

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

DEMOCRATIC NATIONAL
COMMITTEE, DEMOCRATIC PARTY OF
GEORGIA, INC.,

Petitioners.

v.

FULTON COUNTY DEPARTMENT OF
REGISTRATION & ELECTIONS,

Respondent.

Case No. _____-cv-_____

**VERIFIED PETITION FOR EMERGENCY RELIEF EXTENDING
VOTING HOURS**

The Democratic National Committee (“DNC”) and Democratic Party of Georgia, Inc. (“DPG”) seek an emergency order pursuant to O.C.G.A. § 21-2-403 to compel Respondent to extend voting hours at CH Gullatt Elementary and Northview High School (collectively, the “Polling Places”). Each of the Polling Places was temporarily closed today due to bomb threats, and during the process of evacuating and securing the premises, voters were unable to cast ballots. Under § 21-2-403, a

Superior Court judge may order that voting hours at a precinct be extended to “the total amount of time during which persons were unable to vote at such precinct.” O.C.G.A. § 21-2-403(b). Because voters were unable to vote at the Polling Places during the times described below, the Court should enter an emergency order extending the polling hours at the Polling Places.

STATEMENT OF FACTS

Today, multiple polling locations in Fulton County were temporarily closed due to bomb threats. To ensure the safety of voters and poll workers, the polling places were evacuated and secured, during which time voting could not occur. Because of these closures, voters in Georgia are at risk of being denied their fundamental right to vote.

Upon information and belief, voters were unable to cast ballots at the following times and polling places:

- CH Gullatt Elementary from 8:15 A.M. to 8:53 A.M.
- Northview High School from 10:16 A.M. to 10:34 A.M.

Due to these closures and resulting delays, Georgia voters were denied their right to vote and left the polling precinct without being able to cast their ballots.

ARGUMENT

The Court should order that the Polling Places be kept open until the times listed below (the “Extended Closing Times”) to reflect the time each location was closed to voting. *See supra* at 1.

- CH Gullatt Elementary until 7:38 P.M.
- Northview High School until 7:18 P.M.

O.C.G.A. § 21-2-403(a) provides, in relevant part, that polls “shall remain open continuously” from 7:00 A.M. to 7:00 P.M. As explained, the Polling Places were not “open continuously” during this time period, and instead were closed for the periods of time set forth above in the Statement of Facts. O.C.G.A. § 21-2-403(b) permits this Court to extend polling hours in light of the closures because the undisputed evidence demonstrates that “persons were unable to vote at that precinct” for the times described above. Accordingly, this Court should enter the attached proposed order extending poll hours at the Polling Places to the Extended Closing Times, which constitute “the total amount of time during which persons were unable to vote at such precinct.” O.C.G.A. § 21-2-403(b).

Unless the Court takes immediate action, Georgia voters risk being denied their fundamental right to vote due to circumstances entirely outside of their control. There is no alternative remedy: voters may exercise their constitutional right to vote in time for their ballots to be counted or else they forfeit the ability to exercise that right forever. *Gonzalez v. Governor of Ga.*, 978 F.3d 1266, 1271–72 (11th Cir.

2020) (“[M]issing the opportunity to vote in an election is an irreparable harm”) (citation omitted); *Martin v. Crittenden*, 347 F. Supp. 3d 1302, 1310 (N.D. Ga. 2018) (“[I]t is axiomatic that there is no post hoc remedy for a violation of the right to vote.”). Unsurprisingly, courts routinely extend polling hours based on closures similar to that which occurred here. See Ex. A (*In re: November 8, 2022 General/Special Election*, No. 22-1-7785-52 (Ga. Super. Ct. Cobb Cnty. Nov. 8, 2022)); Ex. B (*In re Polling Place at All Saints Catholic Church*, No. 16CV11805-9 (Ga. Super. Ct. DeKalb Cnty. Nov. 8, 2016)); Ex. C (*In re Petition of Fulton Cnty. Bd. of Registration & Elections to Extend Voting Hours*, No. 08CV153594 (Ga. Super. Ct. Fulton Cnty. July 15, 2008) (finding an extension of voting hours necessary to “carry out the intent of Georgia law that the polls be open on election day for voting for a period of not less than 12 hours”)). Indeed, multiple courts have extended polling hours *today* because of similar closures due to bomb threats. See Ex. D (*In re: Petition of Gwinnett County Board of Registration and Elections Concerning the November 5, 2024 Election*, No. 24-AA-0141 (Ga. Super. Ct. Gwinnett Cnty. Nov. 5, 2024)).

CONCLUSION

Petitioners have shown by clear and convincing evidence that voters were unable to vote at Polling Places for the times listed above. The Court should grant the Petition.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- (1) Order the Fulton County Department of Registration & Elections to extend polling hours at the Polling Places listed below to the following times:
 - (a) CH Gullatt Elementary until 7:38 P.M.
 - (b) Northview High School until 7:18 P.M.
- (2) Order that all eligible voters in line as of 7:00 P.M. at CH Gullatt Elementary and Northview High School shall be allowed to cast their ballots in the same manner as those cast during regular polling hours, and all voters who arrive after 7:00 P.M. but before the extended closing times shall be allowed to cast their ballots via provisional ballot, with said provisional ballots to be separated and held apart from other provisional ballots in compliance with O.C.G.A. § 21-2-418(d) and 52 U.S.C. § 21082(c).
- (3) Grant Petitioners any such further relief as the Court deems equitable and just under the circumstances.

Respectfully submitted this 5th day of November, 2024.

/s/ Kurt G. Kastorf
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Inc.*

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2024, a true and correct copy of the foregoing VERIFIED PETITION FOR EMERGENCY RELIEF EXTENDING VOTING HOURS 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.

/s/ Kurt G. Kastorf

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FULTON COUNTY DEPARTMENT OF
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**VERIFICATION OF PETITION FOR EMERGENCY RELIEF EXTENDING VOTING
HOURS**

1. I am over the age of 18 and competent to provide this verification.
2. I am a volunteer with the Voter Protection Team of the Democratic Party of Georgia.
3. To the best of my knowledge and belief, all the factual allegations contained therein are true and correct.

[Signatures appear on the following page]

FURTHER AFFIANT SAYETH NAUGHT.



Mary Jo Peed

Date: November 5, 2024

Sworn to and subscribed before me by Mary Jo Peed on this fifth day of November 2024.



Notary Public's Signature

My Commission Expires: 8/14/2028

Megan Palsts
DeKalb County Georgia
My Commission expires
August 14, 2028

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