

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

MICHAEL THURMOND, Individually;  
DEKALB BOARD OF REGISTRATION  
AND ELECTIONS; and DEKALB COUNTY,  
GEORGIA,

Petitioners,

v.

STATE ELECTION BOARD,

Respondent.

Civil Case No. 24CV9085

**BRIEF OF AMICI CURIAE IN SUPPORT OF  
PETITIONER'S VERIFIED PETITION**

**INTRODUCTION**

“One of the most important and sacred rights possessed by an American citizen is to vote for whom he pleased, and to have that vote counted.” *Griffin v. Trapp*, 205 Ga. 176, 181 (1949). If a vote is not certified, it does not count. Failure to properly certify the election results is therefore voter disenfranchisement.

One new rule (the “Hand Count Rule”)<sup>1</sup> adopted by the State Election Board (the “SEB”)<sup>2</sup> adds a pre-certification hurdle to Georgia’s process for collecting and tabulating ballots. Under the Hand Count Rule, counties must continuously hand-count all ballots and remedy inconsistencies

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<sup>1</sup> Georgia State Election Board, *Notice of Proposed Rulemaking, Revisions to Subject 183-1-12-.12 Tabulating Results* (Aug. 21, 2024), [https://sos.ga.gov/sites/default/files/2024-08/seb-notice\\_of\\_proposed\\_rulemaking\\_183\\_1\\_12\\_.12a5\\_hand\\_count.pdf](https://sos.ga.gov/sites/default/files/2024-08/seb-notice_of_proposed_rulemaking_183_1_12_.12a5_hand_count.pdf), codified at Ga. Comp. R & Regs. 183-1-12-.12 at (a)(5).

<sup>2</sup> Georgia State Election Board, *Notice of Proposed Rulemaking, Revisions to Subject 183-1-12-.02 Definitions* (July 3, 2024), <https://sos.ga.gov/sites/default/files/2024-07/Notice%20of%20Proposed%20Rulemaking%20-%20183-1-12-.02.pdf>, codified at Ga. Comp. R & Regs. 183-1-12.02 at (1)(c.2); Georgia State Election Board, *Notice of Proposed Rulemaking, Revisions to Subject 183-1-12-.12 Tabulating Results* (July 18, 2024), <https://sos.ga.gov/sites/default/files/2024-07/Notice%20of%20Proposed%20Rulemaking%20-%20183-1-12-.12%28a%295.pdf>, codified at Ga. Comp. R & Regs. 183-1-12-.12 at (f)-(g).

between the electronic scanner counts and the hand counts where possible. This needs to be completed before the county's certification of election results. This pre-certification hand count is an onerous and unnecessary step that threatens to disrupt the tabulation process and conflicts with Georgia law, which comprehensively details the procedures for counting ballots.

The risk of county-wide disenfranchisement is exacerbated when the Hand Count Rule is read alongside two new rules (collectively, the "Certification Rules") adopted by the SEB. These Certification Rules would require county election administrators to conduct an "inquiry" into the election before certifying the results ("Heekin Rule"), and would equip any individual county election board member with unfettered access to "examine all election related documentation" before certification, allow county boards to devise their own "method[s]" for counting votes whenever they claim to suspect "fraud," and condition certification on new requirements that appear nowhere in the election code ("Grubbs Rule"). Ga. Comp. R & Regs. 183-1-12-.12(f)-(g). The Hand Count Rule could invite any individual county election board member to use hand-count delays or negligible differences between the scanner and hand counts as a purported reason to delay or deny certification.

The Hand Count Rule makes Georgia's elections vulnerable to election obstruction by requiring an additional and unnecessary pre-certification process, one that places poll workers who are not equipped, trained, or resourced to safeguard the security of ballots in an untenable position. The Hand Count Rule also separately exceeds the SEB's statutory authority where Georgia law already comprehensively prescribes the methods for counting ballots and ensuring accurate results. Without clarification or constraint from this Court, the rule changes could foment chaos and confusion as soon as polls close. At worst, the Hand Count Rule could be read in combination with the SEB's recently adopted Certification Rules to potentially strip millions of Georgians of their

fundamental right to vote, likely impacting Black voters and other historically disenfranchised voters disproportionately.

