

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

FEB 07 2022

IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KEVIN P. WEIMER, Clerk  
By:  Deputy Clerk

In re ANDREW W. BELL	)	Case No.
	)	
PLAINTIFF, pro se	)	1:21-cv-2486-SCJ
	)	
vs	)	
	)	
Brad Raffensberger, Secretary	)	PETITION FOR WRIT OF MANDAMUS
of State of the State of Georgia and	)	
Chris Harvey Director of Elections	)	
for the State of Georgia	)	
	)	
DEFENDANTS	)	
	)	

**PLAINTIFF'S AMENDED REPLY TO THE DEFENDANT'S MOTION TO**  
**DISMISS**

## **STATEMENT OF FACTS**

Plaintiff was never made aware that Defendant Harvey was no longer the Elections Director for the State of Georgia until he received the Defendants' motion to dismiss. Even still Mr. Harvey was served in accordance with Rule 4(j)(2)(B)<sup>1</sup>. Georgia law does not require Harvey to be personally served. However, Harvey was served on another occasion at his workplace on February 2, 2022 via an individual who identified himself as Terry McCormick. Mr. McCormick is identified as the director of the Certification and Training division.

The Defendants claim the Plaintiff collected 2200 raw signatures. However, on the unsigned document that they base their defense on, it states Mr. Bell had 2208 raw signatures. (*see* Exhibit III pg. 2 of 2)

The Defendants claim that Dekalb County only verified 827 signatures, however on the **SIGNED** verification statement it states Mr. Bell has 2200 valid signatures. (*see* Exhibit III pg. 1 of 2)

Although the verification statement for Mr. Bell was signed on August 19, 2020. He received correspondence from the Secretary of State's Office stating that they were delivered to Dekalb County on August 21, 2020. (*see* Exhibit III pg. 3 of 4)

The Plaintiff's verification statement form is different from the other candidates who submitted nominations in 2020 and it differs from the verification statement form used in prior years<sup>2</sup>. The verification form does not follow the instruction given by the Elections Director, at that time, Chris Harvey. In the 2020 instructions to all the County Election Superintendents and Registrars who verified signatures for nomination petitions, the instructions state the following: "*The cumulative*

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<sup>1</sup> See O.C.G.A § 9-11-4(e)(1)(A)(B)

<sup>2</sup> See Exhibit IV pages 1-5

*total of valid signatures must be documented on the 2020 Petition Verification Statement.*" In the Plaintiff's case the verification statement has obviously been altered to remove the cumulative total of valid signatures. The Defendants used another piece of paper that did not even use their letterhead to claim that the Plaintiff did not have the correct amount of valid signatures. The first time the Plaintiff received the fraudulent documents was on September 14 at 8:26 p.m. The original hearing for the trial court was scheduled for 10 a.m. the following morning on September 15. The Plaintiff was unaware that he had been sent an email from the Defendant's attorney Miles Skedsvold until the morning of September 15 and therefore did not have the proper time to review the three pdf files sent to him and presumably the trial court. Prior to the email the Plaintiff had only been sent a denial letter dated August 28, 2018. There was no verification statement attached. The only verification statement that the Plaintiff received was from the September 14 email. The pdf file containing the verification statement also contained the same unsigned document with the Dekalb County letterhead. The Defendant via his attorney, in order to win, used methods chicanery to deceive not only Mr. Bell but the trial court into believing that the Dekalb County letterhead was an official document. Although Mr. Skedsvold had already submitted the verification statement to the Plaintiff and the trial court he stated to the trial court that there was no evidence to support Mr. Bell's claim, there was only the allegations of the complaint<sup>3</sup>. The Defendants are still relying upon the totals from the unsigned document with the Dekalb County letterhead instead of the verification statement document from the Georgia Secretary of State's office, that as stated

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<sup>3</sup> Mr. Bell is asking for writ of mandamus ordering the Secretary to certify him as the independent candidate for district 85, the Georgia House of Representatives. But to secure that relief, he has to show a clear right to it, meaning, that he actually did submit the requisite ballot signatures, thereby giving the Secretary a clear legal duty to place him on the ballot "Quite simply, there's no evidence to support that claim, only the allegations of the complaint." (Starting at page 8 line 23 and ending on page 9 line 8 of the trial transcript)

previously should have included the cumulative total of valid signatures. The Plaintiff's case is a clear case that he was defrauded by the Defendants.

