

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

JULIE ADAMS, in her official capacity as a member of the Fulton County Board of Elections and Registration, a/k/a Fulton County Board of Registration and Elections,

Plaintiff,

v.

Civil Case No. 24CV006566

FULTON COUNTY BOARD OF ELECTIONS AND REGISTRATION, a/k/a FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS, and NADINE WILLIAMS, in her official capacity as Elections Director,

Defendants.

**DEMOCRATIC NATIONAL COMMITTEE'S AND DEMOCRATIC PARTY OF
GEORGIA'S JOINT MOTION TO INTERVENE
AND MEMORANDUM OF LAW IN SUPPORT**

Pursuant to O.C.G.A. § 9-11-24, the Democratic National Committee (“DNC”) and the Democratic Party of Georgia (“DPG”) move to intervene as defendants in this action. This lawsuit concerns the proper administration of elections and certification of election results in Georgia. As the principal committee of the United States Democratic Party and the official Democratic Party organization in Georgia, respectively, the DNC and DPG have direct interests in those subjects that are not otherwise represented. Consequently, DNC and DPG are entitled, and alternatively should be permitted, to intervene in this action.

BACKGROUND

Plaintiff Julie Adams is an appointed member of Defendant Fulton County Board of Elections and Registration, one of two members nominated by the Fulton County Republican

Party. Complaint ¶ 3. She alleges that the Board has improperly denied her access to certain election materials, materials she says she needs to fulfill her duty to certify the election results. *Id.* ¶¶ 26, 37. She further asserts that her duty to certify the results is discretionary rather than “ministerial,” i.e., mandatory. *See id.* at 2–3. And she claims that the Board has improperly delegated certain responsibilities to the Elections Director. *See id.* ¶ 95. Based on these allegations, Plaintiff seeks emergency injunctive and declaratory relief compelling Defendants to provide access to the election materials in question and declaring that Plaintiff’s duty to certify the county-level election results is discretionary. *See id.* at 32–33.

ARGUMENT AND CITATION OF AUTHORITY

I. DNC and DPG are entitled to intervene as of right under O.C.G.A. § 9-11-24(a)(2).

O.C.G.A. § 9-11-24(a)(2) provides that after timely application, a prospective party must be permitted to intervene “[w]hen the applicant claims an interest relating to the property or transaction which is the subject matter of the action” and “is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties.” This is a three-part inquiry, consisting of “(1) interest, (2) potential impairment, and (3) inadequate representation.” *Buckler v. DeKalb Cty.*, 290 Ga. App. 190, 193 (2008) (quoting *DeKalb Cty. v. Post Props.*, 245 Ga. 214, 219 (1980)). If a prospective party satisfies these requirements, a court cannot deny intervention; the party “*shall* be permitted to intervene.” O.C.G.A. § 9-11-24(a) (emphasis added).

Here, both DNC and DPG satisfy each of the requirements for intervention as of right. *First*, DNC and DPG have direct interests in the subject matter of this action. As explained, Plaintiff advances several claims about the proper administration of elections in Georgia, including claims about the nature of county board members’ duty to certify election results. As organizations dedicated to electing Democratic candidates and protecting voters’ rights, DNC

and DPG have a core interest in ensuring proper and legal administration of elections, counting of ballots, and certification of election results. *See, e.g. Bost v. Ill. State Bd. of Elections*, 75 F.4th 682 (7th Cir. 2023) (holding that a state democratic party could intervene as a matter of right given its organizational interests); *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299 (5th Cir. 2022) (holding that party committees have a legally protectable interest that supports intervention by right). Indeed, the DNC is regularly permitted to intervene as of right in suits regarding states' election procedures. *See, e.g., Paher v. Cegavske*, 2020 WL 2042365, at *3 (D. Nev. Apr. 28, 2020); *Issa v. Newsom*, 2020 WL 3074351, at *4 (E.D. Cal. June 10, 2020).

Second, this action threatens to impair DNC's and DPG's interests. For example, Plaintiff as noted asks the Court to declare that her duty to certify election results is discretionary. Such a declaration would injure both DNC and DPG, which each have an interest in ensuring that votes cast for Democratic candidates are properly counted; this interest is harmed when votes for Democratic candidates are not certified and submitted to the Secretary State so that those votes can be certified by the Secretary. DPG has an additional interest, on behalf of its members who are Fulton County electors, in ensuring that votes cast by those members are properly counted and certified. *Cf. Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 189 & n.7 (2008) (lead op.) (holding that Democrats have standing to challenge a law that would impose voting requirements on its party's members).

Third, DNC and DPG's interests are not adequately represented by Defendants, whose interests and priorities are defined by their statutory duties to conduct the election process and declare the results. *Cf. O.C.G.A. § 21-2-520(2)(C)–(D)*; *see also La Union del Pueblo Entero*, 29 F.4th at 309 (explaining that private interests in elections are “different in kind from the public interests” of governmental officials). DNC and DPG, as just explained, have interests that

extend well beyond that scope, including ensuring that votes for Democratic candidates are properly counted and certified and protecting individual voters' rights. *See also id.* at 307-08 (noting that the relevant standard is only whether the existing representation “*may* be inadequate,” not whether it “will be, for certain, inadequate.”).

II. Alternatively, both DNC and DPG satisfy the criteria for permissive intervention under O.C.G.A. § 9-11-24(b)(2).

The DNC and DPG both easily satisfy the requirements for permissive intervention under § 9-11-24(b)(2).

Permissive intervention is appropriate “[w]hen an applicant’s claim or defense and the main action have a question of law or fact in common.” *Id.* In determining whether to allow intervention under this section, moreover, “the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.” *Id.*

Here, there is no question that DNC, DPG, and the original Defendants will raise common issues of law and fact in defending this lawsuit and the county-level certification process. Additionally, given the very early stage of this litigation, intervention will not delay or prejudice the adjudication of the rights of the original parties. To the contrary, DNC and DPG are prepared to proceed in accordance with any schedule the Court establishes and have an interest in moving as expeditiously as possible. Their intervention will only serve to contribute to the full development of the factual and legal issues before the Court.

CONCLUSION

The 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), should be granted.

Respectfully submitted this 24th day of May, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2024, a true and correct copy of the foregoing **DEMOCRATIC PARTY OF GEORGIA'S MOTION TO INTERVENE AND MEMORANDUM OF LAW IN SUPPORT** was electronically filed with the Clerk of Court using the Court's eFileGA electronic filing system which will automatically send an email notification of such filing to all attorneys of record.

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