Amici are Georgia voters and organizations dedicated to protecting its members' fundamental right to vote. Amici write to emphasize that the Hand Count Rule lays the groundwork for unprecedented election chaos and potential subversion that would harm Georgia voters. Should local officials invoke the new rules as a basis to disrupt certification, voters would be forced to flood courts across the state with emergency lawsuits to protect their right to have their ballots counted. Any disruption to the certification process will fuel dangerous election denialism that would undermine our democratic system and confidence in our elections and jeopardize the peaceful transfer of power.

This Court should not allow the SEB to make Georgia's elections vulnerable to non-certification through a burdensome, unnecessary, and *ultra vires* hand-count process. The risk that Georgians' votes could be nullified by the very people tasked with safeguarding them is intolerable in a representative democracy. The Court should grant Petitioner's requested relief to ensure that voters—not partisan officials—determine election outcomes.

### **STATEMENT OF INTEREST**

Amici Elbert Solomon, Porch'se Miller, Ava Bussey, Bryan Nguyen, and Raynard LaNier, Jr. are proud Georgia voters who intend to make their voices heard in local, statewide, and national contests this November, and are concerned that a chaotic election could lead to the worst case scenario: that their votes could be nullified. They are from five counties; in all those counties, election board members have previously attempted to weaponize certification to block ballots from counting toward the official results. Amici do not want to see similar efforts succeed in the upcoming election as a result of an unnecessary and unlawful tabulation rule. Amici League of

Women Voters of Georgia (“the League”), Delta Sigma Theta Sorority, Inc. (the “Deltas”), and the New Georgia Project are non-profit, nonpartisan organizations whose work advances voter participation and civic engagement, particularly among communities of color. The League, the Deltas, and Secure Families Initiative are also membership organizations dedicated to protecting their members’ fundamental right to vote. Amici’s brief and arguments apply only to the Hand Count Rule.

Amicus curiae Elbert Solomon is a resident and registered voter in Spalding County, Georgia. Mr. Solomon identifies as Black. He is active in local politics and a consistent voter for decades. As a teenager in Mississippi during the civil rights movement, Mr. Solomon understood that the ability to cast a vote and to have that vote counted has not always been protected. Those experiences inform his civic engagement work today. Mr. Solomon attends Spalding County Board of Elections meetings regularly and was very concerned when a board member recently voted against certifying election results. Mr. Solomon is alarmed by the prospect of disenfranchisement in the upcoming election. Should he actually be disenfranchised, decades after he fought to secure his voting rights, Mr. Solomon would lose confidence in the electoral system and civil rights progress in Georgia.

Amicus curiae Porch’s Miller is a resident and registered voter in DeKalb County, Georgia. She identifies as Black. Ms. Miller is active in local and statewide politics as well as a consistent voter. She is a military veteran and cast her first vote by absentee ballot at age 18 from her station in Germany. Based on this experience, she is particularly concerned about the recent demonization and unfounded suspicion of absentee ballots. She was disturbed to learn two members of her county board of elections voted not to certify the results in previous elections. She

is concerned with nullification of any votes, but especially with her votes for down-ballot races. She notes that she rarely votes a “straight ticket” on any ballot.

Amicus curiae Ava Bussey is 18 years old and a registered Cobb County voter. She identifies as multiracial. Ms. Bussey is excited to exercise her right to vote and cast a ballot for president for the first time. Because of her experiences growing up in Cobb County, Ms. Bussey has always been aware and educated about racial gerrymandering and the dilution and suppression of Black votes in particular. She is very protective of her right to vote and believes we should all be working toward removing impediments to voting rather than installing more. She believes that voting is the only way to guarantee that her opinion is counted in the political process. She was very concerned when one of her county board of elections members voted not to certify results in recent elections. She is concerned about the risk of non-certification in the November election, which could mean that her ballot in her very first election year would not be counted. She is also worried that non-certification could result in the disenfranchisement of other Cobb County voters in the upcoming election.