The appellate process for candidates to access the ballot via nomination petition in the State of Georgia via O.C.G.A. § 21-2-171(c) is inadequate and incapable of providing the candidate justice or relief.

### **REBUTTAL**

In the Defendants' motion to this Court they acknowledge that Mr. Bell attempted to serve Defendant Harvey by leaving a copy of the summons and complaint at the Secretary of State's office on January 4, 2022. The Defendants further state Harvey has not worked at the Secretary of State's Office since July 2021. This was unknown to Plaintiff until he received the Defendants motion. Mr. Bell served Mr. Harvey at the location of his new position as the Deputy Executive Director for the Georgia Peace Officer Standards and Training Council. The individual who received the summons identified himself as Terry McCormick and he stated that he would give the summons and filing to Mr. Harvey. The Georgia Supreme Court denied the Plaintiff's motion for reconsideration on June 1, 2021, the Plaintiff filed his petition with this Court on June 17, 2021. The Plaintiff sent a copy of the filing to the same attorneys who, except for Mr. Miles Skedsvold, were and are still representing the Defendants. Mr. Harvey was served in accordance with Rule 4(j)(2)(B). Mr. Harvey's summons and related filings were given to an agent of the Secretary of State on January 4, 2022<sup>4</sup>. On February 2, 2022 Harvey was served through an authorized agent at an adobe which is his place of occupation<sup>5</sup>.

The Defendant's rely on the Rooker-Feldman doctrine to claim this Court has no jurisdiction over the Plaintiff's claims. *"A few courts—most especially the United States Court of Appeals*

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<sup>4</sup> See O.C.G.A § 9-11-4(e)(1)(A)(B)

<sup>5</sup> See O.C.G.A § 9-11-4(e)(7)

*for the Sixth Circuit<sup>8</sup>—have determined that Rooker Feldman does not prevent the lower federal courts from reviewing state court judgments that were allegedly procured through fraud. In other words, when a “state-court loser” complains that the winner owes his triumph not to sound legal principles—or even unsound ones—but to fraud, then the loser is not really complaining of an injury caused by a state-court judgment, but of an injury caused by the winner’s chicanery. Or so the reasoning goes. This reasoning received an intellectual boost from Exxon Mobil, where the scope of what kinds of actions were “inextricably intertwined” with state-court judgments took a serious blow.<sup>9</sup> In Exxon Mobil, the Court clarified that not all actions dealing with the “same or related question” resolved in state court are barred in federal court.<sup>10</sup> Instead, a district court must retain a case that presents an “independent claim” even if, along the way, the claimant challenges or denies some conclusion reached by the state court.<sup>11</sup> All of this is very well, but the courts applying a fraud exception to Rooker-Feldman have done so for decades, long before Exxon Mobil’s refinement” (Baker, 2011)<sup>6</sup>*

The Plaintiff’s case is an obvious case of fraud. As the Plaintiff stated and demonstrated on page (10) ten of his petition to this Court.

The Defendants state that because of the recent decision of the Eleventh Circuit *Georgia Sec’y of State v. Cowen*, 2022 U.S. App. LEXIS 390, F.4<sup>th</sup>\_(11<sup>th</sup> Cir. Jan. 5, 2022) that the Plaintiff’s claim of his First and Fourteenth being violated fails . The opinion of the Eleventh Circuit focused heavily on *Jenness v. Fortson*, 403 U.S. 431 (1971). Stating that in *Jenness*, “When assessing the record of past petitioning efforts, however, the Supreme Court looked not only to a gubernatorial candidate who successfully petitioned onto the ballot, but also to a presidential candidate. Id. at 439. Each of those candidates was subject to the 5% signature

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<sup>6</sup> Steven A. Baker, The Fraud Exception to the Rooker-Feldman Doctrine, Volume 5, Issue 2; 140 (2011)

requirement under the law as it existed at that time. *Id.* at 432, 438–39. We thus broaden our own analysis to include other prospective candidates for non-statewide office. The parties agree that in 2020, an independent candidate for district attorney gathered enough signatures to exceed the 5% threshold.” *Cowen*, 21-13199, U.S. at 9.

