

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

REPUBLICAN NATIONAL COMMITTEE,

*Plaintiff,*

v.

DEKALB COUNTY VOTER REGISTRATION  
AND ELECTIONS OFFICE,  
KEISHA SMITH in her official capacity as  
Executive Director of the DeKalb County Voter  
Registration and Elections Office,  
DEKALB COUNTY DEPARTMENT OF  
FINANCE,  
PRESTON STEPHENS in his official capacity as  
Deputy Finance Director of the DeKalb County  
Department of Finance,  
DEKALB COUNTY DEPARTMENT OF  
INNOVATION AND TECHNOLOGY,  
BARRY PUCKETT in his official capacity as  
DeKalb County Deputy Director of Infrastructure,  
and JOHN DOE 1, in its official capacity with  
DeKalb County,

*Defendants.*

CIVIL ACTION FILE

NO: \_\_\_\_\_

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF,  
ATTORNEY’S FEES AND COSTS UNDER THE GEORGIA OPEN RECORDS ACT**

COMES NOW, Plaintiff the Republican National Committee (“RNC” or “Plaintiff”) by and through the undersigned counsel, and files this Complaint against Defendants DeKalb County Voter Registration and Elections Office, DeKalb County Department of Finance, DeKalb County Department of Innovation and Technology, and Barry Puckett, Keisha Smith, Preston Stephens, and John Doe 1, in their official capacities only (collectively, the “Defendants”), alleging as follows:

## **PARTIES**

1.

The RNC is a federal political committee engaged in a national effort to fight for the rights and liberties of Republicans and their proven agenda, take their message to every American, grow the Republican Party, promote election integrity, and elect Republicans up and down the ballot.

2.

Defendant DeKalb County Voter Registration & Elections Office (“DeKalb VR&E”) is an agency of the DeKalb County government and may be served by service of process on Michael Thurmond, CEO of DeKalb County at 1300 Commerce Drive, Decatur, Georgia 30030.

3.

Defendant Keisha Smith is the Executive Director of the DeKalb County Voter Registration & Elections Office. Defendant Smith may be served at 4380 Memorial Drive, #300, Decatur, Georgia 30032.

4.

Defendant DeKalb County Department of Finance (“DeKalb Dept. of Finance”) is an agency of the DeKalb County government and may be served by service of process on Michael Thurmond, CEO of DeKalb County at 1300 Commerce Drive, Decatur, Georgia 30030.

5.

Defendant Preston Stephens is the Deputy Finance Director of the DeKalb County Department of Finance. Defendant Stephens may be served at 1300 Commerce Drive, 6th Floor, Decatur, Georgia 30030.

6.

Defendant DeKalb County Department of Innovation and Technology is an agency of the DeKalb County government and may be served by service of process on Michael Thurmond, CEO of DeKalb County at 1300 Commerce Drive, Decatur, Georgia 30030.

7.

Defendant Barry Puckett is the Deputy Director of Infrastructure for the DeKalb County Department of Innovation and Technology. Defendant Puckett may be served at 1300 Commerce Drive, Decatur, Georgia 30030.

**JURISDICTION AND VENUE**

8.

This Court has jurisdiction pursuant to O.C.G.A. § 50-18-73(a) and all conditions precedent, if any, have been satisfied prior to filing this action

9.

Venue is proper because the DeKalb County Department of Innovation and Technology, Department of Finance, and Voter Registration and Elections Office, including each of its individual staff offices, are located in DeKalb County and the records sought to be obtained are located in DeKalb County.

10.

Defendants' failure to comply with Georgia's Open Records Act occurred in DeKalb County.

## INTRODUCTION

11.

The Georgia Open Records Act (the “Act”) seeks “to encourage public access to government information and to foster confidence in government through openness to the public.” *Howard v. Sumter Free Press, Inc.*, 272 Ga. 521, 522 (2000) (quotes omitted).

12.

Subject to narrow exceptions, the Act forbids government officials from denying the public access to information about government functions and actions.

13.

The RNC, per the Act, repeatedly sought access to information regarding DeKalb County’s involvement with the U.S. Alliance for Election Excellence (the “Alliance”), which DeKalb County joined in January 2023.

14.

The U.S. Alliance for Election Excellence claims to be “a nonpartisan collaborative that is bringing together election officials, designers, technologists, and other experts to help local election departments improve operations, develop a set of shared standards and values, and obtain access to best-in-class resources to run successful elections.”<sup>1</sup>

15.

