

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

WILLIAM HENDERSON and DEKALB
COUNTY REPUBLICAN PARTY,

Plaintiffs,

v.

VASU ABHIRAMAN, NANCY JESTER,
ANTHONY LEWIS, SUSAN MOTTER, and
KARLI SWIFT,

Defendants,

GEORIGIA STATE CONFERENCE OF THE
NAACP, NEW GEORGIA PROJECT,
GEORGIA COALITION FOR THE
PEOPLE’S AGENDA, INC., A. PHILLIP
RANDOLPH INSTITUTE, COMMON
CAUSE GEORGIA, and LEAGUE OF
WOMEN VOTERS OF GEORGIA,

Proposed Intervenors.

CIVIL ACTION FILE NO. 24CV8564

**MOTION BY GEORGIA STATE CONFERENCE OF THE NAACP, NEW GEORGIA
PROJECT, GEORGIA COALITION FOR THE PEOPLE’S AGENDA, INC., A. PHILLIP
RANDOLPH INSTITUTE, COMMON CAUSE GEORGIA, AND LEAGUE OF WOMEN
VOTERS OF GEORGIA TO INTERVENE AS DEFENDANTS**

Proposed Intervenors Georgia State Conference of the NAACP, New Georgia Project, Georgia Coalition for the People’s Agenda, Inc., A. Phillip Randolph Institute, Common Cause Georgia, and League of Women Voters of Georgia (the “Proposed Intervenors”) move to participate as intervening defendants. For the reasons discussed in the Memorandum of Law in support of this Motion, attached as Exhibit 1, Proposed Intervenors are entitled to intervene in this case as a matter of right under O.C.G.A § 9-11-24(a)(2). In the alternative, Proposed Intervenors request permissive intervention under O.C.G.A § 9-11-24(b)(2). Proposed Intervenors have filed

a Proposed Order granting the Motion to Intervene as Exhibit 2. Under O.C.G.A § 9-11-24(c), Proposed Intervenors have filed a Proposed Motion to Dismiss the Application for Writ of Mandamus, attached as Exhibit 3. Should the Court deny the Motion to Dismiss, Proposed Intervenors have attached a Proposed Answer as Exhibit 4. Declarations in support of the Motion to Intervene on behalf of the Proposed Intervenor Organizations are attached as Exhibits 5-10.

Respectfully submitted this 2nd day of October, 2024:

/s/ Gerald Weber

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On behalf of the: Georgia State Conference
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Exhibit 1

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

WILLIAM HENDERSON and DEKALB
COUNTY REPUBLICAN PARTY,

Plaintiffs,

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Defendants,

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RANDOLPH INSTITUTE, COMMON
CAUSE GEORGIA, and LEAGUE OF
WOMEN VOTERS OF GEORGIA,

Proposed Intervenors.

CIVIL ACTION FILE
NO. 24CV8564

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE BY
GEORGIA STATE CONFERENCE OF THE NAACP, NEW GEORGIA PROJECT,
GEORGIA COALITION FOR THE PEOPLE’S AGENDA, INC., A. PHILLIP
RANDOLPH INSTITUTE, COMMON CAUSE GEORGIA, AND LEAGUE OF WOMEN
VOTERS OF GEORGIA**

Georgia State Conference of the NAACP, New Georgia Project, Georgia Coalition for the People’s Agenda, Inc., A. Phillip Randolph Institute, Common Cause Georgia, and League of Women Voters of Georgia (hereinafter, the “Proposed Intervenors”), hereby respectfully file this Memorandum of Law in Support of their Motion to Intervene in the above-styled action pursuant to O.C.G.A. § 9-11-24.

I. INTRODUCTION AND BACKGROUND.

On September 17, 2024, Plaintiffs William Henderson and the DeKalb County Republican Party (“Plaintiffs”) filed an Application for a Writ of Mandamus (the “Application”) attempting to compel the DeKalb County Board of Registration and Elections to process challenges to the eligibility of some 5,412 DeKalb County voters under O.C.G.A. § 21-2-230 based on purported inactivity or improper residence. Plaintiffs fail to meet the demanding requirements for mandamus under state law because, among other reasons, the relief they seek would violate the National Voter Registration Act’s (“NVRA”) bar on systematic list maintenance programs within 90 days of a federal election and its required, and exclusive, process for removing voters based on a change in residency or inactivity. Proposed Intervenors move, under O.C.G.A. § 9-11-24(a), to intervene as of right in this matter, or in the alternative, move for permissive intervention under O.C.G.A. § 9-11-24(b).

The Proposed Intervenors are dedicated to eliminating barriers to voting and increasing civic engagement among their members, particularly for Black voters, other voters of color, and voters in traditionally disenfranchised communities. They seek to intervene on behalf of their members and/or on behalf of themselves. Plaintiffs’ requested relief would not only threaten these members’ fundamental right to vote but would also cause the Proposed Intervenors to divert organizational resources from their voter registration, mobilization, education, and election protection efforts toward identifying, contacting, and assisting voters affected by the Application in time to participate in the upcoming 2024 General Election. Accordingly, Proposed Intervenors, on their own behalf and on behalf of their members, have a direct interest in (1) the proper administration of Georgia’s elections, (2) ensuring that the eligible members and constituents they serve remain registered to vote and are able to successfully participate in the upcoming General Election, and (3) continuing to engage in critical election-year activities and other organizational

priorities without being forced to divert resources to address harms to their members and constituents that would flow from Plaintiffs' requested relief. These interests are not otherwise adequately represented in this action. The Court should grant intervention as of right, or, in the alternative, the Court should grant permissive intervention.

II. ARGUMENT AND CITATION TO AUTHORITY

A. Legal Standard for Intervention.

Georgia courts have defined intervention as “the procedure by which a third person, not originally a party to a suit, but claiming an interest in the subject matter, comes into the case, in order to protect his right or interpose his claim.” *AC Corp. v. Myree*, 221 Ga. App. 513, 515 (1996). The standard for allowing intervention in a civil case is set forth in O.C.G.A. § 9-11-24, which permits intervention both as of right (*see* § (a)) and on a permissive basis (*see* § (b)). Generally, if a motion for intervention is timely and the party seeking to intervene meets the requirements set forth in O.C.G.A. § 9-11-24, courts should allow intervention. *Id.* at 515; *see also Baker v. Lankford*, 306 Ga. App. 327, 330 (2010) (“[w]here intervention appears before final judgment, where the rights of the intervening party have not been protected, and where the denial of intervention would dispose of the intervening party’s cause of action, intervention should be allowed and the failure to do so amounts to an abuse of discretion”) (footnote omitted); *Buckler v. DeKalb Cty.*, 290 Ga. App. 190, 193 (2008) (quoting *DeKalb Cty. v. Post Props.*, 245 Ga. 214, 219 (1980)).

As set forth below, Proposed Intervenors’ motion is timely and they have satisfied the requirements for both intervention as a matter of right and for permissive intervention under O.C.G.A. § 9-1-24 (a) and (b), respectively.

B. Proposed Intervenor's Motion Is Timely.

Proposed Intervenor has moved quickly in seeking to intervene here, less than two weeks after the filing of the Application, before any answers or motions to dismiss have been filed, and before any hearings have occurred. There is thus no prejudice to Plaintiffs based on an untimely motion to intervene here. “[W]hether a motion to intervene is timely is a decision entrusted to the sound discretion of the trial court,” *AC Corp.*, 221 Ga. App. at 515 (citation omitted), and Georgia courts have routinely found intervention motions filed much later to be timely, *see, e.g., Liberty Mut. Fire Ins. v. Quiroga-Saenz*, 343 Ga. App. 494, 499 (2017) (determined timely when intervenor “waited a month after hiring counsel to move to intervene”) (footnote omitted); *Stephens v. McGarrity*, 290 Ga. App. 755, 758 (2008) (finding that trial court abused its discretion in concluding that motion to intervene was untimely when filed 21 days after intervenor learned of proposed settlement and before the settlement hearing). The instant motion is indisputably timely.

C. The Moving Organizations May Intervene as a Matter of Right.

Pursuant to O.C.G.A. § 9-11-24(a), there are three requirements for intervention as a matter of right: (1) interest in the subject matter, (2) impairment resulting from an unfavorable decision, and (3) inadequate representation. *See Baker*, 306 Ga. App. at 329; *Buckler*, 290 Ga. App. at 193 (quoting *DeKalb Cty. v. Post Props.*, 245 Ga. 214, 219 (1980)). If a prospective party satisfies these requirements, a court may not deny intervention; the party “*shall* be permitted to intervene.” O.C.G.A. § 9-11-24(a) (emphasis added). The Proposed Intervenor satisfies each of these requirements.

1. *Proposed Intervenor and their members have interests which support their intervention in this action as a matter of right.*

An intervening party has an interest in the case sufficient for intervention as of right when the litigation is “of such a direct and immediate character that he will either gain or lose by the direct effect of the judgment, and such interest must be created by the claim in suit, or a claim to a lien upon the property, or some part thereof, which is the subject matter of the litigation.” *Rossville Fed. Sav. & Loan Ass’n v. Chase Manhattan Bank*, 223 Ga. 188, 189 (1967) (citations omitted).

Proposed Intervenors have at least three significant, protectable interests at risk of impairment in this litigation: (1) ensuring that elections are administered according to state and federal law; (2) ensuring that the members and constituents they serve remain registered to vote and are able to successfully participate in the upcoming General Election, and (3) continuing to engage in critical election-year activities and other organizational priorities without being forced to divert resources to address harms to their members and constituents that would flow from Plaintiffs’ requested relief.

First, Georgia voters and organizations that have a stake in the community— like Proposed Intervenors—have a legally cognizable injury to vindicate public rights when elections are not administered according to the law. *Sons of Confederate Veterans v. Henry Cnty. Bd. of Commissioners*, 315 Ga. 39, 60–63 (2022) *aff’d in part and reversed in part*, citing *Barrow v. Raffensperger*, 308 Ga. 660, 667 (2020) (finding that the plaintiff “has a right as a Georgia voter to pursue a mandamus claim to enforce the Secretary's duty to conduct an election that is legally required She does not need to establish any special injury to bring that claim as a voter.”); *Rothschild v. Columbus Consol. Govt.*, 285 Ga. 477, 479-480 (2009) (finding that plaintiffs’ allegations that defendants failed to perform public duty promised to voters was sufficient to establish standing); *Manning v. Upshaw*, 204 Ga. 324, 326 (1948) (finding that plaintiff, as a

“citizen and a voter” of Alpharetta, may maintain a petition for mandamus to compel the mayor and city council members to call for an election to elect their successors). Because the actions Plaintiffs demand would violate the NVRA, the Proposed Intervenors’ interests in ensuring Georgia’s elections are conducted in compliance with federal law are directly implicated.

