Fulton County Superior Court
EFILEDZZ
Date: 4/9/2026 3:33 PM
Che Alexander, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

BRANDYN JAMES & HARVEY WYSONG Petitioners, v. BRAD RAFFENSPERGER, In his official capacity as Secretary of State for the State of Georgia, Respondent.	26CV005185 CIVIL ACTION FILE NO.

PETITION FOR WRIT OF MANDAMUS

COMES NOW, Petitioners BRANDYN JAMES & HARVEY WYSONG, electors qualified to vote for the position of Governor of the State of Georgia, and hereby file the following PETITION FOR WRIT OF MANDAMUS and APPEAL OF DECISION, respectfully requesting that this Court compel the due performance of Respondent BRAD RAFFENSPERGER, in his official capacity of Secretary of State of the State of Georgia, requiring him to faithfully perform his duties under O.C.G.A. §21-2-5.

PRELIMINARY STATEMENT

1. Petitioners Brandyn James and Harvey Wysong ("Petitioners") bring this action after the Office of the Secretary of State ("SOS") refused to perform its duties in referring a

challenge to the qualifications of a candidate for governor to an administrative law judge ("ALJ"), pursuant to O.C.G.A. §21-2-5.

2. Petitioners, who are both electors qualified to vote for the position of Governor of the State of Georgia ("Governor"), challenged the qualifications of candidate for Governor Brad Raffensperger ("Raffensperger").

3. Rather than refer the challenge to an ALJ for a hearing as required by O.C.G.A. §21-2-5(b), the SOS replied via letter that there was no legal challenge and that no action would be taken.

4. Petitioners pray alternatively for a Writ of Mandamus compelling the SOS to perform his duties, or, in the event the Court finds that the SOS did fulfill his duties faithfully, that the Court review the decision of the SOS pursuant to O.C.G.A. §21-2-5(e).

JURISDICTION AND VENUE

5. This Court has jurisdiction over Petitioners claim because Superior Courts of the State of Georgia are authorized by Article VI Section I Paragraph IV of the Constitution of the State of Georgia of 1983 to issue writs of mandamus.

6. Venue is proper in Fulton County under Article VI Section II Paragraph III of the Constitution of the State of Georgia of 1983 because in an equity action venue is proper in the county where the defendant against whom substantial relief is prayed resides.

7. Respondent maintains his official office at 214 State Capitol, Atlanta, GA 30334 in Fulton County.

8. In the alternative, venue is proper in Fulton County pursuant to O.C.G.A. §21-2-5(e), which holds that an appeal by an elector of the SOS' decision on a challenge of the qualifications of a candidate for governor lies in the Superior Courts of Fulton County, Georgia.

FACTS

9. In June of 2025, the Georgia Republican Party (the "GRP") convened to hold the Georgia Republican Party 2025 State Convention.

10. The delegates of the GRP voted overwhelmingly in favor of a binding resolution to deny Raffensperger to qualify as a candidate in any future Republican primary in the State of Georgia (the "Binding Resolution").

11. Despite the Binding Resolution, the officers and staff of the GRP qualified Raffensperger as a candidate for Governor.

12. A true and complete copy of the Binding Resolution is attached hereto as Exhibit A.

13. Because the officers and staff of the GRP acted *ultra vires*, Raffensperger has not been duly qualified by the GRP.

14. O.C.G.A. §21-2-5(a) states: "[e]very candidate for federal and state office *who is certified by the state executive committee of a political party* or who files a notice of candidacy shall meet the constitutional and statutory qualifications for holding the office being sought." (Emphasis added).

15. Due to the binding resolution, Raffensperger could not properly be certified by the state executive committee of the GRP and therefore does not meet the statutory requirements for holding the office of Governor.

16. O.C.G.A. §21-2-5(b) states:

> any elector who is eligible to vote for a candidate may challenge the qualifications of the candidate by filing a written complaint with the Secretary of State giving the reasons why the elector believes the candidate is not qualified to seek and hold the public office for which he or she is offering. Upon his or her own motion or upon a challenge being filed, the Secretary of State shall notify the candidate in writing that his or her qualifications are being challenged and the reasons therefor and ***shall advise the candidate that he or she is requesting a hearing on the matter before an administrative law judge of the Office of State Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50*** and shall inform the candidate of the date, time, and place of the hearing when such information becomes available. The administrative law judge shall report his or her findings to the Secretary of State. (emphasis added).

17. Petitioners, both electors qualified to vote for candidate for Governor, filed a written complaint properly challenging Raffensperger's qualifications with the SOS pursuant to O.C.G.A. §21-2-5(b) (the "Challenge").

18. A true and correct copy of the Challenge is attached hereto as Exhibit B.

19. Part B of the Challenge clearly states the argument that Raffensperger was not properly certified by the GRP and therefore is unqualified under O.C.G.A. §21-2-5(a).

20. The SOS, and more particularly Brad Raffensperger, was required by O.C.G.A. §21-2-5(b) to refer the challenge of the qualifications of Raffensperger to an ALJ of the Office of State Administrative Hearings.