However, what the Supreme Court does not take into account in the two cases that they referenced and the Eleventh Circuit does not take into account in the three cases that they referenced (two of which are the same cases referenced by the Supreme Court) is the political environment along with the racial dynamics and social influences in all of the cases. They also failed to take into account the fame, recognition, and/or notoriety of the candidates that accessed the ballot through nomination petitions.

Starting in the very early part of the 19<sup>th</sup> century after the period of Reconstruction, Georgia became a one-party (Democratic Party) politics state. A Democrat won every statewide and presidential election in Georgia until 1964 when Republican Barry Goldwater received all of the electoral votes for President of the United States for the State of Georgia. Two years later the Republicans mounted another formidable campaign and actually narrowly won the plurality in the General election. The reason they did not win was due to the candidacy of the write-in candidate Ellis Arnall as explained by the New Georgia Encyclopedia<sup>7</sup>. Arnall was the former

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<sup>7</sup>Arnall, the front-runner, received only 29.4 percent of the votes in the Democratic primary and was forced into a runoff with Maddox, who received 23.5 percent of the vote. Carter came in third with 20.9 percent. In the runoff Maddox won 54.3 percent of the vote and the right to face Callaway in the general election. Dismayed by the choice between two conservative segregationists, some Georgians organized a campaign to write in Arnall’s name in the general election. By preventing either of the party nominees from receiving a majority of the popular vote, they hoped to force the legislature to choose the next governor, with Arnall as one of the choices. The constitution provided that, if no candidate polled a majority in the general election, the lawmakers would pick from the three candidates who received the most popular votes. Although Callaway received a plurality with a margin of 3,039 votes in November, he failed to gain a majority because Arnall received 7.1 percent of the popular vote. The legislature, overwhelmingly Democratic, elected Maddox governor by a vote of 182 to 66, ending one of the

Governor of Georgia and of course was well known throughout the state. According to the New Georgia Encyclopedia, people were dismayed by the choice of two conservative segregationists so they organized a campaign to write in Arnall's name. Arnall was able to obtain the signatures because of his notoriety, the political environment, and the support of activists groups who were against the election of either conservative segregationist. The second person was George Wallace who gained access to the ballot through nomination petition in 1968. George Wallace who was a national figure and from a neighboring state of Georgia, he had huge amount of notoriety in Georgia. Wallace not only gained access to the ballot but he won all but seventeen of the 159 counties in Georgia. Wallace could have collected a lot more than the 5 percent that was required to access the ballot. The third case involves the District Attorney of Glynn County Keith Higgins. Although Mr. Higgins did not have much notoriety, notoriety was still the primary factor of Mr. Higgins accessing the ballot. The Plaintiff personally spoke with Mr. Higgins regarding Mr. Higgins strategy to access the ballot for the November 2020 general election. The reason notoriety is involved in this case is due to the fact that an American of African descent, by the name of Ahmad Arbery was accosted and murdered as he ran for his life. The case garnered nationwide attention and news coverage. The Plaintiff remembers Mr. Higgins telling him that this would be a one-time campaign that he would not do it again. The Plaintiff also remembers Mr. Higgins telling him that he did not think a Democratic candidate could win in that county, but that if he could access the ballot, he thought that he would have a good chance to win as an

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strangest gubernatorial elections in Georgia politics. Henderson, Harold. "Gubernatorial Election of 1966." New Georgia Encyclopedia, last modified Aug 14, 2020.  
<https://www.georgiaencyclopedia.org/articles/government-politics/gubernatorial-election-of-1966/>



Independent. He informed the Plaintiff that he had large support from groups that typically vote Democrat due to the Ahmad Arbery shooting.

At minimum the Eleventh Circuit should have acknowledged that either the candidate or therefore platform has to have an extreme amount of notoriety to meet the 5% threshold. A statement to that effect should be reflected in the Georgia statute O.C.G.A §21-2-170 at minimum, to at least make future candidates aware that no one without notoriety, for either themselves or their cause, has ever been able to meet the arduous and difficult 5% threshold.