Second, Proposed Intervenors have an interest in protecting the right of their members who reside in DeKalb County to vote in the upcoming General Election, some of whom are likely to be directly impacted by Plaintiffs’ mass voter challenges. *See* Decl. of Gerald Griggs (“Griggs Decl.”), attached hereto as Exhibit 5, ¶¶ 8, 10-14; Decl. of Helen Butler (“Butler Decl.”), attached hereto as Exhibit 6, ¶¶ 11-13, 18; Decl. of Tangelita Bush (“Bush Decl.”), attached hereto as Exhibit 7, ¶¶ 6-7, 10-11; Decl. of Yolanda Pearson (“Pearson Decl.”), attached hereto as Exhibit 8, ¶¶ 4-6, 8; Decl. of John W. Young, III (“Young Decl.”), attached hereto as Exhibit 9, ¶¶ 5, 11-16, 19-21; Decl. of Nichola Hines (“Hines Decl.”), attached hereto as Exhibit 10, ¶¶ 6-8, 13-16, 19.¹ The disposition of this suit will directly impact the members and constituents of Proposed Intervenors—eligible voters who could be disenfranchised if the Board is ordered to act on the challenges during the NVRA quiet period and purge the 5,412 voters identified in Plaintiffs’ challenges. Griggs Decl. ¶¶ 8, 10-14; Butler Decl. ¶¶ 11-13, 18; Bush Decl. ¶¶ 8-9; Pearson Decl. ¶¶ 4-6; Young Decl. ¶¶ 13-16; 19-21; Hines Decl. ¶¶ 13-15.

Third, Proposed Intervenors have an interest in avoiding the need to divert resources to respond to a mass removal of voters, particularly during the run up to the General Election when, consistent with their missions, they are already extraordinarily busy mobilizing voters. Proposed

¹ Plaintiffs currently insist the named respondents must purge these 5,412 voters without identifying most of the individuals actually subject to injury and the loss of the right to vote. (*See Application*, at Ex. B (referencing an attached list of 4,861 voters that is not included with the Application)).

Intervenors’ diversion of resources injuries here are more than sufficient to show impairment. *See e.g., Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1350-51 (11th Cir. 2009), *cert. denied*, 129 S. Ct. 2770 (2009) (Georgia NAACP has standing to challenge photo ID statute because it needed to divert resources to educate and assist voters); *Fla. State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1165 (11th Cir. 2008) (“[A]n organization suffers an injury in fact when a statute ‘compel[s]’ it to divert more resources to accomplishing its goals”) (citation omitted); *Ga. Coalition for People’s Agenda, Inc. v. Kemp*, 347 F. Supp. 3d 1251, 1258 (N.D. Ga. 2018) (concluding that Georgia NAACP and GCPA have standing based upon diversion of resources); *Ga. State Conf. of the NAACP v. DeKalb County*, 484 F. Supp. 3d 1308, 1316 (N.D. Ga. 2020) (N.D. Ga. Sept. 2, 2020) (citations omitted) (holding that “an organization suffers an injury in fact when a statute compels it to divert more resources to accomplishing its goals” and “the fact that the added cost has not been estimated and may be slight does not affect standing, which requires only a minimal showing of injury”); *Fair Fight Action, Inc. v. Raffensperger*, 413 F. Supp. 3d 1251, 1267 (N.D. Ga. 2019); *Gwinnett Cty. NAACP v. Gwinnett Cty. Bd. of Registration & Elections*, 446 F. Supp. 3d 1111, 1119 (N.D. Ga. 2020). Further, Proposed Intervenors’ election-related and other programming is at risk of being impaired if this Court orders the Board to process voter challenges within the NVRA’s 90-day quiet period ahead of the General Election. *See* Griggs Decl., ¶¶ 10, 13-18; Butler Decl., ¶¶ 13-20; Bush Decl. ¶¶ 6-7, 10-11; Pearson Decl. ¶¶ 3, 9-13; Young Decl. ¶¶ 7-9, 16, 21; Hines Decl. ¶¶ 4-8, 17. This risk is particularly heightened here, where Proposed Intervenors would have to divert from their ordinary work during the 90-day NVRA quiet period to assist challenged voters and contact and re-register voters before the fast-approaching close of voter registration. *See* Griggs Decl., at ¶¶ 16-19; Butler Decl., at ¶¶ 15-20; Bush Decl. ¶¶ 8-9; Pearson Decl. ¶¶ 10, 12-13; Young Decl. ¶¶ 17-19; Hines Decl. ¶ 17-18.

2. *An unfavorable disposition will impair the Proposed Intervenor's interests as well as the interests of their members.*

The second requirement is whether an unfavorable disposition would impair an intervenor's own interests. *See Liberty Mut. Fire Ins. Co.*, 343 Ga. App. at 499-500; *see also Bibb Cnty. v. Monroe Cnty.*, 294 Ga. 730, 740 (2014) (finding that "disposition . . . could impair [intervenor's] ability to protect its interest . . ." in a mandamus proceeding). This litigation presents the very real danger that the Proposed Intervenor's core mission to protect the voting rights of their members and other eligible Georgia voters would be thwarted if voter challenges and purges are allowed to occur within 90 days of a federal election. The litigation also directly targets and harms Proposed Intervenor's members and constituents who are on the list of 5,412 challenged DeKalb County voters.

Plaintiffs' Application seeks to initiate a process that can disenfranchise and purge from the rolls Proposed Intervenor's members and constituents just weeks before the 2024 General Election. Plaintiffs' Application also directly attacks and seeks to undo and neutralize the good work of the Proposed Intervenor. Proposed Intervenor have been assisting their members and other prospective voters in registering to vote; educating them about voting in the upcoming General Election; and planning activities to mobilize these voters to the polls, including in DeKalb County. *See* Griggs Decl., at ¶¶ 5, 11, 15; Butler Decl., at ¶¶ 5, 12, 14-15; Bush Decl. ¶¶ 4, 8, 10; Young Decl. ¶¶ 5, 16; Hines Decl. ¶¶ 7-8. The Proposed Intervenor also have commitments to furthering their work in other areas such as criminal and economic justice reform, civic education, and ethics reform. *See* Griggs Decl., at ¶ 18; Butler Decl., at 16-17; Pearson Decl. ¶ 13. Young Decl. ¶¶ 8, 17; Hines Decl. ¶¶ 5. Their staff are already stretched thin, and an outcome in this case that requires Defendants to initiate an improper purge would further drain the Proposed Intervenor's limited resources. Griggs Decl., at ¶¶ 16-18; Butler Decl., at ¶¶ 16-17, 20; Bush Decl.

¶ 9; Pearson Decl. ¶¶ 10-13; Young Decl. ¶¶ 7, 9, 17; Hines Decl. ¶¶ 7, 9, 17. If the Application is successful and challenge hearings are convened to consider purging 5,412 voters from the voting rolls, the Proposed Intervenors would have to invest substantial resources—in addition to those already expended to encourage voter registration and voter engagement this year—to monitor those challenge hearings, to obtain records related to those challenges, to quickly identify and connect with the affected voters, and to assist them in protecting their eligibility to vote in the upcoming General Election that is set to begin in a matter of days, all of which would require inordinate staff and volunteer time and resources these Proposed Intervenors cannot afford to lose. *See* Griggs Decl., at ¶¶ 14-18; Butler Decl., at 13-20; Bush Decl. ¶ 11; Pearson Decl. ¶ 10; Young Decl. ¶¶ 9, 18; Hines Decl. ¶¶ 17-18.

Plaintiffs’ attack on and potential unwinding of the Proposed Intervenors’ extensive voter registration and get out the vote efforts in DeKalb County form the bedrock of the independent remedy the Proposed Intervenors seek against Plaintiffs. If Proposed Intervenors are denied the ability to intervene in this case, there is a high risk of injury to their core organizational interests and programs and their members and constituents will be at risk of disenfranchisement, *see Supra* Section II(C)(1)-(2), particularly because, as explained below, Defendants are not situated to adequately protect those interests. *See Infra* Section II(C)(3). The Proposed Intervenors sufficiently satisfy the impairment prong.

3. *The named respondents will not adequately represent the Proposed Intervenors and their members.*

Finally, the interests of the intervening parties are not adequately represented by the current parties to the action. *See Sw. Georgia Prod. Credit Ass’n v. Wainwright*, 241 Ga. 355, 356 (1978) (“The issue of adequacy of representation is a question of fact which must be ruled on by the trial court in considering the application for intervention, assuming the other requirements are met.”).

While there is a presumption under Georgia law where a party seeks to intervene on the side of a governmental entity and “the interest of the intervenor is identical to that of a governmental body . . .” that representation is adequate, *Post Props.*, 245 Ga. at 219, courts have recognized that this presumption is a “weak” one that can be rebutted without much “difficult[y].” *See, e.g., Clark v. Putnam Cnty.*, 168 F.3d 458, 461 (11th Cir. 1999). All that is required is for Proposed Intervenor to meet the “minimal” burden of showing that their interests *may* be inadequately represented. *See id.* This is readily satisfied here, because, just as in *Putnam Cnty.*, the Proposed Intervenor’s interests are divergent and conflict with those of the Defendants, and there are strong reasons to think the Intervenor’s interests will not be adequately represented by the DeKalb County officials named in the Complaint. 168 F.3d at 462-63.

First, as county officials, the named Defendants are charged with representing the interests of all DeKalb County citizens at large, including the Plaintiffs. But the duty to represent *every other citizen* in DeKalb County indicates that the respondents cannot robustly represent the interests of the Proposed Intervenor. *Putnam Cnty.*, 168 F.3d at 461-62. In short, the named Defendants must represent Plaintiffs, as well as the 5,412 voters whose registrations Plaintiffs seek to challenge and purge. As the court found in *Putnam Cnty.*, the defendant county commissioners’ “intent to represent everyone in itself indicates that the commissioners represent interests adverse to the proposed intervenors; after all, both the plaintiffs and the proposed defendant-intervenor are Putnam County citizens. The commissioners cannot adequately represent the proposed defendants while simultaneously representing the plaintiffs’ interests.” 168 F.3d at 461-62 (footnote omitted). The respondents cannot adequately represent the Proposed Intervenor when this inherent divergence exists between the citizens whose interests the respondents must concurrently represent. *Id.* Moreover, as elected officials, Defendants’ “interests and interpretation

of the NVRA may not be aligned and its reasons for seeking dismissal . . .” may very well be different from those of Proposed Intervenor. *Bellitto v. Snipes*, No. 16-61474, 2016 WL 5118568, at *2 (S.D. Fla., Sept. 20. 2016).

Second, the named Defendants are individuals appointed by elected officials who, like all such officials, have an interest in “remain[ing] politically popular and effective leaders[,]” and, as such, they also have an incentive to compromise. *Putnam Cnty.*, 168 F.3d at 462 (internal quotations omitted) (alterations in original); *see also Meek v. Metro. Dade County, Fla.*, 985 F.2d 1471, 1478 (11th Cir. 1993) *abrogated on other grounds by Dillard v. Chilton County Com’n*, 495 F.3d 1324, 1330-33 (11th Cir. 2007), *cert. denied*, 554 U.S. 918 (2008). As county officials appointed by elected individuals, the named Defendants may thus have a disincentive to zealously represent the interest of the Proposed Intervenor and their members. *Id.* While the named Defendants may assert that they will adequately represent the interest of Proposed Intervenor, there is no reason to believe that Defendants can do so in the same zealous, unconflicted manner as the Proposed Intervenor themselves.

Indeed, in 2020, two of the Proposed Intervenor, the Georgia NAACP and the Georgia Coalition for the People’s Agenda, brought suit against members of the DeKalb County Board of Registration and Elections alleging that they had violated Section 8 of the NVRA by illegally purging challenged voters from the rolls. *Ga. State Conf. NAACP*, 484 F. Supp. 3d at 1312-13. While that suit was eventually resolved through a settlement in which the county board adopted revised challenge procedures and restored previously purged voters to the rolls, *See Voluntary Stipulation of Dismissal With Prejudice, Ga. State Conf. of the NAACP v. DeKalb County*, No. 20-CV-00879, Doc.67 at 2 (N.D. Ga., Aug 16, 2022), the very fact that litigation was necessary in the

first place shows that Proposed Intervenors have distinct interests that require protection through direct participation in this matter.