21. The SOS did not refer the Challenge to an ALJ.

22. The SOS replied to Petitioners with a letter, stating that "the information provided does not meet the criteria required to constitute a valid candidate challenge." (the "Letter"). See Ex. C.

23. A true and correct copy of the Letter is attached hereto as Exhibit C.

24. The Letter states that "[y]our submission [the Challenge] does not allege that the challenged candidate lacks the qualifications to hold the office he is seeking." Ex. C.

25. The Letter specifically alleges that, because the GRP violated its own rules in certifying Raffensperger, he lacks the qualifications required of a candidate for Governor under O.C.G.A. §21-2-5(a).

26. The language of O.C.G.A. §21-2-5(b) is not permissive; it states that the SOS "***shall*** advise the candidate that he or she is requesting a hearing on the matter before an administrative law judge." (emphasis added).

27. Nowhere in O.C.G.A. §21-2-5(b) does it allow the SOS to make a subjective determination on whether to send the challenge to an ALJ.

28. O.C.G.A. §21-2-5 clearly requires a singular action by the SOS upon the filing of a challenge, which was not followed by the SOS.

29. O.C.G.A. §21-2-5(e) grants Petitioners the right to appeal the decision of the SOS.

30. The SOS never referred the Challenge for a hearing and the Letter is not a decision.

31. There is no decision to appeal.

32. Because the SOS did not follow the law and request a hearing regarding the possibility of his own disqualification, Petitioners are left with "no other specific legal remedy." O.C.G.A. §9-6-20.

33. The matter is complicated by the fact that Raffensperger in his official capacity is being asked to participate in a challenge of his own qualifications.

COUNT I
Petition for Writ of Mandamus
O.C.G.A. §9-6-20

34. Petitioners repeat and reallege paragraphs 1 through 33 hereof, as if fully set forth herein.

35. The GRP passed the Binding Resolution, holding that "Brad Raffensperger does not have the faith and confidence of the Georgia Republican Party." Ex. A.

36. The GRP has made it clear that it does not want Raffensperger to represent it as a candidate for Governor.

37. Petitioners followed the law of the State of Georgia in challenging Raffensperger's qualifications.

38. The SOS did not follow the law of the State of Georgia in handling the Challenge.

39. A defect of legal justice will ensue from the SOS' failure to perform its statutory duties.

40. The Letter is not a "final decision" of the SOS under the meaning of O.C.G.A. §21-2-5(e).

41. Because there has been no decision by the SOS, the ten-day time period in which Petitioners must file their appeal has not been initiated.

42. Petitioners have no final decision to appeal.

43. Petitioners therefore have no legal remedy to challenge the qualifications of Raffensperger as candidate for Governor.

44. As the election draws closer, especially once the SOS has begun to print ballots, Petitioners' ability to challenge and eventually remove Raffensperger as candidate for Governor may be blocked by operation of federal law. See *Purcell v. Gonzalez*, 549 U.S. 1 (2006).

45. Petitioners require the prompt intervention of the Court to prevent an irreparable injury.

46. Accordingly, Petitioners pray that the Court issue a Writ of Mandamus requiring the SOS to refer the Challenge to an ALJ.

COUNT II
(in the Alternative to Count I)
Appeal of Decision of the Secretary of State
O.C.G.A. §21-2-5(e)

47. Petitioners repeat and reallege paragraphs 1 through 33 hereof, as if fully set forth herein.

48. The Letter constitutes a final decision of the SOS.

49. The Letter is dated March 30, 2026.

50. Pursuant to O.C.G.A. §21-2-5(e), Petitioners have ten days after the final decision of the SOS to appeal by filing a petition in the Superior Court of Fulton County.

51. Petitioners' appeal must be filed by April 9, 2026.

52. This Petition is filed within the ten-day statutory period.

53. Accordingly, Petitioners pray that the Court reverse the SOS' decision.

WHEREFORE, Petitioners humbly request that this Court:

1. Schedule an emergency hearing on the matters contained herein; and,
2. Issue a Writ of Mandamus compelling the Secretary of State to refer Petitioners' challenge to an administrative law judge with the Office of State Administrative Hearings.
3. Or, in the alternative, reverse the decision of the Secretary of State as arbitrary and capricious under the meaning of O.C.G.A. §21-2-5(e)(6).

This 9th day of April, 2026.

CONWAY EADER, LLLP

/s/ *Jacob Medoff*
Jacob Medoff
GA Bar No. 211318
Hurt Building
50 Hurt Plaza SE
STE 1142
Atlanta, GA 30303
Tel. 470.764.7164
jake@conwayeader.com
Attorney for Petitioners

EXHIBIT A

Exhibit A.

