

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

**PAUL ANDREW BOLAND,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **BRAD RAFFENSPERGER, in his official** )  
 **capacity as Secretary of State of the State** )  
 **of Georgia, REBECCA N. SULLIVAN,** )  
 **in her official capacity as Vice Chair of** )  
 **the Georgia State Election Board DAVID J.** )  
 **WORLEY, in his official capacity as a Member** )  
 **of the Georgia State Election Board,** )  
 **MATTHEW MASHBURN, in his official** )  
 **capacity as a Member of the Georgia State** )  
 **Election Board, and ANH LE, in her official** )  
 **capacity as a Member of the Georgia State** )  
 **Election Board,** )  
 )  
 **Defendants.** )  
 )  
 \_\_\_\_\_ )

**CIVIL ACTION FILE  
NO. 2020CV343018**

**MOTION FOR EXPEDITED HEARING**

NOW COMES Plaintiff, Paul Boland, and through his counsel, moves the Court to grant an Expedited Hearing to consider the limited, targeted relief requested in the Complaint, and in support thereof, shows the Court as follows:

1. This is an action brought pursuant to O.C.G.A. § 21-2-254 wherein Plaintiff has raised certain limited, targeted challenges to the Secretary of State’s certification of the Presidential election results in Georgia.<sup>1</sup>

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<sup>1</sup> Pursuant to O.C. G. A. § 21-2-254(b), both the Secretary of State and Board of Elections were statutorily served with the Summons and Verified Complaint by overnight delivery received on December 1, 2020. See O.C.G.A. 21-2-524(b) Certificate of Service of Summons and Complaint (filed December 2, 2020) in this case. The Secretary of State and members of the Board of Elections were personally served by delivery of the Verified Complaint and

2. Plaintiff contests the election results on two empirical grounds: First, data showing 20,312 ballots were cast by individuals who are no longer Georgia residents, casting doubt on the integrity of the Election until such persons are excised from the ballot count. Second, data showing that decreased signature verification arose because counties did not screen mismatched and absent signatures and ballots unsigned without the oath, as required by the Election Code.
3. Plaintiff believes that his lawsuit may be settled with equitable relief in the nature of (A) an audit of the voter rolls to confirm they were maintained as required by Georgia's Election Code and (B) a comparison with the written ballots cast, and a verification that a sampling of outside envelopes used to transmit absentee ballots have been matched with a valid signature in the State's E-Net system (e.g., by auditing the "pings" to that system); such a review would confirm that signature verifications were conducted as required by Georgia's Election Code and as required by Georgia laws and the United States Constitution for federal elections.
4. Plaintiff estimates such an Audit and Verification could be completed within five (5) days and that technology exists to provide the Audit and Verification in a shorter time frame than the recently conducted "hand count."

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Summons to their respective governmental offices by a Fulton County special process server on December 3, 2020. In the case of the Board, the Summons and Complaint were left with the security guard at the entrance to the building who would not allow further access. Security was requested to deliver the service documents to the Elections Board Office. The process server's affidavit will be filed upon receipt by Plaintiff's counsel. Plaintiff's counsel has similarly contacted the Attorney General's Office by phone and requested an assigned Assistant AG to contact him, but has not as of the filing of this motion been contacted. Each of the Offices of the Secretary of State and Attorney General, and two of the Board members, including the Vice Chair, have been e-mailed copies of this motion. No e-mail could be identified for the other two Board members.

5. If equitable relief is not granted, or the Audit and Verification demonstrate that the results of the election cannot be relied upon, Plaintiff seeks decertification of the results of the Election and further relief consistent therewith.
6. This is an emergency because of a federal statutory deadline. 3 U.S.C. § 7 requires that the Presidential electors “meet and give their votes” on December 14, 2020. Any irregularities must necessarily be resolved before then.
7. Plaintiff estimates that an empirical sample study of, for example 5,000 ballots, would take three to five days. If that analysis revealed problems, the Court might want to order a broader analysis. Time must also be allowed for appeals.
8. As there are approximately ten (10) days in which to accomplish the relief requested herein before it arguably becomes moot, a hearing to expedite the Court’s consideration of this matter is necessary. A sample audit would resolve any doubt empirically.
9. The Court is empowered to grant the relief requested herein pursuant to, among other authorities, Martin v. Fulton County Bd. of Registration & Elections, 307 Ga. 193, 210–11, 835 S.E.2d 245, 259 (2019), wherein the Court stated:

The Election Code, for its part, vests trial courts presiding over election contests with the "plenary power ... to make, issue, and enforce all necessary orders, rules, processes, and decrees for a full and proper understanding and final determination and enforcement of the decision of every such case" within the framework of Georgia civil practice or as "necessary and proper to carry out" the chapter of the Georgia Code pertaining to contested elections. O.C.G.A. § 21-2-525 (b). Although the relevant provisions of the Election Code do not mention the term "discovery," let alone set out election-contest-specific party discovery procedures, see generally O.C.G.A. § 21-2-525, the Code does give trial courts the "authority ... to compel the production of evidence which may be required at such hearing, in like manner and to the same extent as in other civil cases litigated before such court." O.C.G.A. § 21-2-525 (b). ***And most importantly for this case, the Election Code by its plain terms both authorizes and compels trial courts to conduct election contests expeditiously.*** (emphasis supplied).

10. Just this week, a judge in Arizona ordered a sample audit of signature matches in the interest of transparency.<sup>2</sup>

11. If the Secretary of State is confident in the results, he should have nothing to fear from this modest request. In the time he could spend litigating it, it would already be done.

WHEREFORE, Plaintiff prays that the Court schedule an expedited hearing to consider the relief requested herein.

Respectfully submitted this 3rd day of December 2020.

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/s/ David F. Guldenschuh .

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*Paul Andrew Boland*

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<sup>2</sup> Duda, *Judge allows Ward to examine handful of ballots, envelopes in lawsuit to overturn election*, Arizona Mirror (Nov. 30, 2020), copy available at <https://www.azmirror.com/2020/11/30/judge-allows-ward-to-examine-handful-of-ballots-in-attempt-to-overturn-election/>.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Expedited Hearing was served upon all Defendants in this matter by causing a copy of the same to be deposited in the United States mail, postage prepaid, addressed as follows:

Hon. Brad Raffensperger  
Secretary of State 214 State Capitol  
Atlanta GA 30334

Hon. Rebecca Sullivan  
Hon. David Worley  
Hon. Matthew Mashburn  
Hon. Anh Lee  
Ga. State Board of Elections  
2 MLK Jr. Drive  
Suite 802, Floyd West Tower  
Atlanta GA 30334

and as a matter of courtesy, by e-mailing the same to the following electronic e-mail addresses, to the extent they could be identified, for said defendants and to the Attorney General's Office as follows:

[soscontact@sos.ga.gov](mailto:soscontact@sos.ga.gov)  
[Rebecca.sullivan@doas.ga.gov](mailto:Rebecca.sullivan@doas.ga.gov)  
[david@ewlawllc.com](mailto:david@ewlawllc.com)  
[arutherford@law.ga.gov](mailto:arutherford@law.ga.gov)

This 3<sup>rd</sup> day of December 2020.

*/s/ David F. Guldenschuh*  
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David F. Guldenschuh  
*Attorney for Plaintiff*