

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

MICHAEL OLARIBIGBE, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

LEIGH PHILLIPS, Director of the Cobb
County Board of Elections and Registration
in her individual capacity, and JENNIFER
MOSBACHER, STACY EFRAT,
REGINALD TURNER, KENDALL
WATKINS, and DEBBIE FISHER,
members of the Cobb County Board of
Elections and Registration in their
individual capacities,

Defendants.

CIVIL ACTION NO.:

**VERIFIED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**EMERGENCY RELIEF
REQUESTED**

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF**

1. Plaintiff Michael Olaribigbe, on behalf of himself and all others similarly situated, by and through the undersigned attorneys, files this Verified Complaint for declaratory and injunctive relief.

2. Plaintiff and approximately 2,900 other lawfully registered Cobb County voters are on the brink of disenfranchisement in the November 3 election because the vendor hired by Defendants to process and send mail ballots—the same vendor that has reportedly failed to timely send mail ballots across multiple other jurisdictions—failed to ensure their ballots were mailed in accordance with the

statutory timeline. That failure violates state law and these voters' rights under Georgia's Constitution.

3. In this State, “[t]he right to vote is fundamental; it is necessary to preserve our republic and our liberty.” *Republican Nat’l Comm. v. Eternal Vigilance Action, Inc.*, 321 Ga. 771, 784 (2025) (citation omitted); see Ga. Const. art. II, § 1, ¶ II (“Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people.”).

4. And it must be afforded to voters on equal terms. See Ga. Const. art. I, § 1, ¶ II (“Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.”).

5. Any eligible voter can apply to vote by mail. See O.C.G.A. § 21-2-380(b). State law requires that, “[u]pon receipt of a timely application for an absentee ballot,” O.C.G.A. § 21-2-381(b)(1), the registrar or absentee ballot clerk must “mail or issue official absentee ballots” to applicants “immediately upon determining” eligibility, O.C.G.A. § 21-2-384(a)(2). During the early voting period spanning from October 13 to October 30 of this year, they must mail or issue ballots within “three days after receiving a timely application for an absentee ballot.” *Id.*

6. Despite being charged under state law with ensuring that absentee ballots are deposited into the mail in a timely fashion, Cobb County has chosen to outsource its mailing apparatus to a New York-based private vendor.

7. It has done so to Cobb County voters' detriment. With just about a week left before voters' ballots must be returned to election officials pursuant to Georgia's election-day ballot receipt deadline, *see* O.C.G.A. § 21-2-386(a)(1)(F), over 86 percent of the ballots purportedly "issued" to Cobb County voters between October 6 and October 15 have not yet been returned. That anemic return rate is striking compared to other counties' return rates: the return rate at the statewide level over the same period of time is nearly four times higher than in Cobb County. In neighboring Fulton County, where a similar number of absentee ballots bear issuance dates between October 6 and October 15, the return rate is over three times higher than in Cobb.

8. Upon information and belief, Defendants' private vendor delayed mailing absentee ballots to Cobb County voters for as long as nearly two weeks after they were purportedly "issued" by Defendants. Cobb County is not alone. Recent reporting indicates that the same private vendor that Cobb County contracted with is responsible for delays in New York, Pennsylvania, and Colorado.

9. Though the vendor almost certainly bears the blame, Defendants are the ones ultimately responsible for ensuring that Cobb County voters receive ballots in

a timely manner, as provided by Georgia law. After all, state law charges *Georgia election officials*, not out-of-state, for-profit vendors, with “immediately” mailing or issuing ballots to voters upon determining their eligibility—which must occur within “three days after receiving a timely application” during the early voting period. O.C.G.A. § 21-2-384(a)(2).

10. Time is running short. Thousands of Cobb County voters did everything right by requesting their absentee ballots weeks in advance of Georgia’s election-day receipt deadline, yet they have been left in the cold with no absentee ballot at all, in violation of state law. Even assuming their ballots have been belatedly mailed through USPS’s normal service standards, there is an intolerable risk that it is simply too late for these voters to vote and return their delayed ballots to Cobb County before the State’s election-day deadline—especially for voters who are voting from out-of-state and have no option to vote in-person on election day.