RESOLUTION MAINTAINING REPUBLICAN UNITY AND BRANDING

Whereas, Brad Raffensperger does not have the faith and confidence of the Georgia Republican Party; and,

Whereas, the First Amendment to the United States Constitution guarantees the ability of political parties to choose their own nominees for office without government interference and;[1]

Whereas, Freedom of Association means that it would be unconstitutional for legislation or politicians to require the Georgia Republican Party to associate with any person that the Georgia Republican Party deems repugnant to its brand or to the principles of the United States of America; and,

Whereas, the Georgia Republican Party will lose elections if its brand is not maintained; therefore,

It is resolved that the Georgia Republican Party shall not qualify, allow to be qualified, or take any action to allow Brad Raffensperger to qualify as a Republican or run for any elected office unless and until a GAGOP Convention removes this restriction; and,

Be it further resolved that the Georgia Republican Party shall fully defend against any future litigation or legal action taken by Brad Raffensperger or others that in any way claims that the Georgia Republican Party is or can be required to allow Brad Raffensperger to run for public office as a Republican.

---

[1] California Democratic Party v. Jones, 530 U.S. 567 (2000)

EXHIBIT B

March 20, 2026

RECEIPT

of

Challenges to Candidate Qualification

from of Brandyn James & Harvey Wysong

Signed,

_____ at _____

Staff for Secretary of State a time

Secretary of State Office
Elections Division
2 Martin Luther King Jr. Drive SE Suite 802,
Floyd West Tower Atlanta, Georgia 30334

RECEIVED
MAR 20 2026
SECRETARY OF STATE
ELECTIONS

March 19, 2026

The Office of the Secretary of State
206 Washington Street, Suite 214,
State Capitol, Atlanta, GA 30334.

My name is Harvey Wysong. I am an elector qualified to vote for the position of Georgia Governor.

Pursuant to O.C.G.A. § 21-2-5, I am submitting a challenge to the qualifications of Brad Raffensperger as a Republican candidate for Georgia's Governor. My challenge is based upon the following grounds:

1. The qualification of Brad Raffensperger as a Republican candidate for Georgia Governor by the Georgia Republican Party was in violation of the United States Constitution and the Constitution of the State of Georgia.
2. The qualification of Brad Raffensperger as a Republican candidate by the Georgia Republican Party was in violation of the laws of the State of Georgia.
3. The qualification of Brad Raffensperger as a Republican candidate by the Georgia Republican Party was in violation of the Rules of the Georgia Republican Party, Inc.
4. The qualification of Brad Raffensperger as a Republican candidate by the staff or officers of the Georgia Republican Party was in excess of the authority granted to Georgia Republican Party officers or staff under Rule 2.1 and 11.3 of the Rules of the Georgia Republican Party, Inc. and the O.C.G.A. § 21-2-5(a).
5. The qualification of Brad Raffensperger as a Republican candidate was clearly erroneous in view of the reliable, probative and substantial evidence of the whole. Consequently, the qualification Brad Raffensperger as a Republican candidate by Georgia Republican Party staff or officers was arbitrary and an abuse of authority.
6. The qualification of Brad Raffensperger as a Republican candidate by Georgia Republican Party staff or officers was arbitrary, characterized by an abuse of discretion, and clearly an unwarranted exercise of discretion.

As an explanation, in part, of the constitutional and statutory grounds for my challenge, I offer the following:

I. The Georgia Republican Party's Staff or Officers' Qualifying Brad Raffensperger as a Republican was in violation of the United States Constitution and the Georgia Constitution.

A. The Georgia Republican Party's Right of Association Has Been Violated.

The Georgia Republican Party has a constitutional right to associate with whom it wishes, especially who it qualifies to run as a candidate for public office through its party ballot access. As a corollary, the Georgia Republican Party has a constitutional right not to associate with Brad Raffensperger. The actions of the staff or officers of the Georgia Republican Party have violated the Georgia Republican's Party right of association. Either they have been misinformed about the controlling law over this matter, or else they have been intimidated with threats of lawsuits from Brad Raffensperger's office so as not to comply with the law.

The United States Supreme Court has stated unequivocally that, just as there a right to associate with those of one's choosing, there is a right NOT to associate with those whom one does not wish to associate:

> **"Consistent with this tradition, the Court has recognized that the First Amendment protects "the freedom to join together in furtherance of common political beliefs," *Tashjian, supra,* at 214-215, 107 S.Ct. 544, which "necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only," *La Follette,* 450 U.S., at 122, 101 S.Ct. 1010. That is to say, a corollary of the right to associate is the right not to associate.** " 'Freedom of association would prove an empty guarantee if associations could not limit control over their decisions to those who share the interests and persuasions that underlie the association's being.' "***575** *Id.*, at 122,n. 22,101 S.Ct. 1010 (quoting L. Tribe, American Constitutional Law 791 (1978)). See also *Roberts v. United States Jaycees,* 468 U.S. 609, 623,104 S.Ct. 3244,82 L.Ed.2d 462 (1984). In no area is the political association's right to exclude more important than in the process of selecting its nominee. That process often determines the party's positions on the most significant public policy issues of the day, and even when those positions are predetermined it is the nominee who becomes the party's ambassador to the general electorate in winning it over to the party's views. See *Timmons v. Twin Cities Area New Party,* 520 U.S. 351,372,117 S.Ct. 1364,137 L.Ed.2d 589 (1997)
> (STEVENS,J., dissenting) ("But a party's choice of a candidate is the most effective way in which that party can communicate to the voters what the party represents and, thereby, attract voter interest and support"). Some political parties-such as President Theodore Roosevelt's Bull Moose Party, the La Follette Progressives of 1924,the Henry Wallace Progressives of 1948,and the George Wallace American Independent Party of 1968-are virtually inseparable from their nominees (and tend not to outlast them). See generally E. Kruschke, Encyclopedia of Third Parties in the United States (1991). Unsurprisingly, our cases vigorously affirm the special place the First Amendment reserves for, and the special protection it accords, the process by which a political party "select[s] a standard bearer who best represents the party's ideologies and **preferences." *Eu, supra,* at 224, 109 S.Ct. 1013 (internal quotation marks omitted). The moment of choosing the party's nominee, we have said, is "the crucial juncture at which the appeal to common principles may be translated into concerted action, and hence to political power in the community."** *Tashjian,* 479 U.S., at 216, 107 S.Ct. 544; see also *id.*, at 235-236, 107 S.Ct. 544 (SCALIA, J., dissenting) ("The ability of the members of the Republican Party to select their own candidate ... unquestionably implicates an associational freedom"); *Timmons,* 520 U.S., at 359, 117 S.Ct. 1364 ("[T]he New Party, and not someone ***576** else, has the right to select the ****2409** New Party's standard bearer" (internal quotation marks omitted)); *id.*, at 371, 117 S.Ct. 1364 (STEVENS, J., dissenting) **("The members of a recognized political party unquestionably have a constitutional right to select their nominees for public office").**

California Democratic Party v. Jones, 530 U.S. 567, 574-76, 120 S. Ct. 2402, 2408-09, 147 L.Ed. 2d 502 (2000) (Emphasis Added). That includes the right of a political party to not lend its name to individuals who do not espouse its ideals.

A political party's right to reject unsatisfactory candidates was specifically recognized in the Georgia case of Duke v. Cleland, 954 F. 2d 1526 (11th Cir. 1992), where candidate Duke failed to force his way on the Republican Presidential primary ballot. Some have objected that the *Duke* case precedent only relates to the presidential primary. But the federal Eleventh Circuit Court contradicted that notion just last summer in 2025—a few mere days after the Georgia Republican Party State Convention voted to block Brad Raffensperger:

> The court also suggested that the *Duke* cases are different because they involved a presidential primary where the party 'enjoyed substantial discretionary power' to select candidates, but

> Georgia state law 'provides no discretion for a county party to deny qualification to candidates based on substantive concerns.' See O.C.G.A. § 21-2-153. That state law may prevent the Catoosa GOP from excluding primary candidates for ideological reasons, though, simply shows that its right to freedom of association has been burdened. It does not negate the right. After all, a political party's constitutional right to exclude, 'central to its freedom of association,' is not derived from state law. Wash. *State Grange v. Wash. State Republican Party*, 552 U.S. 442, 445 (2008).

Catoosa County Republican Party v. Catoosa Board of Elections USCA11 24-12936 at 9-10 (2025) (underlining added).

Thus, any state law that might be construed to be in conflict with the First Amendment on this point must bend to the U.S. Constitution.

B. Failure to Comply with the Georgia Republican Party Rules

The staff and/or officers of the Georgia Republican Party, by qualifying Brad Raffensperger as a republican candidate over the objection of the delegates of the Georgia Republican Party 2025 State Convention, has violated the chain of command specified in the Rules of the Georgia Republican Party. For example, Rule 2.1 states:

> While in session the State Committee shall be the governing body (except while the State Convention of the GRP is in session) of the GRP, which a political organization and political party. While in session, the State Committee shall be vested with all of the duties, power, and privileges of the State Convention and the State Executive Committee. The State Committee, while in session, shall act for the GRP.

The implication of this passage is that while in session the State Convention shall act for the GRP.

The delegates of the Georgia Republican Party State Convention did in fact act for the GRP when it voted overwhelmingly while in session in June of 2025 through a resolution to deny Brad Raffensperger the ability to qualify to run as a Republican in any future Republican primary in Georgia. (See Exhibit A.)

It should also be noted that I was one of the duly qualified delegates who served in the 2025 Georgia Republican Party State Convention, and I was one of those who voted with the majority to prevent Brad Raffensperger from being allowed to qualify as a Republican in future primaries. This fact undergirds my standing to make this legal complaint.

Furthermore, Rules 11.3 of the Rules of the Georgia Republican Party, Inc. specify:

> Roberts Rules of Order, Newly Revised shall be followed in all meetings of the GRP, including, without limitation, the State Committee and State Executive Committee, ... unless modified by, respectively, these Rules, ...[.]

Roberts Rules of Order (12th ed.), which governs the Georgia Republican Party, states in sections 4:4 and 10:13 that a resolution is simply a written motion. Motions that direct action are obviously binding on the body that passes them, while those that simply state an opinion are not.

Robert's Rules of Order section 4:4 explains how to make a motion:

> To make a motion, a member must obtain the floor, as explained above, when no other question is pending and when business of the kind represented by the motion is in order. ... For more

> important or complex questions, or when greater formality is desired, he presents the motion in the form of a *resolution*. ...