The decisions that the Eleventh Circuit referred to do not take into account the lack of information that the State of Georgia provides to its citizens regarding independent and third-party candidates as it relates to nomination petitions and the process to gain access to the ballot. Due to the fact, the public in large part is not informed of the process is a restriction in itself, therefore eliminating the need to put arbitrary restrictions in place. The decisions that the Eleventh Circuit, as it relates to nomination petitions, makes its reference is primarily a case from 1971 *Jenness and Anderson v. Celebrezze*, 460 U.S. 780, 787 (1983) when identity theft, for the most part, did not exist (at least not on a large scale). As Mr. Bell explains on page 16 of his petition many registered voters do not feel safe giving out their personal information to someone that they do not know. Along with that, the decision by the Eleventh Circuit does nothing to address the difficulty in collecting signatures during pandemics or natural disaster events.

In 1986, the State of Georgia changed the requirement for statewide candidates, making it not just more fair and just, but also easier for statewide candidates. However, the State neglected to do so for non-statewide candidates. This Court should order the State of Georgia to place ALL independent and third-party candidates at the same standard. Either everyone is at 1% or



everyone is at 5%. One percent should be the standard being that the Eleventh Circuit acknowledges in its decision that the Supreme Court acknowledges that Georgia's 5% requirement is higher than that of other places. *Cowen*, 21-13199, U.S. at 10

On page 5 of the Defendants' motion they make the claim that only 827 of the raw signatures were determined to be valid. However, Exhibit III pg. 1 of 2 has a verification statement signed August 19, 2020, that states the petition contained 2200 valid signatures. The Defendant's do not state which county official they are referring to. There is a Dekalb County official named Twyla Inez Hart that stated the Plaintiff had 2,220 valid signatures and she signed her verification statement on August 19, 2020.

It is the Plaintiff's experience and belief that the appeal process provided to independent and third-party candidates through O.C.G.A. § 21-2-171(c) is incapable of providing justice or relief to the candidate. The procedure under which the Plaintiff was forced to challenge the Defendant's decision violated due process of law. The Defendants argue that September 15, 2020 was the earliest possible date that could be set according to Georgia law, whereby the Defendants continue to cite O.C.G.A. § 9-10-2. Meaning there is a conflict in the Georgia laws themselves. O.C.G.A. § 21-2-171(c)<sup>8</sup> does not refer to O.C.G.A. § 9-10-2 in reference to setting a court date. Upon going to the hearing on the alleged first date possible the Defendants claimed that even if the trial court ordered Mr. Bell's name to be placed on the November 3, 2020 General election ballot, that they could not do so because the ballots had already been printed<sup>9</sup>.

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<sup>8</sup> O.C.G.A. § 21-2-171 (c) "... Upon the application being made , a judge of such court shall fix a time and place for hearing the matter in dispute as soon as practicable; and notice thereof shall be served with a copy of such application upon the officer with whom the nomination petition was filed and upon the petitioner..."

<sup>9</sup> "It's not longer possible to grant Mr. Bell effective relief. As his own petition notes, the deadline to finalize the ballot came and went on September 11<sup>th</sup>, 2020. Mandamus fails on a showing that relief would be fruitless or nugatory..." (Starting at page 10 line 01 and ending on page 10 line 5 of the trial transcript)

The last sentence of O.C.G.A. § 21-2-171(c) states, “It should be the duty of the appellate court to fix the hearing and to announce its decision within such a time as will permit the name of the candidate affected by the court’s decision to be printed on the ballot if the court should so determine.” In the Plaintiff’s case O.C.G.A. § 21-2-171(c) did not *allow* enough time for the Plaintiff’s name to be placed on the ballot, even if the trial court had ordered the Defendants to do so. The Plaintiff was denied a chance to review the nomination petition. The Plaintiff raised that point in the trial court<sup>10</sup>. The Plaintiff attempted to obtain a copy of the nomination petition through open records and discovery request. Even though there is a time stamped copy of the discovery request (*see* Exhibit H pg. 3 of 4) the Defendants attorney denied ever receiving it in the trial court<sup>11</sup>.

The Plaintiff continued the appellate process by filing an appeal with the Supreme Court of Georgia. The Defendant claims that Mr. Bell did not ask that the Georgia Supreme Court for expedited treatment for his appeal, so that it could be resolved in time for the 2020 General Election. Mr. Bell placed “APPELANT REQUEST THAT THIS CASE BE EXPEDITED IN ACCORDANCE WITH RULE 65” on his reply brief filed with the Georgia Supreme Court on November 30, 2020. The Supreme Court of Georgia did not respond to Mr. Bell’s appeal until May 3, 2021 when it made its decision. The Plaintiff filed a motion for reconsideration but it was denied on June 1, 2021.

