

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

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

Plaintiffs,

v.

SHERRI ALLEN, DOUGLASS SELBY,
TERESA K. CRAWFORD, and JULIE
ADAMS, in their individual capacities,

Defendants.

Case No. 26CV008750

**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 Intervenor"), 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 Intervenor is entitled to intervene in this case as a matter of right under O.C.G.A. § 9-11-24(a). In the alternative, Proposed Intervenor 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 Intervenor's Proposed Answer to the Petition is attached as Exhibit B.¹ Proposed Intervenor also submit a Proposed Order granting their Motion to Intervene attached as Exhibit C.

¹ Proposed Intervenor 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.

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, Fulton County Republican Party, and Republican Secretary of State nominee Tim Fleming seek to invalidate the Fulton County Board of Registration and Elections' (the "Fulton BRE") policy establishing procedures for voters to cast and hand-deliver absentee by mail ("ABM") ballots. According to Plaintiffs, Fulton 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 Intervenor—DSCC (also known as the Democratic Senatorial Campaign Committee) and Jon Ossoff for Senate—in the rules governing the upcoming 2026 general election.

Fulton County's ABM policy mundanely implements statewide rules for collecting hand-delivered ABM ballots in a manner that appropriately accounts for the scale of the largest county in the state's electoral apparatus. In broad strokes, the Fulton BRE exercised its statutorily authorized power to appoint deputy registrars to receive hand-delivered ABM ballots at early voting sites. 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 Fulton 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 Intervenor therefore seek to intervene in this lawsuit to defend the Fulton 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 Fulton County Board of Registration and Elections is responsible for the administration of elections in Fulton County, Georgia.

The Fulton County Board of Registration and Elections bears responsibility for the considerable undertaking of administering elections for more than 700,000 voters residing in the largest county in Georgia. 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 the Fulton BRE’s responsibilities, the General Assembly afforded the Board broad discretion in staffing. Of note, the Fulton BRE “may appoint deputy registrars to aid them in the discharge of their duties,” and they “shall . . . determine” “[t]he number of deputy registrars appointed” to assist them with those duties. *Id.* § 21-2-213(a). They

may also hire clerks, who are “eligible to be appointed as deputy registrars for the purpose of registering voters and performing other duties as may be required.” *Id.* § 21-2-213(b).

The Georgia State Election Board’s (“SEB”) rules further recognize that county registrars—particularly in populous areas like Fulton 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 Fulton 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). 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).

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. Fulton County establishes the ABM ballot hand-delivery policy.

On April 20, 2026, the Fulton 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. *See* Compl., Ex. A at 2 (“Fulton County Policy”). The new policy deputizes poll managers and assistant managers of advanced voting locations to serve as deputy registrars to assist in the discharge of the registrars’ duties, as O.C.G.A. § 21-2-213 contemplates. *Id.* The policy requires these deputy registrars to meet the statutory requirements as specified in O.C.G.A. § 21-2-214. *Id.* It then establishes certain advanced voting locations as additional registrar’s offices for the purpose of receiving absentee ballots pursuant to O.C.G.A. § 21-2-382(a). *Id.* It further delegates the authority to receive hand-delivered ABM ballots to deputy registrars and provides for a standard operating procedure for the receipt and collection of the same. *Id.*

The combined effect of this new policy is that voters in Fulton County may now deliver their ABM ballots by hand to deputy registrars at advanced voting locations. The deputy registrar

then records the date and time they received the ballot, and after the individual delivering the ballot provides additional information, the ballot is placed in a secure ABM ballot container and later collected and verified pursuant to O.C.G.A. § 21-2-386(a)(1)(B).

III. The RNC Plaintiffs sue to invalidate Fulton 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 Fulton 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 Fulton County’s policy, but the thrust of their claim is that Fulton County inappropriately exercised its discretion in implementing the statutorily authorized procedures for hand delivery of ABM ballots. See Compl. ¶ 49. And in an extraordinary leap, they allege that because Fulton 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 Fulton County. The RNC Plaintiffs’ challenge threatens to disrupt the orderly administration of Fulton 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 Fulton 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 Fulton County; the rights of their constituents to submit ABM ballots through the lawful means prescribed by the Fulton 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 Fulton County, and it 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 Fulton County specifically—to utilize ABM and early voting. Plaintiffs' requested relief would create obstacles for voters seeking to cast their ABM ballots in Fulton 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 Fulton 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 Fulton County has implemented. This lawsuit threatens to impair those interests by disrupting the efficient administration of elections in Fulton 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 Intervenor's interests—they share neither the Proposed Intervenor's 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 Intervenor's 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 Intervenor's have significant interests at stake.