Amicus curiae Bryan Nguyen is 18 years old and a registered Gwinnett County voter. Mr. Nguyen identifies as Vietnamese-American. He turned 18 years old last November and became eligible to vote. He participated in his first election this March and also served as a poll worker in Gwinnett County in the May election. He is excited to participate in his first presidential election this November and has been looking forward to voting since he learned about the right to vote in elementary school. Mr. Nguyen is active in his community and works to organize his peers around LGBTQ+ issues and climate change. He understands his protected right to vote includes both his right to cast a ballot and to have that ballot counted. He was very concerned that two members of his board of elections voted not to certify results in recent elections. Mr. Nguyen comes from a

family of irregular voters, but he intends to remain engaged and become a consistent voter. He would be disheartened if his ballot in his first election year was not counted.

Amicus curiae Raynard LaNier, Jr. is a resident and registered voter in Fulton County, Georgia, and has exercised his right to vote since turning 18. As a child, he would accompany his mother—who was Ralph David Abernathy’s personal assistant—to demonstrations, including activities related to protecting the right to vote. Mr. LaNier continues his family’s legacy in the civil rights movement by organizing and participating in voter registration and get-out-the-vote efforts. He believes that his right to vote includes both the right to cast a ballot and to have that ballot counted. He was very concerned that one of his county board of elections members voted not to certify results in recent elections. He believes that he is at risk of disenfranchisement and would be disappointed and discouraged if his ballot, including his votes for down-ballot races, was not counted.

Amicus curiae League of Women Voters of Georgia (the “League”) is a non-partisan, nonprofit membership organization that is part of the League of Women Voters of the United States, which has state and local leagues in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and Hong Kong. The League fights to protect the rights of all eligible voters and often focuses its work on underrepresented communities to expand access for Black and Latinx voters and other historically marginalized communities who have been left out of the democratic process. The League is dedicated to encouraging its members to exercise their right to vote as protected by the Constitution and the Voting Rights Act of 1965. As such, it has an interest in preventing the disenfranchisement of its members and other eligible voters, including those it may have supported in exercising their right to vote.

Amicus curiae are sorors of Delta Sigma Theta Sorority, Inc. (“the Deltas”), a national, nonpartisan, not-for-profit membership service organization, comprised predominately of Black women, that was founded in 1913 on the campus of Howard University and incorporated under the laws of the District of Columbia. Six weeks after the organization was initially formed in 1913, several of its founding members marched in the historic Suffragist March under the Delta Sigma Theta Sorority, Inc. banner—the Deltas’ first public act. The Deltas’ participation in the march involved personal risk and indignity, as they were not welcomed by some white suffragists, who insisted that the Black women march at the end of the procession. Civic engagement has remained a core tenet of the Deltas’ mission since its founding, as democracy and justice can only be achieved through voting. Thus, voter registration and voter education programs, as well as combatting voter suppression, are some of the organization’s top social action priorities. As such, Deltas have an interest in protecting against the disenfranchisement of its members and other eligible voters.

Amicus curiae New Georgia Project (“NGP”) is a nonpartisan, non-profit organization that works across Georgia to increase the civic participation of historically marginalized communities, including communities of color, working class communities, low-income communities, and communities of unhoused Georgians, through nonpartisan voter registration, voter education, and get out the vote efforts, as well as by organizing and advocating on issues important to those communities. NGP is dedicated to encouraging the voters it serves to exercise their right to vote as protected by the Constitution and the Voting Rights Act of 1965. As such, it has an interest in preventing the disenfranchisement of those and other eligible voters.