11. Given Defendants’ violation of their statutory and constitutional duties, the Court should order relief similar to what it ordered two years ago when Cobb County’s election officials violated the same laws and require that Defendants: (1) overnight mail absentee ballots to voters in the proposed class of “Affected Voters”¹

¹ The “Affected Voters” include eligible Cobb County voters whose absentee ballots were reported as “issued” between October 6 and October 15, 2026, and from whom the Cobb County Board of Elections and Registration has not received completed ballots. Excluded from the class are voters who Defendants’ records indicate have already voted by other means or have already canceled their absentee ballots.

and include express overnight return mailing; and (2) provide immediate notice to the public and all voters in the proposed class. *See Ayota v. Fall*, No. 24GC08111, 2024 WL 4661073 (Ga. Super. Ct. Nov. 1, 2024).

12. This Court must intervene to protect Plaintiff and approximately 2,900 similarly situated voters who are at risk of disenfranchisement because of Defendants' inexcusable delay in ensuring these voters' ballots were dispatched in a timely manner.

JURISDICTION AND VENUE

13. This action arises under the laws and Constitution of the State of Georgia. This Court has jurisdiction to grant declaratory and injunctive relief under O.C.G.A. §§ 9-4-2 and 9-4-3.

14. Venue is proper in this Court under O.C.G.A. § 9-10-30 because at least one of the Defendants against whom substantial equitable relief is sought resides in Cobb County and at least one of the Plaintiff's causes of action originated in Cobb County.

PARTIES

15. Plaintiff Michael Olaribigbe² is a citizen of Georgia and of the United States. He is registered to vote in Cobb County. Mr. Olaribigbe requested his

² Plaintiff's verification of the allegations set forth in this Complaint is attached as Exhibit P to Plaintiff's accompanying Emergency Motion for Expedited Treatment,

absentee ballot on October 5, 2026, because he is presently working in New York. The State’s “My Voter Page” tracking system indicates that his ballot was “issued” on October 9, 2026, but as of the filing of this Verified Complaint, Mr. Olaribigbe still has not received his absentee ballot. Due to professional obligations, he is unable to return to Georgia before Election Day to vote—which is precisely why he requested an absentee ballot in the first place.

16. Defendant Leigh Phillips is the Director of the Cobb County Board of Elections and Registration, who serves as the election supervisor under Georgia law. *See* O.C.G.A. § 21-2-40.1(l).

17. Defendants Jennifer Mosbacher, Stacy Efrat, Reginald Turner, Kendall Watkins, and Debbie Fisher are the members of the Cobb County Board of Elections and Registration. The Cobb County Board of Elections and Registration is the election superintendent for Cobb County. State law charges the superintendent with overseeing the conduct of Cobb County elections and implementing laws and regulations, including managing the process for absentee voting and tabulating valid absentee ballots. *See* O.C.G.A. §§ 21-2-70; 21-2-381; 21-2-386(a)(2)(A). Each of these defendants is sued in their individual capacities.

STATEMENT OF FACTS AND LAW

The Absentee Ballot Process

18. Georgia law authorizes any eligible voter to cast absentee ballots by mail. O.C.G.A. § 21-2-380(b). A voter may, for any reason, request to vote by an absentee ballot up to 11 days before an election. O.C.G.A. § 21-2-381(a)(1)(A).

19. Election officials begin accepting applications for absentee ballots 78 days before the general election. This year, August 17 was 78 days before the November 3, 2026 election.³

20. Georgia election officials must mail ballots to voters quickly. State law requires election officials to mail ballots to any non-Uniformed and Overseas Voters (UOCAVA) not more than 29 days but not less than 25 days prior to a general election. O.C.G.A. § 21-2-384(a)(2). In 2026, the earliest date on which an absentee ballot could be sent was October 5. “As additional applicants” are submitted, the board or clerk “shall mail or issue official absentee ballots . . . **immediately** upon determining . . . eligibility.” O.C.G.A. § 21-2-384(a)(2) (emphasis added). And during the early voting period (spanning from October 13 through October 30 in 2026),⁴ the Board of Elections and Registration must mail or issue absentee ballots,

³ 2026 Elections Calendar, Ga. Sec’y of State, <https://sos.ga.gov/november-3-2026-general-election> (last visited Oct. 27, 2026) (Mot. Ex. C); *see also* O.C.G.A. § 21-2-381(a)(1)(A).