Proposed Intervenor's 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 Intervenor's have a concrete interest in the orderly administration of the upcoming election in Fulton 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 Fulton 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 candidates and advancement of their party platform . . . are arguably affected by the implementation (or invalidation)" of election rules and procedures. Order at 2, *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 Fulton 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. Ziriaux*, 487 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 Intervenor’s 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 Intervenor’s interests.

The disposition of this litigation without Proposed Intervenor’s 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 Intervenor 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 Intervenor has 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 Fulton County has implemented. *See supra* § I.B. Plaintiffs’ challenge to Fulton 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 Fulton 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 devoted significant resources in support of the Senator’s reelection campaign. Fulton County enacted a policy two months 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 just voted under precisely these rules in the May 19, 2026 primary elections and the June 16, 2026 runoffs—and will harm the Ossoff Campaign and DSCC by forcing them to spend resources they would not have otherwise to inform voters about the 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 Intervenor’s motion should be granted.

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

Proposed Intervenor’s 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.*, 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 Fulton 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 Intervenor’s 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 Fulton BRE must “bear in mind broader public-policy implications,” whereas Proposed Intervenor’s 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 Fulton BRE, accordingly, does not adequately represent Proposed Intervenor’s 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 Intervenor’s 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 Intervenor 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 Intervenor will argue that Fulton 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 Intervenor 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 Intervenor’s 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 Intervenor's motion and allow them to participate in all briefing moving forward.

Dated: June 29, 2026

Respectfully submitted,

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EXHIBIT B

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

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

Plaintiffs,

v.

SHERRI ALLEN, DOUGLASS SELBY,
TERESA K. CRAWFORD, and JULIE
ADAMS, in their individual capacities,

Defendants.

Case No. 26CV008750

**[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 Interveners"), by and through their attorneys, answer the Petition as set forth below.

1. Defendants, members of the Fulton County Board of Registration and Elections (the "Fulton County BOE" or the "Board"), violate Georgia law through a new unauthorized process for voting 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 Fulton County BOE has attempted to create a fourth voting method whereby electors may vote ABM ballots at a polling place by receiving a date and time label from a poll manager or assistant manager putatively deputized as a "deputy registrar" and depositing the labeled ABM ballot into an "ABM ballot container" for delivery to Fulton County Elections Hub and Operation Center at an unspecified later time. In reality, this new process is an attempt by the Fulton County BOE to make an end-run around Georgia law limiting the number of ABM ballot drop boxes permitted in a county, the associated safeguards mandated to ensure the integrity of ABM ballots submitted through an ABM ballot drop box, and the time periods during which ABM ballots may be submitted through an ABM ballot drop box. As this new 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 Fulton County Board of Registration and Elections was established by Act of the Georgia General Assembly as the body responsible for administering elections in Fulton County, including the receipt of ABM ballots. O.C.G.A. § 21-2-40(b). The Fulton 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 Fulton County Board of Registration and Elections was established by Act of the Georgia General Assembly as the body responsible for administering elections in Fulton 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 April 20, 2026, Defendants approved a Policy Regarding Absentee Ballot Drop-Off (the “Policy”) that exceeds their statutory authority by (i) mass-appointing poll managers and assistant managers at twenty-two polling places as deputy registrars in contravention of O.C.G.A. §§ 21-2-385(a), 21-2-213, and 21-2-408(d); (ii) establishing “secured ABM ballot containers” at those locations that operate as de facto drop boxes beyond the cap imposed by O.C.G.A. § 21-2-382(c)(1) and without the chain-of-custody safeguards required by § 21-2-382(c)(3); and (iii) designating a non-governmental building as an additional registrar’s office in contravention of O.C.G.A. § 21-2-382(a) and State Election Board Rule 183-1-14-.08(2).

ANSWER: Admitted that Defendants on April 20, 2026, 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 complaint were done by Defendants within Fulton 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 Intervenor 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 Fulton 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 Fulton County.

ANSWER: Admitted that the Republican National Committee is a national political committee. Proposed Intervenor 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 Fulton County.