The Center for Tech and Civic Life (“CTCL”) launched the Alliance in 2022. CTCL claims to be a non-profit that “connect[s] election officials with tools and trainings so they can best serve their communities.”<sup>2</sup>

---

<sup>1</sup> U.S. Alliance for Election Excellence, <https://electionexcellence.org/about/> (last visited May 12, 2024)

<sup>2</sup> Center for Tech and Civic Life, <https://www.techandciviclelife.org/our-story/> (last visited May 12, 2024)

16.

CTCL is funded by Meta founder Mark Zuckerberg.

17.

The RNC sought information regarding DeKalb County's membership in the Alliance (of which DeKalb County is the only Georgia-based member) and the award to DeKalb County of a \$2,000,000 grant ("the Grant") and the use of such funds. A true and accurate copy of the February 2, 2023, DeKalb County press release announcing the County's participation in the Alliance and award of the Grant is attached and incorporated herein as **Exhibit 1**.

18.

Georgia's Senate Bill 202 ("SB 202"), as enacted in 2021, intended to, in relevant part, preclude outside organizations from directly sending counties funds for election purposes to ensure that every county in Georgia would be treated uniformly throughout the state.<sup>3</sup>

19.

DeKalb County Board of Elections Chair Dele Lowman Smith was aware at the time the Grant was awarded that election offices in Georgia were prohibited from directly receiving grants.

20.

In lieu of the Voter Registration and Election Office receiving the Grant, the Grant was applied for and received by the DeKalb County Finance Department.<sup>4</sup>

---

<sup>3</sup> See Natalia Mittelstadt, *Georgia election chief blasts county for taking \$2M in Zuckerbucks, suggests legislative remedy*, JUST THE NEWS, Feb. 23, 2023, <https://justthenews.com/politics-policy/elections/ga-sos-raffensperger-blasts-dekalb-county-taking-2m-zuckerbucks-suggests> (last visited May 12, 2024)

<sup>4</sup> See Sara Amis, *DeKalb Voter Registration and Elections receives \$2 million excellence grant*, DECATURISH, Jan. 30, 2023, <https://decatrish.com/2023/01/dekalb-voter-registration-and-elections-receives-2-million-excellence-grant/> (last visited May 12, 2024)

21.

Upon information and belief, Defendants sought to circumvent the restrictions of SB 202 on the Voter Registration and Elections Office by applying for and receiving the Grant via the DeKalb County Finance Department.

22.

DeKalb County's acceptance of the \$2,000,000 grant was a violation of SB 202.

23.

In response to such attempted circumvention of the letter and intent of SB 202<sup>5</sup>, the Georgia Legislature enacted Senate Bill 222 ("SB 222"), effective May 3, 2023. SB 222 provides, in relevant part, that: (b) all costs and expenses related to conducting primaries, elections, runoffs, or other undertakings authorized or required by this chapter shall be paid from lawfully appropriated public funds; and (c) notwithstanding any other provision of law to the contrary, no county or municipal government, government employee, or election official shall solicit, take, or otherwise accept from any person a contribution, donation, service, or anything else of value for the purpose of conducting primaries or elections or in support of performing his or her duties under this chapter. O.C.G.A. § 21-2-18.

### **THE OPEN RECORDS ACT**

24.

The Open Records Act "declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open and democratic society; and that public access to public records should be encouraged to foster confidence in government and

---

<sup>5</sup> See Mark Niese, *Georgia Assembly Bans Outside Funds for County Elections*, GOVERNING, Mar. 30, 2023, <https://www.governing.com/finance/georgia-assembly-bans-outside-funds-for-county-elections#:~:text=Republicans%20pushed%20the%20bill%20after%20DeKalb%20County%20received.%24400%20million%20to%20election%20offices%20nationwide%20in%202020>. (last visited May 12, 2024)

so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions.” O.C.G.A. § 50-18-70(a).

25.

The Act mandates that “[a]ll public records shall be open for personal inspection and copying, except for those which by order of a court of this state or by law are specifically exempted from disclosure.” O.C.G.A. § 50-18-71(a).

26.

The Act further provides that it “shall be broadly construed to allow the inspection of governmental records,” and that any exceptions “shall be interpreted narrowly to exclude only those portions of records addressed by such exception[s].” O.C.G.A. § 50-18-70(a).

27.