⁴ Ga. Sec’y of State, *supra* note 3.

provisional absentee ballots, or notices of rejection of absentee ballot applications “within three days after receiving a timely application for an absentee ballot.” *Id.*

21. All non-UOCAVA absentee ballots must be received by 7:00 p.m. on Election Day to be counted. *Id.* § 21-2-386(a)(1)(F).

Cobb County election officials fail to ensure the timely delivery of thousands of requested absentee ballots

22. Defendants contracted with a private vendor to mail absentee ballots for the 2026 general election.⁵ But publicly available data demonstrates a unique and unprecedented lag in the return of Cobb County absentee ballots that were reported as “issued” after October 5. Mot. Ex. A (Aggregate Data – Select Counties).⁶ The only plausible explanation is a breakdown in the out-of-state private vendor’s ability to deliver ballots to voters in a timely fashion in accordance with state law. In fact, this same vendor has reportedly been sending ballots late in other jurisdictions too.

23. In the lead-up to the 2026 general election and until October 15, Georgia election officials in all counties reportedly “issued” ballots for approximately 128,000 voters. Mot. Ex. A.

⁵ See Joyce Lupiani, *Georgia Politics: Mail Ballot Ruling, Cobb Plans, AI Voting Concerns*, Fox5 Atlanta (Sep. 15, 2026), <https://perma.cc/42WC-384Y> (Mot. Ex. F).

⁶ All exhibits cited herein are attached to Plaintiff’s accompanying Emergency Motion for Expedited Treatment, Emergency Hearing, and Interlocutory Relief or Temporary Restraining Order.

24. Statewide, approximately 74 percent of ballots reported as “issued” to voters before October 6 have already been returned by voters to their local election officials. Mot. Ex. A. Cobb County was not far behind the statewide numbers for those ballots: approximately 67 percent of absentee ballots reported as “issued” to Cobb County voters before October 6 have been returned. Mot. Ex. A. Before October 6, the mail-ballot apparatus in Cobb County was, by all indications, functioning normally.

25. This is no longer the case. Beginning on October 6, the rate of ballots returned by Cobb County voters has cratered.

26. The Secretary of State’s publicly available voter file demonstrates a fundamental breakdown in Cobb County’s absentee-ballot regime. Start with the statewide numbers: approximately 50 percent of ballots reported as “issued” between October 6 and October 15 have been returned by voters at the statewide level. Mot. Ex. A.⁷ Then compare it to Cobb, where **only 13.3 percent** of ballots purportedly “issued” between October 6 and October 15 have been returned. Mot. Ex. A. That means that of the roughly 3,300 ballots Cobb says it “issued” between October 6 and October 15, only around 450 ballots have been returned by voters. Mot. Ex. A.

⁷ All data referenced in the Verified Complaint is wholly derived from the Secretary of State’s public absentee voter file as of October 27, 2026, and available at <https://mvp.sos.ga.gov/s/voter-absentee-files>.

27. Cobb County is a significant outlier. In neighboring Fulton County, for example, where a similar number of ballots—over 3,000—were reported as “issued” sometime between October 6 and October 15, over 1,300 of those ballots, or 44 percent, have been returned. Mot. Ex. A. And in Cherokee County to the north, over 61 percent of more than 1,300 ballots issued between October 6 and October 15 have been returned by voters. Mot. Ex. A. That striking discrepancy cannot be explained by differences in voter behavior across geographical bounds. Indeed, none of the counties neighboring Cobb County have return rates coming near Cobb County’s 13.3 percent. *See* Mot. Ex. A (Bartow: 80 percent; Douglas: 61 percent; Paulding: 71 percent).

