

**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. 24CV011584

FULTON COUNTY, GEORGIA

*Defendant,*

&

DEMOCRATIC NATIONAL COMMITTEE  
& DEMOCRATIC PARTY OF GEORGIA,

*Defendant-Intervenors.*

**DEMOCRATIC NATIONAL COMMITTEE'S AND  
DEMOCRATIC PARTY OF GEORGIA'S JOINT TRIAL BRIEF**

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Plaintiff Julie Adams, a member of the Fulton County Board of Registration and Elections (“BRE”), asks this Court to declare that that the BRE and its members each have discretion over *whether* to certify election results. In so doing, Plaintiff seeks to convert the straightforward act of certification into a broad license for individual board members to hunt for purported election irregularities of any kind, potentially delaying certification and displacing longstanding (and court-supervised) processes for addressing fraud. But Plaintiff’s attempt fails—whether on a motion to dismiss or after a trial on the merits—because under Georgia law, the duty to certify election results is mandatory.

Defendant-Intervenors the Democratic National Committee and the Democratic Party of Georgia [“DNC-DPG”] have briefed this at issue at length before this Court, both in this case and in related action *Abhiraman et al. v. State Election Board*, 24CV010786. In the interest of efficiency, we do not here rehearse those arguments in full. Instead, we simply explain why the resolution of this purely legal question—that certification is mandatory, not discretionary—is sufficient to determine that Plaintiff is not entitled to the relief she seeks.

Specifically, Plaintiff seeks “declaratory relief . . . that the duties of the [Fulton] BRE members are discretionary, not ministerial, in nature.” Compl. at 31. She also seeks a declaratory judgment that “BRE members are required to have full access to Election Materials and Processes presently under the control of the [Fulton County Elections Supervisor].” *Id.* But this claim, too, turns on Plaintiff’s assertion of discretion. Indeed, Plaintiff brings these actions in a single count: “declaratory judgment that the BRE is the superintendent of elections in Fulton County and that *votes on certification are discretionary.*” *Id.* at 29 (emphasis added). Further, plaintiff expressly ties her “access to Election Materials and Processes” claim to this assertion of discretion: “Plaintiff further asserts that the fulfillment of her oath as a BRE member involves

discretionary judgment calls, not simply ministerial duties, and that to properly execute these duties she requires access to the Election Materials and Processes.” *Id.* ¶ 103.

This is a refiled action following this Court’s dismissal of Plaintiff’s first action (Civil Case No. 24CV006566 (“*Adams I*)). Plaintiff helpfully highlighted the core issue for this Court’s consideration in responding to motions to dismiss in *Adams I*, stating: “the issue in this case is whether or not the votes cast by [BRE] members to certify an election are discretionary or mandatory.” *Adams I* Response to Motion to Dismiss, dated August 22, 2024, at 3. That remains the sole issue to be decided here.

On September 12, Plaintiff filed her Verified Complaint for Declaratory Relief. On September 17, DNC-DPG moved to intervene as a defendant.<sup>1</sup> And on September 23, that intervention motion was granted. DNC-DPG subsequently filed its answer and motion to dismiss onto the docket on September 25.

In DNC-DPG’s motion to dismiss in this case (as well as in the previous, now-dismissed, *Adams I*) and in the related *Abhiraman* action, DNC-DPG have demonstrated how the text, structure, and history of the relevant statutory provisions—as well as a long line of Georgia cases and persuasive authority from other states—demonstrates that each BRE member’s duty to certify is mandatory. Because all of Plaintiff’s claims for relief rise and fall with that incorrect assertion of discretion, she “could not possibly introduce evidence within the framework of the complaint sufficient to warrant a grant of the relief sought,” *Norman v. Xytex Corp.*, 310 Ga. 127, 131 (2020).

Plaintiff’s entitlement to relief depends on securing a legal determination that “the votes

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<sup>1</sup> On September 19, the exhibits to that motion—a proposed motion to dismiss and proposed answer—were separately re-filed as a notice of filing following initial rejection of the exhibits by the clerk’s office.

cast by [BRE] members to certify an election are discretionary.” *Adams I* Response to Motion to Dismiss at 3. Because they are not, Plaintiff’s claim can be decided as a matter of law and fails on the merits. Accordingly, Plaintiff hereby incorporates in full the arguments raised by DNC-DPG’s September 25 motion to dismiss. Separately, DNC-DPG directs the Court to its parallel briefing of these issues in *Abhiraman*, and specifically its trial brief filed September 23, which (at pages 18-28) explains in detail that Georgia’s election code makes certification mandatory.

For the reasons outlined in the ample briefing the Court has received on this issue, DNC-DPG ask this Court to reject Plaintiff’s claim, and in doing so to make clear that individual BRE members have no discretion to refuse to certify election results or to delay certification past the statutory deadline.

*[Signatures appear on the following page.]*

Respectfully submitted this 27th day of September, 2024.

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## CERTIFICATE OF SERVICE

I hereby certify that on this 27<sup>th</sup> day of September, 2024, a true and correct copy of the foregoing DEMOCRATIC NATIONAL COMMITTEE'S AND DEMOCRATIC PARTY OF GEORGIA'S JOINT TRIAL BRIEF 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, and was additionally served by emailing a copy to the currently known counsel of named parties and intervenors as listed below:

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