Amicus curiae Secure Families Initiative (“SFI”) is a nonpartisan 501(c)(4) not-for-profit organization comprised of military spouses and family members. SFI was founded as a standalone

organization in 2021 and is affiliated with the 501(c)(3) organization, Secure Families Foundation (“SFF”). SFI represents military members and their families serving abroad in at least 8 different countries. Member families are also posted to military bases within the United States. SFI’s mission is to mobilize diverse military partners, parents, kids, and veterans to vote and advocate for their communities. Recognizing military members make enormous sacrifices to strengthen and defend our country, SFI seeks to influence issues of foreign policy and national security that especially impact SFI’s members. SFI has members registered in Georgia. SFI’s members in Georgia include registered absentee voters and registered voters planning to vote in person. As a result, SFI has a unique interest in ensuring that their members are not disenfranchised, as well as all military and overseas voters in Georgia.

### **BACKGROUND**

The Hand Count Rule clearly conflicts with state election law. If left unaddressed by this Court, the Hand Count Rule would dramatically interfere with counties’ ability to fulfill their obligation to timely certify election returns. Further, the Hand Count Rule could encourage local officials dissatisfied with the outcome of an election to launch baseless, drawn-out investigations that could derail the orderly process of vote-counting, sow chaos and distrust in the democratic process, and disenfranchise Georgia voters, in particular Black voters and other voters of color.

#### **I. Georgia’s Comprehensive Tabulation Laws Do Not Contemplate Precinct-Level Hand Counts.**

Georgia law strictly prescribes tabulating procedures to ensure the results are true and accurate. After the close of polls on Election Day, the poll manager and at least one assistant manager at each precinct must complete any required accounting and documentation under the election code. O.C.G.A. § 21-2-420(a). But this accounting does not contemplate a hand count at the precinct level. That is because the precinct poll manager and at least one assistant manager



must then “immediately deliver” the ballots to the election superintendent, O.C.G.A. § 21-2-420(a), and it is not until the ballot boxes arrive at the tabulating center that the seal on each container of ballots is inspected and then opened for processing by the tabulating machines, O.C.G.A. § 21-2-483(c). No part of the election code permits hand-counting ballots at the precinct level, and for good reason. Ballot boxes are sealed to ensure their security and integrity until they can arrive at the county-wide tabulating center, which is set up to count ballots according to statutory procedures and safeguards. Precincts, on the other hand, are not set up for, nor are poll workers trained for, the rigorous and statutorily prescribed exercise of counting ballots, nor are they equipped and trained to safeguard the security of ballots or to ensure they are not tampered with. In fact, extrajudicial accounting procedures at the precinct-level, especially hand counts, may be inconsistent between precincts and *introduce* errors into the counting process.

Georgia law also details the procedures for addressing perceived ballot count discrepancies, none of which include a precinct-level hand count before certification. *See* O.C.G.A. § 21-2-493; O.C.G.A. § 21-2-520. Under the state’s statutory scheme, any anomalies found at any step of the tabulation and computation processes are not addressed by delaying or refusing certification or engaging in endless counting and recounting of ballots by hand, but instead by *post*-certification investigations and challenges. *See* O.C.G.A. §§ 21-2-493, 21-2-520. Specifically, the state’s election code provides: “If any error or fraud is discovered, the superintendent *shall* compute and certify the votes justly, regardless of any fraudulent or erroneous returns presented to him or her, and shall report the facts to the appropriate district attorney for action.” O.C.G.A. § 21-2-493(i) (emphasis added). Additionally, the state’s election code provides extensive procedures for candidates and electors alleging irregularity to contest the election in Superior Court. *See* O.C.G.A. § 21-2-520, *et seq.*

In sum, timely county-level certification and transmission of election results is an early and crucial step in ensuring that Georgia voters are heard at the local, state, and federal levels. Additional precinct-level, hand counting procedures would only delay the tabulation of results and increase the likelihood of accounting errors.

## **II. The Hand Count Rule Disturbs the Statutory Framework.**

The SEB is charged with “promulgat[ing] rules and regulations so as to obtain uniformity . . . in the practices . . . of superintendents.” O.C.G.A. § 21-2-31(1). In so doing, the SEB must “formulate, adopt, and promulgate such rules and regulations, *consistent with law*, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” O.C.G.A. § 21-2-31(2) (emphasis added).

