

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

CRAIG PIGG, CATHERINE SMITH,
& MARY LOU WAYMER,

Plaintiffs,

v.

STATE OF GEORGIA,

Defendant.

Civil Case No. 24CV011100

COMPLAINT

INTRODUCTION

1. Despite failing to satisfy the requirements of Georgia law to qualify for the ballot—requirements acknowledged in the Secretary of State’s own guidance on the issue¹—Secretary of State Brad Raffensperger nonetheless approved an application submitted by the Unified Green Party of Georgia² to have Jill Stein listed as a candidate for President on the November 5, 2024 general election ballot (“the Ballot”).³

2. County registrars must begin mailing or issuing printed ballots to certain voters on September 17, 2024.⁴ Those ballots must be prepared, printed, and available to county registrars prior to that date.

3. The Unified Green Party of Georgia’s candidates for the office of presidential elector and Jill Stein, their candidate for President, are not qualified to be included on the Ballot, and their inclusion is contrary to Georgia law.

¹ Notice Regarding Ballot Access for Presidential Electors under S.B. 189 (“Notice”), attached hereto as Exhibit 1.

² See Unified Green party of Georgia’s Presidential Elector Nomination Affidavit (“Green Party Application”), attached hereto as Exhibit 2.

³ See August 29, 2024 Letter from the Office of the Secretary of State to the Unified Green Party of Georgia, attached hereto as Exhibit 3.

⁴ See 2024 State Election Comprehensive Calendar, Office of the Secretary of State, Elections Division, at 10 of 15, available at https://sos.ga.gov/sites/default/files/2024-01/29.1.2024%20Comp-Cal_State.01.12.24.Rev_.pdf

4. “[E]lectors have an interest in having the community’s government offices filled by qualified officials.”⁵ And “allowing an unqualified candidate on the ballot violate[s] a substantial right of an elector.”⁶

5. Plaintiffs face uncertainty and insecurity with respect to their rights as electors, including whether the office of presidential elector and a presidential candidate listed on the Ballot will be filled by an unqualified candidate. Declaratory relief from this Court is necessary to protect Plaintiffs’ rights regarding the votes they will cast as electors in the November 5, 2024 general election (“General Election”).

6. Only the expeditious action of this Court can prevent a substantial violation of Plaintiffs’ rights.

PARTIES

7. Plaintiff Craig Louis Pigg is a resident of Fulton County and an elector eligible to vote in the General Election. The inclusion of an unqualified candidate on the Ballot will violate a substantial right he has as an elector.

8. Plaintiff Catherine Smith is a resident of Fulton County and an elector eligible to vote in the General Election. The inclusion of an unqualified candidate on the Ballot will violate a substantial right she has as an elector.

⁵ *Camp v. Williams*, 314 Ga. 699, 700 (2022).

⁶ *Id.*

9. Plaintiff Mary Lou Waymer is a resident of DeKalb County and an elector eligible to vote in the General Election. The inclusion of an unqualified candidate on the Ballot will violate a substantial right she has as an elector.

10. Defendant State of Georgia is deemed to “reside” in Fulton County, where the State Capitol and the seat of government are located. The State is the proper Defendant. Ga. Const. Art. 1, § 2, ¶ V; *Lovell v. Raffensperger*, 318 Ga. 48, 52 (2004).

JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction over this action for declaratory relief against Defendant State of Georgia. Ga. Const. Art. 6, § 4, ¶ I; O.C.G.A. § 9-4-2.

12. Venue is proper in Fulton County, where the State of Georgia is deemed to reside. Ga. Const. Art. 6, § 2 ¶ 6; O.C.G.A. § 9-10-30.

FACTUAL ALLEGATIONS

13. Under the Georgia Election Code, “[t]he Secretary of State shall exercise all the powers granted to the Secretary of State [by the Election Code] and shall perform all duties imposed [by the Election Code.]” O.C.G.A. § 21-2-50(a).

14. The Secretary’s powers and duties include certifying “to the proper superintendent official lists of all the candidates who have filed their notices of

candidacy with the Secretary of State, [with] such certification[] to be in substantially the form of the ballots to be used in the ... election.” O.C.G.A. § 21-2-50(a)(4).

15. The Secretary’s powers and duties also include determining whether a candidate is qualified to seek office and be included on an election ballot. O.C.G.A. § 21-2-5(b).

16. Earlier this year, O.C.G.A. § 21-2-172, titled Nomination of candidates by convention, was amended to add subsection (g). This new subsection states: “Notwithstanding any provision of law to the contrary, any political party or political body which has obtained ballot access in no fewer than 20 states or territories for the office of presidential elector shall be allowed to qualify candidates for presidential elector and receive access to the general election ballot for the purpose of election of the office of presidential elector.”

