed when the advance voting period ends.” *Id.*

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-382(c)(1). The statute otherwise speaks for itself. Footnote 2 contains legal characterizations, contentions, conclusions, or opinions to which no response is required. To the extent further response is required, denied.

28. O.C.G.A. § 21-2-382(c)(3) imposes detailed chain-of-custody requirements for drop boxes. Ballots “shall” be collected “by a team of at least two people,” each of whom must have “sworn an oath in the same form as the oath for poll officers set forth in Code Section 21-2-95,” and the team “shall complete and sign a ballot transfer form upon removing the ballots from the drop box which shall include the date, time, location, number of ballots, confirmation that the drop box was locked after the removal of the ballots, and the identity of each person collecting the ballots.”

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-382(c)(3). The statute otherwise speaks for itself.

29. Upon receipt of an ABM ballot, the registrar must record the date and time of receipt and verify that the elector’s identifying information matches the voter registration records. O.C.G.A. § 21-2-386(a)(1)(B). The registrar must also sign or initial below the voter’s oath to confirm the elector was the signatory.

² Gwinnett County, with approximately 569,000 registered voters, is permitted only five drop boxes under O.C.G.A. § 21-2-382(c)(1). *See Georgia Active Voters Report*, GA. SEC’Y OF STATE, <https://sos.ga.gov/georgia-active-voters-report> (last visited June 10, 2026). Upon information and belief, the Gwinnett County BOE has already exceeded this limit through the establishment of drop boxes at six locations. *See Advance Voting*, GWINNETT CNTY. GOV’T, <https://www.gwinnettcountry.com/government/departments/elections/voting/advance> (last visited June 10, 2026).

ANSWER: Paragraph 29 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

III. The Gwinnett County BOE's Policy

30. The Gwinnett County BOE manages voter registration and election administration in Gwinnett County, including absentee balloting procedures. O.C.G.A. §§ 21-2-40, 21-2-70; 1988 Ga. Laws, p. 4296, *as amended*. The Gwinnett County BOE's rulemaking authority under O.C.G.A. § 21-2-70(7) is expressly limited to rules "consistent with law" and directed at the "guidance of poll officers, custodians, and electors."

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-70(a). The statute otherwise speaks for itself, and Proposed Intervenors deny the characterizations of the statute contained within Paragraph 31.

31. The Gwinnett County BOE currently consists of five members: David Hancock, Loretta Mirandola, Alice O'Lenick, Richard Porter, and Amy Bray.

ANSWER: Admitted.

32. On February 21, 2024, the Gwinnett County BOE adopted Policy BRE-603, a true and correct copy of which is attached hereto as Exhibit A.

ANSWER: Admitted.

33. The Policy establishes "standards for the return of absentee by mail ballots at advance voting locations or alternate sites established by the Board pursuant to O.C.G.A. § 21-2-382(a)."

ANSWER: Admitted that the quoted language is contained within the Policy. The document otherwise speaks for itself. To the extent that a response is required, denied.

34. Where an advance voting location already has a ballot drop box, the Policy directs that voters "utilize the drop box and no alternative will be offered." Where a location does not have a drop box, the Policy establishes a new voting process whereby electors may vote ABM ballots at polling locations that do not have an ABM ballot drop box by presenting the ballot to a poll manager or assistant manager.

ANSWER: Admitted that the quoted language is contained within the Policy. The document otherwise speaks for itself.

35. Under that procedure, “[t]he voter shall hand deliver the ballot or authorized ballots directly to the poll manager or assistant manager who shall be responsible for applying a time and date stamp.” The ballot is then “placed in a secured ballot bag with the appropriate seals,” “recorded on the chain of custody forms at the end of the night in a separate category as a hand delivered absentee ballot,” and, once returned to the office, “stored in the ballot vaults until they are ready for processing.”

ANSWER: Admitted that the quoted language is contained within the Policy. The document otherwise speaks for itself.

