



08/29/2024

Devin Hamilton

Devin Hamilton, Legal Assistant

IN THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

CRAIG PIGG, CATHERINE SMITH,)
& MARY LOU WAYMER)
Petitioners,)

v.)

STEVE CARR, HUGH ESCO, AYMAN)
FADEL, BASSEM FAKHOURY,)
SHAMSADEEN HAKEEM,)
AL HERMAN, ANIBAL IBARRA,)
JOSHUA IBARRA, CHRISTI INGLIS,)
MICHAEL INGLIS, DANIEL)
JAEGER, CONSTANCE JOHNSON,)
IDA LAWRENCE, ALBERT NEWSON,)
DENICE TRAINA, & KRISTIN)
ZEBROWSKI,)
Respondents.)

Docket Number: 2502871
2502871 -OSAH-SECSTATE-CE-60-
Malihi

FINAL DECISION

Petitioners Craig Pigg, Catherine Smith, and Mary Lou Waymer (collectively, “Petitioners”) filed this challenge pursuant to O.C.G.A. § 21-2-5(b) contending that Respondents Steve Carr, Hugh Esco, Ayman Fadel, Bassem Fakhoury, Shamsadeen Hakeem, Al Herman, Anibal Ibarra, Joshua Ibarra, Christi Inglis, Michael Inglis, Daniel Jaeger, Constance Johnson, Ida Lawrence, Albert Newson, Denice Traina, and Kristin Zebrowski (collectively, “Respondents”) do not meet the qualifications to run as candidates for the office of presidential elector for the Georgia Green Party. Petitioners contend that (1) the Georgia Green Party failed to meet the statutory prerequisites for political bodies in Georgia; and (2) the Georgia Green Party has not obtained ballot access in at least 20 states or territories.

An Administrative Law Judge (hereinafter “ALJ”) of the Office of State Administrative Hearings held a hearing on August 22, 2024. Petitioners and Respondents were both represented by counsel at the hearing. The ALJ held an evidentiary hearing to create a record on the issue and took testimony. The ALJ issued an Initial Decision on August 26, 2024, concluding that (1) the Georgia Green Party is a “political body” within the meaning of Georgia Election Code; and (2) Respondents failed to establish the Georgia Green Party has obtained ballot access in twenty (20) states or territories as required by O.C.G.A. § 21-2-172(g). The ALJ thus concluded Respondents have not met the qualifications to seek the office of presidential elector.

The Secretary of State formally adopts and incorporates the ALJ’s Findings of Fact and Conclusions of Law into this Final Decision. As additional factual support for this Final Decision, the Secretary relies upon the admission of Respondents at the hearing that the Georgia Green Party is not affiliated with the national Green Party of the United States. (Transcript at 67.) Respondents admitted that it is the Green Party of the United States and its authorized affiliates that have obtained ballot access for their candidates for President and Vice President in other states, and not the Georgia Green Party. (*Id.* at 67-68.) Accordingly, the Georgia Green Party has not met its burden to show that it has obtained ballot access in any other state as required by O.C.G.A. § 21-2-172(g), and therefore the Georgia Green Party has not obtained ballot access for the general election ballot and Respondents are not qualified to be presidential electors of the political body. *Id.* at 67.)¹

¹ This Final Decision is limited to the issue of whether the named Respondents are qualified as presidential electors for the Georgia Green Party. The ALJ’s Initial Decision was clear that it only applied to the named parties in the proceeding, and that the ALJ was making “no findings or conclusions regarding the qualifications of the U.S. Green Party, the Unified Green Party, or the candidates or electors thereof.” The Secretary is reviewing a separate submission for ballot access by another Green Party entity and will make an independent decision with respect to that submission.

Therefore, **IT IS HEREBY DECIDED** that Respondents are NOT QUALIFIED to be candidates for the office of presidential elector.

SO DECIDED this 29th day of August, 2024.



