

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

VERNON JONES,

26CV4926

Petitioner, Pro Se

CASE NO. _____

v.

DEKALB COUNTY BOARD OF VOTER
REGISTRATION AND ELECTIONS

AND ITS PUBLIC OFFICERS;
KEISHA L. SMITH
VASU ABHIRAMAN
TRAVIS BOWDEN
GAIL LEE
DELE LOWMAN
KARLI SWIFT

Respondents

PETITION FOR WRIT OF MANDAMUS

COMES NOW Petitioner, Pro Se in the above styled action, VERNON JONES, and files this
Petition for Writ of Mandamus showing this Court as follows:

INTRODUCTION

Mandamus is the remedy to compel a public officer or a county board to perform a duty imposed
by law. *City of Dalton v. Smith*, 158 Ga. App. 356, 280 S.E.2d 138 (1981).

"This section gives judge of superior court power to issue writs of mandamus, and makes it the judge's duty to do so from any cause whereby a defect of legal justice would ensue if a mandamus be not issued, and if there be no other specific legal remedy." *Wofford Oil Co. v. City of Calhoun*, 183 Ga. 511, 189 S.E. 5 (1936) (see O.C.G.A. § 9-6-20).

The Georgia Supreme Court ("GA SC") has determined that the adherence to election law
regarding ballot provisions are mandates and therefore, ministerial duties.

"As a matter of law, therefore, the 481 Laurens County absentee ballots did not comply with the mandate of OCGA § 21-2-284(c)." MEAD v. SHEFFIELD et al., No. S04A1982, 601 S.E.2d 99, 278 Ga. 268 (2004) ("Mead"), *"But where there is such an utter disregard of the provisions of the statute, as to an essential element of the election, by the election officials as to infect the election as a whole with the taint of illegality, such provisions can not be held*

directory merely, but must be held to be mandatory.” *Moon v. Seymour*, 182 Ga. 702 (186 S.E. 744) (“Moon”).

Presidential Executive Orders have the full force and effect of law and direct federal operations, which includes conducting federal elections. Presidential Executive Order (“EO”) 14248 (Ex B), signed March 25, 2025, with an effective date of September 25, 2025, precisely communicated a mandate that election officials were prohibited from using ballots that contained QR/bar codes and from utilizing those codes in the counting process for federal elections. The directive in the EO was a simple, definitive, absolute act that required the mere execution of a specific duty, rendering that duty ministerial.

“A ministerial act is commonly one that is simple, absolute, and definite, arising under conditions admitted or proved to exist, and requiring merely the execution of a specific duty. A discretionary act, however, calls for the exercise of personal deliberation and judgment, which in turn entails examining the facts, reaching reasoned conclusions, and acting on them in a way not specifically directed”. *Nichols v. Prather*. 286 Ga.App. 889, 896(4), 650 S.E.2d 380, 386-387 (2007).

The Dekalb County Board of Voter Registration and Elections members are “officers of election” for federal elections and are subject to abide by federal mandates for what constitutes official ballot composition (see 52 USC 20706).

As used in this chapter, the term “officer of election” means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

Writ of Mandamus. “All official duties should be faithfully performed, and whenever, from any cause, a defect of legal justice would ensue from a failure to perform or from improper performance, the writ of mandamus may issue to compel a due performance if there is no other specific legal remedy for the legal rights;” O.C.G.A. 9-6-20.

“Where the question is one of public right and the object is to procure the enforcement of a public duty, no legal or special interest need be shown, but it shall be sufficient that a plaintiff is interested in having the laws executed and the duty in question enforced.” O.C.G.A. 9-6-24

“Mandamus is a remedy for official inaction.” City of Atlanta v. Wright, 119 Ga. 207, 45 S.E. 994 (1903); Touchton v. Echols County, 211 Ga. 85, 84 S.E.2d 81 (1954); Coastal Serv., Inc. v. Jackson, 223 Ga. 238, 154 S.E.2d 365 (1967).