On September 20, 2024, the SEB voted to adopt amendments to Rule 183-1-12-.12. The amendments force poll workers at every precinct to continuously hand-count every ballot starting as early as the close of Election Day and continuing through the end of the county certification period.<sup>3</sup> The Rule assigns three poll workers to open each scanner ballot box—which are normally kept sealed for security until they arrive at the county-wide tabulating center—as ballots are cast, which requires each poll worker to count and recount the ballots until they all arrive at the same number of ballots separately, mandates that poll workers compare the hand counts to the scanner counts, and instructs the precinct poll manager to “correct the inconsistency” where possible.<sup>4</sup> Importantly, the rule does not describe what or how “corrective measures” should be taken or what happens when the inconsistency cannot be corrected.<sup>5</sup> The Hand Count Rule will go into effect on

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<sup>3</sup> See *supra* n.2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

October 10, 2024.<sup>6</sup>

The Hand Count Rule is plainly not “consistent with law” and could lead to disastrous consequences if read alongside other recently-adopted SEB rules.

### **ARGUMENT**

The Hand Count Rule threatens to disrupt county-level election administration, potentially including certification. Implementation of this new rule will interject chaos, confusion, and uncertainty into the election process and results. The Court should act now to protect voters from the SEB’s anti-democratic, *ultra vires* act before voting begins.

#### **I. The Rule Change Threatens to Disrupt Election Administration and Harm Georgia Voters.**

The Hand Count Rule adds new, onerous procedures that open the counting process to errors. Alongside the Certification Rules, the Hand Count Rule stands to allow rogue county board members to delay certification, manipulate the certified count, and deny the results of the election, which would disempower Georgia voters and defy the mandates of Georgia law.

##### **A. The rule change invites rogue local officials to obstruct certification.**

Under Georgia law, election superintendents are required to certify county results by 5:00 PM on the Monday after election day. O.C.G.A. § 21-2-493(k). The Hand Count Rule allows any of the election officials in Georgia’s 159 counties to use the error-prone process of precinct-level hand-counting as an excuse for those officials to delay or deny certification especially under the ambiguous Certification Rules.

The Heekin Rule’s new definition of “certification” seemingly makes certification contingent upon a “reasonable inquiry” by county boards into the returns—a contingency not enumerated or contemplated anywhere in the Georgia Code. Ga. Comp. R & Regs. 183-1-

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<sup>6</sup> See Ga. Comp. R. & Regs. r. 183-1-12-.12.

12-.02(1)(c.2). The Heekin Rule does not define “reasonable” or “inquiry” or place any guardrails on such inquiry’s timing, subject, or scope. The Grubbs Rule invites individual “[b]oard members” to delay certification until they have personally inspected “all election related documentation created during the conduct of elections.” Ga. Comp. R & Regs. 183-1-12-.12(f)(6). Thus, any inconsistency found by a precinct poll manager under the Hand Count Rule<sup>7</sup> may create a pretext for an extended “reasonable inquiry” under the Heekin Rule, Ga. Comp. R & Regs. 183-1-12-.02(1)(c.2), or demands to inspect “election documentation” under the Grubbs Rule, Ga. Comp. R & Regs. 183-1-12-.12(f)(6).

Any local certification delays could have cascading effects across the state. The Secretary of State must certify Georgia’s statewide results by 5:00 PM on the 17th day after election day, and the Governor must certify Georgia’s slate of presidential electors by 5:00 PM on the 18th day. O.C.G.A. § 21-2-499(b). Failure of the counties to timely and faithfully certify their results could embroil the Secretary in unnecessary and time-consuming confrontations with local officials, potentially risk compliance with important deadlines set out under state and federal law, and potentially nullify the will of the people—this year and in every subsequent election.

These are not hypothetical concerns. Since 2020, an alarming number of Georgia officials have refused to perform their statutorily mandated certification duties and demanded burdensome document production as a condition of certification, without offering any actual reason to doubt the returns.<sup>8</sup> That includes elections officials in each and every county where the individual amici live and are registered to vote. This past March, the sponsor of the Heekin Rule opposed a motion to certify the results of the presidential preference primary in Fulton County—despite

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<sup>7</sup> *Supra* n.2.