28. Not only does Cobb County’s return rate depart from that of neighboring counties, it also sharply departs from ***its own*** recorded return rates at similar points in the 2022 and 2024 general elections. At this point in the 2022 election, approximately 56 percent of ballots that were issued at a similar point in time were reported returned to Cobb County, and in 2024, 32 percent of those ballots had been returned by now. Mot. Ex. G (Aggregate Data – Historical).

29. All signs point to a systemic and widespread breakdown in Cobb County’s mail-delivery apparatus, leaving approximately 2,900 voters waiting for ballots that might never arrive in time to meet the State’s election-day deadline, if they arrive at all.

30. Cobb County contracts with a private vendor, “New York-based Fort Orange Press,” which “currently handles Cobb County’s absentee-by-mail ballots.”⁸ *See also* Mot. Ex. E (Cobb County Board of Elections and Registration Minutes September 14, 2026 (discussing Cobb County’s use of private vendor for delivery of absentee ballots)).

31. Upon information and belief, for ballots reportedly “issued” between October 6 and October 15, Cobb County’s New York-based private vendor delayed mailing ballots to already-approved absentee voters for as long as nearly two weeks after the date upon which Cobb County indicated to voters that their ballots had been “issued.”

32. Only two other counties in the state with comparable numbers of issued ballots are reporting similarly dismal return rates for ballots purportedly “issued” after October 5: Gwinnett and DeKalb. Mot. Ex. H (Aggregate Data – All Counties). 12.5 percent of absentee ballots reportedly “issued” between October 6 and October 15 have been returned by Gwinnett County voters, and DeKalb County’s return rate stands at 8 percent for the same time period. Mot. Ex. H.

33. But there is a common denominator: both Gwinnett and DeKalb Counties use the same New York-based private vendor as Cobb County. *See* Mot. Ex. I (Sep. 1, 2026 agenda recommending approval of Gwinnett County’s

⁸ Lupiani, *supra* note 5.

“renew[al]” of Fort Orange Press contract through 2027); Mot. Ex. J (Sep. 10, 2026 minutes recommending approval of DeKalb County’s use of Fort Orange Press and other vendor).

34. This is not the first time Cobb County’s private New York-based vendor has reportedly failed to mail ballots to voters in a timely manner. Just days ago, New York Republican Monroe County Board of Elections Commissioner explained that Fort Orange Press had an “envelope issue” that “slow[ed] down the ballots as they went out.”⁹ Fort Orange Press “simply did not have enough of the correct envelopes on hand, which held up one batch of mailings,” affecting roughly 7,000 ballots.¹⁰ Almost three weeks ago, Pennsylvania’s Bradford County voted to authorize a subpoena to Fort Orange Press to “seek answers about why 3,000 mail-in ballots were sent to county voters a week later than expected.”¹¹ And just last week, reports emerged that Colorado’s Huerfano County experienced similar delays:

⁹ Wendy Wright, *N.Y. State Board of Elections Investigating Some Voters Receiving Late Ballots*, Spectrum News 1 (Oct. 22, 2026), <https://perma.cc/4D7Y-SKZB> (Mot. Ex. K).

¹⁰ Julia Ramos, *Monroe County Mail Ballots Delayed by Envelope Shortage, State Now Investigating*, Hoodline Greater Rochester (Oct. 23, 2026), <https://perma.cc/L3Y4-EG9K> (Mot. Ex. L).

¹¹ James Loewenstein, *Bradford County to Subpoena Vendor to Find Out Why It Delayed Sending Out Mail-In Ballots*, The Daily Rev. (Oct. 9, 2026), <https://perma.cc/AMZ2-G239> (Mot. Ex. M).