17. The terms “political body,” “body,” “political party,” “party,” and “political organization” have specific defined meanings under the Georgia Election Code. O.C.G.A. § 21-2-2(23), (24), (25).

18. The process “to qualify candidates for presidential elector” is also explicitly set forth in the Election Code. *See e.g.*, O.C.G.A. § 21-2-110 (outlining process for registering political body); O.C.G.A. § 21-2-172 (a)-(e) (outlining steps

necessary for political body to nominate candidate for presidential elector at political body convention); O.C.G.A. § 21-2-132(d)(1) (requiring political body candidate for office of presidential elector to file notice of candidacy).

19. The Secretary of State recognizes that the process “to qualify candidates for presidential elector” must be observed by candidates qualifying under Section 21-2-172(g). That understanding is set forth in the Notice the Secretary issued earlier this year about qualifying under that Section. *See* Ex. 1.

20. The Notice states in relevant part: “Each political party or political body applying to obtain ballot access under O.C.G.A. § 21-2-172(g) *must be lawfully registered with the Secretary of State* as required by O.C.G.A. § 21-2-110. Political bodies *must also satisfy* the requirements of O.C.G.A. § 21-2-132(d)(1) and O.C.G.A. § 21-2-172 to qualify a slate of presidential electors.” Ex. 1.

21. On August 23, 2024, seeking to qualify for the Ballot under Section 21-2-172(g), the Unified Green Party of Georgia submitted the Green Party Application which identified a slate of presidential electors as the nominees of the “Green Party” for the offices of presidential electors (“Green Party Electors”). *See* Ex. 2. The Green Party Application also identified Jill Stein as the name of the presidential nominee the Unified Green Party of Georgia sought to have listed on the Ballot. It did not identify anyone as a vice presidential nominee.

22. Jill Stein is also the nominee for president of the Green Party of the United States.

23. The Unified Green Party of Georgia is not a political party as defined by the Georgia Election Code.

24. The Unified Green Party of Georgia is not lawfully registered as a political body with the Secretary of State as required by O.C.G.A. § 21-2-110.

25. The Unified Green Party of Georgia has not satisfied the requirements of O.C.G.A. § 21-2-172 to qualify a slate of presidential electors.

26. The Unified Green Party of Georgia has not satisfied the requirements of O.C.G.A. § 21-2-132(d)(1) to qualify any candidate for the office of presidential elector.

27. The Unified Green Party of Georgia has not satisfied the requirements of Georgia law necessary to qualify a candidate for the office of presidential elector under Section 21-2-172(g).

28. The Green Party of the United States is not a political party as defined by the Georgia Election Code.

29. The Green Party of the United States is not lawfully registered as a political body with the Secretary of State as required by O.C.G.A. § 21-2-110.

30. The Green Party of the United States has not satisfied the requirements of O.C.G.A. § 21-2-172 to qualify a slate of presidential electors.

31. The Green Party of the United States has not satisfied the requirements of O.C.G.A. § 21-2-132(d)(1) to qualify any candidate for the office of presidential elector.

32. The Green Party of the United States has not satisfied the requirements of Georgia law necessary to qualify a candidate for the office of presidential elector under Section 21-2-172(g).

33. The “Green Party,” to the extent it is separate entity from the Unified Green Party of Georgia and/or the Green Party of the United States, is not a political party as defined by the Georgia Election Code.

34. The “Green Party” is not lawfully registered as a political body with the Secretary of State as required by O.C.G.A. § 21-2-110.

35. The “Green Party” has not satisfied the requirements of O.C.G.A. § 21-2-172 to qualify a slate of presidential electors.

36. The “Green Party” has not satisfied the requirements of O.C.G.A. § 21-2-132(d)(1) to qualify any candidate for the office of presidential elector.

37. The “Green Party” has not satisfied the requirements of Georgia law necessary to qualify a candidate for the office of presidential elector under Section 21-2-172(g).

38. Despite the failure of the Unified Green Party of Georgia, the Green Party of the United States, and the “Green Party” to satisfy the requirements of

Georgia law necessary to qualify a candidate for presidential elector, on August 29, 2024, the Secretary of State sent a letter to the Unified Green Party of Georgia stating “[t]he names of the candidates for President and Vice President as indicated on the application will be placed on the General Election ballot in Georgia.” Ex. 3.

COUNT I

DECLARATORY JUDGMENT THAT THE SECRETARY MAY NOT CERTIFY THAT THE GREEN PARTY ELECTORS AND/OR JILL STEIN ARE QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT

39. Plaintiffs reallege and incorporate herein by reference each and every allegation of paragraphs 1 through 38 inclusive.

