

**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 Registrations, a/k/a Fulton County Board of)	
Registration and Elections,)	Civil Action
)	File No.
<i>Plaintiff,</i>)	
)	
v.)	
)	
NADINE WILLIAMS, in her official capacity as)	
Director of the Fulton County Board of the)	
Registration and Elections,)	
)	
<i>Defendant.</i>)	
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EMERGENCY VERIFIED APPLICATION FOR WRIT OF MANDAMUS

Plaintiff files this Emergency Verified Application for Writ of Mandamus, pursuant to O.C.G.A. § 9-6-20 and § 9-6-24, respectfully showing the Court as follows:

PARTIES, JURISDICTION, AND VENUE

1.

Julie Adams (“Plaintiff” or “Ms. Adams”) is a member of the Fulton County Board of Elections and Registrations, a/k/a Fulton County Board of Registration and Elections (“BRE”).

2.

Defendant Nadine Williams (“Ms. Williams”) is the Director of Fulton County Board of Registration and Elections, and in this capacity, she is the custodian of the election materials and information, which are in her care, custody, and control. She may be served at 5600 Campbellton Fairburn Road, Fairburn, GA 30213, or wherever else she may be found in the State of Georgia.

3.

This Court has jurisdiction over this mandamus action as it concerns Ms. Williams' refusal to perform duties mandated by state law.

4.

Venue is proper in Fulton County, Georgia because Ms. Williams is a public officer in this county being sued in her official capacity.

5.

This mandamus action is being filed as a related case to *Julie Adams v. Fulton County, Georgia* (Case No. 24CV011584).

FACTUAL BACKGROUND

6.

Ms. Adams previously filed a lawsuit against Fulton County, Georgia seeking a declaratory judgment requesting, *inter alia*, access to election materials and information from the BRE for the upcoming November 5, 2024, General Election. A true and correct copy of the Complaint filed in *Julie Adams v. Fulton County, Georgia* (Case No. 24CV011584) (the "Declaratory Action") is attached as **Exhibit A** and incorporated herein by reference.

7.

On October 14, 2024, this Honorable Court entered its Final Order, and held the following as to Ms. Adams' access to election materials and information:

"If, in performing her responsibility set forth in O.C.G.A. § 21-2-70(8) "to inspect systematically and thoroughly the conduct of primaries and elections in the several

precincts of his or her county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted," an election superintendent (or member of a board of elections and registration) determines a need for election information from the staff of the superintendent's office (or of the board), that information, if not protected from disclosure by law, regulation, or rule, should be promptly provided. See Ga. Comp. R. & Regs. Rule 183-1-12-.12(0(6). However, any delay in receiving such information is not a basis for refusing to certify the election results or abstaining from doing so. See Declaration (3) above.”[Emphasis added].¹

8.

After this Final Order, Ms. Adams determined a need for election information in order to fulfill her statutory duties per O.C.G.A. § 21-2-70 et seq., so she requested election materials and information related to advance voting for the November 5, 2024, General Election from Ms. Williams, Fulton County’s employee election administrator.

9.

Ms. Williams advised that Ms. Adams would need to seek permission from Ms. Allen, and the BRE’s counsel, Ann Brumbaugh for the requested election materials and information.

10.

Ms. Allen then stated to Ms. Adams that she will determine and advise the BRE members as to what election records, if any, are to be made available to the BRE members, at what times, and under what circumstances.

¹ A true and correct copy of the Final Order in *Julie Adams v. Fulton County, Georgia* (Case No. 24CV011584) is attached as **Exhibit B** and incorporated herein by reference.

11.

Ms. Allen and Ms. Brumbaugh also stated (incorrectly) to Ms. Adams that since Ms. Adams has filed a Notice of Appeal of one portion of the Final Order, that the Final Order is stayed, and that they are following the *status quo ante*, meaning, that Ms. Adams is not entitled to and will not be granted access to the election records other than those that Ms. Allen and Ms. Williams determine to let her see, and that they will determine the times and circumstances for her ability to inspect and review their preselected records.

12.

This is the exact situation that prompted Ms. Adams' Declaratory Action in the first place.

13.

On October 27, 2024, Alex Kaufman, Esq., counsel for Ms. Adams in the Declaratory Action and in this case, emailed counsel for the Fulton County² requesting that Ms. Adams be provided access to the election materials and information that she is requesting. A true and correct copy of Mr. Kaufman's email to counsel for the BRE is attached hereto as **Exhibit C** and incorporated herein by reference.

14.

Counsel for the BRE responded, and they concurred with Ms. Allen and Ms. Brumbaugh that the Final Order is stayed upon Ms. Adams' filing of the Notice of Appeal. A true and correct

² Fulton County as the named defendant in the Declaratory Action case included the Fulton County Board of Elections and Registrations, a/k/a Fulton County Board of Registration and Elections.

copy of Mr. Joseph Siegelman's email to Mr. Kaufman is attached hereto as **Exhibit D** and incorporated herein by reference.

15.

On October 30, 2024, the BRE held a meeting where they discussed Ms. Adams' request for access to election materials and information related to advance voting, and they decided not to give Ms. Adams the requested information based on their belief that the Final Order is stayed with the Notice of Appeal filed.

16.

The Final Order is not stayed by virtue of Ms. Adams' Notice of Appeal.

17.