Although the Plaintiff filed his original complaint on September 8, 2020, he went through the entire appeal process and did not get a final resolution until June 1, 2021. However, the last

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<sup>10</sup> “What would I ask somebody from Dekalb County if I don’t even know what to ask them because I haven’t seen the verified petitions?” (page 15 lines 19 -22 of the trial transcript)

<sup>11</sup> On September 15, Mr. Skedsvold stated, “I not aware of any sort of discovery request that Mr. bell has made” (pg. 17 line 14-15)

sentence of O.C.G.A. § 21-2-171(c) states, “It should be the duty of the appellate court to fix the hearing and to announce its decision within such a time as will permit the name of the candidate affected by the court’s decision to be printed on the ballot if the court should so determine.”

The Defendants claim that the Plaintiff’s petition for mandamus relief should not be granted because they believe he has not been specific enough on what he wants this Court to do. In turn, the Plaintiff wants to be more specific on what he wants this Court to do. The Plaintiff wants this Court to review the documentation of the other nomination petitions submitted for the 2020 General Election. If the other submitted nomination petition verification statements are different from Mr. Bell’s nomination petition, as it relates to formatting and instructions. He would ask this Court to state that Mr. Bell’s denial to access the 2020 General election ballot was obtained through fraudulent means and chicanery methods. The Defendants altered forms, lied to the trial court and used methods of chicanery to deny Mr. Bell his right to access the ballot. The actions of the Defendants substantively denied the Plaintiffs right to due process. Further, if in this Court’s jurisdiction, the Plaintiff would demand that the State of Georgia conduct a new election for Georgia house District 85 between Mr. Bell and the incumbent Karla Drenner who unopposed both in the Democratic primary and in the 2020 General election.

The Plaintiff also asks this Court to demand that Mr. Harvey be banned from serving in any unelected position for any job position that is funded by the State of Georgia. Even though Mr. Bell feels that there has been a crime committed he elected not to go to any law enforcement agency based on his own principles. Mr. Bell grew up during the times of mass incarceration where many grandfathers, fathers, uncles, brothers, cousins, and even a significant number of women were taken from their communities for several years and in some cases decades. The result of which we can see in the work ethic of the youth and tragic events on the news every

night. A lot of these cases were prosecuted on false documents and fabricated information. The Plaintiff believes that Mr. Harvey was personally involved in or had knowledge of the false documents that were presented to Mr. Bell and the trial court being that he signed a affidavit stating as much. Although the Plaintiff believes 10 years in prison would be excessive, the Plaintiff has suffered financial, mental, and emotional damages; The Plaintiff believes Harvey's lack of ethics and integrity should bar him from serving the public. It's disheartening to know that Mr. Harvey is now the Deputy Executive Director for the Georgia Peace Officer and Training Council.

The Plaintiff asks this Court to order the State of Georgia to inform their citizens on the nomination process of independent and third-party candidates. This should be done through television ads, newspapers, social media, and in public schools and universities. If and when the public better understands the process of circulating a nomination petition, it may become easier and more accessible for independent candidates and third-party candidates to gain access to the ballot without have to gain an enormous amount of notoriety.

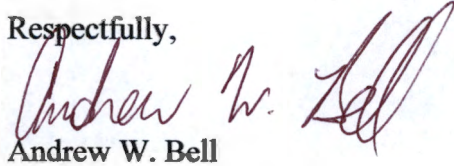
### **RELIEF**

The Plaintiff in his original petition asked for relief. He comes now to be more specific in the relief that he seeks. The Plaintiff's actual compensatory damages result from expenses to become a candidate to include travel expenses and costs of notarization services; filing fees for candidacy; items purchased for the 2020 election; money paid to individuals that helped the Plaintiff circulated his petition via knocking on doors, going to shopping centers, polling places, etc.; vehicle expenses, cost associated with appeal including filing fees, postage, printer supplies & paper, & purchase of laptop, lost wages, and most importantly **lost time** due having to work