“Public records” include any record “prepared and maintained or received by an agency or by a private person or entity” working for an agency. O.C.G.A. § 50-18-70(b)(2). For the purposes of the Act, agency includes “[e]very county, municipal corporation, school district, or other political subdivision of this state,” and “[e]very city, county, regional, or other authority established pursuant to the laws of this state.” O.C.G.A. § 50-14-1(a)(1).

28.

After a person makes a records request, the Act allows an agency three days to either make all responsive records available, notify the requester that the agency needs more time, or “notify the requester of the specific legal authority exempting the requested record or records from disclosure.” O.C.G.A. § 50-18-71(b)(1)(A), (d).

## THE RNC'S OPEN RECORDS REQUESTS

29.

On November 27, 2023, the RNC sent an Open Records Request (“ORR”) to Defendant Smith in her official capacity as the Executive Director of the DeKalb County Voter Registration & Elections Office. A true and accurate copy of the ORR to Defendant Smith is attached and incorporated herein as **Exhibit 2**.

30.

The ORR to Defendant Smith and the DeKalb County Voter Registration & Elections Office requested:

1. Between January 1, 2023, and the date this request is fulfilled, any internal and external communications (including but not limited to: emails, text messages, call logs, and/or voicemail messages), documents, papers, files, or other physical or electronic media created, sent, or received by, or otherwise in the possession of, the DeKalb County Voter Registration & Elections Office (including any member, employee, temporary employee, or contractor) regarding the U.S. Alliance for Election Excellence, including but not limited to the DeKalb County Voter Registration & Elections Office’s membership with the U.S. Alliance for Election Excellence.
2. Between January 1, 2023, and the date this request is fulfilled, any communications (including but not limited to: emails (with attachments)) drafted, sent, received, or exchanged by the DeKalb County Voter Registration & Elections Office (including any member, employee, temporary employee, or contractor) with any email address containing any of the following email domains:
  - a. @dsc.org
  - b. @dccc.org
  - c. @georgiademocrat.org
  - d. @democrats.org
  - e. @techandciviclif.org
  - f. @electionexcellence.org
  - g. @elias.law
  - h. @kaplanhecker.com
  - i. @electionsgroup.com
  - j. @modernelections.org



31.

On November 27, 2023, the RNC sent an ORR to Defendant Stephens in his official capacity as the Deputy Finance Director of the DeKalb County Department of Finance. A true and accurate copy of the ORR to Defendant Stephens is attached and incorporated herein as **Exhibit**

3.

32.

The ORR to Defendant Stephens and the DeKalb County Department of Finance requested:

1. Between January 1, 2023, and the date this request is fulfilled, any internal and external communications (including but not limited to: emails, text messages, call logs, and/or voicemail messages), documents, papers, files, or other physical or electronic media created, sent, or received by, or otherwise in the possession of, the DeKalb County Department of Finance (including any member, employee, temporary employee, or contractor) regarding the U.S. Alliance for Election Excellence, including but not limited to the DeKalb County's membership with the U.S. Alliance for Election Excellence.
2. Between January 1, 2023, and the date this request is fulfilled, any communications (including but not limited to: emails (with attachments)) drafted, sent, received, or exchanged by the DeKalb County Department of Finance (including any member, employee, temporary employee, or contractor) with any email address containing any of the following email domains:
  - a. @dsc.org
  - b. @dccc.org
  - c. @georgiademocrat.org
  - d. @democrats.org
  - e. @techandciviclife.org
  - f. @electionexcellence.org
  - g. @elias.law
  - h. @kaplanhecker.com
  - i. @electionsgroup.com
  - j. @modernelections.org

33.

On December 4, 2023, at the direction of DeKalb County officials, the RNC sent an ORR to Defendant Puckett in his official capacity as the Deputy Director of Infrastructure for the

DeKalb County Department of Innovation and Technology seeking emails regarding the DeKalb County Voter Registration & Elections Office and Department of Finance. A true and accurate copy of the ORR to Defendant Puckett is attached and incorporated herein as **Exhibit 4**.

34.