IV. The Gwinnett County BOE’s Policy Violates Georgia Law

36. Georgia law permits three means of voting ABM ballots: (1) by mail to the board of registrars or absentee ballot clerk; (2) by hand delivery to the board of registrars or absentee ballot clerk; and (3) by ABM ballot drop boxes for delivery to the board of registrars or absentee ballot clerk.

ANSWER: Admitted that Georgia law permits return of ABM ballots by mail, by hand delivery, and by ABM ballot drop boxes. Otherwise, Paragraph 36 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

37. The Policy departs from each of these methods. It directs electors to hand their ABM ballots to poll managers and assistant managers, who are not authorized recipients. Because no authorized recipient takes delivery of the ballot, the ballot is in substance deposited into a “secured ballot bag” for collection and later transfer to the registrar—the defining function of a drop box—yet the secured ballot bags do not comply with the numerical cap or the chain-of-custody safeguards the Election Code imposes on drop boxes. The Policy violates Georgia law requiring registrar verification of ABM ballots. The Policy further reserves open-ended authority to designate additional registrar’s offices without limiting those sites to the buildings the Election Code permits.

ANSWER: Denied.

38. The Policy exceeds the Gwinnett County BOE’s statutory authority in the respects set forth below.

ANSWER: Denied.

First Deficiency – Receipt of ABM Ballots by Unauthorized Personnel

39. Paragraph 4(a) of the Policy directs that the voter “shall hand deliver the ballot or authorized ballots directly to the poll manager or assistant manager,” thereby expanding the

persons authorized to receive ABM ballots beyond “the board of registrars or absentee ballot clerk” in contravention of O.C.G.A. § 21-2-385(a).

ANSWER: Paragraph 39 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the Policy and statute contain the quoted language and state that the Policy and statute speak for themselves. Proposed Intervenor otherwise deny the allegations.

40. The receipt of hand-delivered ABM ballots is governed by Article 10, which specifically limits the authorized recipients to “the board of registrars or absentee ballot clerk,” not poll managers or assistant managers. O.C.G.A. § 21-2-385(a).

ANSWER: Paragraph 40 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute contains the quoted language and state that the statute speaks for itself. Proposed Intervenor otherwise deny the allegations.

Second Deficiency - Creation of De Facto Drop Boxes

41. Gwinnett County has approximately 569,000 registered voters and is therefore permitted only five drop boxes under O.C.G.A. § 21-2-382(c)(1). Upon information and belief, the Gwinnett County BOE has already exceeded this limit by establishing drop boxes at six locations, *see supra* n. 2.

ANSWER: Proposed Intervenor lacks sufficient information or knowledge to form a belief as to the number of currently registered voters in Gwinnett County. The remainder of Paragraph 41 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

42. Because poll managers and assistant managers are not authorized to receive ABM ballots, an elector who hands a ballot to one of them at a location without a drop box has not “personally deliver[ed]” it “to the board of registrars or absentee ballot clerk” within the meaning of O.C.G.A. § 21-2-385(a). No statutorily cognizable delivery to the registrar occurs at the moment of the handoff.

ANSWER: Denied.

43. The ballot is instead deposited into a “secured ballot bag”—a receptacle that functions akin to an ABM ballot drop box. Like a drop box, the secured ballot bag receives and holds ABM ballots for later collection and transfer to the registrar. Secured ballot bags thus serve the same function as ABM drop boxes despite exceeding the number of drop boxes permitted by O.C.G.A. § 21-2-382(c)(1) and not complying with the requirements for drop boxes in O.C.G.A. § 21-2-382(c)(1)-(4).

ANSWER: Denied.

44. Similar to the deposit of ABM ballots in lawfully authorized ABM drop boxes, Paragraph 4 of the Policy unlawfully permits depositing ABM ballots into secured ballot bags for later collection and transfer to the Gwinnett County BOE.

ANSWER: Denied.