on this appeal for almost one and half years. The Plaintiff's estimates his actual compensatory damages to be \$133,700.00. The Plaintiff's estimates his General Compensatory damages to be \$534,000. The Plaintiff's bases this amount on just 4 times the actual damages. The Plaintiff filed in appeal on September 8, 2020 he did not know that he would still be litigation in February of 2022. The Plaintiff reached out to several attorneys unfortunately he could not find one that would take his case. The appellate process along with the malice behavior of the Defendants have severely inconvenienced Mr. Bell and altered his life. The Plaintiff has missed out on several business opportunities, the Plaintiff had plans on going to law school part-time, Mr. Bell missed out having the opportunity to represent the Georgia House District 85 district as an independent. Most importantly Mr. Bell has suffered irreparable harm though the loss of his fiancé due to the amount of time he has spent work on this case. Mr. Bell seeks another \$2 million dollars in punitive damages in an effort to punish the Defendants and change their behavior. The Defendants took extreme and deplorable measures to keep the Plaintiff of the 2020 General election ballot to include lying to the trial court and most egregiously altering election documents. Although we cannot confirm if documentation was altered in the past elections we know in the Plaintiff's candidacy that documents was altered and fabricated. The Plaintiff has clearly demonstrated that the nomination petition presented to the Plaintiff and the trial court has been altered and is not the same format as other past nomination petitions. This Court can send a clear message to the Defendants that no interference with the sanctity of the election process will be tolerated. Fortunately, for the Defendants and their attorney Mr. Bell kept is complaint civil. However, it boggles the mind why someone would risk prison or another person risk their law license just to prevent someone that's never done them any wrong from getting on the ballot. I

get people have an agenda but it is really that serious just to keep someone off the ballot or win in court?

Respectfully,

A handwritten signature in red ink, appearing to read "Andrew W. Bell", is written over the typed name. The signature is stylized with a large, looped initial 'A'.

Andrew W. Bell

### CERTIFICATE OF SERVICE

I certify that I have this day served Brad Raffensperger Secretary of State of Georgia and Chris Harvey State of Georgia's Elections Director (opposing party or attorney) with a copy of this Notice of Intent by filing with Clerk of the Court who upload it into the CM/ ECF system or by sending a copy, first class postage paid, through the U.S. Mail or by email with the agreement of the (opposing party or attorney) to him/her at: Christopher M. Carr, Bryan K. Webb, Russell David Willard, Charlene S. McGowan, and Lee M. Stoy, Jr. Miles **Certification#**  
**70173380000105729540**

Office of the Georgia Attorney General  
40 Capital Square SW  
Atlanta, GA 30334

### CERTIFICATE OF SERVICE

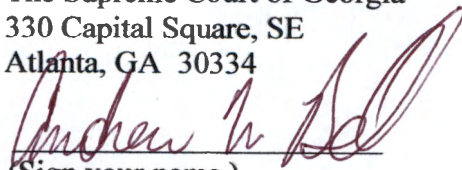
I certify that I have this day served the Honorable Kimberly M. Esmond Adams with a copy of this Notice of Intent by filing with Clerk of the Court who upload it into the CM/ ECF system or by sending a copy, first class postage paid, through the U.S. Mail or by email with the agreement of the (opposing party or attorney) to him/her at:

185 Central Ave SW  
Atlanta, GA 30303

### CERTIFICATE OF SERVICE

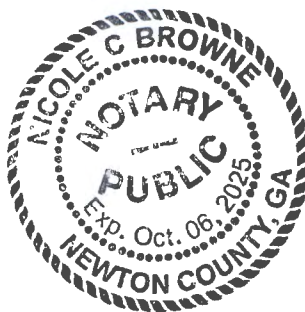
I certify that I have this day served the Supreme Court of Georgia with a copy of this Notice of Intent by filing with Clerk of the Court who upload it into the CM/ ECF system or by sending a copy, first class postage paid, through the U.S. Mail

The Supreme Court of Georgia  
330 Capital Square, SE  
Atlanta, GA 30334

  
(Sign your name.)