Moreover, officials in other Georgia counties have acquiesced and convened challenge hearings in short proximity to an election in the recent past. *See, e.g.,* Consent Decree, *Ga. State Conf. of the NAACP v. Hancock Cty. Bd. of Elections and Registration*, No. 5:15-CV-414, Doc. 67-1 at 2-3 (M.D. Ga. Mar. 1, 2017). These facts together show that the respondents' representation of the Proposed Intervenors "may be" inadequate; and "that is enough to entitle the [Proposed Intervenors] to intervene." *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972); *Clark*, 168 F.3d at 461-62.

Only the Proposed Intervenors, which have a non-partisan mission to zealously protect the interests of Black voters, voters of color, and other Georgia voters, can adequately represent the interests of the organizations and their members in this litigation. Accordingly, this Court should grant the Proposed Intervenors' Motion to Intervene as a matter of right under O.C.G.A. § 9-11-24(a) because they have demonstrated an interest in the matter, those interests would be impaired by an unfavorable decision, and the named Defendants do not adequately represent their interests in this action.

D. In the Alternative, the Proposed Intervenors Should be Granted Permissive Intervention Under O.C.G.A. § 9-11-24(B)(2).

The Proposed Intervenors have also satisfied the requirements for permissive intervention under Georgia law. Under O.C.G.A. § 9-11-24(b), a court may allow intervention on a permissive basis where the Proposed Intervenors' interests share common questions of law or fact with the underlying action. *See DeLoach v. Floyd*, 160 Ga. App. 728, 730 (1981). Permissive intervention is appropriate when such common questions exist, and the intervention will not unduly delay or prejudice the original parties. *See* O.C.G.A. § 9-11-24(b). Proposed Intervenors have also satisfied

the requirements for permissive intervention because there are undeniably common questions of law and fact shared between the action engendered by Plaintiffs' Complaint and the interests of the Proposed Intervenors in opposing the Plaintiffs' claims and demands for relief.

The Proposed Intervenors' interests arise from and are threatened by the exact same facts as the Application, and the relief Proposed Intervenors seek is specifically opposed to the relief Plaintiffs seek—preventing the holding of the requested challenge hearings and resulting removal of voters during the 90-day quiet period because those hearings would violate the NVRA and negatively impact the Proposed Intervenors' voter protection, voter registration, get-out-the-vote, voter education, and advocacy initiatives. Additionally, intervention will not cause delay or prejudice to the parties because the Application was filed on September 17, approximately two weeks ago, and a hearing has yet to be held. Indeed, the Proposed Intervenors are fully prepared to appear at any hearing scheduled for this matter. Intervention at this early stage will cause no delay or prejudice to the parties.

Accordingly, and in the alternative to intervention as a matter of right, the Proposed Intervenors have satisfied the requirements for this Court to allow their permissive intervention under O.C.G.A. § 9-11-24(b).

III. CONCLUSION

For the reasons set forth above, the Court should grant the Proposed Intervenors' motion to intervene as a matter of right under O.C.G.A. § 9-11-24(a) or, in the alternative, for permissive intervention under O.C.G.A. § 9-11-24(b).

Respectfully submitted this 2nd day of October, 2024:

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On behalf of the: League of Women Voters
of Georgia, and Common Cause Georgia.

*motion for admission *pro hac vice*
forthcoming

Exhibit 2

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

WILLIAM HENDERSON and DEKALB
COUNTY REPUBLICAN PARTY,

Plaintiffs,

v.

VASU ABHIRAMAN, NANCY JESTER,
ANTHONY LEWIS, SUSAN MOTTER, and
KARLI SWIFT,

Defendants,

GEORIGIA STATE CONFERENCE OF THE
NAACP, NEW GEORGIA PROJECT,
GEORGIA COALITION FOR THE
PEOPLE’S AGENDA, INC., A. PHILLIP
RANDOLPH INSTITUTE, COMMON
CAUSE GEORGIA, and LEAGUE OF
WOMEN VOTERS OF GEORGIA,

Proposed Intervenors.

CIVIL ACTION FILE NO. 24CV8564

[PROPOSED] ORDER GRANTING MOTION TO INTERVENE

Upon consideration of the motion to intervene by Proposed Intervenors Georgia State Conference of the NAACP, New Georgia Project, Georgia Coalition for the People’s Agenda, Inc., A. Phillip Randolph Institute, Common Cause Georgia, and League of Women Voters of Georgia (the “Proposed Intervenors”), the Court, having considered the motion, the Memorandum of Law in support thereof, and any opposition thereto, and good cause having been found, it is hereby ORDERED that the Motion is GRANTED.

It is further ORDERED that Proposed Intervenors Motion to Dismiss shall constitute the initial pleading of Proposed Intervenors, and shall be deemed to have been filed as of this date.

IT IS SO ORDERED, this ____ day of _____, 2024.

Honorable Courtney L. Johnson
Judge, DeKalb County Superior Court

Exhibit 3

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

WILLIAM HENDERSON and DEKALB)
COUNTY REPUBLICAN PARTY,)
)
Plaintiffs,)
)
v.)
)
VASU ABHIRAMAN, NANCY JESTER,)
ANTHONY LEWIS, SUSAN MOTTER, and)
KARLI SWIFT,)
)
Defendants,)
)
)
GEORIGIA STATE CONFERENCE OF THE)
NAACP, NEW GEORGIA PROJECT,)
GEORGIA COALITION FOR THE)
PEOPLE’S AGENDA, INC., A. PHILLIP)
RANDOLPH INSTITUTE, COMMON)
CAUSE GEORGIA, and LEAGUE OF)
WOMEN VOTERS OF GEORGIA,)
Proposed Intervenor.)

CIVIL ACTION FILE
NO. 24CV8564

**[PROPOSED] MOTION TO DISMISS APPLICATION FOR WRIT OF MANDAMUS
AND MEMORANDUM IN SUPPORT THEREOF BY INTERVENORS GEORGIA
STATE CONFERENCE OF THE NAACP, NEW GEORGIA PROJECT, GEORGIA
COALITION FOR THE PEOPLE’S AGENDA, INC., A. PHILLIP RANDOLPH
INSTITUTE, COMMON CAUSE GEORGIA, AND LEAGUE OF WOMEN VOTERS OF
GEORGIA¹**

Intervenor the Georgia State Conference of the NAACP, New Georgia Project, Georgia Coalition for the People’s Agenda Inc., A. Phillip Randolph Institute, Common Cause Georgia, and League of Women Voters of Georgia respectfully move to dismiss the Application for Writ of

¹ The Proposed Intervenor respectfully request leave from the Court to file this Motion to Dismiss Application for Writ of Mandamus with Memorandum in Support Thereof as Intervenor’s initial pleading, which shall be deemed to have been filed as of this date.

Mandamus (the “Application”) filed by Plaintiffs William Henderson and DeKalb County Republican Party in the above-styled action pursuant to O.C.G.A. § 9-11-12(b)(6).

INTRODUCTION

Plaintiffs’ threadbare Application for a Writ of Mandamus (the “Application”) is nothing more than an improper attempt to end-run the requirements of the National Voter Registration Act of 1993 (the “NVRA”) on the eve of a presidential election. Plaintiffs seek to force the DeKalb County Board of Registration and Elections (the “Board”) to engage in list maintenance based on a flawed data-matching effort that risks disenfranchising and purging from the voter rolls over 5,000 voters shortly before the 2024 general election. Plaintiffs fail to state a claim upon which relief may be granted for two reasons.

First, Plaintiffs’ requested relief is plainly barred and preempted by the NVRA. Engaging in systematic list maintenance based on computerized data-matching violates the NVRA’s 90-day quiet period. And Plaintiffs’ demand is also based upon alleged improper voter residency or inactivity, which is insufficient to support a challenge to registration even if Plaintiffs’ demand was not barred by the 90-day quiet period, because the challenged voters would not receive the proper notice and waiting process mandated by the NVRA before removal. For these reasons, granting the relief sought by Plaintiffs violates the clear provisions of Section 8(b), (c), and (d) of the NVRA, and even if Plaintiffs were correct that Georgia law requires the actions they demand, it is preempted.

Second, because Plaintiffs’ Application does not adequately allege that Plaintiffs are “clearly” entitled to relief under state law, as it must for the extraordinary remedy of a writ of mandamus to issue, the Court should dismiss the Application.

PROCEDURAL AND FACTUAL BACKGROUND

Plaintiffs allege that William Henderson sent three letters to DeKalb County election officials beginning on August 19, 2024, demanding that the Board convene voter challenge hearings and remove 5,412 voters from the voter rolls. *See* Application ¶¶ 8-11; Ex A, Ex. B, Ex. C.

- In his initial August 19, 2024 letter, Henderson claimed that 166 voters should be removed because they registered using a post office or mail center box as a residence, based on what he contends is a computer “match” of the Georgia voter roll against addresses of post offices and mail centers. *See* Application at Ex. A.
- In his second letter, dated August 22, 2024, Henderson alleged he performed a computerized database sort of the “Secretary of State’s Voter roll” and generated a list of 4,861 voters who purportedly have not had “official” contact with the Board in the last ten years. *See* Application at Ex. B. The copy of the letter filed with the Application, however, does not include this list and the Application does not otherwise identify the 4,861 registered voters he seeks to challenge or offer any other reason to believe these voters have become ineligible. *Id.* at Ex. B.
- In his third letter, dated August 28, 2024, Henderson claimed that 184 voters were allegedly matched to a National Change of Address database (NCOA) and “Voter Information Lookup” data from another state, which Plaintiffs assert indicates the voter has moved out of state. *Id.* at Ex. C.

Plaintiffs allege that on September 12, 2024, the Board passed a resolution that it would postpone consideration of non-individualized voter challenges—such as Henderson’s mass challenges—received less than 90 days before a primary or general election, because doing so

would violate the NVRA's bar on systematic list maintenance within 90 days of an election. Application ¶ 15. The Application alleges the Board explained that such non-individualized voter challenges were a "program of systematic removal" if they "do not rely upon individualized information or investigation to determine the validity of the individual challenges," "use a mass computerized data-matching process to compare the voter rolls with other state and federal databases," "lack unique identifiers, indicia of reliability, or evidence of authenticity," or "lack reliable first-hand evidence specific to individual voters." Application ¶ 16.

Plaintiffs waited to file this Application until September 17, asserting that the Board is required under Georgia law to set a hearing on Plaintiff Henderson's challenges to the eligibility of 5,412 voters. Application ¶¶ 19, 23.

I. APPLICABLE LEGAL STANDARDS.

A motion to dismiss under O.C.G.A. § 9-11-12(b)(6) should be granted when, as here, "the allegations of the complaint, when construed in the light most favorable to the plaintiff, and with all doubts resolved in the plaintiff's favor, disclose with certainty that the plaintiff would not be entitled to relief under any state of provable facts." *Penny v. McBride*, 282 Ga. App. 590, 590 (2006). In considering the factual allegations in a complaint, courts are not required to accept as true "legal conclusion[s] [that are] couched as fact. . . ." *Mabra v. SF, Inc.*, 316 Ga. App. 62, 65, (2012).