BRAD RAFFENSPERGER
Secretary of State

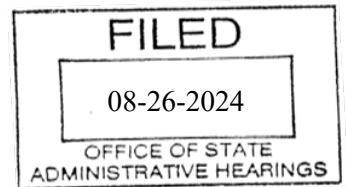
**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

**CRAIG PIGG, CATHERINE SMITH,
& MARY LOU WAYMER,
Petitioners,**

v.

**STEVE CARR, HUGH ESCO, AYMAN
FADEL, BASSEM FAKHOURY,
SHAMSADEEN HAKEEM, AL
HERMAN, ANIBAL IBARRA,
JOSHUA IBARRA, CHRISTI INGLIS,
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NEWSON, DENICE TRAINA, &
KRISTIN ZEBROWSKI,
Respondents.**

**Docket No.: 2502871
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Malihi**



INITIAL DECISION

Counsel for the Petitioners:
Manoj "Sachin" Varghese
Kayla Polonsky
Bondurant, Mixson & Elmore, LLP

Counsel for the Respondents:
Craig Alan Webster
Attorney at Law

Judge:
Michael Malihi

I. INTRODUCTION

Craig Pigg, Catherine Smith, and Mary Lou Waymer ("the Petitioners") filed this action pursuant to O.C.G.A. § 21-2-5(b) against Steve Carr, Hugh Esco, Ayman Fadel, Bassem Fakhoury, Shamsadeen Hakeem, Al Herman, Anibal Ibarra, Joshua Ibarra, Christi Inglis, Michael Inglis, Daniel Jaeger, Constance Johnson, Ida Lawrence, Albert Newson, Denice Traina, and Kristin

Zebrowski (“the Respondents”), challenging their qualifications to run as candidates for the office of presidential electors for the Georgia Green Party.¹

The Petitioners contend that the Respondents are not qualified because (1) the Georgia Green Party failed to meet the statutory prerequisites for political bodies in Georgia and (2) the Georgia Green Party has not obtained ballot access in at least 20 states or territories.²

An evidentiary hearing was held on August 22, 2024. The record remained open until noon on August 26, 2024 to permit the parties to file proposed findings of fact and conclusions of law,³ and to allow the Respondents to file any objections to Petitioners’ tendering of two exhibits.⁴

Based on the evidence and arguments presented, and for the reasons stated below, the Court concludes that the Respondents are not qualified as candidates for the office of presidential elector.

II. FINDINGS OF FACT

1. The Georgia Green Party was founded in 1996, when it registered as a political body with the Georgia Office of the Secretary of State. (Testimony of Esco, Tr. 14: 22-25). Hugh Esco, one of its founding members, and one of the Respondents in this matter, testified that he personally delivered the Georgia Green Party’s registration statement, bylaws, and Rules and Regulations for

¹ The Georgia Republican Party, through counsel, submitted a motion to intervene and accompanying brief on Wednesday, August 21, 2024. This motion was sent to the Court by email the day before the hearing, after this matter had been pending for approximately one month and both parties had briefed their arguments at length. Given the timing of this motion, as well as the expedited timeframe for issuing the initial decision, granting a motion to intervene at this stage would unduly delay and prejudice adjudication of the rights of the existing parties. O.C.G.A. § 50-13-14. Moreover, the Court is not persuaded that the movant’s interests are not adequately represented. *See id.* Therefore, having read and considered the motion to intervene, it is **DENIED**.

² At the hearing, the Respondents clarified that they are seeking ballot access exclusively through subsection (g) of Code Section 21-2-172, and that they do not seek qualification through nomination petitions or any other means provided by the Georgia Election Code. (Tr. 11: 14-25).

³ In their Proposed Decision, Petitioners repeatedly reference the “U.S. Green Party” and the “Unified Green Party of Georgia.” This Initial Decision *only* affects parties named in this proceeding—the sixteen candidates for the office of presidential electors for the Georgia Green Party. The Court makes no findings or conclusions regarding the qualifications of the U.S. Green Party, the Unified Green Party, or the candidates or electors thereof.