<sup>8</sup> Citizens for Responsibility and Ethics in Washington, *Election Certification Under Threat*, 34–42 (Aug. 2024), <https://perma.cc/UCD3-K2ZS>.

acknowledging that the statements of votes cast were “all in order”—because he considers “chain of custody” to be “the weakest link” in elections even “predating the American Revolution.”<sup>9</sup> He did not offer evidence that the chain of custody was actually broken in Fulton or offer any other reason that the results should not be certified.<sup>10</sup> To date, none of the Georgia officials who have recently opposed certification have had any legal authority to do so, but the Certification Rules could open the door for them to try to launch their own independent investigations, request voluminous documentation at will, or delay certification in defiance of duly enacted statutes.

**B. The rule change provides cover for election officials to deny the election results.**

Even if the results are timely and accurately certified, the Hand Count Rule creates new reasons for local officials to deny the election results, fueling dangerous election denialism that could itself subvert the will of the people.

We have been here before. The smallest perceived discrepancies and glitches have sparked widespread misinformation campaigns and conspiracy theories that undermined the peaceful transfer of power. In 2020, the election board of Coffee County, Georgia, refused to certify the results of the presidential election after a recount on the basis of a 50-vote discrepancy.<sup>11</sup> The board blamed voting machines for the difference, even though the elections director admitted she “was unsure whether she had scanned a batch of 50 ballots twice, which,” in the words of the Secretary of State, “would account for the 50-vote discrepancy.”<sup>12</sup> One member of that elections board then

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<sup>9</sup> Fulton Government Television, *Fulton County Board of Registration & Elections Meeting March 18, 2024*, 38:14–39:42, 44:54, YouTube (Mar. 18, 2024), <https://perma.cc/ZK2L-YDC3>.

<sup>10</sup> *Id.*

<sup>11</sup> Office of Georgia Secretary of State Brad Raffensperger, *Secretary of State’s Office Opens Investigation into Coffee County’s Handling of Recount* (Dec. 9, 2020), <https://sos.ga.gov/news/secretary-states-office-opens-investigation-coffee-countys-handling-recount>.

<sup>12</sup> *Id.*

illegally permitted presidential campaign affiliates to copy large troves of records and data to fuel an extra-judicial investigation into voting machines.<sup>13</sup> No evidence of interference with the machines was uncovered, but conspiracy theories related to those machines ballooned online and “reinforced the Stop the Steal movement, which ultimately led to violence.”<sup>14</sup> The new rule makes similar or worse situations even more likely, threatening to unlawfully thwart the will of the people.

## **II. The Rule Change Subjects Georgians to Unequal Risks of Disenfranchisement and Would Disproportionately Risk Disenfranchising Black Voters and Other Voters of Color.**

The potential disruptions to the election administration and certification processes create intolerable risks of disenfranchisement for Georgia voters. They could also result in the selective disenfranchisement of voters according to the whims of unelected county election board members.

If allowed to stand, the ambiguity baked into the rule change all but guarantee arbitrary and uneven enforcement. The new rule gives poll managers the vague ability to take “corrective measures” to resolve inconsistencies in the precinct-level handcounting process,<sup>15</sup> “virtually guaranteeing a crazy quilt of” approaches to certification “from county to county”—and even precinct to precinct. *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1320 (11th Cir. 2019).

If this rule is permitted to go into effect unchecked, voters will be subjected to disparate risks of disenfranchisement. This kind of haphazard and arbitrary election administration is unconstitutional. *Id.* (disapproving state law permitting local officials to reject absentee ballots on the basis of a standardless signature-matching requirement that subjected eligible voters to

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<sup>13</sup> Anna Bower, *What the Heck Happened in Coffee County, Georgia?*, LAWFARE (Aug. 15, 2023), <https://perma.cc/T7TM-9VHB>; Kate Brumback, *Security footage shows Georgia county Republican chair, election official present during breach of voting equipment*, PBS NEWS (Sept. 6, 2022), <https://perma.cc/DG68-EQ77>.