ANSWER: Admitted that the Georgia Republican Party is a state political party affiliated with the RNC. Proposed Intervenor 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 Fulton County Republican Party (“Fulton GOP”) is a political party organized and operating in Fulton County, Georgia as defined by O.C.G.A. § 21-2-2(25), whose officers and members are citizens, residents, electors, and taxpayers of Fulton County. The Fulton GOP is authorized under 1989 Ga. Laws, p. 4577, *as amended by* 2019 Ga. Laws, p. 4181 § 2, to nominate candidates to serve on the Fulton County BOE. As a Fulton 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 Fulton GOP has a cognizable interest, shared with the County’s electors and taxpayers, in enjoining the members of the Fulton 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 Fulton GOP is a political party organized and operating in Fulton County, Georgia. Proposed Intervenor 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 on November 3, 2026, including in Fulton County. 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 Fulton 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 Sherri Allen, Douglass Selby, Teresa K. Crawford, and Julie Adams are members of the Fulton County BOE, which is the election superintendent for Fulton County.² The superintendent is charged with implementing policies in compliance with applicable laws and regulations to oversee elections conducted in Fulton 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 Allen, Selby, Crawford, and Adams are sued in their individual capacities and can be served in their individual capacities at 5600 Campbellton Fairburn Road, Fairburn, Georgia 30213.

ANSWER: Admitted, except Footnote 2 of Paragraph 15 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

BACKGROUND

I. Adoption of S.B. 262

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.

² Although Ms. Adams currently serves as a member of the Fulton County BOE, the Fulton County Board of Commissioners has unlawfully refused to appoint Ms. Adams to the Fulton County BOE. Despite the lack of official appointment, Ms. Adams continues to serve on the Fulton County BOE and is a proper defendant in this action.

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 Intervenor 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 Intervenor 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.*³ 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 3 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.

³ Fulton County, with approximately 751,000 active registered voters, is permitted only seven drop boxes under O.C.G.A. § 21-2-382(c)(1). Upon information and belief, the Fulton County BOE has already authorized drop boxes at seven locations.

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.

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

30. O.C.G.A. § 21-2-213(a) authorizes a county board of registrars to “appoint deputy registrars to aid them in the discharge of their duties.” That provision is contained in Article 6 of the Election Code, governing the “Registration of Voters,” and is directed to the appointment of personnel to assist with the registrars’ voter-registration functions. “The number of deputy registrars appointed to serve shall be determined by the board of registrars.” *Id.* “In appointing deputy registrars, the registrars shall select persons who are reasonably representative of a cross section of significantly identifiable groups of the communities or areas where they are to serve.” *Id.* O.C.G.A. § 21-2-214 sets the qualifications for registrars and deputy registrars and requires them to take an oath “[b]efore entering upon the duties of office.”

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-213(a) and O.C.G.A. § 21-2-214. The statute otherwise speaks for itself, and Proposed Intervenor deny the characterizations of the statute contained within Paragraph 30.

III. The Fulton County BOE’s Policy

31. The Fulton County BOE manages voter registration and election administration in Fulton County, including absentee balloting procedures. O.C.G.A. §§ 21-2-40, 21-2-70; 1989 Ga. Laws, p. 4577, *as amended by* 2019 Ga. Laws, p. 4181 § 2. The Fulton 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 Intervenor deny the characterizations of the statute contained within Paragraph 31.

32. The Fulton County BOE currently consists of four members, Sherri Allen, Douglass Selby, Teresa K. Crawford, and Julie Adams.

ANSWER: Admitted.

33. Nadine Williams, the Fulton County Department of Registrations and Elections Director (the “Elections Director”), is not a member of the Fulton County BOE. She is charged with implementing the Fulton County BOE’s decisions for registrations and elections.

ANSWER: Admitted.

34. The Policy at issue emanated from two Board meetings in March 2026, during which Elections Director Williams proposed a policy designating twenty-two advance voting locations as additional sites for the in-person receipt of hand-delivered ABM ballots.⁴

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 34 and, on that basis, deny the same.

35. Fulton County BOE members immediately raised concerns about the same legal deficiencies that form the basis for this lawsuit.

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 35 and, on that basis, deny the same.

36. At the March 11 meeting, Fulton County BOE Chairperson Sherri Allen raised concerns regarding chain of custody and ballot-courier and transportation procedures, and recommended a limited pilot program at two or three locations rather than the full twenty-two.⁵

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 36 and, on that basis, deny the same.

