

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

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

Petitioners.

v.

DEKALB 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 various Polling Places. The Polling Places were 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, polling locations in DeKalb County was temporarily closed due to a bomb threat. 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:

- New Bethel A.M.E. Church from 5:15 p.m. to 6:06 p.m.
- North DeKalb Senior Center from 5:30 p.m. to 6:20 p.m.
- Tucker-Reid H. Cofer Library from 5:25 p.m. to 6:20 p.m.
- New Life Community Alliance closed at 5:30 p.m. As of 6:35 p.m., it had not reopened.
- William C. Brown Library from 5:56 p.m. to 6:08 p.m.
- Stonecrest Library was closed for 10 minutes after 5:00 p.m.

Due to these closure 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.

- New Bethel A.M.E. Church until 7:51 p.m.
- North DeKalb Senior Center until 7:50 p.m.
- Tucker-Reid H. Cofer Library until 7:55 p.m.
- New Life Community Alliance until at least 8:05 p.m.
- William C. Brown Library until 7:12 p.m.
- Stonecrest Library until 7:10 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 Place for the times listed above. The Court should grant the Petition.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- (1) Order the DeKalb County Board of Registration & Elections to extend polling hours at the Polling Place listed below to the following times:
 - (a) New Bethel A.M.E. Church until 7:51 p.m.
 - (b) North DeKalb Senior Center until 7:50 p.m.
 - (c) Tucker-Reid H. Cofer Library until 7:55 p.m.
 - (d) New Life Community Alliance until at least 8:05 p.m.
 - (e) William C. Brown Library until 7:12 p.m.
 - (f) Stonecrest Library until 7:10 p.m.
- (2) Order that all eligible voters in line as of 7:00 P.M. at New Bethel A.M.E. Church, North DeKalb Senior Center, Tucker-Reid H. Cofer Library, New Life Community Alliance, William C. Brown Library, and Stonecrest Library 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/ Matthew Wilson

Matthew Wilson

Georgia Bar No. 392385

BELL WILSON LAW FIRM

729 Piedmont Avenue

Atlanta, GA 30308

(678) 916-8758

Matthew@bellwilsonlaw.com

*Attorney for Petitioner Democratic National
Committee and Democratic Party of
Georgia, Inc.*

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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]

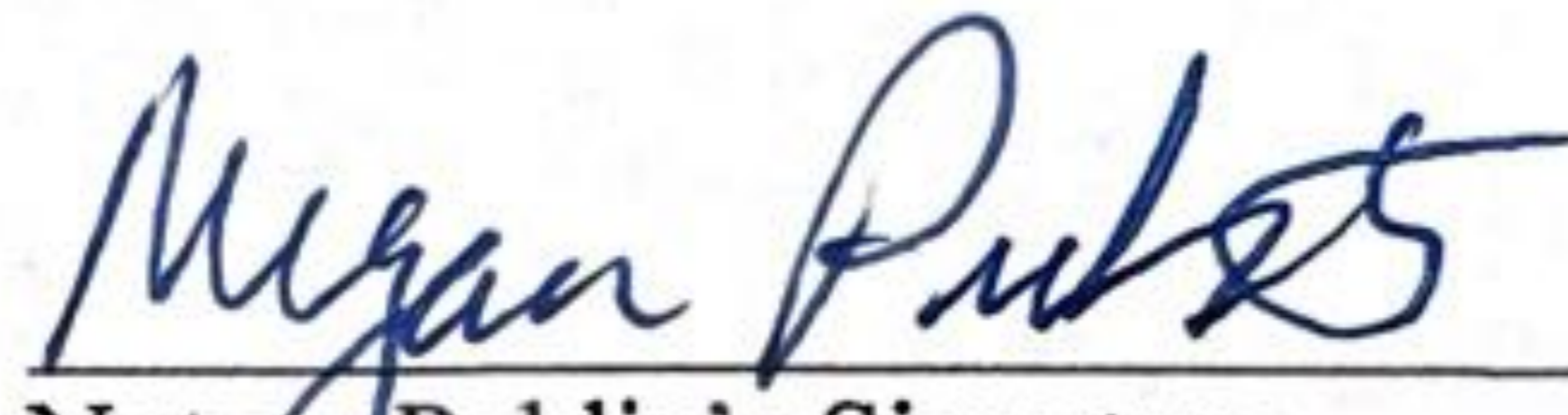
FURTHER AFFIANT SAYETH NAUGHT.



Christopher Sandbach

Date: November 5, 2024

Sworn to and subscribed before me by Christopher Sandbach on this fifth day of November 2024.



Notary Public's Signature

My Commission Expires: Aug 14, 2028

Megan Pulsts
DeKalb County, GA

My Commission expires August 14, 2028