“a delay with the county’s ballot vendor, Fort Orange Press in Albany, New York, postponed the mailing by several days.”¹²

35. This is also not the first time Cobb County’s election officials have failed to comply with state law requiring ballots to be mailed in a timely fashion. In October 2024, Cobb County admitted that it had not timely mailed out more than 3,000 absentee ballots requested before the deadline, in violation of the same Georgia law at issue here. See O.C.G.A. § 21-2-384(a)(2). After a group of plaintiffs filed a class action against the Board’s Director and its members in their individual capacities, the Superior Court entered an interlocutory injunction and ordered the Board’s members to (1) mail absentee ballots to affected voters by overnight mail with an overnight return envelope; (2) extend the receipt deadline for ballots cast by affected voters to three days after the election; (3) give notice to affected voters by all practicable means; (4) make a public announcement of the court’s injunction; and (5) provide the parties a list of affected voters. See *Ayota*, 2024 WL 4661073, at *3–4.¹³

¹² Mark Craddock, *Two Weeks Out, a Steady Drumbeat of Ballot Returns*, World J. (Oct. 22, 2026), <https://perma.cc/9L3D-H6W5> (Mot. Ex. N).

¹³ The Georgia Supreme Court later granted an emergency motion for a writ of supersedeas regarding the extended ballot deadline, but that appeal was later withdrawn and the injunctive relief ordered by the Superior Court was restored. See Order, *Republican Nat’l Comm. v. Ayota*, No. S25A0332 (Ga. Nov. 6, 2024).

36. Likewise in 2022, Cobb County “failed to timely send absentee ballots to approximately 1,036 voters whose absentee ballot applications had erroneously been marked as issued on October 13, 2022 and October 22, 2022.” Consent Order, *Cook v. Cobb Cnty. Bd. of Elections & Registration*, No. 22107734 (Ga. Super. Ct. Nov. 7, 2022) (Mot. Ex. B). The Superior Court entered a consent order requiring similar relief, including extension of the ballot-receipt deadline, and overnighting replacement ballots to affected voters. Mot. Ex. B.

37. Similar issues arose in Chatham County in 2025; because of significant delays, the County mailed a second set of ballots to affected voters who had not received them from a “third-party printing vendor.”¹⁴

38. Plaintiff is among the class of voters whose ballots were purportedly “issued” between October 6 and October 15, but from whom the Board has not received returned ballots. See Mot. Ex. P ¶ 5 (Affidavit).

39. Many in this class will have no recourse if they are unable to return their ballots by Election Day, particularly those who planned to vote absentee precisely because they will not be at or near their Georgia residence on November 3, 2026. Plaintiff cannot feasibly travel to Cobb County to cast his ballot on Election Day. See Mot. Ex. P ¶ 7. Absent the relief sought here, Plaintiff likely will not be

¹⁴ Christopher Teuton, *Some Chatham County Voters May Receive Two Absentee Ballots After Mail Delays, Officials Say*, WTOC (Oct. 24, 2025), <https://perma.cc/XB9Y-A7KZ> (Mot. Ex. O).

able to participate in the 2026 general election because he has not received his absentee ballot as of October 26, 2026.

40. For voters who did everything right and applied for absentee ballots well before the deadline, there is a high likelihood that, absent immediate relief, they will be disenfranchised.

CLASS ACTION ALLEGATIONS

41. Plaintiff seeks class certification under O.C.G.A. § 9-11-23.

42. The proposed class of “Affected Voters” is defined as eligible Cobb County voters whose absentee ballots were reported as “issued” sometime between October 6 and October 15, 2026, and from whom the Board has not received completed ballots. Excluded from the class are voters who Defendants’ records indicate have already voted by other means or have already canceled their absentee ballots.

43. The proposed class satisfies O.C.G.A. § 9-11-23(a). It is sufficiently numerous because it contains approximately 2,900 Georgia voters. The allegations of the proposed class share common questions of law or fact because (1) they were reportedly “issued” ballots between October 6 and October 15, and (2) upon information and belief, were not timely issued or mailed ballots until as many as twelve days after the inaccurate “issued” date. Plaintiff’s claims are typical of the

claims of the proposed class and Plaintiff will fairly and adequately protect the interests of the proposed class.

44. The proposed class also complies with O.C.G.A. § 9-11-23(b)(3). The prosecution of separate actions by individual members of the proposed class would create a risk of inconsistent adjudications with respect to the proposed class's individual members. Defendants have acted or refused to act on grounds generally applicable to the class by not timely mailing absentee ballots to all Cobb County voters who requested them, which justifies class-wide injunctive relief. There is also a predominance of legal or factual questions common to the members of the proposed class such that a class action is the superior mechanism for the fair and efficient adjudication of their claims.