Petitioner. Vernon Jones is a resident and registered voter in Dekalb County, GA. Petitioner is interested in having the State and Federal laws executed and the public duty in question enforced. Therefore, he has standing to bring this Petition for Writ of Mandamus (see *Sons of Confederate Veterans et.al.*, S22G0045 Supreme Court of Georgia, October 25, 2022)),

“...Georgia has long recognized that members of the community, whether as citizens, residents, taxpayers or voters, may be injured when their local government fails to follow the law. Government at all levels has a legal duty to follow the law; a local government owes that legal duty to its citizens, residents, taxpayers, or voters (i.e., community stakeholders), and the violation of that legal duty constitutes an injury that our caselaw has recognized as conferring standing to those community stakeholders even if the Plaintiff suffered no individual injury.”

and

“Voters may be injured when elections are not administered according to the law or when elected officials fail to follow the voters’ referendum for increased taxes to fund a particular project, so voters may have standing to vindicate public rights.” Sons of Confederate Veterans (emphasis added)

Respondents. The Respondents listed are the members that make up the Dekalb County Board of Voter Registration and Elections (“the Board”). They are solely responsible for equipping their polling places (see O.C.G.A. 21-2-70(4)) and ensuring the qualified voters in Dekalb County are furnished with only lawful, official ballots (see O.C.G.A. 21-2-280). Therefore, they are the proper Respondents in this action.

JURISDICTION

The Superior Court has jurisdiction over this matter. The Constitution of the State of GA provides that *“only the superior and appellate courts shall have the power to issue process in the nature of mandamus, prohibition, specific performance, quo warranto, and injunction.”* GA Const., Art. VI, Sec. I, Par. IV. Dekalb County Superior Court is the proper venue because Respondents are officers of the Dekalb County Board of Voter Registration and Elections.

STATEMENT OF FACTS

1. Petitioner asserts that the Primary election in Dekalb County can be determined invalid and void

due to the “official inaction” of the Board in failing to furnish ballots without QR/bar codes

(“Codes”) as mandated by EO 14248 for federal elections. (see Sec 4 (b)(i), (ii) of EO 14248).

(b) (i) The Election Assistance Commission shall initiate appropriate action to amend the Voluntary Voting System Guidelines 2.0 and issue other appropriate guidance establishing standards for voting systems to protect election integrity. The amended guidelines and other guidance shall provide that voting systems should not use a ballot in which a vote is contained within a barcode or quick-response code in the vote counting process except where necessary to accommodate individuals with disabilities, and should provide a voter-verifiable paper record to prevent fraud or mistake.

(ii) Within 180 days of the date of this order, the Election Assistance Commission shall take appropriate action to review and, if appropriate, re-certify voting systems under the new standards established under subsection (b)(i) of this section, and to rescind all previous certifications of voting equipment based on prior standards.

(see also the Election Assistance Commission requirements in response to EO 14248)

Barcodes and QR codes. The EAC said at the July 2 meeting that the E.O.'s provision prohibiting use of barcodes or QR codes to encode voter selections except to support accessibility is implicit in VVSG 2.0 because the only systems that can produce such codes are electronic systems that have to meet VVSG accessibility requirements. The draft VVSG 2.1 includes an explicit statement of that position and edits to related guidelines that are presented as reflecting it.

Paper records. The draft VVSG 2.1 would rephrase some of VVSG 2.0 to reflect the E.O.'s call to require voting systems to provide paper records that voters can verify. It would also modify VVSG 2.0's treatment of end-to-end verifiable (E2EV) voting systems, which are systems that use cryptographic techniques to allow for verification that votes were cast as intended, recorded as cast, and tallied as recorded. VVSG 2.0 requires voting systems to be software independent to receive federal certification and provides for two paths to software independence: (1) voter-verifiable paper records, and (2) E2EV systems. That requirement has functioned as a requirement for voter-verifiable paper records in practice because there are no E2EV voting systems currently on the market and no EAC protocols for E2EV systems are available now or expected to be available in the near future. The draft VVSG 2.1 would make it a requirement in principle as well, by requiring E2EV systems to produce voter-verifiable paper records.

The deadline to comply with the prohibition of the Code appearing on ballots and in the vote counting process for federal elections was September 25, 2025. That requirement was not contested nor overturned via Judicial review and therefore has been in full effect since September 25, 2025. Thus, the Board has had ample time to plan, institute and present a valid, lawful, official federal ballot to Petitioner in time for the Georgia (“GA”) Primary Election. It is the law in GA that the Board has a ministerial duty to furnish “official ballots” *only* and that *only* “official ballots” shall be cast or counted (see O.C.G.A. 21-2-280).