37. Fulton County BOE member Julie Adams also raised concerns that the Policy might run afoul of Senate Bill 202 (2021 Ga. Laws, Act 9) by effectively creating more than seven “dropboxes” for receipt of ABM ballots.⁶

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 37 and, on that basis, deny the same.

38. Due to these concerns from its own members, the Fulton County BOE requested that its Special Counsel address certain legal issues at the next meeting.⁷

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 38 and, on that basis, deny the same.

⁴ See Video Recording of Fulton Cnty. Bd. of Registration & Elections, Mar. 11, 2026, Regular Meeting, at 1:18:14. Available at https://www.youtube.com/live/1clANU_V9_g?si=DCtDTTr1OeNRHDziQ (accessed June 2, 2026).

⁵ *Id.* at 1:18:29.

⁶ *Id.* at 1:19:30.

⁷ *Id.* at 1:21:25.

39. On March 16, 2026, the Fulton County BOE reconvened in a special-called session. The pilot-program approach recommended by Chairperson Allen at the March 11 meeting was not adopted. Instead, for unknown reasons, the proposal returned to its original scope of twenty-two locations, sparking additional comment and concern amongst Fulton County BOE members.

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 39 and, on that basis, deny the same.

40. The plan contemplated using twenty-two selected advance voting sites as additional locations for the receipt of hand-delivered ABM ballots and deputizing the poll managers and assistant poll managers at those locations as deputy registrars for that purpose.

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 40 and, on that basis, deny the same.

41. Fulton County BOE member Julie Adams again expressed concern with the plan to use an advance voting location at Flipper Temple as an additional registrar's office for acceptance of absentee ballots. Member Adams stated that in her view, the General Assembly's and SEB's intent in adopting O.C.G.A. § 21-2-382 and Rule 183-1-14.08(2) "was clear" that absentee ballot drop-off locations should be in government buildings.⁸

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 41 and, on that basis, deny the same.

42. Fulton County BOE member Douglass Selby questioned why the proposal had been expanded from the limited pilot discussed at the prior meeting. Elections Director Williams responded that her staff had met as a team and had decided to proceed with all twenty-two locations, and that this was the course she recommended the Board adopt—stating that the Board "would prefer to just do all 22 so then nobody is confused."⁹

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 42 and, on that basis, deny the same.

43. The Fulton County BOE's Special Counsel and Department of Registrations and Elections staff defended the plan as lawful, asserting that the contemplated procedures did not run afoul of State Election Board Rule 183-1-14 or the Georgia Election Code.

⁸ See Video Recording of Fulton Cnty. Bd. of Registration & Elections, Mar. 16, 2026, Special Meeting, at 9:40. Available at https://www.youtube.com/live/KNazIPMfM_0?si=uvLp4ucjC8Rnhu4D (accessed June 2, 2026).

⁹ *Id.* at 20:50.

ANSWER: Proposed Intervenor's lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 43 and, on that basis, deny the same.

44. On April 20, 2026, the Fulton County BOE approved a final Policy Regarding Absentee Ballot Drop-Off, a true and correct copy of which is attached hereto as Exhibit A.

ANSWER: Admitted.

45. The Policy purports to create a new "process and provide direction to election staff for the acceptance of ABM ballots at polling locations." The Policy states that "all advanced voting locations that are located in a government building" or that "serve as an election day polling place, and which do not have [an ABM] drop box" are "established as additional registrar's offices." The Policy mass-deputizes all poll managers and assistant managers at such polling places as deputy registrars.

ANSWER: Admitted that the quoted language is contained within the Policy. The document otherwise speaks for itself, and Proposed Intervenor's deny the characterizations of the document contained within Paragraph 45.

46. The Policy creates 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, receiving a date and time label from the poll manager or assistant manager, and depositing the ABM ballot into an "ABM ballot container" for later collection and transfer to the Fulton County Elections Hub and Operation Center.

ANSWER: Denied.

