

**SUPREME COURT
STATE OF GEORGIA**

MARIA PALACIOS,

Petitioner-Appellant,

v.

BRIAN P. KEMP, in his official
capacity as the Secretary of State of
Georgia,

Respondent-Appellee,

And

RYAN SAWYER,

Respondent-Intervenor-Appellee.

Supreme Court Case No. _____

Fulton County Superior Court
(Schwall, J.)
No. 2018CV305433

**PETITIONER-APPELLANT MARIA PALACIOS'S
MOTION TO EXPEDITE APPEAL
OR, IN THE ALTERNATIVE, TO STAY THE ELECTION**

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Attorney for Petitioner-Appellant Maria Palacios

Today, Petitioner Maria Palacios filed an application for leave to appeal in a candidacy qualifications matter that may decide who will be elected as the Georgia House of Representatives member for House District 29 in the upcoming legislative session.

Given the urgency of this matter, Petitioner respectfully requests that this Court expedite this appeal so that the matter may be resolved at the earliest before August 31, 2018, or at the latest before Election Day on November 6, 2018. In the alternative, Petitioner requests a stay of the House District 29 general election pending this appeal.

During the proceedings below, the parties jointly agreed that it would be ideal if this matter were “definitively resolved” “no later than August 31, 2018,” which would “allow elections officials sufficient time to print final ballots before September 18, 2018, which is the earliest day that a registrar may issue absentee ballots for the November general election.” Joint Motion for Expedited Briefing Schedule (Exhibit D, attached to accompanying application for appeal), 1. Resolving it early would also give Ms. Palacios enough time to meaningfully campaign if the decision below is reversed.

However, if that is not practicable for the Court, Petitioner respectfully requests that any appeal be resolved no later than Election Day on November 6, 2018. The Supreme Court routinely grants requests for expedited appeal in

candidate qualifications or other election contest cases under similarly tight timetables, often issuing decisions days before the election at issue. *See, e.g., Handel v. Powell*, 284 Ga. 550, 550 (2008) (expediting appeal and issuing decision on October 30, days before general election); *Perdue v. Palmour*, 278 Ga. 217, 217 (2004) (expediting appeal and issuing decision on July 13, days before the July 20 primary election at issue); *Cox v. Barber*, 275 Ga. 415, 416 (2002) (expediting appeal and issuing decision on August 14, days before the August 20 primary election at issue); *Haynes v. Wells*, 273 Ga. 106, 106 (2000) (expediting appeal and issuing decision on November 1, days before general election).

If the Court deems it necessary for expediting the appeal, Petitioner-Appellant is also willing to waive the 20-day period provided under Georgia Supreme Court Rule 10 for the appellant to file the first merits brief, and either have the instant application construed as Petitioner-Appellant's initial merits brief, or grant a limited time for Petitioner to reformat any substantive arguments in the instant application into a formal merits brief.

In the alternative, Petitioner requests that the Court stay the general election for Georgia State House District 29 until this appeal is resolved. *Cf. City of Greenville v. Bray*, 284 Ga. 641, 642 (2008) (faulting party in candidate qualifications case for failing "to seek a stay of the election prior to the general election taking place").

For these reasons, Petitioner's request for expedited review or a stay should be granted. If Petitioner is successful on appeal, the voters of Georgia House District 29 deserve the opportunity to vote on whether Ms. Palacios should be their next representative.

This 20th day of July, 2018.

Respectfully submitted,

/s/ Sean J. Young

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CERTIFICATE OF SERVICE

This will certify that on July 20, 2018, I did cause to be served upon the parties in this action a true and correct copy of the foregoing by transmitting such copy via electronic mail and by depositing such copy properly addressed and with adequate postage thereon with the United States Postal Service, as follows:

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This 20th of July, 2018.

/s/ Sean J. Young

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