

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

Kerrie Dickson

Hugh Esco

Petitioners,

v.

Secretary of State of Georgia

The Superintendent of Elections for Rabun, Towns, Union and White Counties

Defendants

**APPLICATION FOR A  
WRIT OF MANDAMUS**

Comes now Kerrie Dickson on behalf of herself and Georgians for Dickson in 2000 and Hugh Esco, both officers of the Georgia Green Party and electors of the Eighth Georgia House District, who each respectfully ask that this court grant a Writ of Mandamus compelling the Secretary of State to place Kerrie Dickson, a nominee of the Georgia Green Party on the ballot, or, in the alternative, to enjoin the enforcement of the filing deadline and the statute prohibiting the petition from being "amended or supplemented" (O.C.G.A. 21-2-170(b)), for the following reasons:

1. Kerrie Dickson, with the help of volunteers with Georgians for Dickson, has spent far more in time, money, and effort by herself, paid contractors and unpaid volunteers, to meet the burden imposed by the Georgia Election Code for ballot access, than any of her compatriot candidates, who are members of the Democratic or Republican Parties, and who have secured ballot access in the General Election by virtue of being a candidate in uncontested primaries.
2. Petitioner respectfully shows that the filing fee for candidates for this office for either the Republican or Democratic Candidate and for the candidates of independent political bodies such as the Georgia Green Party is \$400.00. Petitioners will present evidence that, even if paid at the minimum legal wage in Georgia, Ms Dickson's supporters have expended more than 10 times that amount of effort.
3. Kerrie Dickson is entitled to be placed on the ballot for the Georgia General Assembly, House District #8, in Towns, Union, Rabun and White Counties as required by Georgia Election Code Title 21, Chapter 2, Article 4, Part 3 dealing with

the nomination of candidates of political bodies, specifically O.C.G.A. 21-2-170 through 21-2-172, for the reason that she filed 1,431 signatures, more than the 1,389 signatures required by the Director of the Elections Division.

4. Nominating petition circulators encountered unconstitutional barriers to their exercise of the right to petition protected by both the Georgia and the U.S.

Constitutions. Plaintiffs shall present evidence that nominating petition circulators were denied the right to petition in traditional public fora under threat of arrest by municipal, county and state law enforcement officials.

5. Linda Beasley, the Director of the Elections Division, on behalf of the Georgia Secretary of State has stated in a letter dated August 15<sup>th</sup>, 2000 and received August 17<sup>th</sup>, 2000 that "Kerrie Dickson will not be placed on the ballot because she failed to provide the required 1,389 valid signatures to obtain Ballot access."

6. O.C.G.A. Section 21-2-171 (b) states, in pertinent part, "In neither case (Petition complies, or does not comply, with the law) shall the petition be returned to the candidate." Should the Court determine that the petition does not comply with the present Georgia Law, as written, Plaintiffs respectfully ask that the respondent be ordered to provide a certified record of which signatures were determined to not comply with the law, the reasons why each signature which did not comply was denied, and provide a tally sheet, showing how many signatures were presented which comply with the law, and, in addition to copies of the non-complying signatures, a count, by specific failing, of the signatures which did not comply.

7. Should the Court determine that the petition does not comply with the present Georgia Law, but that Plaintiffs were in fact denied their constitutional right to petition, Plaintiffs respectfully ask that this Court enjoin the enforcement of both the statutory filing deadline O.C.G.A. 21-2-132(d) and the statutory prohibition against amending or supplementing a petition O.C.G.A. 21-2-170(f) and grant to Plaintiffs an opportunity to supplement the already filed petition with signatures sufficient to comply with the 5% rule imposed by O.C.G.A. 21-2-170(b).

## **ARGUMENT**

The Georgia Election code requires signatures representing "5 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking" in order that an independent political body candidate be placed on the ballot. (O.C.G.A. 21-2-170(b)). Linda Beasley, in her capacity as Director of the Elections Division, ruled that that number for the 8<sup>th</sup> State House District for the 2000 election cycle would be 1,389 registered voters. The candidate provided 1,431 signatures, which she believes were authentic, and from registered voters in the legislative district in question. Each sheet of signatures submitted was attested to by the circulator of that specific sheet, and the sheets were, in all observable features, in conformance with the law. The petitions were submitted on time and at the place ordered in the law.

If necessary, petitioners will show, by affidavit and testimony, that the candidate and her petition crews were harassed, threatened with arrest and prevented from exercising their constitutional right to petition in traditional public fora on numerous occasions, under color of law, while attempting to comply with O.C.G.A. 21-2-170 Through 21-2-172.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 2000.

Kerrie Dickson  
1426 Abe Cove Rd.  
Hiawassee Georgia 30546

Hugh Esco  
1426 Abe Cove Rd.  
Hiawassee Georgia 30546