

MEDIA RELEASE

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Friday, October 27th, 2000

Court Says Case May Proceed Yet Denies Dickson Place on Ballot

Judge Constance Russell stopped short of ordering that Kerrie Dickson be listed on the November 7th ballot, but granted her motion to amend the complaint and ordered that Discovery proceed on the Constitutionality of the state's ballot access regime.

In a series of five Orders signed Thursday, Judge Constance Russell acknowledged that "Petitioners have on their pleadings stated a colorable claim," permitted their Amendments to their Pleadings and said that Discovery may proceed on the question of whether the ballot access barriers "meet Constitutional muster" under "current conditions".

"We're exploring our options and will file paperwork on Monday," said Dickson of Hiawassee Georgia. "I'm still committed to ballot access for Tuesday, week. The people of this district deserve an opportunity to vote their best hopes for a future worthy of our children, for an end to ritalin abuse, an end to locking up our children with violent offenders, for clean water, clean air, clean food and clean politics. My candidacy offers that and I still intend to be on the ballot."

"We intend to pursue a ballot line for Kerrie Dickson on November 7th, and will file appropriate motions on Monday," said Hugh Esco, co-plaintiff in the suit. "Even so, we are very excited to still be on our feet before the bench. The Court seems willing to look at the Constitutional questions underlying Georgia's ballot access regime, which we feel has served to freeze the political status-quo." Esco points out that Georgia has the most restrictive ballot access barriers in the country for local candidates and the second most restrictive for state-wide and Presidential candidates.

In her five distinct Orders, Judge Russell

1) Ruled that "This Court finds that Petitioners have on their pleadings stated a colorable claim. They are, therefore, entitled to an opportunity to conduct discovery.

2) Denied the State's motion to dismiss co-plaintiff Hugh Esco as a Party to the action;

3) Granted the State's Motion to Quash the Green's subpoena of Secretary of State Cathy Cox;

4) Granted the Plaintiff's Motion to Amend their Pleadings, with respect to restyling the *Application for a Writ of Mandamus* as a *Complaint* (subject to a different standard of review) and denied with respect to their motion to add "The State of Georgia" as a defendant party; and finally

5) Denied the original Mandamus Petition, refusing to place Kerrie Dickson of Hiawassee on the ballot as the Green Party's state house candidate in the 8th District, while ruling that "Insofar as Petitioners have asserted constitutional issues which are not related to the determination of the validity of the nominating petitions as presented to the Secretary of State, those matters are not subject to resolution before this Court through a Writ of MANDAMUS."

For the complete text of Thursday's Court Orders, link to:

<http://www.greens.org/georgia/pdf/orders102600.PDF>

For further information, please contact

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