

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

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

Plaintiffs,)

v.)

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

Defendants.)

Case No.

VERIFIED PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

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

Plaintiffs seek a declaration that the process is unlawful and an injunction prohibiting Defendants from using it.

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.

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.

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

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

6. On February 21, 2024, the Gwinnett County BOE adopted Policy BRE-603, “Return of Absentee By Mail Ballots at Advance Voting or Alternate Locations” (the “Policy”), which exceeds the Board’s statutory authority by (i) directing electors to hand-deliver ABM ballots

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

to poll managers and assistant managers—persons not among those O.C.G.A. § 21-2-385(a) authorizes to receive ABM ballots; (ii) establishing “secured ballot bags” at locations without an ABM drop box that operate as de facto drop boxes beyond the cap imposed by O.C.G.A. § 21-2-382(c)(1); (iii) allowing receipt of ABM ballots without (a) the chain-of-custody safeguards required by O.C.G.A. § 21-2-382(c)(3), (b) registrar verification processes under O.C.G.A. § 21-2-386, and (c) poll-watcher access required under O.C.G.A. § 21-2-408(d); and (iv) reserving authority to designate additional registrar’s offices each election cycle without limiting those sites to the categories of buildings O.C.G.A. § 21-2-382(a) and State Election Board Rule 183-1-14-.08(2) permit.

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

JURISDICTION

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

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

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.

PARTIES

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

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

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

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

15. Defendants David Hancock, Loretta Mirandola, Amy Bray, Alice O’Lenick, and Richard Porter are members of the Gwinnett County BOE, which is the election superintendent for Gwinnett County. The superintendent is charged with implementing policies in compliance with applicable laws and regulations to oversee elections conducted in Gwinnett County, including

managing the process for the collection and tabulation of absentee ballots. O.C.G.A. §§ 21-2-381; 21-2-386(a)(2)(A). Defendants are sued in their individual capacities and can be served in their individual capacities at 455 Grayson Highway, Suite 200, Lawrenceville, Georgia 30046.

BACKGROUND

I. Adoption of S.B. 202

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

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.

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.

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.

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.

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).

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.

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).

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.”

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.”

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.”

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

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.”

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.

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

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.

III. The Gwinnett County BOE's Policy

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

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

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

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

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

35. Under that procedure, "[t]he voter shall hand deliver the ballot or authorized ballots directly to the poll manager or assistant manager who shall be responsible for applying a time and date stamp." The ballot is then "placed in a secured ballot bag with the appropriate seals,"

“recorded on the chain of custody forms at the end of the night in a separate category as a hand delivered absentee ballot,” and, once returned to the office, “stored in the ballot vaults until they are ready for processing.”

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

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

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

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

First Deficiency - Receipt of ABM Ballots by Unauthorized Personnel

39. Paragraph 4(a) of the Policy directs that the voter “shall hand deliver the ballot or authorized ballots directly to the poll manager or assistant manager,” thereby expanding the persons authorized to receive ABM ballots beyond “the board of registrars or absentee ballot clerk” in contravention of O.C.G.A. § 21-2-385(a).

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

Second Deficiency - Creation of De Facto Drop Boxes

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

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

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

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

45. Under the Policy, the secured ballot bags serve as de facto ABM ballot drop boxes, and the Gwinnett County BOE may not avoid the statutory cap by renaming what is, in substance,

a drop box. The Policy is an invalid attempt to authorize ABM drop boxes beyond the statutory cap.

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

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

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

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

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

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

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

52. O.C.G.A. § 21-2-408(d) entitles poll watchers to “access to polling places, advance voting locations, tabulation centers, and locations where absentee ballots are being verified, processed, adjudicated, and scanned,” and “to observe any activity conducted at the location at which they are serving.” That right encompasses the receipt of ABM ballots, the application of the time and date stamp, and the sealing of the ballot bags.

53. The Policy is silent as to poll-watcher observation of the receipt, stamping, sealing, and chain-of-custody recording it establishes. It thus fails to implement the observational right O.C.G.A. § 21-2-408(d) confers, deprives Plaintiffs of their statutory right to credential poll

watchers who can meaningfully observe the handling of ABM ballots at every stage, and deprives the public of the transparency the General Assembly mandated.

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

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

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

56. The Policy reserves to the Board open-ended authority to "establish for each election cycle whether the Board will authorize additional registrar offices for the purpose of receiving absentee ballot[s] under O.C.G.A. § 21-2-382(a)," without identifying the locations to be used and without limiting those locations to the categories of buildings O.C.G.A. § 21-2-382(a) and Rule 183-1-14-.08(2) permit.