II. ARGUMENT AND CITATION OF AUTHORITIES

A. The Court Should Dismiss the Application Because the Plaintiffs' Requested Relief Is Preempted by and Therefore Barred by the NVRA.

Plaintiffs seek to require the Board to conduct systematic list maintenance within 90 days of a federal election in violation of Section 8(c) of the NVRA, which could result in the removal of thousands of voters from the rolls. Even if this requested relief were required under state law

(and it is not) it is preempted by and barred by the NVRA, which Congress enacted pursuant to its Elections Clause powers to create a “complex superstructure of federal regulation atop state voter-registration systems” that would preempt any conflicting state law. *See Ariz. v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 5 (2013) (“*ITCA*”). The Court should dismiss the Application.

The Georgia Supreme Court has explained the doctrine of federal preemption:

The Supremacy Clause of the United States Constitution mandates that federal law will preempt a state law that is inconsistent with it. U. S. Const., Art. VI, cl. 2. Such preemption may be either express or implied, and “is ‘compelled whether Congress’[s] command is explicitly stated in the statute’s language or implicitly contained in its structure and purpose.” . . . And, “[w]hen a federal statute unambiguously precludes certain types of state [law], we need go no further than the statutory language to determine whether the state [law] is preempted.”

Reis v. OOIDA Risk Retention Grp., Inc., 303 Ga. 659, 660 (2018) (alterations in original) (citations and quotations omitted). “The preemption doctrine of the Supremacy Clause may apply: (1) where there is direct conflict between state and federal regulation; (2) where state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress; or (3) where Congress has occupied the field in a given area so as to oust all state regulation.” *Hernandez v. State*, 281 Ga. 559, 561 (2007) (quoting *Aman v. State*, 261 Ga. 669, 671 (1991)). Additionally, the Elections Clause of the United States Constitution states:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

U. S. Const., Art. I, § 4, cl. 1. The Elections Clause “empowers Congress to pre-empt state regulations governing the ‘Times, Places and Manner’ of holding congressional elections.” *ITCA*, 570 U.S. at 7–8. When Congress acts pursuant to the Elections Clause, its power over federal elections is plenary, and the presumption against preemption that applies to enactments under other constitutional provisions therefore does not apply. *See id.* at 5-9.

The Plaintiffs' requested relief facially violates two provisions of the NVRA: 1) the statute's prohibition on conducting a systematic voter removal program within 90 days of a federal election; and 2) its prohibition on removing voters due to a change of address or inactivity without satisfying the NVRA's notice procedures or the specified waiting period.

1. *Plaintiffs' Requested Relief is Preempted by and Barred by Section 8(c) of the NVRA.*

Section 8(c) of the NVRA provides that "any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters" cannot be conducted within 90 days of a primary, general, or runoff election for federal office. 52 U.S.C. § 20507(c)(2). *See also Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1345–46 (11th Cir. 2014). A program is systematic if it does "not rely upon individualized information or investigation . . . [but instead] use[s] a mass computerized data-matching process to compare the voter rolls with other state and federal databases" *Arcia*, 772 F.3d at 1344. "[T]he phrase 'any program' suggests that the 90 Day Provision has a broad meaning. . . [and] strongly suggests that Congress intended the 90 Day Provision to encompass programs of any kind. . . ." *Arcia*, 772 F.3d at 1344; *see also United States v. Gonzalez*, 520 U.S. 1, 5 (1997) ("Read naturally, the word 'any' has an expansive meaning, that is 'one or some indiscriminately of whatever kind.'") (citation omitted).

Here, Plaintiffs seek to force the Board to initiate a systematic voter removal program within 90 days of a federal election based on generalized, computerized data-matching of voter information. Application, at Ex. A, B, C. Plaintiffs' Application alleges the legal conclusion that Henderson's challenges are not "systematic removals [because they are] a response to individual information being provided by electors." Application ¶¶ 21, 25-26. That is wrong. Plaintiffs allege no personal knowledge concerning the eligibility of the challenged voters other than the knowledge they purportedly obtained through the computerized matching effort they undertook. Application,

at Ex. A, B, C. A systematic program does not become individualized simply because it is conducted by a private elector rather than an elections administrator. Indeed, federal case law, including in the Eleventh Circuit, makes clear that computerized data matching of voter information is not sufficiently individualized to avoid Section 8(c)'s 90-day quiet period regardless of who conducts it. *See Arcia*, at 772 F.3d 1335, 1345–46. For example, in *Majority Forward v. Ben Hill Cnty. Bd. of Elections*, a Georgia federal district court found that it would likely violate the NVRA for a county board of elections to sustain a private voter's mass-challenges based, as here, on unverified mass data-matching of unknown reliability devoid of any individualized inquiry within 90 days of a federal election. 512 F. Supp. 3d 1354, 1369–70 (M.D. Ga. 2021). Similarly, in *North Carolina State Conference of the NAACP v. North Carolina State Board of Elections*, the court held that, as here, thousands of challenges mounted by a private elector within the 90 days before the general election "constitutes the type of 'systematic' removal prohibited by the NVRA." No. 16-1274, 2016 WL 6581284, at *5 (M.D.N.C. Nov. 4, 2016) (footnote omitted). The court reasoned "[l]though the State Board is correct that individuals initiated the challenge process at issue, these individuals cannot administer hearings related to the challenges, make findings of probable cause, and actually remove a voter from the voter rolls, which is the injury alleged here." *Id.* The court went on, "thus, the challenges would have no effect on the voter if such challenges were not processed and sustained by the County Boards." *Id.* Applying the same reasoning here dooms Plaintiffs' Application.

A proper reading of Section 8(c) prevents voter confusion, chaos, and potential disenfranchisement of voters in the days leading up to an election. *See, e.g., Arcia*, 772 F.3d at 1346 ("voters removed days or weeks before election day will likely not be able to correct the State's errors in time to vote"). Election officials cannot evade Section 8(c) simply because private

individuals—and not election officials—generate thousands of challenges based on non-individualized, computerized data-matching. As the United States Department of Justice’s recent guidance clarifies, Section 8(c)’s 90-day “deadline also applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.” Dep’t of Justice, *Voter Registration List Maintenance: Guidance Under Section 8 of the National Voter Registration Act*, 52 U.S.C. § 20507, at 4 (Sept. 2024), <https://www.justice.gov/crt/media/1366561/dl> (last visited Oct. 1, 2024). And, as the Eleventh Circuit explained, “the 90 Day Provision strikes a careful balance: It permits systemic removal programs at any time *except* for the 90 days before an election because that is when the risk of disenfranchising eligible voters is the greatest.” *Arcia*, 772 F.3d at 1346 (prohibiting state from removing alleged non-citizens from voter rolls within 90-day quiet period) (emphasis in original). The Application should be denied because the requested relief is preempted and barred by Section 8(c) of the NVRA.

2. *Plaintiffs’ Requested Relief is Preempted by and Barred by Sections 8(b)(2)), 8(c)(1)(B)(ii), and 8(d) of the NVRA.*

Each of the 5,412 challenges at issue in this matter are based upon alleged improper residency or inactivity. Application, at Ex. A and C (alleged residency); Application, at Ex. B (alleged inactivity). If these challenges are sustained, state law provides that Defendants must remove those voters from the rolls. O.C.G.A. §§ 21-2-230(g)–(i). However, Georgia law on this issue must yield to the preemptive provisions of the NVRA. Specifically, the NVRA allows for the removal of voters from the rolls based on inactivity or on residency grounds *only* in two circumstances: upon 1) the person’s written confirmation of a change in residence to a place outside the jurisdiction, or 2) completion of the notice-and waiting process described in Section 8(d)(2) of the NVRA. 52 U.S.C. §§ 20507(b)(2); 20507(c)(2); 20507(d)(2).

Courts have applied these restrictions to voter challenge-initiated purges like those sought by the Plaintiffs in this case. Before the 2016 general election, for example, four individuals in Beaufort County, North Carolina challenged 138 registered voters “on the grounds that the challenged voters were not residents of the precinct and/or municipality,” and similar challenges to registered voters’ eligibility were made in Cumberland and Moore Counties. *N.C. State Conf. of NAACP v. Bipartisan Bd. of Elections and Ethics Enf’t*, No. 16-1274, 2018 WL 3748172, at *4, 8-9 (M.D.N.C. Aug. 7, 2018). The court ruled that those county election boards “violated § 20507(d) of the NVRA in sustaining challenges to voter registrations based on change of residence . . . without complying with the prior notice and waiting period requirement in § 20507(d)” *See, e.g., id.* at *4.

Here, Plaintiffs do not allege that any of the challenged voters have been sent a notice that complies with Section 8(d) of the NVRA nor that any challenged voter has submitted written evidence of a confirmation of a change of address.² Accordingly, removal of these voters would violate the NVRA’s notice and waiting requirement. To the extent O.G.C.A. § 21-2-230 permits county officials to remove voters from the rolls based on challenges to their residency without complying with the NVRA’s specified notice and waiting period, it is preempted by Section 8(d) of the NVRA. *See also Majority Forward*, 512 F. Supp. 3d at 1368 (finding that to the extent

² Plaintiffs may attempt to argue that the voters who allegedly appear on the voter rolls in another state have effectively provided notice of a change of address, but that argument was rejected by the Seventh Circuit where such voters were identified through a similar data-matching program. *Common Cause Indiana v. Lawson*, 937 F.3d 944, 961-63 (7th Cir. 2019). Likewise, submitting a change of address to the U.S. Postal Service’s NCOA system does not constitute notice of a change of address for NVRA purposes: The NVRA requires notice and written confirmation from the voter *after* the voter’s name appears in the NCOA database. 52 U.S.C. § 20507(c)-(d).

O.C.G.A. §§ 21-2-230 “conflicts with the NVRA, it is preempted.”). Accordingly, the Application should be dismissed.

B. The Court Should Dismiss the Application For Mandamus Because the Plaintiffs Are Not Clearly Entitled to Relief Under State Law and Plaintiffs’ Requested Relief Would Be Futile.

Count I (the only Count in the Application) seeks mandamus relief. Application ¶¶ 29-36.

Georgia’s mandamus statute provides in relevant part that:

[a]ll official duties should be faithfully performed, and whenever, from any cause, a defect of legal justice would ensue from a failure to perform or from improper performance, the writ of mandamus may issue to compel a due performance if there is no other specific legal remedy for the legal rights.

O.C.G.A. § 9-6-20. “Mandamus is a remedy for improper government inaction—the failure of a public official to perform a clear duty.” *Bibb Cnty. v. Monroe Cnty.*, 294 Ga. 730, 734 (2014) (quoting *Southern LNG, Inc. v. MacGinnitie*, 294 Ga. 657, 661 (2014)). “The writ of mandamus is properly issued only if (1) no other adequate legal remedy is available to effectuate the relief sought; and (2) the applicant has a *clear legal right* to such relief.” *Id.* (quoting Richard C. Ruskell, Davis & Shulman’s Ga. Practice & Procedure, § 29:2 (2013–2014 ed.)) (emphasis added). “A clear legal right to the relief sought may be found only where the claimant seeks to compel the performance of a public duty that an official or agency is required by law to perform.” *Id.* at 735 (citing *Bland Farms, LLC v. Ga. Dep’t of Agric.*, 281 Ga. 192, 193 (2006)). Further, “Mandamus will not be granted when it is manifest that the writ would, for any cause, be nugatory or fruitless” O.C.G.A. § 9-6-26; see *Barrow v. Raffensperger*, 842 S.E.2d 884, 898 (Ga. May 14, 2020); *Sotter v. Stephens*, 291 Ga. 79, 81 (2012). The Application should be dismissed because (1) Plaintiffs have not adequately alleged that they have a clear right to relief under applicable state

law; (2) granting mandamus would be fruitless because the requested relief is barred and preempted by federal law.