<sup>14</sup> See Center for an Informed Public, Digital Forensic Research Lab, Graphika, & Stanford Internet Observatory, *The Long Fuse: Misinformation and the 2020 Election*, Election Integrity Partnership, 91–97 (May 8, 2024), <https://perma.cc/DV9L-NW27>.

<sup>15</sup> *Id.*

arbitrary disenfranchisement). Whether voters will have an equal voice in Georgia cannot come down to the whims of poll workers, poll managers, or individual county election board members.

Amici are also concerned that the rule change heightens the risk that delays or denials of certification based on the results of precinct-level hand counts could be used by county boards of elections or even statewide entities to disenfranchise voters, especially Black voters and other voters of color. Obstruction of the election administration process in certain counties would disproportionately affect Black voters. Fulton County, for example, is home to 15% of Black voters statewide.<sup>16</sup> These concerns are not unfounded. The SEB has recently opened inquiries regarding mass voter challenges in eight counties in Georgia, including Fulton.<sup>17</sup> Like Fulton County, several of the counties listed in the investigation have a significant population of Black voters.

### **III. The Rule Changes Will Undermine Amici's Faith in Democracy.**

At best, the Hand Count Rule stands to undermine the election administration process, sowing confusion, disorder, and doubt into the election results. At worst, the Hand Count Rule could be weaponized to delay or deny certification at the county level. Both of these risks are too profound for amici to ignore. All individual amici live in counties where at least some county board members have *already* voted not to certify results in recent elections, without legal authority to do so and without offering any proof of election fraud. Amici would lose confidence in our democracy if their county boards successfully disrupted certification in future elections, including the November 2024 election using the results of a precinct-level hand count. Some amici, like Ava Bussey and Bryan Nguyen, are new voters who would be profoundly disheartened by disruptions

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<sup>16</sup> *Election Data Hub*, Georgia Secretary of State.<https://sos.ga.gov/election-data-hub> (last accessed September 30, 2024).

<sup>17</sup> *Georgia's State Election Board Approved an Investigation Into Failed Voter Registration Challenge*, Georgia Public Broadcasting, <https://www.gpb.org/news/2024/09/24/georgias-state-election-board-approved-investigation-failed-voter-registration> (last accessed September 24, 2024).

to their first-ever vote in a presidential election contest. Other amici, like Elbert Solomon, remember the rampant voter suppression of the Jim Crow era and do not want to see their State go backwards. Other amici, like Porch'se Miller and Secure Families Initiative, have served in the military or have members who have served. They go out of their way to vote from abroad and would be disheartened to see that sacrifice undermined. It is especially disappointing to individual amici like Bryan Nguyen who has served as a poll worker in past elections, and to amici organizations, many of whose members have served as poll workers, that those charged with protecting voters' rights could use the Hand Count Rule to thrust poll workers into the election spotlight during a heated election all to provide cover for election denialism. Amici recognize that voter suppression takes many forms, and ask the Court not to allow the routine and nonpolitical process of election administration to become a tool of voter disenfranchisement.

By granting Petitioners' requested relief to declare the Hand Count Rule inconsistent with Georgia law, this Court will give amici and voters across the state confidence in the democratic process. The Court should reject the SEB's unlawful attempt to disrupt election administration process and instead defend Georgians' fundamental right to vote and to have their votes counted.

Respectfully submitted, this 9<sup>th</sup> day of October, 2024.

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*\*Motion for Pro Hac Vice forthcoming*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of October, 2024, a true and correct copy of the foregoing **BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER’S VERIFIED PETITION** was electronically filed with the Court using the Court’s eFileGA electronic filing system, which will automatically send an email notification of such filing to all attorneys of record, and was additionally served by emailing a copy to the currently known counsel of named parties and proposed intervenors as listed below:

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