CAUSES OF ACTION

COUNT I

Declaratory and Injunctive Relief under O.C.G.A. § 9-4-1 et seq. Violations of O.C.G.A. § 21-2-381(b)(2)(A); O.C.G.A. § 21-2-384(a)(2)

45. Plaintiff incorporates each Paragraph set forth above as if set forth fully herein.

46. The purpose of declaratory relief is “to settle and afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations.” *Fourth St. Baptist Church of Columbus v. Bd. of Registrars*, 253 Ga. 368, 369 (1984) (quoting O.C.G.A. § 9-4-1).

47. In Georgia, a party may seek declaratory relief in (a) “cases of actual controversy,” or (b) “in any civil case in which it appears to the court that the ends of justice require that the declaration should be made.” O.C.G.A. § 9-4-2(a)–(b).

48. Such claims can be made “upon petition or other appropriate pleading.” O.C.G.A. § 9-4-2(a)–(b). A claim for declaratory judgment may be made concurrently with an injunctive claim or mandamus petition. *See* O.C.G.A. § 9-4-3(a).

49. O.C.G.A. § 9-4-3(b) further provides: “The court, in order to . . . preserve equitable rights, may grant injunction and other interlocutory extraordinary relief.”

50. Plaintiff is entitled to declaratory, injunctive, and interlocutory extraordinary relief. Defendants were legally required to mail or issue official absentee ballots to applicants “immediately upon determining their eligibility,” and no later than three days after receiving any timely application during the advance voting period of October 13 and October 30, O.C.G.A. § 21-2-384(a)(2). Plaintiff and the class members timely submitted their applications for absentee ballots, *see* O.C.G.A. § 21-2-381(a)(1)(A), their applications were accepted by Defendants, but, upon information and belief, their ballots were not timely mailed to them. They now face uncertainty or insecurity as to their rights, status, or legal relations—namely, disenfranchisement—upon which their future conduct depends.

51. Because of these violations of state law, it will likely be impossible for Plaintiff and approximately 2,900 other absentee voters in Cobb County to return their absentee ballots in time for the November 3 election, absent declaratory and injunctive relief.

COUNT II

Declaratory and Injunctive Relief under O.C.G.A. § 9-4-1 et seq. Violation of Equal Protection Clause

52. Plaintiff incorporates each Paragraph set forth above as if set forth fully herein.

53. Article I of the Georgia Constitution provides that “[p]rotection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.” Ga. Const. art. I, § 1, ¶ II.

54. “Having once granted the right to vote on equal terms,” a state “may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.” *Bush v. Gore*, 531 U.S. 98, 104–05 (2000) (per curiam). A state’s “arbitrary and disparate treatment to voters in its different counties” is “hostile to the one man, one vote basis of our representative government.” *Id.* at 107 (citation omitted).

55. A “citizen’s right to a vote free of arbitrary impairment by state action” is offended when such impairment results from “a refusal to count votes from

arbitrarily selected precincts.” *Baker v. Carr*, 369 U.S. 186, 208 (1962); *see also* *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1320 (11th Cir. 2019); *Curling v. Raffensperger*, 397 F. Supp. 3d 1334, 1403 (N.D. Ga. 2019); *cf. Reynolds v. Sims*, 377 U.S. 533, 568 (1964) (“A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm.”); *Hadley v. Junior Coll. Dist. of Metro. Kansas City*, 397 U.S. 50, 54 (1970) (“[I]n situations involving elections, the States are required to [e]nsure that each person’s vote counts as much, insofar as it is practicable, as any other person’s.”).

56. Among the over 130,000 Georgia voters who were approved to vote by absentee ballot in the 2026 general election, the significant delays detailed in the preceding paragraphs affect only voters living in counties that have—as Cobb County has done—outsourced their mailing apparatus to this New York-based private vendor. This plainly amounts to “uneven treatment,” violating the “minimum requirement for nonarbitrary treatment of voters.” *Bush*, 531 U.S. at 105, 107. “Whether an individual’s vote will be counted in this [election], therefore, may depend in part on something completely arbitrary—their place of residence.” *Gallagher v. N.Y. State Bd. of Elections*, 477 F. Supp. 3d 19, 47 (S.D.N.Y. 2020).