The ORR to Defendant Stephens and the DeKalb County Department of Finance requested:

1. Between January 1, 2023, and the date this request is fulfilled, any internal and external communications (including but not limited to: emails, (with attachments)) drafted, sent, received by, or otherwise in the possession of, the DeKalb County Voter Registration & Elections Office and/or the DeKalb County Department of Finance (including any member, employee, temporary employee, or contractor) regarding the U.S. Alliance for Election Excellence, including but not limited to the DeKalb County Voter Registration & Elections Office's membership with the U.S. Alliance for Election Excellence.
2. Between January 1, 2023, and the date this request is fulfilled, any communications (including but not limited to: emails (with attachments)) drafted, sent, received, or exchanged by the DeKalb County Voter Registration & Elections Office and/or the DeKalb County Department of Finance (including any member, employee, temporary employee, or contractor) with any email address containing any of the following email domains:
  - a. @dccc.org
  - b. @dccc.org
  - c. @georgiademocrat.org
  - d. @democrats.org
  - e. @techandciviclifeline.org
  - f. @electionexcellence.org
  - g. @elias.law
  - h. @kaplanhecker.com
  - i. @electionsgroup.com
  - j. @modernelections.org

**DEFENDANTS AND DEKALB COUNTY'S INSUFFICIENT RESPONSE AND DELAYS**

35.

Mr. Puckett responded to the RNC's three ORRs on December 4, 2023, stating the total cost for retrieval of the requested documents would be \$157.50 and that the request would be

completed in ten (10) business days. A true and accurate copy of the RNC's full email correspondence with DeKalb County is attached and incorporated herein as **Exhibit 5**.

36.

On December 15, 2023, Sean Garrett, Assistant DeKalb County Attorney, informed the RNC that he had completed an "initial canvass" of the emails, and that certain emails were subject to attorney-client privilege which could be documented in a privilege log. *See Exhibit 5*.

37.

Mr. Garrett also informed the RNC that DeKalb County was completing its search for non-email communications and that the new estimated date for production would be five (5) business days—December 22, 2023. *See Exhibit 5*.

38.

On December 16, 2023, the RNC responded requesting a privilege log be included with the production of documents. *See Exhibit 5*.

39.

The RNC did not receive any documents on December 22, 2023. *See Exhibit 5*.

40.

The RNC followed up with Mr. Garrett on January 5, 2024, to request an update on the timeline for production of the requested documents and to confirm that payment for the ORR was received. *See Exhibit 5*.

41.

Mr. Garrett responded the same day indicating that he was still reviewing the records due to his "current workload." Mr. Garrett estimated that documents would be produced on January 10, 2024. *See Exhibit 5*.

42.

The RNC did not receive any documents on January 10, 2024. *See Exhibit 5.*

43.

On January 16, 2024, the RNC once again followed up to request an estimated date for the ORR production. *See Exhibit 5.*

44.

On January 19, 2024, Mr. Garrett produced documents regarding water quality control, which were entirely unrelated to the RNC's ORRs. *See Exhibit 5.*

45.

At the time of the production, Mr. Garrett indicated that he had not completed his review of emails and would be producing documents in tranches, with the second production available on February 2, 2024. *See Exhibit 5.*

46.

On January 22, 2024, after the RNC notified Mr. Garrett of the mistake, Defendants provided the first production of responsive documents. A true and accurate copy of Defendants' first production is attached and incorporated herein as **Exhibit 6**.

47.

On February 5, 2024, three days after the second production was expected, Mr. Garrett informed the RNC that it would not have the second production available until February 8, 2024. *See Exhibit 5.*

48.

Despite Mr. Garrett's assurances, the RNC did not receive any documents on February 8, 2024. *See Exhibit 5.*

49.

On February 12, 2024, the RNC once again requested an update on when to expect the second production of documents. *See* Exhibit 5.

50.

Without a response to the February 12 request for an update, on February 14, 2024, the RNC again requested an update on when to expect the second production of documents. *See* Exhibit 5.

51.

On February 14, 2024, Mr. Garrett responded to the RNC which stated that Defendants' second production of documents would be available February 23. A true and accurate copy of Defendants' February 14, 2024, letter is attached and incorporated herein as **Exhibit 7**.

52.

On February 23, 2024, the RNC received the County's second production of documents. *See* Exhibit 5. A true and accurate copy of Defendants' second production is attached and incorporated herein as **Exhibit 8**.

53.

In addition to the production of documents, Mr. Garrett sent the RNC a letter indicating that due to his schedule, the third set of documents for production would be available on March 1, 2024. *See* Exhibit 5. A true and accurate copy of Mr. Garrett's letter is attached and incorporated herein as **Exhibit 9**.

54.

The RNC did not receive any documents on March 1, 2024. *See* Exhibit 5.

55.