First, Plaintiffs fail to adequately allege that Defendants failed to perform a clear legal duty, because Defendants are not required to act in response to generalized voter challenges. O.C.G.A. § 21-2-230 provides that:

[a]ny elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and *specify distinctly the grounds of such challenge*.

O.C.G.A. § 21-2-230(a) (emphasis added). Only if these requirements are satisfied may county election officials convene a challenge hearing or consider a challenge. *See* § 21-2-230(b).

Plaintiffs' Application, which is based on computerized data-matching and a mere list of voters who purportedly have not had "official" contact with the Board, does not contain the specificity required by the statute. Although Plaintiffs characterize the additional criteria identified by Defendants to sustain challenges during the 90-day period as "extra statutory requirements," Application ¶ 18, those criteria in fact reflect Defendants' attempt to ensure that challenges from individual electors contain the requisite specificity required by law. Mandamus relief is thus plainly inappropriate here, where plaintiffs cannot establish that the Defendants were required to perform the relief they seek. *See e.g., Bedingfield v. Adams*, 221 Ga. 69, 72 (1965); *Harmon v. James*, 200 Ga. 742, 744-45 (1946). Plaintiffs' request for a writ of mandamus should be denied.

Second, even assuming Plaintiffs could show Defendants were required to act in response to their non individualized voter challenges here (which they cannot), Defendants already responded by failing to sustain Plaintiffs' challenges at Defendants' September 12 meeting. This response was well within the board's discretion. Indeed, Plaintiffs' own Application acknowledges this. *See* Application ¶¶ 15-16.

Instead, Plaintiffs’ Application appears to challenge the manner in which Defendants exercised their discretion. To the extent the Plaintiffs contend the Defendants were required to “conduct[] a hearing” to review each of the mass challenges at issue in this matter, as suggested in the Application, Application ¶¶ 19, 23, they are wrong as a matter of law; there is no such obligation under the statute. O.C.G.A. § 21-2-230 directs boards of registrars to do nothing more than “consider” the challenge and assess whether “probable cause exists.” § 21-2-230(b). Here, as Plaintiffs concede, the Board did exactly that: It considered the challenges at the September 12 meeting and determined that there was no probable cause to act on them at present because doing so would violate the NVRA. Application ¶¶ 13-14. The statute does not require the Board to convene a public hearing to “consider” challenges, nor does it require that any probable cause determination be made at a public hearing or in writing. *Id.* O.C.G.A. § 21-2-230 only permits a board to convene a voter challenge hearing much later in the process—after probable cause has been determined and the voter has been provided notice and an opportunity to answer, and, even then, in only a few specified circumstances. O.C.G.A. §§ 21-2-230(f), (g), (h). And none of the events that could trigger the requirement for a hearing under § 21-2-230 are alleged.

Even if Georgia law required the Board to hold a hearing of some kind, Defendants would still have discretion regarding what actions they took at that hearing. Plaintiffs concede that Defendants convened to consider the challenges, which is all that was required. The rest was discretionary, and there is clearly no mandamus authority to compel the board to take a discretionary action. *See Bibb Cnty.*, 294 Ga. at 737 (“[e]ven where official action of some sort is required . . . where the action involves the exercise of discretion, mandamus will not lie to dictate the manner in which the action is taken or the outcome of such action.”). Plaintiffs therefore lack

a clear legal right to convene a hearing to challenge the legitimacy of any voter's ballot in the general election pursuant to O.C.G.A. § 21-2-230.

Third, In light of the Defendants' obligations under the NVRA, granting mandamus would be "fruitless," because the requested relief is barred and preempted by the NVRA. *See Supra*, Section II(A). Thus, even if the Plaintiffs were entitled to relief under State law, no voter could be removed from the rolls before the election or before receiving adequate notice—proceeding to Henderson's proposed challenge hearings would simply be an empty gesture. *Id.* In *Halpern Properties, Inc. v. Newton County Board of Equalization*, the Georgia Supreme Court affirmed the denial of a mandamus petition seeking to compel a member of a tax equalization board to indicate his vote on a tax assessment as required by law. 245 Ga. 728, 728 (1980). Because the other two members had voted to approve the assessment, it was "a futile exercise" to require the final member to vote; "even if the writ were granted," it was "clear that its issuance would be 'nugatory or fruitless.'" *Id.*; *see also Barrow v. Raffensperger*, 842 S.E.2d at 899 (stating that "mandamus will not lie when the thing or things sought would be unnecessary, fruitless, unavailing or nugatory") (quoting *Hall v. Staunton*, 55 W. Va. 684 (1904)). So too here would granting Plaintiffs' Application would be nugatory and fruitless. The Court should deny and dismiss the Application.

III. CONCLUSION

For the foregoing reasons, this Court should grant Intervenors' Motion to Dismiss the Application for Writ of Mandamus.

Respectfully submitted this 2nd day of October, 2024:

/s/ Gerald Weber
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*motion for admission *pro hac vice*
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Exhibit 4

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

WILLIAM HENDERSON and DEKALB
COUNTY REPUBLICAN PARTY,

Plaintiffs,

v.

VASU ABHIRAMAN, NANCY JESTER,
ANTHONY LEWIS, SUSAN MOTTER, and
KARLI SWIFT,

Defendants,

GEORIGIA STATE CONFERENCE OF THE
NAACP, NEW GEORGIA PROJECT,
GEORGIA COALITION FOR THE
PEOPLE’S AGENDA, INC., A. PHILLIP
RANDOLPH INSTITUTE, COMMON
CAUSE GEORGIA, and LEAGUE OF
WOMEN VOTERS OF GEORGIA,

Intervenors.

CIVIL ACTION FILE
NO. 24CV8564

**[PROPOSED] INTERVENORS GEORGIA STATE CONFERENCE OF THE NAACP,
NEW GEORGIA PROJECT, GEORGIA COALITION FOR THE PEOPLE’S AGENDA,
INC., A. PHILLIP RANDOLPH INSTITUTE, COMMON CAUSE GEORGIA, AND
LEAGUE OF WOMEN VOTERS OF GEORGIA’S ANSWER**

Intervenors Georgia State Conference of the NAACP, New Georgia Project, Georgia Coalition for the People’s Agenda, Inc., A. Phillip Randolph Institute, Common Cause Georgia, and League of Women Voters of Georgia (“Intervenors”), by and through its attorneys, submits the following Answer to Plaintiffs’ Application for Writ of Mandamus (the “Application”). Intervenors respond to the allegations in the Application as follows.

JURIDICTION AND VENUE

1. Paragraph 1 of the Application states legal conclusions to which no response is required.
2. Paragraph 2 of the Application states legal conclusions to which no response is required.

PARTIES AND JURISDICTION

3. Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Application.
4. Intervenors admit that Plaintiff DeKalb County Republican Party, Inc., is a political party, but otherwise lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 4 of the Application.
5. Responding to Paragraph 5 of the Application, Intervenors admit that the paragraph characterizes statutes and laws, which speak for themselves.

FACTUAL BACKGROUND

6. Responding to Paragraph 6 of the Application, Intervenors assert that the paragraph characterizes statutes and laws, which speak for themselves.
7. Responding to Paragraph 7 of the Application, the Intervenors admit that the paragraph quotes and characterizes provisions of a statute, which speak for themselves.
8. Responding to Paragraph 8 of the Application, Intervenors admit that Plaintiff Henderson filed three separate voter challenges on August 19, 2024, August 26, 2024, and August 28, 2024, but otherwise deny that these challenges complied with the requirements of O.C.G.A. § 21-2-230.

9. Intervenor's admit that Plaintiff Henderson filed a set of voter challenges dated August 19, 2024, but otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Application, and further deny that the challenges complied with the requirements of O.C.G.A. § 21-2-230

10. Intervenor's admit that Plaintiff Henderson filed a set of challenges on dated August 26, 2024, but otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Application, and further deny that the challenges complied with the requirements of O.C.G.A. § 21-2-230.

11. Intervenor's admit that Henderson filed a set of challenges dated August 28, 2024, but otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Application, and further deny that the challenges complied with the requirements of O.C.G.A. § 21-2-230.

12. Intervenor's admit the allegations contained in Paragraph 12 of the Application.

13. Intervenor's deny the allegations contained in Paragraph 13 of the Application.

14. Intervenor's admit that the DeKalb County Board of Registration and Elections passed a resolution titled "Resolution Of The DeKalb County Board Of Registration And Elections Relating To The Scheduling Of Voter Challenges Received Less Than Ninety Days Prior To The Date Of A Primary Or General Election." Intervenor's refer to the full and complete Resolution, and deny any allegations inconsistent therewith. Intervenor's further contend that the remaining allegations of Paragraph 14 characterize events at the September 12, 2024 hearing as to which Intervenor's lack knowledge or information sufficient to form a belief as to the truth, and state legal conclusions to which no response is required.

15. Responding to Paragraph 15 of the Application, the Intervenor admits that the paragraph references and quotes the DeKalb County Board of Registration and Elections' Resolution, refers to the contents of the full and complete Resolution, and denies any allegation inconsistent therein.

16. Responding to Paragraph 16 of the Application, the Intervenor admits that the paragraph characterizes the DeKalb County Board of Registration and Elections' Resolution, refers to the contents of the full and complete Resolution, and denies any allegations inconsistent therein.

17. Responding to Paragraph 17 of the Application, the Intervenor admits that the allegations in this paragraph reference and characterize the DeKalb County Board of Registration and Elections Resolution, refers to the contents of the full and complete Resolution, and denies any allegations inconsistent therein.

18. Paragraph 18 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenor denies the allegations of Paragraph 18.

19. Intervenor denies the allegations in Paragraph 19 of the Application.

20. Paragraph 20 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenor denies the allegations of Paragraph 20.

21. Paragraph 21 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenor denies the allegations of Paragraph 21.

22. Paragraph 22 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenors deny the allegations of Paragraph 22.

23. Paragraph 23 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenors deny the allegations of Paragraph 23.

24. Paragraph 24 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenors deny the allegations of Paragraph 24.

25. Paragraph 25 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenors deny the allegations of Paragraph 25.

26. Paragraph 26 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenors deny the allegations of Paragraph 26.

27. Paragraph 27 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenors deny the allegations of Paragraph 27.

28. Paragraph 28 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenors deny the allegations of Paragraph 28.

COUNT I
Mandamus
(Failure of Defendants to follow State law)

29. In response to Paragraph 19 of the Application, the Intervenor incorporate their responses to paragraphs 1-22 as if fully set forth herein.

30. Responding to Paragraph 30 of the Application, the Intervenor admit that the allegations in this paragraph quotes a statute, refers to the statute for its full and complete contents, and deny any allegations inconsistent therein.