47. According to the Policy, voters should provide their ABM ballots "directly to a deputy registrar" (in reality a poll manager or assistant manager) at the polling location. The deputy registrar then affixes "a label with a time and date stamp to the outer envelope" of the ABM ballot and returns the ABM ballot to the person submitting the ABM ballot. That person adds the "person's name, relationship to voter, signature, and contact information" to the outer envelope of the ABM ballot. The person submitting the ABM ballot then deposits the ABM ballot into an "ABM ballot container designated for that purpose." ABM ballots are kept at the polling place in the "ABM ballot container" until an unspecified time when the ballots are collected and transferred by a "sealed bag" to the Fulton County Elections Hub and Operation Center. The next morning after the ballots arrive at the Fulton County Elections Hub and Operation Center, they are logged, verified, and processed pursuant to O.C.G.A. § 21-2-386. The Policy permits electors to vote ABM ballots using this new process until the close of polls on election day.

ANSWER: Admitted that the quoted language is contained within the Policy. The document otherwise speaks for itself, and Proposed Intervenors deny the characterizations of the document contained within Paragraph 47.

IV. The Fulton County BOE's Policy Violates Georgia Law

48. 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 48 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

49. The Fulton County BOE Policy creates a new process for voting ABM ballots not permitted by Georgia law. Although Defendants attempt to shoehorn their Policy into a form of "hand delivery," simply having a poll manager or assistant manager place a sticker on an ABM ballot does not fulfill Georgia's requirements for hand delivery of an ABM ballot.

ANSWER: Denied.

50. In reality the Policy is an attempt by the Fulton County BOE to make an end-run around Georgia law limiting the number of ABM ballot drop boxes permitted in a county by renaming ABM ballot drop boxes as "ABM ballot containers" and installing these "ballot containers" at all polling places that do not have an ABM ballot drop box.

ANSWER: Denied.

51. The Policy exceeds the Fulton County BOE's statutory authority in three principal respects.

ANSWER: Denied.

First Deficiency - The Policy's Mass Deputization of Poll Managers and Absence of Poll-Watcher Access at Twenty-Two Advance Voting Locations

52. Paragraph 5 of the Policy universally appoints "poll managers and assistant managers of advanced voting locations as deputy registrars" and "delegates the authority to receive hand-delivered ABM ballots" to them, thereby expanding the persons authorized to receive such

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

ANSWER: Paragraph 52 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 denies the allegations.

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

ANSWER: Paragraph 53 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 denies the allegations.

54. The Policy invokes O.C.G.A. § 21-2-213 as authority for the mass appointment of poll managers and assistant managers as deputy registrars. But Section 21-2-213 sits in Article 6 of the Election Code, which governs the registration of voters, and authorizes the appointment of deputy registrars only “to aid [the registrars] in the discharge of their duties.” Accordingly, Section 21-2-213 is a staffing provision for Article 6 registration work and does not grant the Fulton County BOE authority to expand the narrow class of persons Article 10 designates to receive ABM ballots.

ANSWER: Paragraph 54 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 denies the allegations.

55. O.C.G.A. § 21-2-213(a) likewise requires that the Fulton County BOE determine “[t]he number of deputy registrars appointed to serve” and “select persons who are reasonably representative of a cross section of significantly identifiable groups of the communities or areas where they are to serve.” *Id.* The Fulton County BOE violates these provisions by mass-deputizing any and all poll managers and assistant managers, whomever and however many persons that may be.

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 statute contains the quoted language and states that the statute speaks for itself. Proposed Intervenor otherwise denies the allegations.

56. The Policy also fails to ensure poll-watcher access at the twenty-two advance voting locations during the receipt of ABM ballots.

ANSWER: Denied.

57. 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 labeling of envelopes by deputy registrars, and the sealing of containers for transport to the Hub.

ANSWER: Paragraph 57 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 states that the statute speaks for itself. Proposed Intervenor otherwise denies the allegations.

58. The Policy addresses poll watchers only by requiring that the “secured ABM ballot container” be stored “in a manner that is visible to poll watchers or other authorized individuals.” This provision is directed at the container’s storage, not to observation of the receipt activities themselves.

ANSWER: Proposed Intervenor admits that the Policy contains the quoted language and states that the Policy speaks for itself. Proposed Intervenor otherwise denies the allegations.

59. The Policy thus fails to implement the observational right § 21-2-408(d) confers and deprives Plaintiffs and the public of the transparency the General Assembly mandated.

ANSWER: Denied.