57. Plaintiff and class members have been arbitrarily deprived of their right to vote compared with other Georgia voters who received their absentee ballots on

time, simply because they live in Cobb County, and simply because Cobb County has outsourced its mailing responsibilities to a beleaguered private vendor.

58. Immediate corrective action is required to ensure that the Affected Voters in Cobb County have an equal opportunity to have their absentee ballots counted on par with voters registered in Georgia's other counties.

COUNT III

Declaratory and Injunctive Relief under O.C.G.A. § 9-4-1 et seq. Violation of the Constitutional Right to Vote

59. Plaintiff incorporates each Paragraph set forth above as if set forth fully herein.

60. "The right to vote is fundamental, forming the bedrock of our democracy." *Eternal Vigilance Action, Inc.*, 321 Ga. at 784 (citation omitted).

61. The Georgia Constitution protects the fundamental right to vote by providing that "[e]very person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people." Ga. Const. art. II, § 1, ¶ II.

62. Plaintiff and all class members have the right to vote without undue interference by Defendants.

63. Plaintiff and class members are eligible Georgia voters who timely submitted applications for absentee ballots, and those applications were processed

and accepted by Defendants, but their ballots were not mailed to them in a timely fashion, as required by state law. See O.C.G.A. § 21-2-384(a)(2).

64. Defendants' failure to ensure timely mailing and delivery of absentee ballots under state law constitutes a severe burden on Plaintiff's and class members' fundamental right to vote.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

A. Issue a judgment declaring that Defendants have violated O.C.G.A. §§ 21-2-381(b)(2)(A), 21-2-384(a)(2); Article II, Section 1, Paragraph II and Article I, Section 1, Paragraph II of the Georgia State Constitution;

B. Enter an injunction requiring Defendants to send by express (overnight) mail an absentee ballot to all Affected Voters, including overnight return mailing;

C. Enter an injunction requiring Defendants to provide immediate notice to all voters in the proposed class as to the overnighted ballots; and

D. Grant such other or further relief the Court deems appropriate, including but not limited to an award of Plaintiff's attorneys' fees and reasonable costs, and order that all fees and costs of this action be taxed against Defendants.

Dated: October 27, 2026

Respectfully submitted,

By: **Adam M. Sparks**

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

Kevin J. Wender

Georgia Bar No. 999043

KREVOLIN & HORST, LLC

One Atlantic Center

1201 West Peachtree Street, NW,
Suite 3500

Atlanta, Georgia 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

Email: JLewis@khlawfirm.com

Email: Sparks@khlawfirm.com

Email: Wender@khlawfirm.com

Abha Khanna*

Walker McKusick*

ELIAS LAW GROUP LLP

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Phone: (202) 948-1135

Facsimile: (202) 968-4498

Email: akhanna@elias.law

Email: wmckusick@elias.law

James J. Pinchak*

ELIAS LAW GROUP LLP

250 Massachusetts Ave. NW, Suite
400

Washington, D.C. 20001

Phone: (202) 948-1135

Facsimile: (202) 968-4498

Email: jpinchak@elias.law

Counsel for Plaintiff

* *Pro hac vice* applications
forthcoming

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of October, 2026 a true and correct copy of the foregoing was electronically filed with the Court using the Court's electronic filing system, which will provide notice and service to all counsel of record. I further certify that I provided a copy of all pleadings filed in this case to Defendants at their publicly available electronic mail addresses as follows:

Leigh Phillips leigh.phillips@cobbcounty.org

Stacy Efrat stacy.efrat@cobbcounty.org

Debbie Fisher debbie.fisher@cobbcounty.org

Jennifer Mosbacher jennifer.mosbacher@cobbcounty.org

Reginald Turner reginald.turner@cobbcounty.gov

Kendall Watkins kendall.watkins@cobbcounty.gov

Dated: October 27, 2026

/s/ Adam M. Sparks

Adam M. Sparks

Counsel for Plaintiff