On March 8, 2024, a week after the third production of documents was expected, the RNC requested another updated date of production. *See* Exhibit 5.

56.

In response, Ms. Nicole Aigner, Complex Transaction Division Chief for the DeKalb County Law Department, provided the third production of documents responsive to the ORRs. *See* Exhibit 5. A true and accurate copy of Defendants' third production is attached and incorporated herein as **Exhibit 10**.

57.

Ms. Aigner further indicated that a fourth, final production of documents would be forthcoming on March 15, 2024. *See* Exhibit 5.

58.

On March 15, 2024, **four months after its initial ORRs**, the RNC received the final production of documents responding to the ORRs. *See* Exhibit 5. A true and accurate copy of Defendants' fourth production is attached and incorporated herein as **Exhibit 11**.

#### **DEKALB COUNTY'S ORR DOCUMENT PRODUCTION**

59.

Defendants provided four tranches of emails and documents, which contained limited email communications regarding DeKalb County's enrollment with the Alliance and CTCL and Alliance meetings as well as numerous zoom call information sheets.

60.

The only documents provided by Defendants related to the receipt of the \$2,000,000 grant are (1) a U.S. Alliance for Election Excellence Membership Agreement, (2) a Grant Agreement between the Alliance, CTCL, and DeKalb County, (3) a single email chain between DeKalb

County officials, the Alliance, and CTCL regarding the amount of the Grant, and (4) communications between DeKalb County officials and the Alliance discussing the initial press release announcing DeKalb County's Alliance membership and award of the \$2,000,000 grant.

61.

Defendants did not produce a single internal communication relating to DeKalb County's actual receipt or use of the grant money it received through the Alliance.

62.

It is implausible that Defendants did not engage in any internal communications regarding the actual receipt or use of a substantial grant it received through membership in an organization that was sure to cause public and/or legal controversy.

63.

To date, Defendants have not notified the RNC whether any responsive documents were being withheld under a claim of privilege, nor provided a privilege log notifying the RNC of the specific legal authority exempting any of the requested records from disclosure.

64.

Despite Defendants late and astonishingly limited production, the RNC has reason to believe that DeKalb County received the Grant and is in possession of additional documents related to its receipt and use of the Grant.

65.

All of which Defendants failed to produce.

**COUNT I**

**VIOLATION OF THE GEORGIA OPEN RECORDS ACT (O.C.G.A. § 50-18-71 *et seq*)**

66.

The RNC incorporates by reference the statements and allegations contained in Paragraphs 1 through 65 of this Complaint as if fully set forth herein verbatim.

67.

The records requested by the RNC are public records within the meaning of the Open Records Act.

68.

The records requested by the RNC are not exempt from public disclosure.

69.

Defendants, repeatedly, violated the Act by failing to respond to the RNC's request within three business days as required by law, or at any reasonable time thereafter after numerous requests.

70.

Defendants lack any substantial justification for the inexcusable delay in responding to the RNC's lawful request or for Defendants' collective failure to fully provide the requested information.

71.

Defendants violated the Act by failing to produce for inspection all records that are responsive to the RNC's request.

72.

Defendants lack any substantial justification for failing to produce all responsive records.



**WHEREFORE**, Plaintiff respectfully prays for entry of judgment in its favor and the following relief:

- A. A declaration pursuant to O.C.G.A. § 9-4-2 that the records requested by the RNC are public records under the Open Records Act and are not exempt from public disclosure;
- B. An injunction requiring the Defendants, individually and collectively, to provide the RNC with all records that are responsive to its request within 10 calendar days after the entry of the order;
- C. An injunction requiring Defendants, individually and collectively, to state whether any responsive documents are being withheld either under a claim of privilege or for any other reason and to provide a privilege log describing documents withheld under a claim of privilege;
- D. An award of attorney's fees and other litigation costs pursuant to O.C.G.A. § 50-18-73(b); and
- E. Such other relief as the Court deems necessary, equitable, proper, and just.

Respectfully submitted this 16th day of May 2024.

**CHALMERS, ADAMS, BACKER &  
KAUFMAN LLC**

By: /s/ Alex B. Kaufman  
Alex B. Kaufman  
Georgia Bar No. 136097  
Christian Zimm  
Georgia Bar No. 999402  
11770 Haynes Bridge Road, G-205  
Alpharetta, GA 30009-1968  
[akaufman@chalmersadams.com](mailto:akaufman@chalmersadams.com)

*Attorney for Plaintiff*