

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

**SOLICITOR GENERAL  
BRIAN W. WHITESIDE  
Plaintiff**

121-cv-03618 JPB

**v.**

**CIVIL ACTION No.**

**Brad Raffensperger in his official capacity of the Secretary of State for the  
State of Georgia, Rebecca N. Sullivan, David Worley, Matthew Mashburn,  
and Anh Le in their official capacities as members of the State Election Board**

**Defendant.**

**AMENDED**

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF  
52 U.S.C. 10301, 42 U.S.C. 1983; First, Fourteenth and Fifteenth  
Amendments of the United States Constitution**

1. Plaintiff files this Complaint for voting rights, pursuant to Section 2 of the  
Voting Rights Act of 1965 (52 U.S.C. 10301) and 42 U.S.C. Seeking prospective  
declaratory and injunctive relief  
against Brad Raffensberger, in his official capacity as the Georgia Secretary of  
State; Rebeca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Lee in  
their official capacities as members of the State of Georgia Election Board and  
shows the following:

Defendants are officials employed to regulate election laws and procedures in the  
State of Georgia. All Defendants and Plaintiffs are within the Jurisdiction of the

31 United States District Court for The Northern District Atlanta Division. The before  
32 mentioned Court is the proper jurisdiction for this complaint. All material facts  
33 occurred, and all parties reside, in this jurisdiction.

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36 Plaintiff is Solicitor General Brian W. Whiteside of Gwinnett County. His job is  
37 to prevent harm to Gwinnett Citizens. His duty is to prosecute ordinance violations  
38 and misdemeanor criminal cases. He has fifteen years' experience as a Gary Police  
39 Officer and Gwinnett Sheriff Deputy. In Gary, Indiana, he was assigned to an "In  
40 Progress Response Crime Unit. "(Cruiser Cars) This special response unit  
41 calculated possible future crime events or victims. The goal of the unit was to  
42 prevent crime by analytical research, and actual rapid on scene response. If crime  
43 could not be prevented, the duty of the unit was to instantly respond to crime  
44 events. The duty then became to prevent harm to citizens. This unit also responded  
45 to bank robberies, home invasions, burglary in progress, assaults in progress, rapes  
46 in progress. In Gary, Indiana he had on the scene knowledge of over seventy  
47 homicides or murders. The Solicitor General has been involved in two "Civil  
48 Disturbances" (Riots) As a Gwinnett County Deputy the Solicitor has experience  
49 in Court Duty, Jail Duty, Warrant Service and Crowd Control. The Solicitor  
50 General has witnessed "crowd fights' at various events he has been on the scene.

51 The Solicitor General has twenty-two years as a Criminal Defense Attorney, and  
52 three years as Gwinnett Solicitor.

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55 On March 25, 2021, Voting Bill SB202 was passed by the Georgia legislature. The  
56 bill created oversight committees, that can and are being used to monitor and  
57 takeover independent county agencies Election Boards. In reference to Boards, the  
58 bill allows the creation of oversight committees. Such creation of these committees  
59 has caused protest and threaten the peace and tranquility of Gwinnett County. It is  
60 the duty of the Solicitor General of Gwinnett to prevent crime, prosecute crimes  
61 and seek a means to uphold the Peace and Tranquility of Gwinnett. The listed  
62 information is included to avoid disturbances or law violations in Gwinnett  
63 County. The formation of such boards is in violation of the Georgia Law and  
64 Georgia Supreme Court Case Law. Delay v Sutton: S18A0765 (2018) , 304 Ga.  
65 338(2018), S.E. 2d 659 (2018) ,states,” Fundamental principles embodied in our  
66 constitution dictate that the people control their government.” “All government of  
67 right originates with the people, is found upon their will only and is instituted  
68 solely for the purpose solely for the good of the whole.” “Public Officers are the  
69 trustees and servants of the people and at all times amenable to them. O.C.G.A.  
70 2-201”. “The people of Georgia have the inherent, sole and exclusive right of

71 regulating their internal government and the police thereof.” O.C.G.A. 2-202.  
72 “This is accomplished through elected representatives to whom is delegated,  
73 subject to constitutional limitations, the power to regulate and administer public  
74 affairs, including the power to provide for the selection of public officers.” The  
75 formation of these Governing boards conflicts with the listed case law. Therefore,  
76 they have no legal basis. The Case Law is clear, representation is to be conducted  
77 by local control. Local Officials voted for by local citizens. Local Control is  
78 empowered by County Commissioners or Superior Court Judges, regarding  
79 Formation, Discipline and all actions of Election Boards.

80 The Gwinnett County Solicitor states the SB202 Committee format, of Election  
81 Board oversight, is in violation of Georgia law. It violates the principles of the  
82 right of the people to have the inherent ability to regulate their local government.  
83 This inherent power is enacted through voting for local officials. Solicitor Brian  
84 Whiteside’s intent is to protect citizens and police from civil disturbances while  
85 guarding the Georgia Constitution, Georgia Laws and the United States  
86 Constitution.

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110 WHEREFORE, plaintiff prays that the court issue an Injunction and Declaratory  
111 relief. Furthermore, the Plaintiff prays this court will adjudge that:

112 1. The Solicitor has a right to protect human beings, and laws in Gwinnett  
113 County.

114 2. By banning the Committee Format, local representatives, voted for by local  
115 citizens control their governments.

116 3. The Bill SB 202 provisions of Committee oversight are void as a matter of  
117 law.

118 4. By allowing local control the court will enforce Georgia laws and the intent  
119 of America's Founding Fathers .

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122 This the 7<sup>th</sup> day of February 2022

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Brian W. Whiteside  
Gwinnett County Solicitor General

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**CERTIFICATE OF COMPLIANCE AND OF SERVICE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the

foregoing COMPLAINT FOR INJUNCTIVE AND

DECLARATORY RELIEF has been  
prepared in Times New Roman 14, a font and type selection approved  
by the Courtin L.R. 5.1(C), and that I provided notice and a copy of the  
foregoing using the CM/ECF system which will automatically send e-  
mail notification of such filing to all attorneys of record.

Respectfully submitted this 1st day of September 2021.

Brian Whiteside  
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*Counsel for Plaintiffs*