

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

DEC 02, 2022 03:50 PM

Mandy B. Howard
Mandy B. Howard, Clerk
Screven County, Georgia

ALLISON WILLIS,)
TYLER THOMPSON,)
VICKI T. REDDICK, MIKE DIXON,)
And MICHAEL LLOYD WATERS,)
Petitioners,)
v.)
EDWIN LOVETT, HANNAH R.)
DERRISO, Supervisor of Elections of)
Screven County, Georgia, and)
DEBBIE BROWN, Superintendent of)
Elections of Screven County, Georgia,)
Respondents.)

Civil Action No. SUCV2022000078

ANSWER

Hannah R. Derriso and Debbie Brown (collectively “Respondents”) file their Answer and Defenses to Petitioners’ Petition as follows:

PRELIMINARY STATEMENT

Respondents show that it is the responsibility of the Chief Registrar of Screven County, Georgia to assign individuals to voting districts upon registration and when redistricting occurs.¹ Additionally, it is the responsibility of the Chief Registrar to provide Screven County election officials and the Secretary of State with updated voter registration and district assignment information to ensure that ballots will be provided to voters based on the district in which they reside. All ballots are provided to voters

¹ O.C.G.A. § 21-2-226(b) provides: “Upon finding an elector eligible to vote in the county, the county board of registrars shall have the duty of determining and placing the elector in the proper . . . county commission district[.]”

based upon information supplied by the Chief Registrar; information upon which election officials, including Respondents, rely.

FIRST DEFENSE

The Petition fails to state a claim upon which relief can be granted and thus should be dismissed.

SECOND DEFENSE

Petitioner Allison Willis lacks standing to contest the election because she was not entitled to vote in the contested election for County Commissioner District 1.

THIRD DEFENSE

Petitioner Mike Dixon lacks standing to contest the election because he was not entitled to vote in the contested election for County Commissioner District 1.

FOURTH DEFENSE

Petitioner Michael Lloyd Waters lacks standing to contest the election because he was not entitled to vote in the contested election for County Commissioner District 1.

FIFTH DEFENSE

Petitioners failed to name an indispensable party: the Chief Registrar of Screven County, Georgia.

SIXTH DEFENSE

Respondents provide the following Reponses to the numbered paragraphs of Petitioners' Petition and hereby deny any allegations of Petitioners' Petition not specifically admitted herein:

1. Respondents admit the allegations of Paragraph No. 1 of the Petition.
2. Respondents admit the allegations of Paragraph No. 2 of the Petition.
3. Respondents admit the allegations of Paragraph No. 3 of the Petition.

4. Respondents admit the allegations of Paragraph No. 4 of the Petition.
5. Respondents admit the allegations of Paragraph No. 5 of the Petition.
6. In response to the allegations of Paragraph No. 6 of the Petition, Respondents admit that Petitioner Vicki T. Reddick is a resident of Screven County who currently resides in District 1 and admit that Ms. Reddick was not provided a ballot that included the District 1 Commission race. All remaining allegations are denied.
7. Respondents admit the allegations of Paragraph No. 7 of the Petition.
8. In response to the allegations of Paragraph No. 8 of the Petition, Respondents deny that Petitioner Michael Lloyd Waters is currently a resident of District 1, deny he became a resident of District 1 as a result of redistricting, and admit the remaining allegations.
9. In response to the allegations of Paragraph No. 9 of the Petition, Respondents admit that 19 of the referenced individuals who cast ballots in the November 8, 2022 election reside in District 1 but were not provided ballots that included the District 1 Commission race. The remaining allegations are denied.
10. Respondents admit the allegations of the first Paragraph No. 10 of the Petition.
11. Respondents are without sufficient knowledge or information upon which to admit or deny the allegations of Paragraph No. 11 (mis-numbered as the second paragraph no. 10) of the Petition.²
12. In response to the allegations of Paragraph No. 12 of the Petition, Respondents admit they discovered that the Chief Registrar made an error regarding the issuance of certain ballots for the District 1 election, and admit that Respondent Derriso certified

² The Petition has two paragraphs numbered “10” and no paragraph “11.”

the election on November 15 and 16, 2022 as required by O.C.G.A. § 21-2-493(i), which provides: “If any error or fraud is discovered, the superintendent shall compute and certify the votes justly, regardless of any fraudulent or erroneous returns presented to him or her, and shall report the facts to the appropriate district attorney for action.”