45. Under the Policy, the secured ballot bags serve as de facto ABM ballot drop boxes, and the Gwinnett County BOE may not avoid the statutory cap by reaming what is, in substance, a drop box. The Policy is an invalid attempt to authorize ABM drop boxes beyond the statutory cap.

ANSWER: Denied.

**Third Deficiency – Failure to Safeguard Chain of Custody, Verification Processes,
or Allow Poll Watcher Access**

46. The secured ballot bags, despite acting as collection receptacles akin to ABM drop boxes, are not subject to the chain-of-custody safeguards required by O.C.G.A. § 21-2-382(c)(3), registrar verification processes under O.C.G.A. § 21-2-386, and poll-watcher access required under O.C.G.A. § 21-2-408(d).

ANSWER: Paragraph 46 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, denied.

47. Section 21-2-382(c)(3) requires that drop-box ballots be collected by a two-person team, each of whom has sworn the poll-officer oath under O.C.G.A. § 21-2-95, and that the team “complete and sign a ballot transfer form” recording “the date, time, location, number of ballots, confirmation that the drop box was locked after the removal of the ballots, and the identity of each person collecting the ballots.” The Policy requires only that the ballots be “recorded on the chain of custody forms at the end of the night in a separate category as a hand delivered absentee ballot,” and imposes none of the statute’s other requirements—no two-person collection team, no poll officer oath, and no statutory ballot transfer form.

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-382(c)(3). The statute speaks for itself. Paragraph 47 otherwise contains legal contentions,

characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, denied.

48. Each of § 21-2-382(c)(3)'s requirements is set in mandatory terms: ballots "shall be collected" by a two-person team, and the team "shall complete and sign a ballot transfer form" with the requisite information. Those commands leave the Gwinnett County BOE no discretion to substitute lesser procedures of its own design. See *Mead v. Sheffield*, 278 Ga. 268, 269 (2004) ("'Shall' is generally construed as a word of command." (citation omitted)); *State v. Collier*, 279 Ga. 316, 317 (2005) (noting that mandatory language in a statute "precludes any discretion on the part of the officer" acting thereunder).

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-382(c)(3). The statute speaks for itself. Paragraph 48 otherwise contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, denied.

49. The chain-of-custody procedures the Policy imposes on these de facto drop boxes are therefore materially less protective than those the General Assembly mandated for drop-box ballots

ANSWER: Denied.

50. The Policy also conflicts with O.C.G.A. § 21-2-386, which prescribes how a registrar or clerk must record and verify an ABM ballot upon receipt. O.C.G.A. § 21-2-386(a)(1)(B) mandates that, "[u]pon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope," compare the elector's identifying information against the voter registration records, confirm that the elector signed the oath, and, upon confirming a match, "certify by signing or initialing his or her name below the voter's oath." The Policy instead directs a poll manager or assistant manager to apply only a time and date stamp before the ballot is placed in a secured ballot bag and transported to the office for processing at a later time, displacing the verification the statute requires upon receipt.

ANSWER: Denied.

51. The Policy further fails to ensure poll-watcher access during the receipt of ABM ballots.

ANSWER: Denied.

52. O.C.G.A. § 21-2-408(d) entitles poll watchers to "access to polling places, advance voting locations, tabulation centers, and locations where absentee ballots are being verified, processed, adjudicated, and scanned," and "to observe any activity conducted at the location at

which they are serving.” That right encompasses the receipt of ABM ballots, the application of the time and date stamp, and the sealing of the ballot bags.

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-408(d). The statute speaks for itself. Paragraph 52 otherwise contains legal contentions, characterizations, conclusions, or opinions to which no response is required.

53. The Policy is silent as to poll-watcher observation of the receipt, stamping, sealing, and chain-of-custody recording it establishes. It thus fails to implement the observational right O.C.G.A. § 21-2-408(d) confers, deprives Plaintiffs of their statutory right to credential poll watchers who can meaningfully observe the handling of ABM ballots at every stage, and deprives the public of the transparency the General Assembly mandated.