31. Responding to Paragraph 31 of the Application, the Intervenor admit that the allegations in this paragraph paraphrase a statute, refers to the statute for its full and complete contents, and deny any allegations inconsistent therein.

32. Responding to Paragraph 32 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenor deny the allegations of Paragraph 32.

33. Paragraph 33 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenor deny the allegations of Paragraph 33.

34. Paragraph 34 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenor deny the allegations of Paragraph 34.

35. Responding to Paragraph 35 of the Application, the Intervenor admit that the allegations in this paragraph reference the DeKalb County Board of Registration and Elections Resolution, refer to the Resolution for its full and complete contents, and deny anything

inconsistent therein. Further, Paragraph 35 of the Application states legal conclusions to which no response is required.

36. Paragraph 36 of the Application states legal conclusions to which no response is required. To the extent a further response is deemed required, Intervenor deny the allegations of Paragraph 36.

PRAYER FOR RELIEF

The remaining paragraphs of the Application consist of Plaintiffs' request for relief to which no response is required. To the extent a response is required, Intervenor deny the Plaintiffs are entitled to any of the requested relief or any other relief.

AFFIRMATIVE DEFENSES

Intervenor assert the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because they fail to state a claim for relief that can be granted.

SECOND AFFRIMATIVE DEFENSE

Plaintiffs' claims are barred because the relief sought is barred and preempted by federal law.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because the relief requested would be futile and fruitless, and thus they are not entitled to the extraordinary remedy of a writ of mandamus that they demand.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because the proposed voter removals violate Section 8 of the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20507, which forbids purging voters

immediately due to a change of address or inactivity without complying with the NVRA's mandatory two election cycle notice-and-waiting-period requirement, and conducting a systematic list maintenance program with the purpose of removing voters from the rolls within ninety days of a federal election. *See* 52 U.S.C. §§ 20507(b), (c), (d).

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because they lack the requisite clear legal right to relief under O.C.G.A. §21-2-230 in order for a writ of mandamus to issue.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because they failed to exhaust their remedies at law.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of laches.

INTERVENORS' REQUEST FOR RELIEF

Having answered Plaintiffs' Petition, Intervenor request that the court:

1. Deny Plaintiffs' requested relief;
2. Dismiss Plaintiffs' Application with prejudice;
3. Award 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 any relief this Court deems just and proper.

Respectfully submitted this 2nd day of October, 2024:

/s/ Gerald Weber
Gerald Weber (Ga. Bar No. 744878)

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On behalf of the: Georgia State Conference
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On behalf of the: New Georgia Project and
A. Phillip Randolph Institute.

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of the NAACP, New Georgia Project, Georgia

Coalition for the People's Agenda, Inc, and
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People's Agenda, Inc.

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Bradley E. Heard (Ga. Bar 342209)
Jack Genberg (Ga. Bar 144076)
**SOUTHERN POVERTY
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GA 30030 Telephone: (404) 521-6700
Facsimile: (404) 221-5857
courtney.odonnell@splcenter.org
bradley.heard@splcenter.org
Jack.genberg@splcenter.org

On behalf of the: League of Women Voters
of Georgia, and Common Cause Georgia.

*motion for admission *pro hac vice*
forthcoming

Exhibit 5

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

WILLIAM HENDERSON, DEKALB
COUNTY REPUBLICAN PARTY,
INC.,

Plaintiff,

v.

VASU ABHIRAMAN, in his official
capacity; NANCY JESTER, in her
official capacity; ANTHONY LEWIS, in
his official capacity; SUSAN MOTTER,
in her official capacity; KARLI SWIFT,
in her official capacity

Defendants.

Case No.: 24-cv-8564

DECLARATION OF GERALD GRIGGS

Pursuant to O.G.C.A. § 9-10-110, I, Gerald Griggs, declare:

1. I am over the age of 18 years, have personal knowledge of the matters stated herein, am competent to make this declaration, and would testify to the same if called as a witness in Court.
2. I am the President of the Georgia State Conference of the NAACP (“GA NAACP”) and I am authorized to speak for the GA NAACP in this matter.
3. The GA NAACP, a unit of the National NAACP founded in 1909, is the oldest and one of the largest, most significant organizations promoting and protecting the civil rights of African Americans and other racial and ethnic minorities in Georgia.
4. The GA NAACP is a non-partisan, interracial, nonprofit membership organization with a mission to “eliminate racial discrimination through democratic processes and ensure the equal political, educational, social, and economic rights of all persons, in particular African Americans.” Protecting and promoting the voting rights of Black voters, other voters of color, and underserved communities is essential to this mission.
5. In pursuit of its core mission, the GA NAACP engages in robust voter registration, voter education, and get-out-the-vote activities, expending

considerable resources towards ensuring that eligible voters in Georgia, particularly voters in traditionally disenfranchised communities, can exercise their right to vote.

6. The GA NAACP is headquartered in College Park, GA. It has over 180 branches and chapters throughout the State, including in DeKalb County.
7. At this time, based upon the GA NAACP's confidential membership information, the GA NAACP has nearly 10,000 active members in Georgia.
8. At this time, based upon GA NAACP's confidential membership information, the GA NAACP has members, including those that are registered voters, in at least 120 counties in Georgia, including in DeKalb County.
9. The GA NAACP membership's is comprised of predominately Black and other minority individuals and includes registered voters who reside throughout the state.
10. In advance of the November 2024 General Election, the GA NAACP generally, and the DeKalb County Branch specifically, have been holding get-out-the-vote events, registering prospective voters,

advising their members and their broader constituents to check their voter registration, and planning their Souls-to-the-Polls programs.

11. At this time, the GA NAACP has members who are registered to vote in DeKalb County and who plan to cast ballots in the upcoming November 5, 2024, General Election and any potential runoff elections.
12. I am aware that the application for a writ of mandamus filed by Mr. Henderson and the DeKalb County Republican Party asks the members of the DeKalb County Department of Registrations and Election to challenge and potentially remove over 5,000 registered voters from the voter rolls before the General Election.
13. This is extremely concerning to the GA NAACP as we are so close to the General Election. If the relief the Applicants seek is granted, then I worry that thousands of voters who thought that they were properly registered to vote will find themselves removed from the voter rolls through no fault of their own.
14. The GA NAACP is very concerned that GA NAACP's members (and other constituents) whom the GA NAACP assisted in registering to vote are likely to find themselves among the over 5,000 registered voters who are at risk of being purged. If they are purged, then they will not

be able to vote in the General Election, and it may be too late for them to register to vote given that the voter registration deadline on October 7, 2024 is imminent.

15. These challenges to voter registrations also frustrate GA NAACP's mission. The GA NAACP works hard to register prospective voters and to educate them and is now planning to mobilize these voters to the polls. Any last-minute purge of voters will undo much of the hard work that the GA NAACP has done.
16. The GA NAACP also has limited staff and volunteer resources to troubleshoot any issues that arise if the members of the DeKalb County Department of Registrations and Election hold challenge hearings and remove the challenged voters. Our staff time is dedicated to registering, educating, and activating voters for the upcoming general election. But if Board considers and holds thousands of challenge hearings, we would have to follow-up with all impacted voters.
17. These tasks would be challenging and resource-intensive, especially in our marginalized constituencies. Those vulnerable voters have less time and resources to fight against an improper purge of their registrations. To that end, GA NAACP's resources will be stretched thin. We will not

be able to conduct the same amount of affirmative voter engagement and registration activity in support of our core organizational functions as we normally would.

18. The GA NAACP's work relating to other initiatives in the criminal justice and economic justice spaces would also suffer if we were forced to spend considerable resources responding to last minute mass voter-challenges.

VERIFICATION:

I, Gerald A. Griggs, personally appeared before the undersigned notary public, and hereby state on oath that the facts set forth in the foregoing Declaration are true and correct to the best of my knowledge and belief.

Dated: 9/30, 2024



Signature of Declarant Gerald A. Griggs
President
Georgia State Conference of the NAACP

Sworn to and subscribed before me this 30th day
of September, 2024.

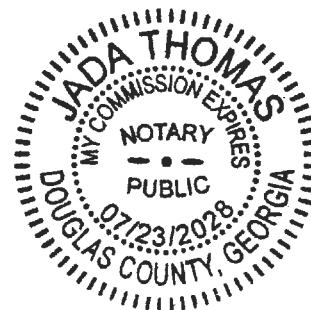


Exhibit 6

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

WILLIAM HENDERSON, DEKALB
COUNTY REPUBLICAN PARTY,
INC.,

Plaintiff,

v.

Case No.: 24-cv-8564

VASU ABHIRAMAN, in his official
capacity; NANCY JESTER, in her
official capacity; ANTHONY LEWIS, in
his official capacity; SUSAN MOTTER,
in her official capacity; KARLI SWIFT,
in her official capacity

Defendants.

DECLARATION OF HELEN BUTLER

Pursuant to O.C.G.A. § 9-10-110, I, Helen Butler, declare as follows:

1. I am the Executive Director of the Georgia Coalition for the People's Agenda ("GCPA" or "People's Agenda"), over 18 years of age, and competent to make this declaration.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
3. GCPA is a Georgia not-for-profit corporation with its principal place of business located in Atlanta, Georgia.
4. GCPA was founded in 1998 by the late Reverend Joseph Lowery. GCPA is comprised of a coalition of human rights, civil rights, labor, women's, youth, and peace and justice groups, which advocate for issues which include, but are not limited to, voting rights protection, elimination of barriers to the ballot box, criminal justice reform, quality education, affordable housing, economic development and equal participation in the political process for Georgians of color and underrepresented communities.
5. GCPA encourages voter registration and participation, particularly among Black Georgians and other underrepresented communities. The GCPA's support of voting rights and access is central to its mission.

The organization has committed, and ahead of the 2024 General Election, continues to commit time and resources to conducting voter registration drives, voter education, voter ID assistance, election protection, census participation, fair redistricting maps, other get-out-the-vote efforts in Georgia, such as “Souls to the Polls,” “Pews to the Polls” and other initiatives designed to encourage voter turnout, and impact litigation involving voting rights issues.

6. GCPA’s coalition currently includes more than 30 organizations, which collectively have more than 5,000 individual members across the state of Georgia.
7. GCPA operates seven offices across the State of Georgia: its main office is in Atlanta and additional offices are located in Athens, Augusta, Albany, Savannah, Macon, and LaGrange. We are expecting to open an office in Rome, Georgia later this year. Each office serves roughly 10 to 12 surrounding counties on a regular basis.
8. The GCPA has limited resources to cover all of this work, with seven paid full-time staff members working in the main Atlanta office, and six coordinators, each assigned to a particular area of Georgia. The coordinators are responsible for organizing the organization’s activities

in the communities they serve, including civic engagement activities, voter registration drives, voter mobilization efforts, and the organization's educations and coalition work. The People's Agenda also has a couple hundred volunteers that work with its offices across the State of Georgia, including in Atlanta.

9. I am aware that the Application for a Writ of Mandamus ("Application"), filed by Mr. Henderson and the DeKalb County Republican Party, asks the members of the DeKalb County Department of Registrations and Election (the "DeKalb County Board") to challenge and potentially remove thousands of DeKalb County registered voters before the 2024 General Election.
10. I am also aware that the Application filed by Mr. Henderson and the DeKalb County Republican Party asks the members of the DeKalb County Department of Registrations and Election to clean up their voter rolls immediately and remove all ineligible voters.
11. I am very concerned that Mr. Henderson and the DeKalb County Republican Party are asking the members of the DeKalb County Board to purge its voter rolls so close to a General Election. Based upon a

review of GCPA confidential membership information, GCPA has individual members who reside in DeKalb County.