P.O. BOX 82348  
ATLANTA, GA 30354

(404) 380-0037



SUBSCRIBED AND SWORN TO BEFORE ME, on this the 7th day of February, 2022

  
NOTARY PUBLIC

MY COMMISSION EXPIRES

10/6/25



FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

FEB 07 2022

IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KEVIN P. WEIMER, Clerk  
By:  Clerk

In re ANDREW W. BELL	)	Case No.
	)	
PLAINTIFF,            pro se	)	1:21-cv-2486-SCJ
	)	
vs	)	
	)	
Brad Raffensberger, Secretary	)	PETITION FOR WRIT OF MANDAMUS
of State of the State of Georgia and	)	
Chris Harvey Director of Elections	)	
for the State of Georgia	)	
	)	
DEFENDANTS	)	
	)	

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**PLAINTIFF'S ITEMIZED LIST OF CORRECTIONS FOR HIS REPLY TO**  
**THE DEFENDANT'S MOTION TO DISMISS**

### **AMENDED ITEMS**

1. Defendants was changed to Defendants' (2<sup>nd</sup> page; 1<sup>st</sup> paragraph ; 2<sup>nd</sup> sentence of the original reply)
2. The word "to" was added (3<sup>rd</sup> page; 16<sup>th</sup> line of the original reply)
3. The word Defendants' was changed to Defendants (4<sup>th</sup> page; 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line of the original reply)
4. The word fadobe was changed to adobe (page 4; last line of the original reply)
5. The word Arnall was changed to Arnall's (7<sup>th</sup> page; 3<sup>rd</sup> line of the original reply)
6. The word "but" was added (7<sup>th</sup> page; 8<sup>th</sup> line of the original reply)
7. A comma was added (page 8; 3<sup>rd</sup> paragraph; 2<sup>nd</sup> to last line of the original reply)
8. Just and fair, but easier was changed to "fair and just, but also" (page 8; 4<sup>th</sup> paragraph; 2<sup>nd</sup> line of the original reply)
9. The words "did not" were removed (page 10; 1<sup>st</sup> paragraph; 5<sup>th</sup> sentence)
10. The word "was" was removed and the word "wants" was added (page 11; 2<sup>nd</sup> paragraph; 3<sup>rd</sup> line of the original reply)
11. The words excessive because although were changed to "excessive, the Plaintiff has suffered" (page 12; 1<sup>st</sup> paragraph; 6-7<sup>th</sup> lines of the original reply)
12. The last sentence of the 2<sup>nd</sup> paragraph on page 12 of the original petition was changed to "If and when the public better understands the process of circulating a nomination petition, it may become easier and more accessible for independent candidates and third-party candidates to gain access to the ballot without have to gain an enormous amount of notoriety.

13. The word “ask” was changed to “asked” (page 12, last paragraph; 1<sup>st</sup> line of the original reply)
14. The word “out” was added (page 13, line 6 of the original reply)
15. The word “not” was added (page 13, line 6 of the original reply)
16. The words “the Plaintiff” were removed (page 13. Third line from the bottom of the original reply)

### CERTIFICATE OF SERVICE

I certify that I have this day served Brad Raffensperger Secretary of State of Georgia and Chris Harvey State of Georgia's Elections Director (opposing party or attorney) with a copy of this Notice of Intent by filing with Clerk of the Court who upload it into the CM/ ECF system or by sending a copy, first class postage paid, through the U.S. Mail or by email with the agreement of the (opposing party or attorney) to him/her at: Christopher M. Carr, Bryan K. Webb, Russell David Willard, Charlene S. McGowan, and Lee M. Stoy, Jr. Miles **Certification#**  
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Office of the Georgia Attorney General  
40 Capital Square SW  
Atlanta, GA 30334

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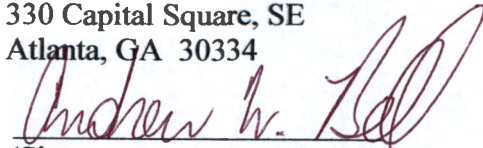
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185 Central Ave SW  
Atlanta, GA 30303

### CERTIFICATE OF SERVICE

I certify that I have this day served the Supreme Court of Georgia with a copy of this Notice of Intent by filing with Clerk of the Court who upload it into the CM/ ECF system or by sending a copy, first class postage paid, through the U.S. Mail

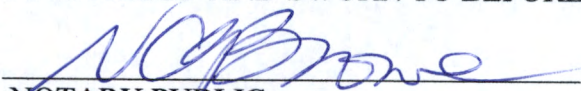
The Supreme Court of Georgia  
330 Capital Square, SE  
Atlanta, GA 30334

  
(Sign your name.)

P.O. BOX 82348  
ATLANTA, GA 30354  
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SUBSCRIBED AND SWORN TO BEFORE ME, on this the 7th day of February, 2022

  
NOTARY PUBLIC

MY COMMISSION EXPIRES 10/06/25