ANSWER: Paragraph 53 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

Fourth Deficiency - Open-Ended Designation of Additional Registrar’s Offices

54. O.C.G.A. § 21-2-382(a) limits additional registrar’s offices to enumerated categories of buildings, each governmental in character with a single carve-out for nongovernmental buildings “used as an election day polling place.”

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-382(A). The statute speaks for itself. Paragraph 54 otherwise contains legal contentions, characterizations, conclusions, or opinions to which no response is required.

55. State Election Board Rule 183-1-14-.08(2) reinforces that limitation, commanding that, “[w]henever practicable,” a governmental building “shall be utilized for such additional sites.” This “shall be utilized” command is mandatory and forecloses the Gwinnett County BOE’s discretion to designate a non-governmental site where a qualifying governmental building is practicable, *see supra* ¶ 48.

ANSWER: Proposed Intervenors admit that the statute contains the quoted language and state that the statute speaks for itself. Paragraph 55 otherwise contains legal contentions, characterizations, conclusions, or opinions to which no response is required.

56. The Policy reserves to the Board open-ended authority to “establish for each election cycle whether the Board will authorize additional registrar offices for the purpose of receiving absentee ballot[s] under O.C.G.A. § 21-2-382(a),” without identifying the locations to

be used and without limiting those locations to the categories of buildings O.C.G.A. § 21-2-382(a) and Rule 183-1-14-.08(2) permit.

ANSWER: Paragraph 55 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the Policy contains the quoted language and states that the document speaks for itself. Proposed Intervenor otherwise denies the allegations.

57. The Policy's failure to incorporate the statutory and regulatory constraints—or to require the use of governmental buildings “whenever practicable”—renders the Policy itself ultra vires because it purports to grant the Board unfettered discretion that the Election Code and SEB Rule do not permit.

ANSWER: Denied.

58. The Gwinnett County BOE, through the adoption of the Policy, is violating the express powers granted to it by the General Assembly to adopt rules “consistent with law.”

ANSWER: Denied.

59. Without relief from this Court, Defendants will employ the Policy at the next primary, election, or runoff conducted in Gwinnett County, receiving hand-delivered ABM ballots at locations and through personnel not authorized by the Election Code. The integrity of those proceedings cannot be restored once unlawfully received ballots have been commingled with lawfully received ballots, and the resulting injury to Plaintiffs is therefore imminent and irreparable.

ANSWER: Denied.

COUNT I
Declaratory Judgment Under O.C.G.A. § 9-4-2 (Asserted Against Defendants in their Individual Capacities)

60. Plaintiffs repeat and reallege each of their prior allegations.

ANSWER: Proposed Intervenor repeats and incorporates each of their prior answers.

61. Georgia Superior Courts may issue declaratory judgments in “cases of actual controversy . . . upon petition or other appropriate pleading.” O.C.G.A. § 9-4-2(a). The statute “is to be liberally construed and administered” to “afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations.” O.C.G.A. § 9-4-1.

ANSWER: Admitted that the quoted language is contained within O.C.G.A. §§ 9-4-1, 9-4-2(a). Paragraph 61 otherwise contains legal characterizations, contentions, conclusions, and opinions to which no response is required.

62. The Gwinnett County BOE is a creature of statute, possessing only those powers expressly granted by the General Assembly or necessarily implied therefrom, and its rulemaking authority under O.C.G.A. § 21-2-70(7) is limited to rules “consistent with law.” It has no discretion to disregard the mandatory commands of O.C.G.A. §§ 21-2-382, 21-2-385, and 21-2-386, and no authority to enlarge by local policy the locations, personnel, and procedures by which the General Assembly has provided that absentee ballots may be received.