12. At this time, GCPA has members who are registered to vote in DeKalb County and anticipates that additional members and/or persons the GCPA assists in registering to vote, have become or will become registered voters in Georgia, including in DeKalb County, before the close of registration for the November 5, 2024 general election.
13. GCPA is concerned that GCPA's members, constituents, and Georgians whom GCPA assisted in registering to vote, will find themselves purged from the voter rolls and will not be able to re-register to vote because of the imminent voter registration deadline on October 7, 2024 for the November 5, 2024 general election and runoff elections.
14. GCPA has worked, and continues to work, to prevent efforts to suppress the votes of, or disenfranchise, Black voters, other voters of color and other underrepresented communities' voters, and has been involved in voting rights litigation in Georgia to vindicate the rights of Black voters and other voters of color.
15. Ahead of the November 5, 2024 General Election, GCPA has conducted, and continues to conduct, voter outreach efforts in the

greater Metro Atlanta region, including in DeKalb County, as well as throughout other areas of Georgia. Our voter empowerment programs include educating prospective voters about how to register to vote and to confirm their registration status. But if voters, including our members and Georgians whom we have assisted in registering to vote, stand to be challenged and/or removed from the voter rolls because of Mr. Henderson and the DeKalb County Republican Party's lawsuit, including as a result of erroneous database matching or other inaccurate information, GCPA's hard work registering and educating voters will be all for naught.

16. GCPA will also have to divert our precious staff time away from other activities the organization had planned as a result of mass voter challenges, such as those brought by the Applicants here. For instance, the People's Agenda typically performs work on matters outside of the voting process—namely, criminal justice reform, equity in education, economic empowerment for Black-owned businesses, environmental justice, elder issues and other matters. The People's Agenda seeks to balance its limited time and resources between these areas.

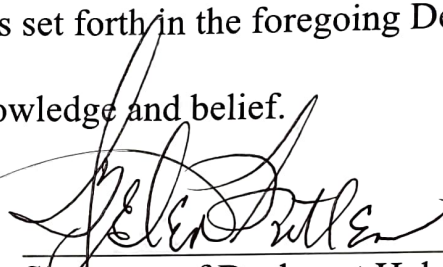
17. Instead, depending on what the court decides to do here, we may have to deal with the aftermath of any potential challenges and purges before the General Election. Our activities related to educating voters about the options to vote in-person during advanced voting, in-person on Election Day, and by mail via absentee ballot; and helping voters to understand changes in election laws and redistricting, will suffer.
18. If successful, this suit could result in the disenfranchisement of eligible registered voters, including GCPA members, Black voters, and other voters from underrepresented communities in DeKalb County, and other Black voters and other underrepresented communities' voters of color across the state.
19. GCPA, its coalition organizations, and members, have a strong interest in preventing the disenfranchisement of eligible voters in Georgia, including eligible Black voters and other voters of color from underrepresented communities, including within DeKalb County.
20. Given the substantial number of Black voters and other voters of color who may be potentially impacted by this lawsuit, a ruling ordering the members of the DeKalb County Board to challenge and remove voters

from the voter rolls would directly harm the GCPA's organizational mission to ensure communities of color are not disenfranchised.

VERIFICATION

I, Helen Butler, personally appeared before the undersigned notary public, and hereby state on oath that the facts set forth in the foregoing Declaration are true and correct to the best of my knowledge and belief.

Dated: Sept. 30, 2024



Signature of Declarant Helen Butler

Helen Butler

Printed Name of Declarant Helen Butler

Sworn to and subscribed before me this 30th day of September, 2024.



Notary Public

My Commission Expires: March 8, 2027

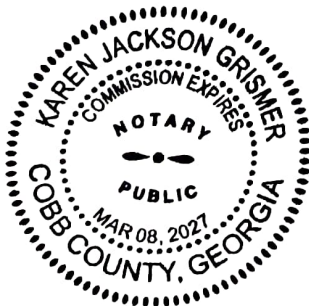


Exhibit 7

4. NGP is a nonpartisan, non-profit organization that works to increase the civic participation of historically marginalized communities across Georgia, including in Dekalb County, through voter registration, voter education, and get out the vote efforts, as well as by organizing and advocating on issues important to those communities.

5. Petitioners ask the DeKalb County Board of Registration and Elections to process 5,412 voter challenges before the General Election in an effort to disenfranchise and purge voters from the voting rolls.

6. If the relief Petitioners seek is granted, that creates the risk that thousands of voters, including voters NGP serves, who thought that they were properly registered to vote will find themselves kicked off the voting rolls through no fault of their own.

7. Petitioners' voter challenge efforts have frustrated and caused harm and will continue to frustrate and cause harm to NGP's mission of encouraging voter registration and participation among underserved communities.

8. NGP has diverted and continues to divert resources, including money and staff and volunteer time, to monitor and track all voter challenges filed with the DeKalb County Board of Voter Registration and Elections. NGP is also reaching out to DeKalb County voters to educate them about voter caging and the potential impact of the voter challenges, all the while seeking to prevent any chilling effect on voter participation.

9. If the challenge hearings at issue in this case proceed, NGP will have to divert and expend additional resources, including money and staff and volunteer time, to track, educate, and assist eligible DeKalb County voters who have been challenged to make sure they are not purged from the voting rolls and can participate in the upcoming election, as well as track, educate, and assist purged eligible voters with getting back on the voting rolls.

10. Disenfranchisement and purges resulting from such challenges would thwart, at least in part, NGP's efforts to encourage voter registration and participation in the General Election and beyond.

11. As a result of these remedial efforts, NGP has and will have fewer resources for its

other organizational activities, such as voter registration drives, get out the vote activities, and other advocacy work, unless the Petitioners are further prevented and enjoined from continuing their efforts to convene challenge hearings for the purpose of unlawfully disenfranchising voters and purging voters from the voting rolls.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

FURTHER, AFFIANT SAYETH NOT.

Executed this 1st day of October, 2024, in Atlanta, Georgia.


Tangelita Bush

Sworn to and subscribed before me
This 1st day of October, 2024.


Notary Public

My commission expires: Feb. 1, 2027

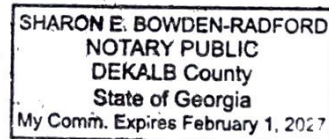


Exhibit 8

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

WILLIAM HENDERSON and DEKALB
COUNTY REPUBLICAN PARTY,

Plaintiffs,

v.

VASU ABHIRAMAN, NANCY JESTER,
ANTHONY LEWIS, SUSAN MOTTER, and
KARLI SWIFT,

Defendants,

NEW GEORGIA PROJECT and
and A. PHILLIP RANDOLPH INSTITUTE,

Proposed Intervenors.

CIVIL ACTION FILE
NO. 24CV8564

AFFIDAVIT OF YOLANDA PEARSON

I, Yolanda Pearson, having been duly sworn, do hereby swear and affirm as follows:

1. I am President of the Atlanta Metro Chapter of the A. Phillip Randolph Institute ("APRI"), I am over 18 years of age, and I am competent to make this affidavit.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
3. APRI is a nonpartisan, nonprofit civic organization of Black trade unionists who fight for racial equality and social and economic justice for working families. APRI registers voters, provides voter education services, and organizes get out the vote initiatives.
4. APRI is a predominantly Black membership organization that has members in Dekalb County.

5. At this time, APRI has members who are registered to vote in DeKalb County and who plan to cast ballots in the upcoming November 5, 2024, General Election and any potential runoff election.

6. Any new members that APRI has registered to vote in the past few months will also likely participate in the General Election and any runoff election that ensues.

7. Petitioners ask the DeKalb County Board of Registration and Elections to process 5,412 voter challenges before the General Election in an effort to disenfranchise and purge voters from the voting rolls.

8. If the relief Petitioners seek is granted, then I worry that thousands of voters, including APRI members, who thought that they were properly registered to vote will find themselves kicked off the voting rolls through no fault of their own.

9. Petitioners' voter challenge efforts will further frustrate and cause harm to APRI's mission of encouraging voter registration and participation among underserved communities.

10. If the challenge hearings at issue in this case proceed, APRI will have to divert resources, including money and staff, member, and volunteer time, to protect eligible voters whose right to vote is being challenged, for example, by tracking voter challenges as well as reaching out to and assisting voters targeted by voter challenges or purged from the voting rolls as a result of a voter challenge.

11. Disenfranchisement and purges resulting from such challenges would thwart, at least in part, APRI's efforts to encourage voter registration and participation in the General Election and beyond.

12. APRI is already diverting resources by reaching out to voters to educate them about voter caging and the potential impact of the voter challenges, all the while seeking to prevent

any chilling effect on voter participation. APRI is also undertaking additional efforts to educate DeKalb County voters about steps that they can take to protect their voter registration status and ensure that they will be able to cast a ballot that will count in the upcoming election in light of the voter challenges.

13. As a result of these remedial efforts, APRI has and will have fewer resources for its other organizational activities, such as voter registration drives, get out the vote activities, strike support, labor advocacy, and other advocacy work, unless the Petitioners are further prevented and enjoined from continuing their efforts to convene challenge hearings for the purpose of unlawfully disenfranchising voters and purging voters from the rolls.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

FURTHER, AFFIANT SAYETH NOT.

Executed this 1 day of October, 2024, in DeKalb County.

Yolanda Pearson
Yolanda Pearson

Sworn to and subscribed before me
This 1 day of October, 2024.

Shirley Jean Jackson
Notary Public

My commission expires: 4/5/2025

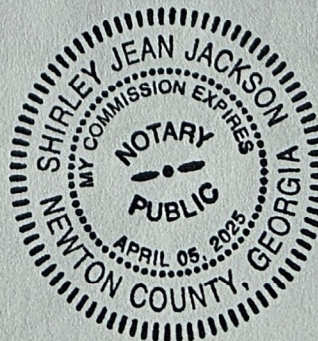


Exhibit 9

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

WILLIAM HENDERSON, DEKALB
COUNTY REPUBLICAN PARTY,

INC.,

Plaintiff,

v.

VASU ABHIRAMAN, in his official
capacity; NANCY JESTER, in her
official capacity; ANTHONY
LEWIS, in his official capacity;
SUSAN MOTTER, in her official
capacity; KARLI SWIFT, in her
official capacity Defendants.