40. The Georgia Election Code sets forth requirements that a political body candidate for presidential elector must satisfy.

41. The Green Party Electors have not satisfied the requirement to qualify as a political body candidate for presidential elector. Therefore, neither they nor their candidate for President and/or Vice President may be listed on the Ballot.

42. Plaintiffs therefore seek a declaration that: (1) the Green Party Electors are not qualified for the office of presidential elector; (2) the Secretary of State may not certify the Green Party Electors, Jill Stein, and/or any Vice Presidential nominee of the Green Party Electors as candidates qualified for office and/or to be listed on the Ballot; and (3) the Green Party Electors, Jill Stein, and/or any Vice Presidential nominee of the Green Party Electors may not be listed on the Ballot.

* * *

WHEREFORE, Plaintiffs respectfully request that the Court:

- (1) Declare that the Green Party Electors are not qualified for the office of presidential elector;
- (2) Declare that the Secretary of State may not certify the Green Party Electors, Jill Stein, and/or any Vice Presidential nominee of the Green Party Electors as candidates qualified for office and/or to be listed on the Ballot;
- (3) Declare that the Green Party Electors, Jill Stein, and/or any Vice Presidential nominee of the Green Party Electors may not be listed on the Ballot;
- (4) Grant any other relief the Court deems necessary or proper.

Respectfully submitted this 30th day of August, 2024.

/s/ Manoj S. "Sachin" Varghese

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EXHIBIT 1



Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Blake Evans
ELECTIONS DIRECTOR

Notice Regarding Ballot Access for Presidential Electors under S.B. 189

Effective July 1, 2024, Senate Bill 189 amends O.C.G.A. § 21-2-172 to add a new subsection (g), which allows any political party or political body that has obtained ballot access in no fewer than 20 states or territories for the office of presidential elector to qualify candidates for presidential elector on the General Election ballot.

Each political party or political body applying to obtain ballot access under O.C.G.A. § 21-2-172(g) must be lawfully registered with the Secretary of State as required by O.C.G.A. § 21-2-110. Political bodies must also satisfy the requirements of O.C.G.A. § 21-2-132(d)(1) and O.C.G.A. § 21-2-172 to qualify a slate of presidential electors.

To apply to obtain ballot access under O.C.G.A. § 21-2-172(g), political parties or political bodies must submit to the Secretary of State a completed **Presidential Elector Nomination Affidavit** listing the slate of presidential electors and states in which the political party or political body has lawfully obtained ballot access. The affidavit must be accompanied by documentation from each of the listed states certifying that the political party or political body will be on the General Election ballot in that state. The completed Presidential Elector Nomination Affidavit, along with the names of the candidates for President and Vice President nominated by the political party or political body, must be submitted to the Secretary of State no later than August 23, 2024 to be considered for the 2024 General Election ballot. The affidavit and supporting documentation will be reviewed by the Secretary of State and approved if the political party or political body has satisfied all applicable legal requirements.

****Note: This method of ballot access under O.C.G.A. § 21-2-172(g) does not apply to independent candidates.** As drafted, the provision only applies to “political party” or “political body” candidates as those terms are defined in the Georgia Elections Code. Independent candidates are still required to submit a nomination petition with a minimum of 7,500 valid signatures of eligible electors. See O.C.G.A. § 21-2-170; *Green Party of Ga. v. Kemp*, 171 F. Supp. 3d 1340 (N.D. Ga. 2016). Political bodies may also qualify candidates for presidential elector through the nomination petition process.

EXHIBIT 2

PRESIDENTIAL ELECTOR NOMINATION AFFIDAVIT

FOR Jill Stein
(CANDIDATE'S NAME)
 A Green Party
(POLITICAL BODY)

TO: SECRETARY OF STATE, STATE OF GEORGIA

Pursuant to O.C.G.A. 21-2-172(g) the undersigned does hereby declare that the Unified Green Party of GA Party has lawfully obtained ballot access in no fewer than 20 states or territories for the office of presidential elector for the 2024 Presidential election, as shown in the attached documentation. I further attest that the Unified Green Party of GA Party is a lawfully registered political party or political body under the laws of the State of Georgia and that the accompanying slate of presidential electors is true and accurate.

The completed form must be submitted to the Secretary of State no later than August 23, 2024, for the November 2024 General Election.