Section 4:5 continues to explain the process of passing a resolution as a written motion:

> A resolution or a long or complicated motion should be prepared in advance of the meeting, if possible, and should be put into writing before it is offered. ... If the text of the resolution or motion has been distributed to the members in advance, however, it need not be read when moved.

If there be any doubt that a resolution directing the internal action of an organization has the same force as a motion, Robert's Rules of Order section 10:13 further states:

> **Motions Submitted in Writing; Resolutions.** As previously stated, a main motion—particularly an original main motion—is frequently offered as a *resolution*, either because of its importance or because of its length and complexity. Any resolution—and any long or complicated motion, whether cast as a resolution or not—should always be submitted in writing as described in 4:5. ...

The resolution in question that was passed by the majority of the delegation at the 2025 Georgia Republican Party State Convention (see Exhibit A) directed specific and direct internal action of the Georgia Republican Party and all its officers and staff. It did not merely issue an opinion. Thus, the staff and/or officers of the Georgia Republican Party were obliged to honor the wishes of the majority of the delegates who voted by resolution to block Brad Raffensperger from qualifying as a Republican for office.

By ignoring these rules of the Georgia Republican Party and working in concert with the state government to qualify Brad Raffensperger, they have done exactly what is forbidden by the Rules of the Georgia Republican Party and the First Amendment – namely, forcing the Georgia Republican Party to associate with a candidate that it did not want and who does not uphold its values.

Instead of simply letting Brad Raffensperger run as a non-republican, the Georgia Republican Party officers or staff have capitulated to a fear that Raffensperger would advance a position held by David Duke, by seeking to force association with an "unwilling partner." In Duke v. Massey, *supra*, David Duke attempted to force the Georgia Republican Party to qualify him as a candidate for President. The Eleventh Circuit Court of Appeals held that the party did not need to accept him as a candidate for President, due to the right to freedom of association (or disassociation) guaranteed by the First Amendment.

For that same reason, the Georgia Republican Party cannot be forced to associate with Brad Raffensperger.

C. The Georgia Republican Party's Right to Free Speech Has Been Violated.

Compelled speech is unconstitutional, as it interferes with a speaker's desired message. *Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 61, 126 S. Ct. 1297, 1308, 164 L. Ed. 2d 156 (2006). The Georgia Republican Party wished to speak a desired and accurate message: namely, that a certain politician is not in accord with the ideals and platform of the Georgia Republican Party and is not an accurate or acceptable representative of the Georgia Republican Party and therefore should not appear as "Republican" on any ballot, including the primary ballot.

The qualification of Brad Raffensperger as a Georgia "Republican" candidate by state party officers and/ or staff working in concert with the state government is compelled speech, which is unconstitutional, contrary to the Rules of the Georgia Republican Party, Inc., in addition to be misleading to the public.

II. Qualification of Brad Raffensperger as a Republican Candidate Violated the Laws of the State of Georgia.

A. Failure to Comply with O.C.G.A. § 21-2-5 (a)

Georgia state law dictates that any candidate wishing to qualify with a party that is "certified by the state executive committee" of a political party, or who "files a notice of candidacy" must still meet the constitutional and statutory qualifications for holding the office sought. Neither the state executive committee nor its qualifying officials had the authority to certify Brad Raffensperger as a candidate after the State Convention voted to prohibit the party from certifying Raffensperger.

Because the party had no authorization to certify Brad Raffensperger, any effort to purport to do so should be null and void as *ultra vires*. The executive committee cannot, and cannot empower party members, to lawfully do what the State Convention has voted to restrict them from doing.

Furthermore, the minutes of the meetings of the State Executive Committee will show that the State Executive Committee did not in fact ever vote as a body to certify Brad Raffensperger as a Republican candidate — contrary to direction of the State Convention.

The actions of the Georgia Republican Party and/or staff who have acted in violation of the rules of the organization, and have violated the First Amendment protected "freedom of association" rights held by the delegates of the State Convention, have caused and are causing irreparable harm to the Georgia Republican Party. If non-republicans use the Georgia Republican Party brand in their quest for political power, and regularly betray the party's principles and interests, it hurts all Republican candidates.

For the reasons stated above, Brad Raffensperger should not remain qualified to appear on the May 19, 2026, Republican Primary Ballot as a Republican candidate for Governor.

Sincerely,

Harvey Wysong

Harvey Wysong
[redacted]
Tunnel Hill, GA 30755

March 19, 2026

The Office of the Secretary of State
206 Washington Street, Suite 214,
State Capitol, Atlanta, GA 30334.

My name is Brandyn James. I am an elector qualified to vote for the position of Georgia Governor.