60. The Policy further violates O.C.G.A. § 21-2-386 insofar as it requires poll managers and assistant managers to violate the requirements for how a registrar or clerk should record and verify an ABM ballot voted by hand delivery. 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. The registrar or clerk shall then compare the number of the elector’s Georgia driver’s license number or state identification card issued pursuant to Article 5 of Chapter 5 of

Title 40 and date of birth entered on the absentee ballot envelope with the same information contained in the elector's voter registration records The registrar or clerk shall also confirm that the elector signed the oath and the person assisting the elector, if any, signed the required oath. If the elector has signed the elector's oath, the person assisting has signed the required oath, if applicable, and the identifying information entered on the absentee ballot envelope matches the same information contained in the elector's voter registration record, the registrar or clerk shall so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct. All accepted absentee ballots shall be securely stored in either a sealed container or appropriately secured in an access controlled room that will prevent tampering or unauthorized access prior to the scanning of such ballots."

ANSWER: Paragraph 60 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.

61. The Policy requires a "deputized" poll manager or assistant manager to apply a label to the ABM ballot with the date and time an ABM ballot is presented at a polling place, but then requires the poll manager or assistant manager to return the ABM ballot to the person submitting the ABM ballot without completing the remaining requirements of O.C.G.A. § 21-2-386. The person submitting the ABM ballot then adds "the person's name, relationship to voter, signature, and contact information" to the outer envelope of the ABM ballot and deposits the ABM ballot into an "ABM ballot container" before the verification process required by O.C.G.A. § 21-2-386 is completed. ABM ballots in the "ABM ballot container" are then collected and transported to the Fulton County Elections Hub and Operation Center at an unspecified point. After arriving at the Fulton County Elections Hub and Operation Center, the ABM ballots are not processed and verified until the next day.

ANSWER: Proposed Intervenor admits that the Policy contains the quoted language and state that the Policy speaks for itself. Proposed Intervenor otherwise deny the characterizations of the Policy contained within Paragraph 61.

62. O.C.G.A. § 21-2-386(a)(1)(B) does not permit the Fulton County BOE's Policy of only labeling an ABM ballot at the time it is received and then returning it to the ballot submitter for deposit into an "ABM ballot container" until it is transported to a different location where another registrar or clerk will complete the verification at an unspecified later point.

ANSWER: Paragraph 62 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

Second Deficiency - The Policy's Creation of De Facto Drop Boxes

63. Fulton County has approximately 751,000 active registered voters and is therefore permitted only seven drop boxes under O.C.G.A. § 21-2-382(c)(1). Upon information and belief, the Fulton County BOE has already authorized drop boxes at seven locations.

ANSWER: Proposed Intervenor lack sufficient information or knowledge to form a belief as to the number of currently registered voters in Fulton County. The remainder of Paragraph 63 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

64. Because the poll managers and assistant managers cannot be validly deputized to receive hand-delivered ABM ballots and cannot verify hand-delivered ABM ballots, *see supra*, an elector who votes an ABM ballot at a polling location by depositing it in an "ABM ballot container" is not "personally deliver[ing]" it "to the board of registrars or absentee ballot clerk" as O.C.G.A. § 21-2-385(a) requires.

ANSWER: Denied.

65. Rather, the elector deposits the ballot for collection in a "secured ABM ballot container," which is essentially an ABM drop box by another name. ABM ballot containers 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.

66. Similar to the deposit of ABM ballots in lawfully authorized ABM drop boxes, Paragraphs 2 and 6(b) of the Policy unlawfully permit depositing ABM ballots into ABM ballot containers for later collection and transfer to the Fulton County BOE or absentee ballot clerk.

ANSWER: Denied.

67. Under the Policy, the ABM ballot containers serve as de facto ABM ballot drop boxes, and the Fulton County BOE may not avoid the statutory cap by renaming what is, in substance, a drop box. The Policy is an invalid attempt to authorize ABM drop boxes beyond the statutory cap.

ANSWER: Denied.

68. Further, the ABM ballot containers, acting as collection receptacles akin to ABM drop boxes, are not subject to the chain-of-custody requirements O.C.G.A. § 21-2-382(c)(3) imposes on drop-box ballots.

ANSWER: Paragraph 68 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, denied.

69. Section 21-2-382(c)(3) requires the “ballot transfer form” to record “the date, time, location, number of ballots, confirmation that the drop box was locked after removal of the ballots, and the identity of each person collecting the ballots.” The Policy requires only an end-of-day count of ballots on a generalized “chain of custody form” and imposes none of the statute’s other requirements on the deputy registrars who collect ABM ballots from the secured containers at the twenty-two advance voting locations.

