

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

Kerrie Dickson, et al.,
Plaintiff,

Civil Action #
2000-CV-27164

v.
Secretary of State of Georgia, et al
Defendants.

**REQUEST FOR ADMISSION OF MATTERS
AND GENUINENESS OF DOCUMENTS**

Plaintiffs Kerrie Dickson and Hugh Esco requests defendant Secretary of State Cathy Cox to make the following admissions for the purpose of this action only, pursuant to §36 of the Georgia Civil Practice Act (O.C.G.A. § 9-11-36) and subject to all pertinent objections to admissibility which may be interposed at trial:

1. that the facts set forth below are true and correct, specifically that:

a) Kerrie Dickson filed an affidavit of candidacy with the Secretary of State and qualified to run for the Georgia General Assembly, 8th House District by paying the fee required by O.C.G.A. 21-2-131.

b) Kerrie Dickson submitted a nominating petition containing 130 pages and 1,431 signatures for Ballot access, exceeding the 1,389 signatures required by O.C.G.A. 170(b)(3).

c) The Director of the Election's Division, on behlaf of the Secretary of State, acknowledged that the petition contained 130 pages of signatures of people who said they were registered in house District 8.

d) That these petition signatures were collected by Renee Bursey, Philip (Bo) Chagnon, Kerrie Dickson, Michelle Dickson, Hugh Esco, Sara Evans, Leigh Ann Ledbetter, Hugh Lovel, Clarence Newton, Beth Palmer, Thomas Southern, JoAnne Steele and Jacoby Zaretsky and were recieved and acknowledged by Linda Beasley, Director of the Elections Division, Secretary of States' office .

e) Kerrie Dickson and her Petition Crews were threatened with arrest and harassed repeatedly by law enforcement officers while circulating, in public parks, the ballot access petitions required by O.C.G.A. 170(b).

f) This police interference with her efforts to comply with the petition requirements is a gross violation of the first amendment rights of the plaintiff candidate and her volunteers.

g) The opportunity to collect hundreds, if not a thousand or more, additional signatures was lost due to the chilling effect of the criminal trespass warnings and threats of arrest experienced by petition circulators.

h) This cost time, money and mental anguish to the Candidate and her petition crews.

i) These threats of arrest took place in County and State Parks built, maintained and operated with public funds.

j) The Plaintiff Candidate and her petition crews were harassed in locations where other Candidates' Campaigning was welcomed and encouraged.

k) Without action by this Court, the electors of District 8 who support the plaintiff candidate will not see their Candidate on the ballot or have the opportunity to vote for their Candidate.

2. that the facts set forth below are true and correct; specifically that:

a) The Georgia Election process is plagued with low voter participation when measured against an image of universal suffrage;

b) There is a limited range of options available to Georgia voters on the official ballot;

c) Georgia ballot access laws are restrictive and parties other than the Democrats and Republicans are rarely on the ballot, and even then rarely on the ballot for local offices;

d) Georgia has given official sanction to a system of privately financed elections where candidates without access to private wealth to finance their campaigns are excluded from a meaningful opportunity to run for and win elected office;

- e) Georgia employs a vote-counting system of winner-take-all, majoritarian single-member districts which excludes minority political voices from the right to representation in deliberative bodies;
- f) The system of political gerrymandering employed in the reapportionment process has given incumbents more influence over who wins elections than do the voters;
- g) Only 76 or 32% of the legislative races were contested in the General Election in 1994;
- h) Only 103 or 44% of the legislative races were contested in the General Election in 1996;
- i) Only 100 or 42% of the legislative races were contested in the General Election in 1998;
- j) Only 84 or 36% of the legislative races will be contested in the General Election in 2000.
- k) Even where these legislative races are or have been contested, these races have been between Democrats and Republicans and other political perspectives have not been represented on the ballot.

3. that the facts set forth below are true and correct; specifically that:

- a) The Secretary of State refused to place Kerrie Dickson on the Ballot by disqualifying sufficient signatures such that less than the 1,389 signatures required for ballot access were found to be not valid.
- b) The Director of the Elections Division acknowledged that 1,048 of the 1,431 or 73.2% of the signatures submitted were valid.
- c) By the Director's calculations, the petition fell 342 valid signatures short of meeting the 5% standard imposed by the statute.

d) At a 73.2% validation rate only an additional 468 raw signatures would have been necessary to survive the validation process and secure ballot access for plaintiff candidate.

e) Except for the chilling effect created by the police harrassment of Plaintiff's crews exercising Constitutionally protected petitioning rights in traditional public fora, Plaintiff would surely have been able to collect sufficient signatures to survive the Defendant's validation process.

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