

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 (11<sup>th</sup> 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.

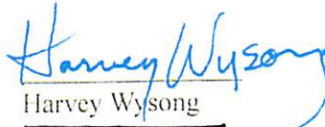
Because the party had no authorization to certify Brad Raffensperger, any effort to purport to do so should be null and void as *ultra vires*. The executive committee cannot, and cannot empower party members, to lawfully do what the State Convention has voted to restrict them from doing.

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

██████████  
Tunnel Hill, GA 30755

March 19, 2026

The Office of the Secretary of State  
206 Washington Street, Suite 214,  
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Furthermore, Rules 11.3 of the Rules of the Georgia Republican Party, Inc. specify:

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

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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

████████████████████

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;<sup>1</sup>

**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.

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<sup>1</sup> California Democratic Party v. Jones, 530 U.S. 567 (2000)