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 21-2-382(c)(3). The statute speaks for itself. Paragraph 69 otherwise contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, denied.

70. 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 Fulton 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 70 otherwise contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, denied.

71. 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.

72. The Policy further violates restrictions on when an elector may vote ABM ballots by ABM ballot drop box.¹⁰ O.C.G.A. § 21-2-382(c)(1) mandates that “[a]ll drop boxes shall be closed when the advance voting period ends.” The advance voting period “shall end on the Friday immediately prior to each primary, election, or runoff.” O.C.G.A. § 21-2-385(d)(1)(B). The Policy permits, however, electors to vote ABM ballots by presenting the ballot to a poll manager or assistant manager and depositing the ABM ballot into an “ABM ballot container” until the close of polls on election day.

ANSWER: Denied.

73. The voting period the Policy authorizes for these de facto drop boxes is therefore significantly longer than the period the General Assembly authorized for drop-box ballots.

ANSWER: Denied.

Third Deficiency - Designation of Non-Governmental Building as Additional Registrar’s Office

74. 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 74 otherwise contains legal contentions, characterizations, conclusions, or opinions to which no response is required.

75. 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.”

ANSWER: Paragraph 75 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.

76. This “shall be utilized” command is again mandatory and forecloses the Fulton County BOE’s discretion to designate a non-governmental site where a qualifying governmental building is practicable, *see supra* ¶ 70.

¹⁰ The Policy likewise violates the requirement that electors must vote ABM ballots by hand delivery “before the day of the primary or election.” O.C.G.A. § 21-2-385(a).

ANSWER: Paragraph 76 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, denied.

77. By designating Flipper Temple, a non-governmental building, as an additional registrar's office for receiving ABM ballots, the Board has violated O.C.G.A. § 21-2-382(a) and State Election Board Rule 183-1-14-.08(2).

ANSWER: Denied.

78. The Board's stated rationale for Flipper Temple's inclusion, i.e., its proximity to an HBCU campus, establishes only that the location is advantageous. Convenience, however, is not impracticability.¹¹ The Board's designation of Flipper Temple as an additional registrar's office therefore plainly violates O.C.G.A. § 21-2-382(a) and the SEB Rule and should be declared invalid as a matter of law.

ANSWER: Denied.

79. The Fulton 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.

80. Without relief from this Court, Defendants will employ the Policy at the next primary, election, or runoff conducted in Fulton County, receiving hand-delivered ABM ballots at locations and through personnel not authorized by the Election Code, and the integrity of those proceedings cannot be restored once unlawfully received ballots have been commingled with lawfully received ballots.

ANSWER: Denied.

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

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

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

¹¹ See *Dep't of Cmty. Health v. Houston Hosps., Inc.*, 365 Ga. App. 751, 766 (2022) ("[D]espite the deference courts generally afford to administrative agencies, when 'the statutory text is clear and unambiguous, we attribute to the statute its plain meaning . . .'" (quoting *Deal v. Coleman*, 294 Ga. 170, 173 (2013))); *Sawnee Elec. Membership Corp. v. Ga. Pub. Serv. Comm'n*, 273 Ga. 702, 706 (2001) ("[A]dministrative agencies . . . are not authorized to enlarge the scope of, or supply omissions in, a properly-enacted statute [n]or . . . change a statute by interpretation." (quoting *N. Fulton Med. Ctr. v. Stephenson*, 269 Ga. 540, 543-44 (Ga. 1998))).

82. 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 82 otherwise contains legal characterizations, contentions, conclusions, and opinions to which no response is required.

83. The Fulton 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. §§ 21-2-213, 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 83 otherwise contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

84. The RNC, GRP, and Fulton GOP nominate candidates whose names appear on ballots cast and counted in Fulton 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 Fulton 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 Fulton County.

ANSWER: Proposed Intervenor lacks 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 84 contain legal characterizations, contentions, conclusions, and opinions to which no response is required.

85. The Policy is unlawful and exceeds Defendants’ authority in three primary respects.

ANSWER: Denied.

86. *First*, Paragraph 5 of the Policy mass-appoints poll managers and assistant managers as deputy registrars authorized to receive hand-delivered absentee ballots, 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, 21-2-213, and 21-2-408(d).

ANSWER: Denied.