Pursuant to O.C.G.A. § 21-2-5, I am submitting a challenge to the qualifications of Brad Raffensperger as a Republican candidate for Georgia's Governor. My challenge is based upon the following grounds:

1. The qualification of Brad Raffensperger as a Republican candidate for Georgia Governor by the Georgia Republican Party was in violation of the United States Constitution and the Constitution of the State of Georgia.
2. The qualification of Brad Raffensperger as a Republican candidate by the Georgia Republican Party was in violation of the laws of the State of Georgia.
3. The qualification of Brad Raffensperger as a Republican candidate by the Georgia Republican Party was in violation of the Rules of the Georgia Republican Party, Inc.
4. The qualification of Brad Raffensperger as a Republican candidate by the staff or officers of the Georgia Republican Party was in excess of the authority granted to Georgia Republican Party officers or staff under Rule 2.1 and 11.3 of the Rules of the Georgia Republican Party, Inc. and the O.C.G.A. § 21-2-5(a).
5. The qualification of Brad Raffensperger as a Republican candidate was clearly erroneous in view of the reliable, probative and substantial evidence of the whole. Consequently, the qualification Brad Raffensperger as a Republican candidate by Georgia Republican Party staff or officers was arbitrary and an abuse of authority.
6. The qualification of Brad Raffensperger as a Republican candidate by Georgia Republican Party staff or officers was arbitrary, characterized by an abuse of discretion, and clearly an unwarranted exercise of discretion.

As an explanation, in part, of the constitutional and statutory grounds for my challenge, I offer the following:

I. The Georgia Republican Party's Staff or Officers' Qualifying Brad Raffensperger as a Republican was in violation of the United States Constitution and the Georgia Constitution.

A. The Georgia Republican Party's Right of Association Has Been Violated.

The Georgia Republican Party has a constitutional right to associate with whom it wishes, especially who it qualifies to run as a candidate for public office through its party ballot access. As a corollary, the Georgia Republican Party has a constitutional right not to associate with Brad Raffensperger. The actions of the staff or officers of the Georgia Republican Party have violated the Georgia Republican's Party right of association. Either they have been misinformed about the controlling law over this matter, or else they have been intimidated with threats of lawsuits from Brad Raffensperger's office so as not to comply with the law.

The United States Supreme Court has stated unequivocally that, just as there a right to associate with those of one's choosing, there is a right NOT to associate with those whom one does not wish to associate:

> **"Consistent with this tradition, the Court has recognized that the First Amendment protects "the freedom to join together in furtherance of common political beliefs," *Tashjian, supra,* at 214-215, 107 S.Ct. 544, which "necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only," *La Follette,* 450 U.S., at 122, 101 S.Ct. 1010. That is to say, a corollary of the right to associate is the right not to associate. "** 'Freedom of association would prove an empty guarantee if associations could not limit control over their decisions to those who share the interests and persuasions that underlie the association's being.' "*575 *Id.,* at 122,n. 22,101 S.Ct. 1010 (quoting L. Tribe, American Constitutional Law 791 (1978)). See also *Roberts v. United States Jaycees,* 468 U.S. 609, 623,104 S.Ct. 3244,82 L.Ed.2d 462 (1984). In no area is the political association's right to exclude more important than in the process of selecting its nominee. That process often determines the party's positions on the most significant public policy issues of the day, and even when those positions are predetermined it is the nominee who becomes the party's ambassador to the general electorate in winning it over to the party's views. See *Timmons v. Twin Cities Area New Party,* 520 U.S. 351,372,117 S.Ct. 1364,137 L.Ed.2d 589 (1997)
> (STEVENS,J., dissenting) ("But a party's choice of a candidate is the most effective way in which that party can communicate to the voters what the party represents and, thereby, attract voter interest and support"). Some political parties-such as President Theodore Roosevelt's Bull Moose Party, the La Follette Progressives of 1924,the Henry Wallace Progressives of 1948,and the George Wallace American Independent Party of 1968-are virtually inseparable from their nominees (and tend not to outlast them). See generally E. Kruschke, Encyclopedia of Third Parties in the United States (1991). Unsurprisingly, our cases vigorously affirm the special place the First Amendment reserves for, and the special protection it accords, the process by which a political party "select[s] a standard bearer who best represents the party's ideologies and preferences." ***Eu, supra,* at 224, 109 S.Ct. 1013 (internal quotation marks omitted). The moment of choosing the party's nominee, we have said, is "the crucial juncture at which the appeal to common principles may be translated into concerted action, and hence to political power in the community."** *Tashjian,* 479 U.S., at 216, 107 S.Ct. 544; see also *id.,* at 235-236, 107 S.Ct. 544 (SCALIA, J., dissenting) ("The ability of the members of the Republican Party to select their own candidate ... unquestionably implicates an associational freedom"); *Timmons,* 520 U.S., at 359, 117 S.Ct. 1364 ("[T]he New Party, and not someone *576 else, has the right to select the **2409 New Party's standard bearer" (internal quotation marks omitted)); *id.,* at 371, 117 S.Ct. 1364 (STEVENS, J., dissenting) **("The members of a recognized political party unquestionably have a constitutional right to select their nominees for public office").**

California Democratic Party v. Jones, 530 U.S. 567, 574-76, 120 S. Ct. 2402, 2408-09, 147 L.Ed. 2d 502 (2000) (Emphasis Added). That includes the right of a political party to not lend its name to individuals who do not espouse its ideals.

