

IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA

IN RE: EXTENSION OF CLOSING
TIME FOR POLLING PLACES
THAT OPENED AFTER
7:00 A.M. ON JUNE 9, 2020

CIVIL ACTION NO. 2020SUCV239

PETITION TO DELAY THE POLL CLOSING TIME
FOR THE PRECINCTS OF SHARP TOP, HILL, AND LUDVILLE

Comes now PICKENS COUNTY, GEORGIA and the PICKENS COUNTY BOARD OF ELECTIONS, Petitioners herein, by and through the undersigned, and petition the Court as follows:

1.

The opening and closing times for polls for purposes of elections is established by O.C.G.A. §21-2-403, which states in pertinent part, “At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and shall remain open continuously until 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at which time they shall be closed. . . .”

2.

Polls were to be opened June 9, 2020 at 7:00 A.M. for voting in the primary election. Because of equipment issues that were not caused by Petitioners and which were beyond the control of Petitioners, the precincts of Sharp Top, Hill, and Ludville were not able to open until 8:00 A.M.



3.

Pursuant to O.C.G.A. §21-2-412, “At least one judge of the superior court of each judicial circuit shall be available in his or her circuit on the day of each primary or election from 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, . . . to secure a free, fair, and correct computation and canvass of votes cast at such primary or election. During such period the court shall issue process, if necessary, to enforce and secure compliance with the primary or election laws and shall decide such other matters pertaining to the primary or election as may be necessary to carry out the intent of this chapter.”

4.

Pursuant to O.C.G.A. §21-2-418(d), “. . . in primaries and elections in which there is a federal candidate on the ballot, in the event that the time for closing the polls at a polling place or places is extended by court order, all electors who vote during such extended time period shall vote by provisional ballot only. Such ballots shall be separated and held apart from other provisional ballots cast by electors during normal poll hours.”

5.

As stated above, Georgia law guarantees a twelve hour window for citizens to cast their votes in a primary election. As stated above, Georgia law empowers the Superior Court Judge to issue an order to secure compliance with the laws pertaining to primary voting.

6.

The voters of the precincts of Sharp Top, Hill, and Ludville have been unfairly deprived of one hour to vote in the June 9, 2020 primary election.

7.

A federal candidate is on the ballot for the June 9, 2020 primary election.

THEREFORE, Petitioners pray for the following relief:

- a. That the Superior Court Judge issue an Order that requires and authorizes the polls for the precincts of Sharp Top, Hill, and Ludville to remain open until 8:00 P.M. June 9, 2020.
- b. That all electors who vote during such extended time period shall vote by provisional ballot only, and such ballots shall be separated and held apart from other provisional ballots cast by electors during normal poll hours.
- c. Such other relief as the Court deems fair and equitable.

This 9th day of June, 2020.



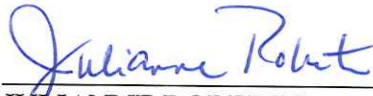
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Georgia Bar Number 434125

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VERIFICATION

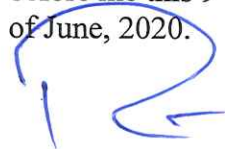
PERSONALLY APPEARED before me, the PICKENS COUNTY BOARD OF ELECTIONS, Petitioner herein, and by and through its Election Supervisor, states under oath that the facts and matters contained in the within and foregoing PETITION TO DELAY THE POLL CLOSING TIME FOR THE PRECINCTS OF SHARP TOP, HILL, AND LUDVILLE are true and correct.

This 9th day of June, 2020.



JULIANNE ROBERTS
PICKENS COUNTY ELECTION SUPERVISOR

Sworn to and subscribed
before me this 9th day
of June, 2020.



Notary Public



IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA

IN RE: EXTENSION OF CLOSING
TIME FOR POLLING PLACES
THAT OPENED AFTER
7:00 A.M. ON JUNE 9, 2020

CIVIL ACTION NO. 2020SUCV239

ORDER TO DELAY THE POLL CLOSING TIME
FOR THE PRECINCTS OF SHARP TOP, HILL, AND LUDVILLE

WHEREAS, PICKENS COUNTY, GEORGIA and the PICKENS COUNTY BOARD OF ELECTIONS have petitioned the Court to an Order that requires and authorizes the polls for the precincts of Sharp Top, Hill, and Ludville to remain open until 8:00 P.M. June 9, 2020, the Court finds as follows:

1.

The opening and closing times for polls for purposes of elections is established by O.C.G.A. §21-2-403, which states in pertinent part, "At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and shall remain open continuously until 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at which time they shall be closed. . . ."

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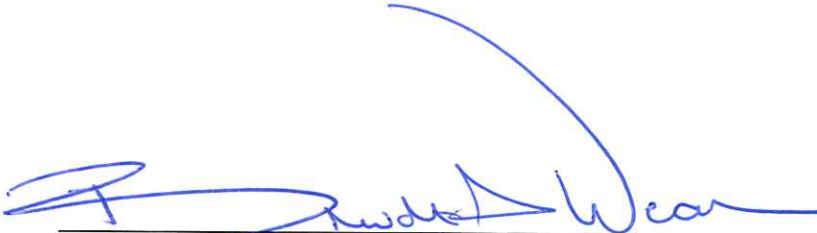
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A federal candidate is on the ballot for the June 9, 2020 primary election.

THEREFORE, BE IT ORDERED:

- a. The polls for the precincts of Sharp Top, Hill, and Ludville shall remain open until 8:00 P.M. June 9, 2020.
- b. That all electors who vote during such extended time period shall vote by provisional ballot only, and such ballots shall be separated and held apart from other provisional ballots cast by electors during normal poll hours.

This 9th day of June, 2020.



Hon. Brenda S. Weaver
Chief Superior Court Judge
Appalachian Judicial Circuit

Order prepared by:

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Georgia Bar Number 434125

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