87. *Second*, Paragraphs 2 and 6(b) of the Policy establish de facto absentee ballot drop boxes at advance voting locations beyond the seven drop boxes the Fulton County BOE has already deployed, in violation of the statutory cap imposed by O.C.G.A. § 21-2-382(c)(1), without the chain-of-custody safeguards § 21-2-382(c)(3) imposes on the collection of drop-box ballots, and in violation of § 21-2-382(c)(1)'s mandate that ballot drop boxes shall be closed when the advance voting period ends.

ANSWER: Denied.

88. *Third*, the BOE designated an advance voting site located in a non-governmental building as an additional registrar's office under the Policy despite practicable alternatives, a clear violation of O.C.G.A. § 21-2-382(a) and State Election Board Rule 183-1-14-.08(2).

ANSWER: Denied.

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

ANSWER: Paragraph 89 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

90. A declaratory judgment is due to be entered declaring that the Policy, and in particular Paragraphs 2, 5, and 6 thereof, exceeds Defendants' authority, conflicts with O.C.G.A. §§ 21-2-213, 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)**

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

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

92. 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 Fulton 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 92 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

93. “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 93 otherwise contains legal characterizations, contentions, conclusions, and opinions to which no response is required.

94. 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) and 21-2-213; at receptacles that operate as de facto drop boxes beyond the cap imposed by O.C.G.A. § 21-2-382(c)(1); at a non-governmental building not qualifying under O.C.G.A. § 21-2-382(a); during periods prohibited by O.C.G.A. §§ 21-2-382(c)(1) and 21-2-385(a); and pursuant to chain-of-custody procedures that fall short of those required by O.C.G.A. § 21-2-382(c)(3). The Fulton 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 Fulton County are conducted in accordance with procedures provided by the General Assembly.

ANSWER: Paragraph 94 contains legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, denied.

95. 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 Fulton 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)

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

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

97. 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.

98. The Policy is such an act. As set forth above, the Fulton 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. §§ 21-2-213, 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, at a non-governmental building, during periods, and pursuant to chain-of-custody procedures not authorized by the Election Code.

ANSWER: Denied.

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

ANSWER: Denied.

100. 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.

101. 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 Fulton 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.

COUNT IV
Attorney Fees Under O.C.G.A. § 13-6-11
(Asserted Against Defendants in their Individual Capacities)

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

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

103. Under O.C.G.A. § 13-6-11, a plaintiff may recover its expenses of litigation if the “defendant has acted in bad faith, has been stubbornly litigious, or has caused the plaintiff unnecessary trouble and expense.”

ANSWER: Admitted that the quoted language is contained within O.C.G.A. § 13-6-11.

The statute speaks for itself. To the extent further response is required, denied.

104. Defendants have acted in bad faith by adopting the Policy and proposing to implement it in contravention of O.C.G.A. §§ 21-2-213, 21-2-382, 21-2-385, 21-2-386, and 21-2-408(d), and notwithstanding the legal concerns raised at the Board’s own meetings before adoption.

ANSWER: Denied.

105. Defendants have caused Plaintiffs unnecessary trouble and expense by adopting and refusing to rescind the Policy notwithstanding its conflict with the Election Code, necessitating this petition for declaratory and injunctive relief.

ANSWER: Denied.

106. Plaintiffs plead that this Court award their damages for attorneys' fees and expenses of litigation in accord with O.C.G.A. § 13-6-11 in an amount to be proven at trial.

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 Intervenor request that the Court:

1. Deny Plaintiffs' requested relief;
2. Immediately dismiss Plaintiffs' Petition with prejudice;
3. Award Proposed Intervenor 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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*Counsel for Proposed Intervenors DSCC
and Jon Ossoff for Senate*

*Pro Hac Vice applications forthcoming

EXHIBIT C

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

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

Plaintiffs,

v.

SHERRI ALLEN, DOUGLASS SELBY,
TERESA K. CRAWFORD, and JULIE
ADAMS, in their individual capacities,

Defendants.

Case No. 26CV008750

[PROPOSED] ORDER GRANTING MOTION TO INTERVENE

Upon consideration of the Motion to Intervene by DSCC and Jon Ossoff for Senate (“Proposed Intervenor”), 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 Intervenor 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 Scott F. McAfee
Judge, Fulton County Superior Court

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

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

Plaintiffs,

v.

SHERRI ALLEN, DOUGLASS SELBY,
TERESA K. CRAWFORD, and JULIE
ADAMS, in their individual capacities,

Defendants.

Case No. 26CV008750

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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