O.C.G.A. 21-2-280 - Requirement as to Conduct of Primaries and Elections by Ballot; Requirement as to Use of Official Ballots Only - All primaries and elections in this state shall be conducted by ballot, except when voting

machines are used as provided by law. A ballot may be electronic or printed on paper. All ballots used in any primary or election shall be provided by the superintendent or municipal governing authority in accordance with this article, and only official ballots furnished by the superintendent or governing authority shall be cast or counted in any primary or election in any precinct in which ballots are used. (emphasis added)

(see *Alexander v. Ryan*, *supra* at 583(3), 43 S.E.2d 654. (“Alexander”))

“The voter was entitled to understand that the ballot was legal as presented, and in thus voting it he acted upon a mistaken assumption, and this is enough to vitiate such ballots... Nothing could possibly be more important than the sanctity of the ballot. It transcends in gravity far beyond any question as to who in any given case might be entitled to a particular office.”,

(see *State of Ga. v. Carswell*, 78 Ga.App. 84, 88(2), 50 S.E.2d 621 (1948) (“Carswell”)),

“Where the omission is of an essential prerequisite to the holding of a valid election, such as ... the contents of the ballot itself, the election is, of course, invalid. [Cits.]”.

Therefore, the Board, by furnishing Petitioner an invalid, unlawful and unofficial ballot, the votes of which cannot be lawfully counted, is causing irreparable harm to Petitioner by depriving their right to vote and disenfranchising Petitioner from voting for their federal candidate of choice.

2. Petitioner asserts the Respondents are in violation of Federal and State law by presenting unlawful and unofficial ballots that are not in compliance with EO 14248 as the votes contained on those ballots are considered of no effect for federal elections pursuant to Federal law (see 2 USC 9, 52 USC 10308 (a) and (c)), and GA law (see O.C.G.A. 21-2-280). Therefore, Respondents are causing the Petitioner irreparable injury that cannot be undone through monetary relief. Respondents are depriving Petitioner of their right to vote due to the Board’s failure in their duty to provide federal election ballots without a QR/bar code which is also prohibited from being used in the counting process. The Board’s inaction in this matter renders the Petitioner’s Primary federal election ballot unlawful, thereby unofficial, invalid and the votes contained therein of no effect for the GA Primary federal election (see *Martin v. Kemp*, 341 F. Supp. 3D 1326, 1340 (N.D. Ga. 2018),

“The court finds that plaintiffs have established irreparable injury as a violation of the right to vote cannot be undone through monetary relief and, once the election results are tallied, the rejected electors will have been disenfranchised without a future opportunity to cast their votes.”,

3. Petitioner asserts the Board’s failure to comply with the prohibitions of the use of QR/bar codes

on the GA federal Primary election ballots violates their rights protected by the US and GA Constitutions. It is the ministerial duty of the Board to ensure the conduct of elections is in compliance with the Constitutions to which they have taken an oath to uphold. See GA Constitution Article II, Section 1, Paragraph 1. Method of voting. *Elections by the people shall be by secret ballot and shall be conducted in accordance with procedures provided by law.* (emphasis added) As previously stated by Petitioner, Presidential EO's have the full force and effect of law. GA and U.S. Supreme Courts agree that the infringement, deprivation or disenfranchisement of voting rights are First and Fourteenth Amendment violations.

(see *Duncan v. Poythress*, 515 F. Supp. 327 (N.D. Ga.), *aff'd*, 657 F.2d 691 (5th Cir. 1981))

"The right to vote is clearly fundamental, is protected by both the due process and equal protection guarantees of U.S. Const., amend. 14. In either case, any alleged infringement of the right to vote must be carefully and meticulously scrutinized, for a state has precious little leeway in making it difficult for citizens to vote."

and

"The 'liberty' protected from state impairment by the due process clause of the U.S. Const, amend. 14 includes the freedoms of speech and association guaranteed by U.S. Const. Amend 1. These freedoms under U.S. Const. Amend 1 extend to political activities such as running for elective office. State election practices must therefore serve legitimate state interest narrowly and fairly to avoid obstructing and diluting these fundamental liberties." *Duncan*.

See U.S. Supreme Court holding that loss of First Amendment freedoms are irreparable injury in re:

Elrod v. Burns, 427 U.S. 327, 373 (1976),

"The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."

and the US Supreme Court *Wash. State Grange v. Wash. State Republican Party* decision would hold in the event state or local officials failed to perform a ministerial duty that burdened the right to vote.

