

JUDGE CONSTANCE C. RUSSELL
SUPERIOR COURT OF FULTON COUNTY
JUSTICE CENTER TOWER - T-8755
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COMMENTS:

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

KERRIE DICKSON and
HUGH ESCO,

Petitioners,

v.

THE SECRETARY OF STATE FOR THE
STATE OF GEORGIA, THE
SUPERINTENDENT OF ELECTIONS
FOR RABUN, TOWN, UNION AND
WHITE COUNTIES,

Respondents.

Civil Action No. 2000CV27164

**ORDER ON PETITIONERS' CONSTITUTIONAL CLAIMS
AND REQUESTS FOR DISCOVERY**

~~as categories (1) claims arising from~~ Petitioners' Constitutional challenges fall into two broad categories: (1) claims arising from two
~~s to solicit signatures and (2) claims~~ alleged harassment by law enforcement officials during ef
challenging the constitutionality of Georgia's ballot access procedures.

Petitioners' claims arising from harassment during the petitioning process fail to state a claim.
For purposes of the hearing before this Court, the parties stipulated that the Petitioners were harassed
and impeded by local and state law enforcement in their efforts to obtain signatures. It was further
stipulated that law enforcement officers failed on some occasions to respond to the requests for
assistance from Petitioners related to their signature gathering efforts.

_____ e foregoing allegations are true, they

Accepting for purposes of this proceeding that all c

fail to establish a Constitutional violation by the Secretary of State.

There is no evidence that the Secretary of State exercises any legal authority over law enforcement agencies or employees at either the State or Local level. Consequently, this Court finds that there is no basis upon which the Secretary may be found to be responsible for acts or omissions of those agencies or their employees. Insofar as State or Local law enforcement authorities have violated Petitioner's rights, the Petitioners recourse is an action against those entities or their employees.

Petitioner's allege that Georgia's Ballot access procedures are unconstitutional. Petitioners acknowledge that those procedures have been reviewed and upheld by the United States Supreme Court. Janness v. Fortson, 403, U.S. 431 (1971). The crux of Petitioners' challenge is that based upon current conditions in the State the procedure cannot currently meet Constitutional muster. The Petitioners have sought discovery in order to gather evidence in support of their contentions.

This Court finds that Petitioners have on their pleadings stated a colorable claim. They are, therefore, entitled to an opportunity to conduct discovery. Particularized objections to the discovery shall be considered at such time as they are made.

So Ordered this 26 Day of October


CONSTANCE C. RUSSELL, JUDGE
FULTON COUNTY SUPERIOR COURT

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

**KERRIE DICKSON and
HUGH ESCO,**

Petitioners,

v.

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

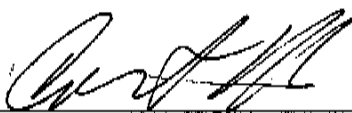
Respondents.

Civil Action No. 2000CV27164

**MOTION TO QUASH AND FOR PROTECTIVE ORDER
AS TO SECRETARY OF STATE CATHY COX**

At the hearing in this matter Petitioners asserted that the testimony of Secretary of State Cox
duties. The Respondent's duties are was necessary to establish her belief as to the scope of her
defined by the laws of this State. The Respondent's opinion as to the scope of those duties has no
bearing on the issues raised in the pleadings. The motion to quash the subpoena is, therefore,
GRANTED.

So Ordered this 26 Day of October, 2000.



CONSTANCE C. RUSSELL, JUDGE

SUPERIOR COURT

FULTON COUNTY

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

KERRIE DICKSON and
HUGH ESCO,

Petitioners,

v.

THE SECRETARY OF STATE FOR THE
STATE OF GEORGIA, THE
SUPERINTENDENT OF ELECTIONS
FOR RABUN, TOWN, UNION AND
WHITE COUNTIES,

Respondents.

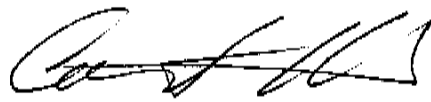
Civil Action No. 2000CV27164

ORDER ON MOTION TO DISMISS

Mr. Escó has standing to assert purported violations of his right to petition. The

Motion to Dismiss based upon lack of standing is, therefore **DENIED**.