⁴ Respondents did not file an objection to the two exhibits, which were tendered and designated P-7 and P-8 at the hearing. Accordingly, these exhibits are admitted into the record.

a Nominating Convention to the Office of Secretary of State's Election Division on May 8, 1996. (Ex. R-1; Testimony of Esco, Tr. 19: 14-25).

2. After its founding, the Georgia Green Party continued to maintain its registration with the Secretary of State, regularly amending its registration and submitting the requisite fee. (Exs. R-2, R-3, R-7; Testimony of Esco, Tr. 20: 16-19).

3. The Georgia Green Party most recently held nominating conventions on February 17 and May 18, 2024. (Testimony of Esco, Tr. 34: 15-18). It published notice of these conventions in various newspapers, including the Macon Telegraph. (Ex. R-9; Testimony of Esco, Tr. 36-37).

4. The Georgia Green Party submitted its slate of electors to the Secretary of State on June 20, 2024. (Ex. R-8). It submitted therewith minutes from the nominating conventions. (*Id.*).

5. The Respondents also timely submitted their notices of candidacy and affidavits to the Secretary of State's office. (Ex. P-12; Testimony of Esco, Tr. 38-41). Certified minutes of the Georgia Green Party's nominating conventions were included therewith. (*Id.*).

6. The Secretary of State has issued a "Notice Regarding Ballot Access for Presidential Electors under SB 189." (Ex. R-11). This notice advises of changes effectuated by Senate Bill 189, and provides that political bodies "must be lawfully registered with the Secretary of State . . . [and] must also satisfy the requirements of O.C.G.A. § 21-2-132(d)(1) and . . . -172 to qualify a slate of presidential electors." (*Id.*). The notice further provides that, to obtain ballot access pursuant to Code Section 21-2-172(g), political bodies must submit a Presidential Elector Nomination Affidavit, which must be "accompanied by documentation from each of the listed states certifying that the . . . political body will be on the General Election ballot in that state." (*Id.*). Per the notice, this information must be provided by August 23, 2024. Attached to the notice is a form "Presidential Elector Nomination Affidavit." (*Id.*). The form affidavit includes fields

under the heading “LIST OF STATES WHERE BALLOT ACCESS HAS BEEN OBTAINED (PLEASE ATTACH ALL SUPPORTING DOCUMENTATION).” (Ex. R-11).

7. The Georgia Green Party has not obtained supporting documentation evidencing that it has obtained ballot access in twenty (20) states or territories. Mr. Esco testified that the Green Party is attempting to access the ballot in twenty-four (24) states, but it has supporting documentation evidencing such access with respect to only six (6) states. (Exhibit R-10; Testimony of Esco, Tr. 51: 10-18). According to Mr. Esco, it will not be possible for the Georgia Green Party to provide documentation that it has obtained ballot access in the required number of states because many of the states in which it seeks access will not provide this information until after the Secretary of State’s deadline. (Testimony of Esco, Tr. 56: 12-14).

III. CONCLUSIONS OF LAW

1. Pursuant to Code Section 21-2-172(g),

Notwithstanding any provision of law to the contrary, any political party or political body which has obtained ballot access in no fewer than 20 states or territories for the office of presidential elector shall be allowed to qualify candidates for presidential elector and receive access to the general election ballot for the purpose of election of the office of presidential elector.

2. The Court concludes that the Georgia Green Party is a “political body” within the meaning of the Georgia Election Code. *See* O.C.G.A. §§ 21-2-110, -132. However, the Respondents failed to establish that the Georgia Green Party has obtained ballot access in twenty (20) states or territories. Therefore, the Respondents, as Georgia Green Party’s slate of electors, cannot qualify and receive access to the general election ballot for the purpose of election of the office of presidential elector. *See* O.C.G.A. § 21-2-172(g).

IV. DECISION

Based on the foregoing findings of fact and conclusions of law, the Court concludes that

the Respondents are NOT QUALIFIED as candidates for the office of presidential elector.

SO ORDERED this 26th day of August, 2024.



Michael Malihii, Judge