"State and local laws that unconstitutionally burden the right to vote are impermissible." *Wash. State Grange v. Wash. State Republican Party* 552 U.S. 442, 441 (2008)

4. Petitioner maintains that the Board is mandated to ensure the ballots presented to voters are printed accurately and lawfully. That mandate is required regardless of State "prescriptions" as was shown in *Curling v. Raffensperger*,

“County officials fail to note that there is an ‘opt out’ provision in O.C.G.A. § 21-2-300(a)(2) “unless otherwise authorized by law” giving county officials the opportunity to prepare ballots that conform to GA law for its electors regardless of state “prescriptions.” *Curling v. Raffensperger*, 493 F.Supp.3d 1264, 1308-09 (11th Cir, 2020).

Therefore, it is the Board’s duty to prepare ballots that conform to state mandates for state elections and federal mandates for federal elections whether the State has provided them guidelines or not. Thus, the Board is directly responsible and has failed in its duty to furnish the Petitioner with a lawful, official ballot by disregarding the mandate to conduct federal elections on a ballot with no QR/bar code which was effective September 25, 2025. (see O.C.G.A. 21-2-70 - *Each superintendent within his or her county or municipality shall exercise all the powers granted to him or her by this chapter and shall perform all the duties imposed upon him or her by this chapter, which shall include the following: (see O.C.G.A. 21-2-70 (4), (7), and (13) and the Opinion of the Attorney General) (emphasis added)*

OPINIONS OF THE ATTORNEY GENERAL
Performance of duties mandatory.

- The use of the word "shall" in this section with respect to the duties imposed upon a probate judge, as superintendent of elections, indicates the imposition by the General Assembly upon the probate judge of a mandatory duty to perform certain enumerated functions. 1978 Op. Att’y Gen. No. U78-44.

5. Petitioner asserts that the inaction of the Board, if not remedied, would result in pecuniary interest of the Petitioner due to the expense of litigation that would befall residents of Dekalb county if this unlawful federal Primary election is carried into effect (see *Kemp v. Mitchell County Democratic Executive Comm.*, 216 Ga. 276, 116 S.E.2d 321 (1960)),

“Where there is no authority to hold the election, or **where statutory requirements pertaining to the holding of an election are not complied with, the election is void...**” (emphasis added)

(see *Sons of Confederate Veterans*),

“This Court explicitly held that where a taxpayer alleges that a government officer exceeds his legal authority and that action harms the general public, the taxpayer can bring suit against the government, even though no special injury may accrue to the plaintiff. See *Keen v. City of Waycross*, 101 Ga. 588, 592-594 (3)(29 SE 42) (1897); see also *Koger v. Hunter*, 102 Ga. 76, 79-80 (29 SE 141) (1897) (trial court erred in denying taxpayers’ petition to enjoin county commissioners from misappropriating county funds). *Sons of Confederate Veterans*

and

“which, if carried into effect, would either result in a misappropriation of public funds or entail upon the taxpayers of the city the expense of litigating with persons who might hold claims against the city under the invalid ordinances”); *Clark v. Cline*, 123 Ga. 856, 864(51 SE617)(1905) *Sons of Confederate Veterans*

and

“Our use of the term “taxpayers” in Montgomery, combined with our use of the term “residents,” is best understood as capturing the interest that community stakeholders have in ensuring that their local governments follow the law and the cognizable injury to the members of that community when such a government does not.” *Sons of Confederate Veterans*

6. Petitioner maintains the GA Legislature has already agreed with the provisions of EO 14248

that prohibit the use of QR/bar codes that contain “voter selections” or for use in counting or tabulating votes. See O.C.G.A. 21-2-367.23 (d).

*“The text portion of the paper ballot marked and printed by the electronic ballot marker indicating the elector's selection shall constitute the official ballot and shall constitute the official vote for purposes of vote tabulation, any recount conducted pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon the text portion or the machine mark, provided that such mark clearly denotes the elector's selection and **does not use a QR code, bar code, or similar coding, of such ballots and not any machine coding that may be printed on such ballots.**”* (emphasis added)

Petitioner asserts that though this GA law is not in effect until July 1, 2026 for state elections, the legislative intent is clear and has been clear for years prior to this legislation. O.C.G.A. 21-2-2 (7.1) which was an amendment made law in 2019 which statutorily prohibits an internal computing function.

This is exactly what the system does when it “interprets” a QR/bar code and then utilizes that code for the counting or tabulation votes.