"The filing of a notice of appeal shall not act as a stay or supersedeas." See O.C.G.A. § 21-2-528; also see *Jahncke Service, Inc., et al. v. Department of Transportation*, 137 Ga. App. 179, 180 (1976).

18.

Ms. Adams is required by law to oversee the absentee and advanced voting procedures and to ensure that Fulton County is complying with O.C.G.A. § 21-2-385.

19.

Ms. Allen, Ms. Williams, and the BRE have denied Ms. Adams' lawful and reasonable request for the election materials and information in violation of the Final Order and in violation of the Georgia Election Code, O.C.G.A. § 21-2-70 and § 21-2-493.

20.

The election materials and information Ms. Adams requested and should be inspecting are not protected from disclosure by law, regulation, or rule, and are unlawfully and intentionally being withheld under false pretenses.

21.

Ms. Williams, as the Director of the BRE, is the custodian, and is in possession, of all election materials and information.

22.

Despite repeated timely and clear requests, Ms. Adams has not received the requested election materials, including but not limited to information related to advance voting, and the processing of absentee ballots as described in O.C.G.A. §21-2-385 for the November 5, 2024, General Election in order for her to perform her statutory duties and obligations as Superintendent, and in keeping with the Final Order.

23.

According to the directive Ms. Adams has received from Ms. Allen and Ms. Williams, she is also advised that she will not be allowed to fully observe and inspect the procedures, materials, and operations of Election Day voting, or to be able to perform her statutory duties under O.C.G.A. §§21-2-70 and 21-2-493.

24.

To date, she has not received any of the requested election materials or information and has been specifically informed she will not have electronic access.

25.

Ms. Adams now files this emergency mandamus action for Ms. Williams to comply with the Final Order as issued by this Court on October 14, 2024.

26.

Given the close proximity to the November 5, 2024, General Election of Ms. Williams' refusal to provide Ms. Adams the requested election materials and information, Ms. Adams respectfully requests an emergency writ of mandamus from this Honorable Court.

COUNT I

WRIT OF MANDAMUS

27.

Ms. Adams repeats and re-alleges the allegations in paragraphs 1 – 26 as if set forth fully herein.

28.

“All 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.” *See* O.C.G.A. § 9-6-20.

29.

“Where the question is one of public right and the object is to procure the enforcement of a public duty, no legal or special interest need be shown, but it shall be sufficient that a plaintiff is interested in having the laws executed and the duty in question enforced.” *See* O.C.G.A. § 9-6-24.

30.

Ms. Adams has no other adequate legal remedy available to effectuate the relief sought.

31.

As provided in the Final Order, Ms. Adams has a clear legal right to have access to election materials and information upon request in order to fulfill her statutory duties as a board member of the Fulton County BRE for the November 5, 2024, General Election. *See* O.C.G.A. § 21-2-90.

32.

Ms. Williams has denied Ms. Adams’ request for access to election materials and information, in violation of this Honorable Court’s Final Order.

33.

Ms. Adams respectfully requests a writ of mandamus ordering Ms. Williams to comply with the Final Order so that she can fulfill her statutory duties as a member of the Fulton County BRE for the November 5, 2024, General Election.

34.

Time is of the essence, since advance voting is almost over, and the November 5, 2024, General Election is mere days away. Ms. Adams therefore respectfully requests expedited consideration of this Emergency Application for Writ of Mandamus, as failure to receive the adequate relief, in the form of granting this madamus, in wake of this immediate, irrefutable, and

not readily compensable by money, places Ms. Adams in a position of irreparable harm. Moreover, the granting of the mandamus is within the public policy of the State of Georgia.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. Grant a mandamus nisi and set this matter for a hearing pursuant to O.C.G.A. § 9-6-27, with such hearing to be scheduled as soon as practicable after issuance of the mandamus nisi;
2. Upon hearing, issue a mandamus absolute requiring Ms. Williams to immediately and fully provide Ms. Adams the election materials and information she requested, as provided in the Final Order, as well as electronic access to all materials;
3. Award Ms. Adams her reasonable attorneys' fees and costs in this action pursuant to O.C.G.A. § 13-6-11; and
4. Any other relief this Court deems just and proper.

Respectfully submitted, this 31st day of October 2024.

**CHALMERS, ADAMS, BACKER &
KAUFMAN, LLC**

/s/ Alex B. Kaufman
Alex B. Kaufman
Georgia Bar No. 136097
Christian G. Zimm
Georgia Bar No. 999402

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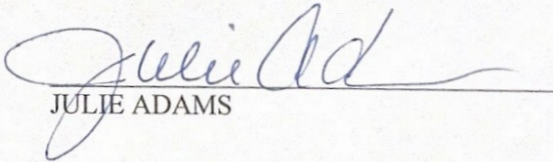
Civil Action
File No.

VERIFICATION

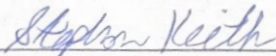
PERSONALLY APPEARED BEFORE ME, the undersigned attesting officer duly qualified to administer oaths, JULIE ADAMS ("Affiant") who after being duly sworn deposes and states on oath that the information supplied in the foregoing **EMERGENCY VERIFIED APPLICATION FOR WRIT OF MANDAMUS** is true and correct to the best of her personal knowledge and provided to her counsel of record.

This 31st day of October, 2024.

AFFIANT:


JULIE ADAMS

Sworn to and subscribed before me
This 31st day of October, 2024.


Notary Public
My Commission Expires: 09/08/2028

