

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

**KERRIE DICKSON and  
HUGH ESCO,**

**Plaintiffs,**

**v**

**THE STATE OF GEORGIA,  
SECRETARY OF STATE OF  
GEORGIA, and  
THE SUPERINTENDENT OF  
ELECTIONS FOR RABUN, TOWNS,  
UNION AND WHITE COUNTIES,**

**Defendants.**

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**CIVIL ACTION FILE NO.:  
2000-CV-27164**

**PLAINTIFF'S FIRST AMENDMENT TO COMPLAINT**

COME NOW the Plaintiffs, by and through counsel, and herewith amend their original complaint as follows:

1.

By amending paragraph two to add the following sentences after the last sentence in the original paragraph:

“2.

**The additional costs imposed upon independent candidates of public offices which are governed by O.C.G.A. Section 21-2-170 violate the Equal Protection Clause found at Article I, Section I, Paragraph II of the 1983 Georgia Constitution.”**

2.

By striking paragraph four (4) in its entirety and inserting in lieu thereof the following:

**“4.**

**The 5% requirement for nomination petitions by independent candidates of public offices as required by O.C.G.A. Section 21-2-170 violates the Equal Protection Clause found at Article I, Section I, Paragraph II of the 1983 Georgia Constitution. Furthermore, said 5% requirement is arbitrary and is not reasonably necessary to accomplish any legitimate state objective.”**

3.

By adding to the Complaint the following prayers for relief:

**“WHEREFORE, Plaintiffs pray that the Court exercise its equitable powers and grant the Plaintiffs the following relief:**

**a) Declare O.C.G.A. Section 21-2-170, paragraph (b) providing**

**“A nomination petition of a candidate for any other office shall be signed by a number of voters equal to 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 and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected.”**

**and paragraph (d) in its entirety, null and void as same violates Article I, Section I, Paragraph II of the 1983 Constitution of the State of Georgia.**

**b) Enjoin the Secretary of State from restricting and/or**

**prohibiting ballot access to any candidate for any public office**

**which is not voted upon state wide by requiring any qualifications from applicant candidates for said public office which qualifications are different from those imposed upon candidates for public office which are voted upon state wide.**

**c) Enjoin the Secretary of State for the State of Georgia from requiring on each sheet of a nomination petition an affidavit subscribed and sworn to by the circulator before a notary public.**

**d) Such further relief as the Court may deem necessary and equitable.”**

SO AMENDED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

2900 Chamblee Tucker Road  
Building 6  
Atlanta, Georgia 30341  
(404) 267-1840

---

CRAIG ALAN WEBSTER  
Attorney for Plaintiffs  
Ga. State Bar No.: 744950