A political party's right to reject unsatisfactory candidates was specifically recognized in the Georgia case of Duke v. Cleland, 954 F. 2d 1526 (11th Cir. 1992), where candidate Duke failed to force his way on the Republican Presidential primary ballot. Some have objected that the *Duke* case precedent only relates to the presidential primary. But the federal Eleventh Circuit Court contradicted that notion just last summer in 2025—a few mere days after the Georgia Republican Party State Convention voted to block Brad Raffensperger:

> The court also suggested that the *Duke* cases are different because they involved a presidential primary where the party 'enjoyed substantial discretionary power' to select candidates, but

> Georgia state law 'provides no discretion for a county party to deny qualification to candidates based on substantive concerns.' See O.C.G.A. § 21-2-153. That state law may prevent the Catoosa GOP from excluding primary candidates for ideological reasons, though, simply shows that its right to freedom of association has been burdened. It does not negate the right. After all, a political party's constitutional right to exclude, 'central to its freedom of association,' is not derived from state law. Wash. *State Grange v. Wash. State Republican Party*, 552 U.S. 442, 445 (2008).

Catoosa County Republican Party v. Catoosa Board of Elections USCA11 24-12936 at 9-10 (2025) (underlining added).

Thus, any state law that might be construed to be in conflict with the First Amendment on this point must bend to the U.S. Constitution.

B. Failure to Comply with the Georgia Republican Party Rules

The staff and/or officers of the Georgia Republican Party, by qualifying Brad Raffensperger as a republican candidate over the objection of the delegates of the Georgia Republican Party 2025 State Convention, has violated the chain of command specified in the Rules of the Georgia Republican Party. For example, Rule 2.1 states:

> While in session the State Committee shall be the governing body (except while the State Convention of the GRP is in session) of the GRP, which a political organization and political party. While in session, the State Committee shall be vested with all of the duties, power, and privileges of the State Convention and the State Executive Committee. The State Committee, while in session, shall act for the GRP.

The implication of this passage is that while in session the State Convention shall act for the GRP.

The delegates of the Georgia Republican Party State Convention did in fact act for the GRP when it voted overwhelmingly while in session in June of 2025 through a resolution to deny Brad Raffensperger the ability to qualify to run as a Republican in any future Republican primary in Georgia. (See Exhibit A.)

It should also be noted that I was one of the duly qualified delegates who served in the 2025 Georgia Republican Party State Convention, and I was one of those who voted with the majority to prevent Brad Raffensperger from being allowed to qualify as a Republican in future primaries. This fact undergirds my standing to make this legal complaint.

Furthermore, Rules 11.3 of the Rules of the Georgia Republican Party, Inc. specify:

> Roberts Rules of Order, Newly Revised shall be followed in all meetings of the GRP, including, without limitation, the State Committee and State Executive Committee, … unless modified by, respectively, these Rules, …[.]

Roberts Rules of Order (12th ed.), which governs the Georgia Republican Party, states in sections 4:4 and 10:13 that a resolution is simply a written motion. Motions that direct action are obviously binding on the body that passes them, while those that simply state an opinion are not.

Robert's Rules of Order section 4:4 explains how to make a motion:

> To make a motion, a member must obtain the floor, as explained above, when no other question is pending and when business of the kind represented by the motion is in order. … For more

> important or complex questions, or when greater formality is desired, he presents the motion in the form of a *resolution*. ...

Section 4:5 continues to explain the process of passing a resolution as a written motion:

> A resolution or a long or complicated motion should be prepared in advance of the meeting, if possible, and should be put into writing before it is offered. ... If the text of the resolution or motion has been distributed to the members in advance, however, it need not be read when moved.

If there be any doubt that a resolution directing the internal action of an organization has the same force as a motion, Robert's Rules of Order section 10:13 further states:

> **Motions Submitted in Writing; Resolutions.** As previously stated, a main motion—particularly an original main motion—is frequently offered as a *resolution*, either because of its importance or because of its length and complexity. Any resolution—and any long or complicated motion, whether cast as a resolution or not—should always be submitted in writing as described in 4:5. ...

The resolution in question that was passed by the majority of the delegation at the 2025 Georgia Republican Party State Convention (see Exhibit A) directed specific and direct internal action of the Georgia Republican Party and all its officers and staff. It did not merely issue an opinion. Thus, the staff and/or officers of the Georgia Republican Party were obliged to honor the wishes of the majority of the delegates who voted by resolution to block Brad Raffensperger from qualifying as a Republican for office.

By ignoring these rules of the Georgia Republican Party and working in concert with the state government to qualify Brad Raffensperger, they have done exactly what is forbidden by the Rules of the Georgia Republican Party and the First Amendment – namely, forcing the Georgia Republican Party to associate with a candidate that it did not want and who does not uphold its values.