*O.C.G.A. 21-2-2 (7.1)“Electronic ballot marker” means an electronic device that **does not compute or retain votes**; may integrate components such as a ballot scanner, printer, touch screen monitor, audio output, and a navigational keypad; and uses electronic technology to independently and privately mark a paper ballot at the direction of an elector, interpret ballot selections, communicate such interpretation for elector verification, and print an elector verifiable paper ballot.* (emphasis added)

See Judge Totenberg's judgment regarding O.C.G.A. 21-2-2 (7.1) and her conclusion that QR/bar codes need prohibited based on their violation of state and federal law at *Curling v. Raffensperger*, 493 F.Supp.3d 1264, 1308-09 (11th Cir, 2020),

“This code is aiding a violation of other prohibitions of GA Law, including the legislative intent found in O.C.G.A. § 21-2-2(7.1) prohibiting an internal computing function relating to an elector's selections. However, that is precisely

what happens. Such computational functions are, as a matter of law, are problematic and impact the federal right to vote 52 U.S.C. § 21081 (a)(1)(A).”

7. Petitioner asserts that the inaction of the Board to provide a ballot without the prohibited Codes will make void and invalid the GA federal Primary election. The irreparably injury this causes the Petitioner could be remedied by a new federal Primary election. Though, the Petitioner would be satisfied, based on early voting already being underway and at the Court’s discretion, with a complete hand count of only the human readable text portion of votes on the original cast ballots for the GA federal Primary. The full hand count would need to be limited to only the original cast ballots as tabulator/scanner reprints of the ballots would be based on the tabulators interpretation of the QR/bar code which is prohibited. This hand count requirement would not hinder the ongoing election since vote totals cannot be tabulated or reported until polls close on election day, May 19, 2026.

8. Petitioner maintains that to prevent future irreparable harm caused by the deprivation of their rights to vote and enfranchisement, this Court will need to enter a Writ of Mandamus compelling the Board to perform its duty and present Petitioner a ballot without the prohibited QR/bar codes, as mandated by EO 14248 and O.C.G.A. 21-2-367.23(d) for the upcoming GA General election on November 3, 2026. Petitioner asserts that based on the Boards current disregard of the federal mandate prohibiting QR/bar codes that there is a reasonable fear of the same disregard for the GA General election in November. See *Ellis v. Georgia Kraft Co., 219 Ga. 335, 133 S.E.2d 350 (1963)*,

“Allegations as to past trespasses and a reasonable fear of future acts which of necessity would be continuous in nature furnish a basis for equitable relief.”

CONCLUSION AND PRAYERS FOR RELIEF

Based on the foregoing reasons, Petitioner is entitled to relief sought herein.

WHEREFORE, the Petitioner prays that the Court GRANT this Petition, that a Mandamus Nisi issue immediately, as time is of the essence, and:

(a) Enter a Writ of Mandamus compelling Respondents to comply with its mandated public duty to furnish only official ballots for the GA Primary Election for candidates running for the U.S. Congress and U.S. Senate;

(b) Enter a Writ of Mandamus compelling Respondents to comply with its mandated public duty to furnish Federal Primary Election ballots without the prohibited QR/bar code as lawfully ordered by EO 14248 and implemented by the EAC;

(c) Enter a Writ of Mandamus compelling Respondents to comply with its mandated public duty to abide by State and Federal laws that disallow the casting and counting of votes contained on ballots not considered “official”;

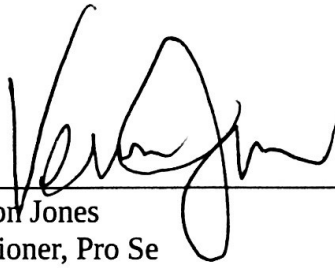
(d) Enter a Writ of Mandamus compelling Respondents to perform a complete hand count of all votes on the original cast ballots for the Federal Primary Election held May 2026 for federal candidates, and to conduct such hand count based only on the text portion of the ballot because the QR/bar code is prohibited for use in the vote counting process;

(e) Enter a Writ of Mandamus compelling Respondents to use only the original cast ballots for the hand count of the votes for the Federal Primary Election held May 2026 for federal candidates and not the tabulator ballot reprints because those records are produced from the tabulators interpretation the prohibited QR/bar code;

(f) Enter a Writ of Mandamus compelling Respondents to perform its mandated public duty to furnish ballots with no QR/bar codes for the upcoming GA General Election to be held in November 2026 because QR/bar codes will be prohibited effective July 1, 2026 for State election ballots as well;
and

(g) Enter an order granting such other further relief as the Court deems just and proper.

Respectfully submitted this 12th day of May 2026.



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