DECLARATION OF JOHN W. YOUNG, III

DECLARATION OF JOHN W. YOUNG, III

Pursuant to O.C.G.A. § 9-10-110, I, John W. Young, III, declare as follows:

1. I am the Senior Director of Voting & Democracy of Common Cause, over 18 years of age, and competent to make this declaration.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
3. Common Cause is a not-for-profit corporation that carries out its mission in Georgia through Common Cause Georgia, whose offices are located in Atlanta, Georgia, and who conducts activities and has members across the state.
4. Common Cause is one of the nation's leading grassroots democracy-focused organizations and has over 1.2 million members nationwide and chapters in 25 states, including Georgia.
5. In Georgia, Common Cause works to "strengthen public participation in our democracy and ensure that public officials and public institutions are accountable and responsive to citizens." Common Cause Georgia, <https://www.commoncause.org/georgia/>. Common Cause Georgia is engaged in voter education, voter ID assistance, election protection, census participation, redistricting advocacy, Get Out the Vote ("GOTV") efforts, and impact litigation involving voting rights. We primarily engage with Georgia voters through our suite of online voter assistance tools, emails to our members, and our Election Protection volunteer recruitment and deployment program in DeKalb County and a dozen rural counties in Georgia.
6. Common Cause has over 26,000 members in Georgia.
7. Common Cause has limited resources to cover all of this work with only three paid full-time staff members within the state.
8. In addition to our work in voting rights, we regularly offer civic education information on issues relating to our broad democracy agenda, including campaign finance and ethics reform.
9. Voter purges so close to the election directly frustrate and impede Common Cause's core missions of making government more responsive to the interests of communities by diminishing the voices of the voters Common Cause works to engage and forces Common Cause to divert resources toward directly combatting the ill effects of unlawful purges.

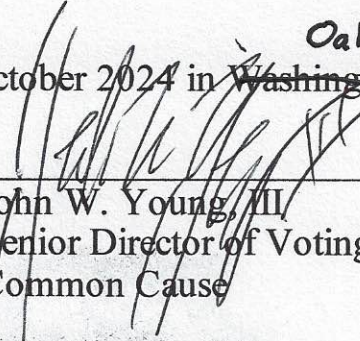
10. I am aware, through my counsel, that this writ of mandamus filed by Mr. Henderson and the DeKalb County Republican Party (“Plaintiffs”) asks the DeKalb County Department of Voter Registration and Elections (the “DeKalb County Board”) to hear voter challenges for over 5,000 DeKalb County voters and purge thousands of voters from the voter rolls shortly before the 2024 General Election.
11. I am very concerned that Plaintiffs are asking the DeKalb County Board to purge its voter rolls so close to a general election.
12. I am also concerned that Plaintiffs are submitting voter-eligibility challenge lists to the DeKalb County Board that are riddled with errors.
13. Based upon a review of internal, confidential membership information, Common Cause has individual members who reside in DeKalb County. At this time, Common Cause has members registered to vote in DeKalb County who intend to vote in the upcoming November 5, 2024 General Election and any ensuing runoff election. Common Cause also anticipates that it has members who are or will become registered voters in Georgia, including in DeKalb County before November 5, 2024.
14. I am worried that Common Cause’s members and constituents will find themselves purged and will not be able to re-register to vote, and then will not be able to vote in the upcoming election.
15. Common Cause has, and continues to, work to prevent efforts to suppress or disenfranchise Black and other underrepresented communities’ voters and has been involved in voting rights litigation in Georgia to vindicate their rights.
16. Ahead of the November General Election, Common Cause has and continues to conduct voter outreach efforts in the greater Metro Atlanta region, including in DeKalb County, as well as throughout other areas of Georgia. Our voter empowerment programs include educating prospective voters about how to register to vote and to confirm their registration status. But, if voters, including many of our members, stand to be kicked off the rolls because of Plaintiffs’ lawsuit, then I worry that our hard work registering voters will be all for naught.
17. Common Cause will also have to divert our precious staff time away from other activities the organization had planned. For instance, in normal times, Common Cause typically performs a lot of work on matters outside of the voting process—for example, Common Cause has recently advocated for a U.S. Supreme Court code of ethics, opposed Copy City, combatted online dis/misinformation, advocated

money in politics solutions. Common Cause seeks to balance its limited time and resources between these areas.

18. Instead, depending on what the court decides to do here, we may have to deal with the aftermath of any potential purge before the General Election. This would include digital and perhaps phone-banking outreach to impacted voters to ensure that they have the information they need to re-register and cast a ballot. Direct services with individual members would otherwise comprise a small percentage of our core business activities. Our advocacy activities unrelated to voting rights like Supreme Court ethics and government transparency will suffer.
19. If successful, this suit could result in the erroneous removal and subsequent disenfranchisement of eligible registered voters, including Common Cause members.
20. Common Cause and its members have a strong interest in preventing the disenfranchisement of eligible voters in Georgia, including within DeKalb County.
21. Given the substantial number of voters who may be potentially impacted by this lawsuit, a ruling ordering the DeKalb County Board to remove voters would directly harm Common Cause's organizational mission to ensure communities of color are not disenfranchised.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 1st day of October 2024 in ~~Washington, D.C.~~ ^{Oak Park, IL 11/27}



John W. Young, III
Senior Director of Voting & Democracy
Common Cause


State of: ILLINOIS	County of: COOK
Signed and attested before me on <u>6/1/2024</u> (date) by <u>John W. Young III</u> (name/s of person/s).	
Notary Signature <u>[Signature]</u>	
Printed Name of Notary <u>Anthony Anderson</u>	
(seal)	 ANTHONY ANDERSON OFFICIAL SEAL Notary Public, State of Illinois My Commission Expires February 10, 2027

Exhibit 10

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

WILLIAM HENDERSON, DEKALB
COUNTY REPUBLICAN PARTY,

INC.,

Plaintiff,

v.

VASU ABHIRAMAN, in his official
capacity; NANCY JESTER, in her
official capacity; ANTHONY
LEWIS, in his official capacity;
SUSAN MOTTER, in her official
capacity; KARLI SWIFT, in her
official capacity Defendants.

DECLARATION OF NICHOLA HINES

Pursuant to O.C.G.A. § 9-10-110, I, Nichola Hines, declare as follows:

1. I am the President of the League of Women Voters of Georgia (“LWVGA” or “the League”).
2. I am over 18 years of age, and I am competent to make this declaration.
3. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
4. The LWVGA is a non-profit, nonpartisan, grassroots, community-based, membership organization that has worked for the last 103 years to ensure that every person has the desire, the right, the knowledge, and the confidence to participate in our democracy. The LWVGA has 13 local Leagues and nearly 700 members who are dedicated to their mission of empowering voters and defending democracy. LWVGA’s membership includes members that reside in DeKalb County. Each local League is a member of LWVGA.
5. From the LWVGA’s inception, members have promoted good government by studying issues, advocating for reforms, and, through the Observer Corps, observing and reporting on the work of all levels of government. The LWVGA is committed to registering voters, regardless of their political affiliation, and is particularly proud of its work with other Georgia civic engagement and voting rights advocates in registering new American citizens at citizenship ceremonies.
6. As part of its mission, the LWVGA advocates for expansion of voting opportunities, including through absentee by mail voting, early in-person voting, and election day voting.
7. The LWVGA expends significant resources in furtherance of its voting-related mission, including by organizing voter registration drives, educating the public about the voting process, engaging in mass-mailing campaigns targeted at voter education and voter registration, and assisting voters who have questions or need help navigating the voting process—including voters who are the subject of voter challenges. LWVGA also trains Board of Election observers who attend voter challenge hearings.
8. LWVGA engages in each of these programs in DeKalb County through the League of Women Voters of DeKalb. With respect to the upcoming November 5, 2024, the LWVGA has participated in numerous voter

registration drives including in DeKalb County and is mailing thousands of postcards to Georgians including in DeKalb County who are not active voters—particularly women between the ages of 18-34 and Black men to encourage them to confirm their registration status ahead of the upcoming General Election. LWVGA intends to continue its outreach and voter education work throughout the 2024 election cycle and beyond.

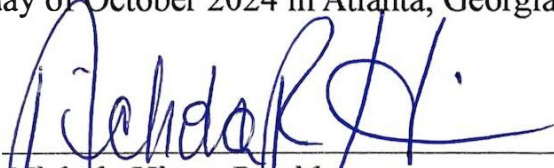
9. LWVGA has very limited resources to cover all of this work. We only have one part-time, paid office manager and two part-time, paid interns within the state. None of the local leagues have paid staff, and we rely primarily on volunteers.
10. I am aware, through my counsel, that this writ of mandamus filed by Mr. Henderson and the DeKalb County Republican Party (“Plaintiffs”) asks the DeKalb County Department of Voter Registration and Elections (the “DeKalb County Board”) to hear voter challenges for over 5,000 DeKalb County voters and purge thousands of voters from the voter rolls shortly before the 2024 General Election.
11. I am concerned that Plaintiffs are asking the DeKalb County Board to purge voters so close to a general election.
12. I am also concerned that Plaintiffs are submitting voter-eligibility challenge lists to the DeKalb County Board that are riddled with errors.
13. LWVGA has members registered to vote in DeKalb County who intend to vote in the upcoming November 5, 2024 General Election and any ensuing runoff election. LWVGA also anticipates that it has members who are or will become registered voters in Georgia, including in DeKalb County before November 5, 2024.
14. I am concerned that LWVGA’s members and constituents will find themselves purged and will not be able to re-register to vote, and then will not be able to vote in the upcoming election.
15. Therefore, I am concerned that Plaintiffs’ litigation, if successful, risks potentially disenfranchising League members in DeKalb County and could result in the disenfranchisement of thousands of eligible voters in DeKalb County and across the state.
16. I am concerned that a legal ruling mandating that the DeKalb County Board must hear voter challenges within 90-days of a federal election would invite chaos into the voting process where clear bounds have previously existed. I am also concerned that it would undermine voters’ confidence in being registered and able to participate in the voting

process, which will impact their willingness to vote in future elections and undermine one of LWVGA's organizational goals.

17. Also, a court order requiring the DeKalb Board to process voter challenges and remove voters within the 90-day period of a federal election would force the League to dedicate additional resources to assisting voters with responding to voter challenges.
18. Because of LWVGA's limited resources, this effort would come at the expense of its other voter education, voter registration, and election protection efforts. Engaging in these voter-challenge related activities would involve launching a new campaign that would also divert staff time, including the time of interns and volunteers, from existing priorities.
19. LWVGA and its members have a strong interest in preventing disenfranchisement of eligible voters in DeKalb County, and a court order requiring the DeKalb County Board to process voter challenges would directly harm the League's organizational mission.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 1st day of October 2024 in Atlanta, Georgia.


Nichola Hines, President
League of Women Voters of Georgia, Inc.
P.O. Box 177
Decatur, GA 30031



Notarial signature Pichaya Poj Winichakul
My commission expires May 17, 2026

On this 1st day of October, 2024
before me, the undersigned
notary public, personally
appeared, Nichola Hines,
proved to me through
satisfactory identification
to be the person whose name
is signed on this document in
my presence

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

WILLIAM HENDERSON and DEKALB
COUNTY REPUBLICAN PARTY,

Plaintiffs,

v.

VASU ABHIRAMAN, NANCY JESTER,
ANTHONY LEWIS, SUSAN MOTTER, and
KARLI SWIFT,

Defendants,

GEORIGIA STATE CONFERENCE OF THE
NAACP, NEW GEORGIA PROJECT,
GEORGIA COALITION FOR THE
PEOPLE’S AGENDA, INC., A. PHILLIP
RANDOLPH INSTITUTE, COMMON
CAUSE GEORGIA, and LEAGUE OF
WOMEN VOTERS OF GEORGIA,

Proposed Intervenors.

CIVIL ACTION FILE NO. 24CV8564

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court via Odyssey eFileGA, which will provide notice and service to all counsel of record, and by electronic mail to the following:

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Kevin T. Kucharz
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Respectfully submitted this 2nd day of October, 2024:

/s/ Gerald Weber
Gerald Weber (Ga. Bar No. 744878)
**LAW OFFICES OF GERRY WEBER,
LLC**
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