Instead of simply letting Brad Raffensperger run as a non-republican, the Georgia Republican Party officers or staff have capitulated to a fear that Raffensperger would advance a position held by David Duke, by seeking to force association with an "unwilling partner." In Duke v. Massey, *supra*, David Duke attempted to force the Georgia Republican Party to qualify him as a candidate for President. The Eleventh Circuit Court of Appeals held that the party did not need to accept him as a candidate for President, due to the right to freedom of association (or disassociation) guaranteed by the First Amendment.

For that same reason, the Georgia Republican Party cannot be forced to associate with Brad Raffensperger.

C. The Georgia Republican Party's Right to Free Speech Has Been Violated.

Compelled speech is unconstitutional, as it interferes with a speaker's desired message. *Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 61, 126 S. Ct. 1297, 1308, 164 L. Ed. 2d 156 (2006). The Georgia Republican Party wished to speak a desired and accurate message: namely, that a certain politician is not in accord with the ideals and platform of the Georgia Republican Party and is not an accurate or acceptable representative of the Georgia Republican Party and therefore should not appear as "Republican" on any ballot, including the primary ballot.

The qualification of Brad Raffensperger as a Georgia "Republican" candidate by state party officers and/ or staff working in concert with the state government is compelled speech, which is unconstitutional, contrary to the Rules of the Georgia Republican Party, Inc., in addition to be misleading to the public.

II. Qualification of Brad Raffensperger as a Republican Candidate Violated the Laws of the State of Georgia.

A. Failure to Comply with O.C.G.A. § 21-2-5 (a)

Georgia state law dictates that any candidate wishing to qualify with a party that is "certified by the state executive committee" of a political party, or who "files a notice of candidacy" must still meet the constitutional and statutory qualifications for holding the office sought. Neither the state executive committee nor its qualifying officials had the authority to certify Brad Raffensperger as a candidate after the State Convention voted to prohibit the party from certifying Raffensperger.

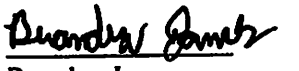
Because the party had no authorization to certify Brad Raffensperger, any effort to purport to do so should be null and void as *ultra vires*. The executive committee cannot, and cannot empower party members, to lawfully do what the State Convention has voted to restrict them from doing.

Furthermore, the minutes of the meetings of the State Executive Committee will show that the State Executive Committee did not in fact ever vote as a body to certify Brad Raffensperger as a Republican candidate — contrary to direction of the State Convention.

The actions of the Georgia Republican Party and/or staff who have acted in violation of the rules of the organization, and have violated the First Amendment protected "freedom of association" rights held by the delegates of the State Convention, have caused and are causing irreparable harm to the Georgia Republican Party. If non-republicans use the Georgia Republican Party brand in their quest for political power, and regularly betray the party's principles and interests, it hurts all Republican candidates.

For the reasons stated above, Brad Raffensperger should not remain qualified to appear on the May 19, 2026, Republican Primary Ballot as a Republican candidate for Governor.

Sincerely,



Brandyn James
[redacted]
Ringgold. GA 30736

Exhibit A.

RESOLUTION MAINTAINING REPUBLICAN UNITY AND BRANDING

Whereas, Brad Raffensperger does not have the faith and confidence of the Georgia Republican Party; and,

Whereas, the First Amendment to the United States Constitution guarantees the ability of political parties to choose their own nominees for office without government interference and;[1]

Whereas, Freedom of Association means that it would be unconstitutional for legislation or politicians to require the Georgia Republican Party to associate with any person that the Georgia Republican Party deems repugnant to its brand or to the principles of the United States of America; and,

Whereas, the Georgia Republican Party will lose elections if its brand is not maintained; therefore,

It is resolved that the Georgia Republican Party shall not qualify, allow to be qualified, or take any action to allow Brad Raffensperger to qualify as a Republican or run for any elected office unless and until a GAGOP Convention removes this restriction; and,

Be it further resolved that the Georgia Republican Party shall fully defend against any future litigation or legal action taken by Brad Raffensperger or others that in any way claims that the Georgia Republican Party is or can be required to allow Brad Raffensperger to run for public office as a Republican.

---

[1] California Democratic Party v. Jones, 530 U.S. 567 (2000)

EXHIBIT C

Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Charlene McGowan
GENERAL COUNSEL

March 30, 2026

Via Email

Brandyn James
3406 Keith Rd.
Ringgold, Georgia 30736
brandynbj@protonmail.com

Dear Brandyn James,

Thank you for contacting the Secretary of State's Office. After review of the elector challenge submitted on behalf of you and Harvey Wysong, we have determined that the information provided does not meet the criteria required to constitute a valid candidate challenge. Under O.C.G.A. § 21-2-5(b), the Secretary of State may consider candidate challenges that are based upon an elector's belief that a "candidate is not qualified to seek and hold the public office for which he or she is offering."

Your submission does not allege that the challenged candidate lacks the qualifications to hold the office he is seeking. Rather, you allege that the Georgia Republican Party violated its own party rules during the qualifying process.

The Secretary of State lacks legal authority under O.C.G.A. § 21-2-5 to make any determination with respect to your alleged claims against the Georgia Republican Party, and no further action will be taken on this matter.

Sincerely,

Charlene S. McGowan

Charlene S. McGowan
General Counsel