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-70(7). Paragraph 62 otherwise contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

63. The RNC, GRP, Gwinnett GOP nominate candidates whose names appear on ballots cast and counted in Gwinnett County, recruit and credential poll watchers to observe the receipt and processing of absentee ballots, and represent electors who participate in primaries and elections conducted by the Gwinnett County BOE. Plaintiff Tim Fleming, as a candidate whose name will appear on the ballot in an election administered by Defendants under the Policy, has a direct and personal interest in ensuring that ABM ballots cast for or against his candidacy are received only through procedures authorized by the Election Code. Plaintiffs therefore have legally protectible interests in the lawful administration of absentee voting procedures in Gwinnett County.

ANSWER: Proposed Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations concerning Plaintiffs’ activities in Georgia, and, on that basis, deny the same. The remaining allegations in Paragraph 63 contain legal characterizations, contentions, conclusions, and opinions to which no response is required.

64. The Policy is unlawful and exceeds Defendants’ authority in four primary respects.

ANSWER: Denied.

65. *First*, Paragraph 4(a) of the Policy directs the receipt of hand-delivered ABM ballots by poll managers and assistant managers, displacing both the persons statutorily authorized to receive the ballots and the statutory poll-watcher observation guarantees and verification processes pursuant to O.C.G.A. §§ 21-2-385(a), 21-2-386, and 21-2-408(d).

ANSWER: Denied.

66. *Second*, the Policy establishes de facto absentee ballot drop boxes in the form of “secured ballot bags” at advance voting and alternate locations without a drop box, in violation of the statutory cap imposed by O.C.G.A. § 21-2-382(c)(1).

ANSWER: Denied.

67. *Third*, the Policy is not subject to the chain-of-custody safeguards required by O.C.G.A. § 21-2-382(c)(3), registrar verification processes under O.C.G.A. § 21-2-386, and poll-watcher access required under O.C.G.A. § 21-2-408(d).

ANSWER: Denied.

68. *Fourth*, the Policy reserves open-ended authority to designate additional registrar’s offices each election cycle without limiting those sites to the categories of buildings O.C.G.A. § 21-2-382(a) and State Election Board Rule 183-1-14-.08(2) permit.

ANSWER: Denied.

69. An actual and justiciable controversy therefore exists between Plaintiffs and Defendants concerning the lawfulness of the Policy and the authority of the Gwinnett County BOE to receive ABM ballots under the procedures the Policy establishes.

ANSWER: Paragraph 69 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

70. A declaratory judgment is due to be entered declaring that the Policy exceeds Defendants’ authority, conflicts with O.C.G.A. §§ 21-2-382, 21-2-385, and 21-2-386 and State Election Board Rule 183-1-14-.08(2), and is to be null, void, and of no force or effect.

ANSWER: Denied.

COUNT II

Interlocutory Injunction Under O.C.G.A. § 9-11-65 (Asserted Against Defendants in their Individual Capacities)

71. Plaintiffs repeat and reallege each of their prior allegations.

ANSWER: Proposed Intervenor repeat and incorporate each of their prior answers.

72. Plaintiffs seek to maintain the status quo via an interlocutory injunction (A) barring Defendants (in their individual capacities) from implementing or enforcing the Policy at any primary, election, or runoff conducted in Gwinnett County pending this Court’s final disposition of the within request for relief, and (B) requiring Defendants (in their individual capacities) to receive ABM ballots only at the locations and through the personnel and procedures authorized by the Election Code pending this Court’s final disposition of the within request for relief.

ANSWER: Paragraph 72 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

73. “The purpose of [an] . . . interlocutory injunction is to preserve the status quo while a case is pending.” *Slone v. Myers*, 288 Ga. App. 8, 14 (2007), *overruled on different grounds*, *Reeves v. Upson Med. Ctr.*, 315 Ga. App. 582 (2012). When deciding whether to issue an interlocutory injunction, the trial court should balance whether: “(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 [its] claims at trial; and (4) granting the [relief] will not disserve the public interest.” *Bishop v. Patton*, 288 Ga. 600, 604 (2011), *disapproved upon other grounds*, *SRB Inv. Servs. LLLP v. BB&T*, 289 Ga. 1, 5 n.7 (2011), *overruled on other grounds*, *Wasserman v. Franklin Cnty.*, 320 Ga. 624 (2025).