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

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

59. Without relief from this Court, Defendants will employ the Policy at the next primary, election, or runoff conducted in Gwinnett County, receiving hand-delivered ABM ballots

at locations and through personnel not authorized by the Election Code. The integrity of those proceedings cannot be restored once unlawfully received ballots have been commingled with lawfully received ballots, and the resulting injury to Plaintiffs is therefore imminent and irreparable.

COUNT I

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

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

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

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

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

protectible interests in the lawful administration of absentee voting procedures in Gwinnett County.

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

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

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

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

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

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

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

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

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

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

73. "The purpose of [an] . . . interlocutory injunction is to preserve the status quo while a case is pending." *Slone v. Myers*, 288 Ga. App. 8, 14 (2007), *overruled on different grounds*, *Reeves v. Upson Med. Ctr.*, 315 Ga. App. 582 (2012). When deciding whether to issue an interlocutory injunction, the trial court should balance whether: "(1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined; (3) there is a substantial likelihood that the moving party will prevail on the merits of [its] claims at trial; and (4) granting the [relief] will not disserve the public interest." *Bishop v. Patton*, 288 Ga. 600, 604 (2011), *disapproved upon other grounds*, *SRB Inv. Servs. LLLP v. BB&T*, 289 Ga. 1, 5 n.7 (2011), *overruled on other grounds*, *Wasserman v. Franklin Cnty.*, 320 Ga. 624 (2025).

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

A. **Irreparable Injury**: Absent injunctive relief, Defendants will receive ABM ballots at the next primary, election, or runoff through procedures not authorized by the Election Code. Once unlawfully received ballots are commingled with lawfully received ballots,

they cannot be segregated or invalidated without disenfranchising the electors who returned them, and the integrity of the election cannot be restored through any subsequent monetary or post-election remedy. Plaintiffs have no adequate remedy at law.

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

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

D. The Public Interest: The public interest is served by assuring that the absentee voting provisions of the Election Code are implemented faithfully by the Board and that elections in Gwinnett County are conducted in accordance with procedures provided by the General Assembly.

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

COUNT III

Perpetual Injunction Under O.C.G.A. § 9-5-1 (Asserted Against Defendants in their Individual Capacities)

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

77. Under O.C.G.A. § 9-5-1, this Court has authority to enjoin acts that are "illegal or contrary to equity and good conscience and for which no adequate remedy is provided at law."

The Court may grant such relief at its discretion where "the evidence show[s] that the plaintiff

would suffer irreparable harm; and, in balancing the harm to the parties . . . equity demand[s] the grant of the injunction.” *City of Duluth v. Riverbrooke Props., Inc.*, 233 Ga. App. 46, 55 (1998).

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

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

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

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

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in favor of Plaintiffs and against Defendants and provide the following relief:

A. A declaratory judgment that Policy BRE-603, adopted by the Gwinnett County BOE on February 21, 2024, exceeds Defendants' statutory authority, conflicts with O.C.G.A. §§ 21-2-382, 21-2-385, and 21-2-386 and State Election Board Rule 183-1-14-.08(2), and is null, void, and of no force or effect;

B. An order issuing an interlocutory injunction, pending final disposition of this action, prohibiting Defendants from implementing or enforcing the Policy and directing Defendants to receive ABM ballots only at the locations and through the personnel and procedures authorized by the Election Code and SEB rules;

C. An order issuing a perpetual injunction prohibiting Defendants from implementing or enforcing the Policy and directing Defendants to receive ABM ballots only at the locations and through the personnel and procedures authorized by the Election Code and SEB rules; and

D. All other, further relief that Plaintiffs may be entitled to.

Respectfully submitted this 18th day of June, 2026.

BRADLEY ARANT BOULT CUMMINGS, LLP

/s/ Thomas L. Oliver, III

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Committee, Georgia Republican Party, Gwinnett
County Republican Party, and Tim Fleming*

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

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

Plaintiff,)

v.)

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

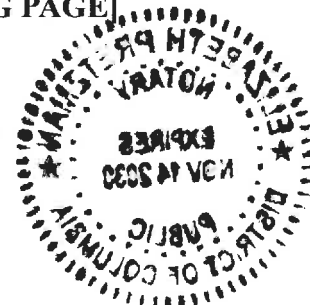
Defendants.)

Case No.