Although Respondents were aware of an error, Georgia law required them to certify the results of the election. The remaining allegations are denied.

13. In response to the allegations of Paragraph No. 13 of the Petition, Respondents deny that Petitioners Allison Willis and Mike Dixon have standing to contest the election for District 1 Commissioner. O.C.G.A. § 21-2-521 provides in pertinent part that an election “may be contested by any person who was a candidate at such primary or election for such nomination or office, or by any aggrieved elector who was entitled to vote for such person” Petitioners Willis and Dixon, by their own admissions, do not reside in District 1 and were therefore ineligible to vote in the election for District 1 Commissioner. Thus, they lack standing. Respondents are without sufficient knowledge or information upon which to admit or deny the remaining allegations.

14. Respondents admit the allegations of Paragraph No. 14 of the Petition.

15. The allegations of Paragraph No. 15 of the Petition merely describe the nature of Petitioner’s claims and thus requires no response. To the extent any further response is deemed necessary, the allegations are denied.

16. Respondents admit the allegations of Paragraph No. 16 of the Petition.

17. Respondents admit the allegations of Paragraph No. 17 of the Petition.

18. In response to the allegations of Paragraph No. 18 of the Petition, Respondents deny that Petitioner Michael Waters currently resides in District 1, admit that Petitioner

Vicki Reddick currently resides in District 1, and are without sufficient knowledge or information upon which to admit or deny the remaining allegations.

19. Respondents deny the allegations of Paragraph No. 19 of the Petition because at least one listed individual, Michael Waters, does not reside in District 1. Respondents are without sufficient knowledge or information upon which to admit or deny the remaining allegations because such information is the responsibility of the Chief Registrar of Screven County.

20. In response to the allegations of Paragraph No. 20 of the Petition, Respondents deny that the election of District 1 of the Screven County Board of Commissioners was improper. Respondents are without sufficient knowledge or information upon which to admit or deny the remaining allegations because such information is the responsibility of the Chief Registrar of Screven County.

21. In response to the allegations of Paragraph No. 21 of the Petition, Respondents admit that Ms. Derriso issued a Certificate of Election to all individuals who she believed were successful candidates as required by O.C.G.A. § 21-2-493(i), which provides: “If any error or fraud is discovered, the superintendent shall compute and certify the votes justly, regardless of any fraudulent or erroneous returns presented to him or her, and shall report the facts to the appropriate district attorney for action.”

22. The allegations of Paragraph No. 22 of the Petition constitute legal conclusions to which no response is required. To the extent any further response is deemed necessary, Respondents deny that illegal votes were received, deny that legal votes were rejected, and are without sufficient knowledge or information upon which to admit or deny the remaining allegations because such information is the responsibility of the Chief Registrar of Screven County.

23. Respondents are without sufficient knowledge or information upon which to admit or deny the allegations of Paragraph No. 23 of the Petition.

24. In response to the allegations of Paragraph No. 24 of the Petition, Respondents deny there was an error in counting the votes and admit that the Chief Registrar of Screven County failed to properly assign electors to the correct districts/precincts, which resulted in certain voters who reside in Commissioner District 1 not being given ballots for the District 1 election. Responding further, Respondents are without sufficient knowledge or information upon which to admit or deny the allegation that had the Chief Registrar properly assigned electors to the correct districts/precincts, the election results would be substantially different and could have resulted in the election of Mr. Thompson.

25. Respondents admit the allegations of Paragraph No. 25 of the Petition.

26. The allegations of Paragraph No. 26 of the Petition merely describe the nature of Petitioners' claims and thus requires no response. To the extent any further response is deemed necessary, the allegations are denied.

WHEREFORE, Respondents pray that Petitioners' Petition be dismissed, that all costs of this action be cast upon Petitioners, and for all other relief the Court deems just and proper.

Respectfully submitted this 2nd day of December, 2022.

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of Hannah R. Derriso and Debbie Brown's Answer upon the following by depositing a copy of the same in the United States Mail, and by Statutory Electronic Service to Plaintiff's counsel:

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This 2nd day of December, 2022.

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