ANSWER: Admitted that the quoted language is contained within the opinions cited. Paragraph 73 otherwise contains legal characterizations, contentions, conclusions, and opinions to which no response is required.

74. All four factors are satisfied here, and Plaintiffs are entitled to injunctive relief against Defendants in their individual capacities:

A. **Irreparable Injury:** Absent injunctive relief, Defendants will receive ABM ballots at the next primary, election, or runoff through procedures not authorized by the Election Code. Once unlawfully received ballots are commingled with lawfully received ballots, they cannot be segregated or invalidated without disenfranchising the electors who returned them, and the integrity of the election cannot be restored through any subsequent monetary or post-election remedy. Plaintiffs have no adequate remedy at law.

B. **Substantial Likelihood of Success on the Merits:** Plaintiffs are likely to prevail on the merits of their claims. The Policy authorizes the receipt of ABM ballots through personnel not authorized by O.C.G.A. § 21-2-385(a); at receptacles that operate as de facto drop boxes beyond the cap imposed by O.C.G.A. § 21-2-382(c)(1); and pursuant to chain-of-custody procedures that fall short of those required by O.C.G.A. § 21-2-382(c)(3). The Gwinnett County BOE has no statutory authority to enlarge by local policy the categories of locations, personnel, and procedures established by the General Assembly.

C. **The Balance of the Equities:** The threatened injury to Plaintiffs outweighs any harm an injunction would cause Defendants. Defendants have no legitimate interest in implementing an unlawful policy, and an injunction would require nothing more than that they conform their conduct to the Election Code.

D. **The Public Interest:** The public interest is served by assuring that the absentee voting provisions of the Election Code are implemented faithfully by the Board and that elections

in Gwinnett County are conducted in accordance with procedures provided by the General Assembly.

ANSWER: Paragraph 74 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

75. An interlocutory injunction is due to be entered against Defendants in their individual capacities (A) barring Defendants from implementing or enforcing the Policy at any primary, election, or runoff conducted in Gwinnett County pending this Court's final disposition of this petition, and (B) requiring Defendants to receive ABM ballots only at the locations and through the personnel and procedures authorized by the Election Code pending this Court's final disposition of this petition.

ANSWER: Denied.

COUNT III
Perpetual Injunction Under O.C.G.A. § 9-5-10 (Asserted Against Defendants in their Individual Capacities)

76. Plaintiffs repeat and reallege each of their prior allegations.

ANSWER: Proposed Intervenors repeat and incorporate each of their prior answers.

77. Under O.C.G.A. § 9-5-1, this Court has authority to enjoin acts that are "illegal or contrary to equity and good conscience and for which no adequate remedy is provided at law." The Court may grant such relief at its discretion where "the evidence show[s] that the plaintiff would suffer irreparable harm; and, in balancing the harm to the parties . . . equity demand[s] the grant of the injunction." *City of Duluth v. Riverbrooke Props., Inc.*, 233 Ga. App. 46, 55 (1998).

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 9-5-1 and the quoted opinion. The statute and the opinion speak for themselves.

78. The Policy is such an act. As set forth above, the Gwinnett County BOE is a creature of statute possessing only those powers expressly granted by the General Assembly or necessarily implied therefrom, and its rulemaking authority under O.C.G.A. § 21-2-70(7) is limited to rules "consistent with law." The Policy exceeds that authority and conflicts with O.C.G.A. §§ 21-2-382, 21-2-385, and 21-2-386 and State Election Board Rule 183-1-14-.08(2) by authorizing the receipt of ABM ballots through personnel, at receptacles, and pursuant to chain-of-custody procedures not authorized by the Election Code.

ANSWER: Denied.

79. Unless perpetually enjoined, Defendants will implement and enforce the Policy at each primary, election, and runoff conducted in Gwinnett County, receiving hand-delivered ABM ballots at locations and through personnel and procedures not authorized by the Election Code.