VERIFICATION OF PETITION

I, Michael Ambrosini, being duly sworn, depose and say that I am authorized to give this verification on behalf of Plaintiff Republican National Committee (“RNC”); that I have read the foregoing **Petition for Declaratory and Injunctive Relief** (the “Petition”); that the information used to prepare the Petition was compiled from a variety of sources from within RNC’s business, including business records maintained in the regular and ordinary course of business, as well as from publicly available sources, and with the assistance of RNC’s counsel; and that the information contained therein is true and accurate. The word usage and sentence structure used in the Petition may be that of the attorney assisting in the preparation of the Petition and does not necessarily purport to be the precise language of the executing party.

[NOTARIZED SIGNATURE ON FOLLOWING PAGE]



Michael Ambrosini

Michael Ambrosini
Chief of Staff of the Republican National Committee

Sworn to and subscribed
Before me this 18 day
of June, 2026.

Elizabeth Pretzman
Notary Public

My commission expires:

DISTRICT OF COLUMBIA
Signed and sworn to (or affirmed) before me on
6/18/26 by Elizabeth Pretzman
Date Name of

Elizabeth Pretzman
Signature of Notarial Officer
Notary Public

My commission expires: 11/14/30



Exhibit A

RETRIEVED FROM DEMOCRACY DOCKET.COM

Policy Number: BRE-603

**Gwinnett County
Board of Registrations and Elections
Board Policy File**

Policy Title: Return of Absentee By Mail Ballots at Advance Voting or Alternate Locations

Version: 2023-02

Effective Date: February 21, 2024

I. Authority:

The Gwinnett County Board of Registrations and Elections (hereinafter “the Board”) is empowered with all the powers and duties relating to the conduct of elections as election superintendents and with the powers and duties of the board of registrars relating to the registrations of voters and absentee-balloting procedures. Ga. Laws 1988, p. 4296 (Section 9).

II. Purpose:

The purpose of this policy is to establish standards for the return of absentee by mail ballots at advance voting locations or alternate sites established by the Board pursuant to O.C.G.A §21-2-382(a).

III. Applicability and Scope:

This policy is designed to provide a simple and transparent process to ensure confidence when the Board authorizes the return of absentee by mail ballots at advance voting locations or alternate sites established by the Board pursuant to O.C.G.A §21-2-382(a).

IV. Related Documents and References:

- A. O.C.G.A. §21-2-381
- B. O.C.G.A. §21-2-382

- C. O.C.G.A. §21-2-385
- D. Ga. Comp. Rules and Regs 183-1-14-.08(2)

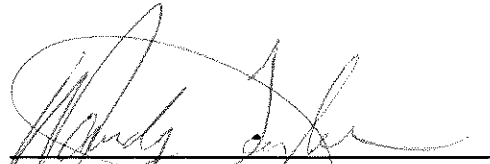
V. Policy:

1. It is the policy of the Gwinnett County Board of Registrations and Elections to establish for each election cycle whether the Board will authorize additional registrar offices for the purpose of receiving absentee ballot under O.C.G.A. § 21-2-382(a).
2. When the Board authorizes the return of absentee ballots at additional locations, then it is important to establish strong ballot security standards.
3. If there is a ballot box drop already at the location as authorized under O.C.G.A. § 21-2-382 (c)(1) then the voters will utilize the drop box and no alternative will be offered.
4. Where the Board authorizes a location to collect hand delivered absentee ballots, then staff shall establish a secure procedure for the return of the ballot to include the following:
 - (a) The voter shall hand deliver the ballot or authorized ballots directly to the poll manager or assistant manager who shall be responsible for applying a time and date stamp.
 - (b) The ballot shall be placed in a secured ballot bag with the appropriate seals.
 - (c) The ballots shall be recorded on the chain of custody forms at the end of the night in a separate category as a hand delivered absentee ballot.
 - (d) Once returned to the office the ballots shall be stored in the ballot vaults until they are ready for processing.
5. The Board shall review this policy each election year when establishing these additional locations for the upcoming election and determine if any revisions are necessary.

Approved, this 21 day of 2 2024.

GWINNETT COUNTY
BOARD OF REGISTRATIONS AND ELECTIONS

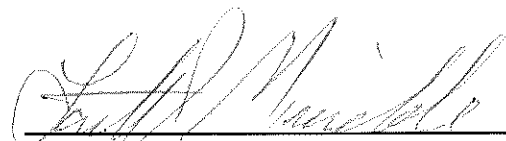
By:



Dr. Wandy Taylor, Chairwoman



Anthony Rodriguez, Vice Chair



Loretta Mirandola, Member

David Hancock, Member

Alice O'Lenick, Member