So Ordered this 29 Day of October, 2000.



CONSTANCE C. RUSSELL, JUDGE
FULTON COUNTY SUPERIOR COURT

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

KERRIE DICKSON and
HUGH ESCO,

Petitioners,

v.

THE SECRETARY OF STATE FOR THE
STATE OF GEORGIA, THE
SUPERINTENDENT OF ELECTIONS
FOR RABUN, TOWN, UNION AND
WHITE COUNTIES,

Respondents.

Civil Action No. 2000CV27164

ORDER ON PLAINTIFF'S MOTION TO AMEND

In accordance with O.C.G.A. 9-11-15 "[a] party may amend his pleading as a matter of course and without leave of court at any time before entry of a pre-trial order." However, additional

parties may only be added by order of the court. O.C.G.A.

In the instant case, the original petition, though styled an Application for Writ of Mandamus specifically references "encountering unconstitutional barriers to the right to petition" and contemplates some determination as to whether Plaintiff's constitutional rights were violated. Accordingly, the Court finds that the Plaintiffs have attempted to state claims in addition to mandamus. The amended pleading, insofar as it is directed at Secretary of State Cox and/or persons named in the original pleadings is merely a more detailed account of the basis for the allegations in the original petition. Pursuant to O.C.G.A. 9-11-15 the amendment insofar as it purports to the state claims regarding the parties already before the court, may be filed. This Court has no authority to prevent the filing of such an amendment.

However, a full hearing has already been held in this matter and the election at issue is imminent. Given the state of the proceedings, Plaintiffs request to amend the pleadings to add the State of Georgia as a party is **DENIED**.

So Ordered this 26 Day of October, 2000.



CONSTANCE C. RUSSELL, JUDGE
FULTON COUNTY SUPERIOR COURT

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

**KERRIE DICKSON and
HUGH ESCO,**

Petitioners.

Civil Action No. 2000CV27164

V. _____

**THE SECRETARY OF STATE FOR THE
STATE OF GEORGIA, THE
SUPERINTENDENT OF ELECTIONS
FOR RABUN, TOWN, UNION AND
WHITE COUNTIES.**

Respondents.

ORDER ON PETITION FOR WRIT OF MANDAMUS

21-20-171. The undisputed record before this Court is that, in 1971, Mr. Morris Dickson, submitted a request to the Court for a writ of habeas corpus. The Court, in its decision, stated that the Court had no jurisdiction to hear the case. The Court, in its decision, stated that the Court had no jurisdiction to hear the case. The Court, in its decision, stated that the Court had no jurisdiction to hear the case.

1,431 signatures in an effort to have her name placed on the ballot as the Green Party nominee for the Georgia General Assembly, House District #8. Those signatures were reviewed and verified by each county board of registrars in accordance with the procedures established by the Elections Division of the Secretary of State's Office. After review it was determined that Ms. Dickson failed to provide a sufficient number of valid signatures. Ms. Dickson was determined to have provided only 1,048 valid signatures. The minimum

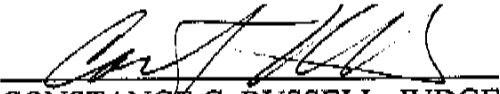
number of signatures needed to obtain the ballot access in Wis. Dickson's late was 1,000. b6 b7C

At the hearing before this Court testimony and documentary evidence confirming that

Ms. Dickson failed to meet the threshold requirement was presented. No evidence challenging the State Election Division's determination as the validity of any signature was presented. Nor was any evidence presented that the Secretary of State failed or refused to comply with any procedure regarding the review of nominating petitions. Accordingly, there is no evidence from which this Court can conclude that the decision of the Director to deny the nomination petition was erroneous. The petition for Writ of MANDAMUS is, therefore, DENIED.

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.

So Ordered this 24 Day of October, 2000.



CONSTANCE C. RUSSELL, JUDGE
FULTON COUNTY SUPERIOR COURT