LIST OF STATES WHERE BALLOT ACCESS HAS BEEN OBTAINED (PLEASE ATTACH ALL SUPPORTING DOCUMENTATION)

State or Territory	Date Ballot Access Obtained	For Office Use
Montana	8/21/2024	
Florida	8/23/2024	
Missouri	8/22/2024	
West Virginia	1/29/2024	
Louisiana	8/20/2024	
Michigan	8/19/2024	
OREGON	unknown	
Washington	8/13/2024	
North Carolina	8/21/2024	
ARIZONA	unknown	
Pennsylvania	8/22/2024	
Maine	8/22/2024	
HAWAII	unknown	
Arkansas	8/22/2024	
Nevada	5/29/2024	
Utah	8/21/2024	
SOUTH CAROLINA	unknown	
Mississippi	9/11/2024 *	
California	8/23/2024	
Texas	-8/23/2024	

I, the undersigned, being first duly sworn on oath, do depose and say that foregoing is true and accurate.

TO: SECRETARY OF STATE, STATE OF GEORGIA

SLATE OF PRESIDENTIAL ELECTORS

Name	Profession, Business, or Occupation	Place of Residence
1. Sydney Seabron	Filmmaker	Dekalb (DeKalb Co)
2. Farah Zayd	Resource Analyst	Atlanta (Fulton Co)
3. Sejal Whitaker	Student	Alpharetta (Fulton Co)
4. Shawn Desai	CEO Microbiology Lab	Buford (Gwinnett Co)
5. Ayman Fadel	Assistant Editor	Martinez (Columbia Co)
6. Lyn Graybill	Book Reviewer	St Simons Island (Glynn Co)
7. John Weathers	Business Consultant	Decatur (DeKalb Co)
8. Abeer Abovabis	Physician	Smyrna (Cobb Co)
9. Ayesha Abid	Program Coordinator	Grayson (Gwinnett Co)
10. Melissa Malone	Program Director	Tucker (DeKalb Co)
11. Liz Ireland	Farmer	Lafayette (Walker Co)
12. Courtney Smith	Document Specialist	Douglasville (Douglas Co)
13. Josh Pritchett	Investor	Blairsville (Union Co)
14. Jake Schenberg	Account Manager	Atlanta (Fulton Co)
15. Shichei Andega	Hospitality Services Mgr	Atlanta (Cobb Co)
16. Amadi McKenzie	Athlete	Marietta (Cobb Co)

the nominees of the GREEN PARTY, for the offices of PRESIDENTIAL ELECTORS to be

(Political Body)

filled at the Nov 5 2024 General Election.

(Date of Election)

Legal Name of Political Party or Political Body: Unified Green Party of GA

Address for Political Party or Political Body: N/A

Name of Presidential Nominee to Appear on Ballot: Jill Stein

To the Secretary of State of Georgia,

The submission here includes 20 states who have provided confirmation of ballot status for Candidate Jill Stein. In 16 of these states, Jill is on the ballot as a Green, or as a member of the Green Party affiliate. In 4 states listed (Oregon, Arizona, Hawai'i, and South Carolina, we are confirming party status but the date of when the party gained status is unknown. We also have confirmation that the Green Party has ballot status additionally in New Mexico, Colorado, and Massachusetts which brings the total number of states to the minimum requirement of 23.

All of the confirmations are included in the attached zip file, some emails from elections offices, some screenshots from state government websites, and some are official certificates. We are bound by the fact that not all states report the confirmation the same way.

Note that while Jill's candidacy in Mississippi won't be confirmed until 9/11/2024, the Green Party does have confirmed ballot access. Furthermore, determining the date the party gained ballot access in a state is extremely difficult. Many state parties have had ballot access in states for decades. We have listed the date the candidate Jill Stein received confirmation as a candidate (or in the case of MS, will).

Also note that the Unified Green Party of Georgia is the Green Party affiliate in Georgia.

EXHIBIT 3



Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Charlene McGowan
GENERAL COUNSEL

August 29, 2024

Via U.S. Mail and Email

Conley Jacob Schenberg
Chairperson, Unified Green Party of Georgia
2897 N Druid Hills Rd. #323
Atlanta, GA 30329

Re: Application for Ballot Access

Dear Mr. Schenberg,

The Secretary of State has reviewed the application of the Unified Green Party of Georgia for access to the General Election ballot under O.C.G.A. § 21-2-172(g). Based upon review of the application and supporting documentation, and our own independent confirmation that the Green Party and its affiliates have obtained ballot access in at least 20 other states, the application is approved and the Unified Green Party of Georgia “shall be allowed to qualify candidates for presidential elector and receive access to the general election ballot for the purpose of election of the office of presidential elector.” O.C.G.A. § 21-2-172(g). The names of the candidates for President and Vice President as indicated on the application will be placed on the General Election ballot in Georgia.

Sincerely,

Charlene S. McGowan
General Counsel