ANSWER: Denied.

80. The resulting injury is irreparable. Once unlawfully received ballots are commingled with lawfully received ballots, they cannot be segregated or invalidated without disenfranchising the electors who returned them, and the integrity of the affected elections cannot be restored through any monetary or post-election remedy. Plaintiffs therefore have no adequate remedy at law.

ANSWER: Denied.

81. Plaintiffs are accordingly entitled to a perpetual injunction (A) prohibiting Defendants, in their individual capacities, from implementing or enforcing the Policy at any primary, election, or runoff conducted in Gwinnett County, and (B) requiring Defendants, in their individual capacities, to receive ABM ballots only at the locations and through the personnel and procedures authorized by the Election Code.

ANSWER: Denied.

PRAYER FOR RELIEF

Proposed Intervenor deny that Plaintiffs are entitled to any of the requested relief set forth in the prayer for relief section of Plaintiffs' Petition.

AFFIRMATIVE DEFENSES

Proposed Intervenor assert the following affirmative defenses without accepting any burdens regarding them:

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because this Court lacks jurisdiction to adjudicate Plaintiffs' claims.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' Petition fails, in whole or in part, to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of laches.

PROPOSED INTERVENORS' REQUEST FOR RELIEF

Having answered Plaintiffs' Petition, Proposed Intervenors request that the Court:

1. Deny Plaintiffs' requested relief;
2. Immediately dismiss Plaintiffs' Petition with prejudice;
3. Award Proposed Intervenors their costs and attorneys' fees incurred in defending against Plaintiffs' claims in accordance with O.C.G.A. § 9-15-14; and
4. Grant such other and further relief as this Court deems just and proper.

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Dated: June 29, 2026

Respectfully submitted,

/s/ Adam M. Sparks

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EXHIBIT C

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**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

REPUBLICAN NATIONAL COMMITTEE,
GEORGIA REPUBLICAN PARTY,
GWINNETT COUNTY REPUBLICAN
PARTY, and TIM FLEMING,

Plaintiffs,

v.

DAVID HANCOCK, LORETTA
MIRANDOLA, AMY BRAY, ALICE
O'LENICK, and RICHARD PORTER, in their
individual capacities,

Defendants.

Case No. 26-A-05660-7

[PROPOSED] ORDER GRANTING MOTION TO INTERVENE

Upon consideration of the Motion to Intervene by DSCC and Jon Ossoff for Senate (“Proposed Intervenors”), the Court having considered the Motion, the Memorandum of Law in support thereof, and any opposition thereto, and good cause having been found, it is hereby ORDERED that the Motion is GRANTED.

It is further ORDERED that Proposed Intervenors may file a motion to dismiss within the time period prescribed by O.C.G.A. § 9-11-12(b) or pursuant to any schedule set by this Court.

IT IS SO ORDERED, this ___ day of _____, 2026.

Honorable Tadia D. Whitner
Judge, Gwinnett County Superior Court

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

REPUBLICAN NATIONAL COMMITTEE,
GEORGIA REPUBLICAN PARTY,
GWINNETT COUNTY REPUBLICAN
PARTY, and TIM FLEMING,

Plaintiffs,

v.

DAVID HANCOCK, LORETTA
MIRANDOLA, AMY BRAY, ALICE
O'LENICK, and RICHARD PORTER, in their
individual capacities,

Defendants.

Case No. 26-A-05660-7

CERTIFICATE OF SERVICE

This is to certify that I have this date served a true and correct copy of the foregoing *DSCC AND JON OSSOFF FOR SENATE'S MOTION TO INTERVENE AS DEFENDANTS* using the Odyssey eFileGA system, which will automatically deliver a copy to all parties of record:

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This 29th day of June 2026.

KREVOLIN & HORST, LLC

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Adam M. Sparks

*Counsel for Proposed Intervenors DSCC
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