

Norwood, Bottoms Lawyer Up in Mayoral Runoff Aftermath

Vincent Russo Jr. of the **Robbins Firm** is representing Mary Norwood as she squares off with Keisha Lance Bottoms over the close election results. Bottoms has turned to Robert Highsmith Jr. of Holland & Knight and others.

Meanwhile, Bottoms has retained Robert Highsmith Jr. of Holland & Knight, R. Lawton Jordan III of Williams Teusink in Decatur and Robert Ashe III of Bondurant Mixson & Elmore.

That's a bit of *déjà vu*. Highsmith represented Mayor Kasim Reed eight years ago when Norwood similarly asked for a recount after she lost the mayoral runoff election to Reed by a mere 715 votes out of 84,383 ballots cast, a difference of 0.84 percent. At the time Reed was Highsmith's law partner at Holland & Knight. Highsmith declined to comment.

"This election is over and Keisha Lance Bottoms is the mayor-elect," said his colleague, Jordan, in an email. "The only reason for a recount would be to prolong things. There is virtually zero chance that it will change the result. It might change the margin, but not in any material way."

Bottoms won the runoff on Tuesday with 46,464 votes, while Norwood received 45,705.

Once the vote is certified, Norwood can ask for a recount if her votes are within one percent of those received by Bottoms. For the runoff on Tuesday, 17.7 percent of registered voters turned out.

Norwood said in a speech to her supporters late Tuesday night that absentee and provisional ballots have yet to be tabulated.

"It's 759 votes difference, without knowing provisionals. And because it's within the one percent, we will be asking for a recount," Norwood said, referring to the 92,169 total votes cast.

While Norwood's chances for a different outcome are considered slim, Russo is undeterred.

"We're not waiting until after the certification to begin looking at options, by any means," Russo said. "Right now we're doing a lot of triage, looking at absentee ballots and the provisional ballots that haven't been counted yet."

"We are assessing any and all irregularities that arose on Election Day," he added. "Were there ineligible voters casting ballots? Or voters who should have had an opportunity to vote denied that opportunity?"

Russo has plenty of experience dealing with allegations of election irregularities. He was the general counsel for the Georgia Secretary of State's office under Karen Handel and then Brian Kemp, both Republicans, from 2008 until he joined the Robbins Firm in 2013. Kemp's legal counsel and chief of staff, David Dove, just

joined the firm in October and is also on Norwood's team.

While Norwood identifies as a progressive independent, not a Democrat like her opponent Bottoms, she is on record saying she voted for Hillary Clinton and Barak Obama in the past three presidential elections.

"The fact that she is not a Republican does not mean we can't represent her. There are not a lot of election law experts out there," said Russo, adding that he gets contacted by Democrats and independents as well as Republicans on election law issues.

The director of the Fulton County Board of Registrations and Elections, Richard Barron, and his counterpart in DeKalb County, Erica Hamilton, said they expect to certify the vote by Monday afternoon.

The vote must be certified by both counties, since the far western part of DeKalb is within the City of Atlanta and votes in municipal elections.

There are 540 total provisional ballots: 351 in Fulton, according to Barron, and 189 in DeKalb, according to Hamilton, who added that she did not yet know how many are valid.

Norwood must request a recount within two business days of the certification, assuming she's within the one percent margin, said Michael Jablonski, the Georgia Democratic Party's general counsel, adding that the Fulton elections director can also independently order one.

Russo said Wednesday that his team had been hearing from people throughout the day about various issues. "Issues with vacant properties, for example. We're still pulling it all together," he said, adding that he's been contacted by many lawyers who support Norwood volunteering to help out.

"At the end of the day we are looking at whether any irregularities could have changed the outcome of the election or placed in doubt the results," Russo added.

While Russo is experienced with election law, he spends more of his time on securities and fiduciary litigation. "It's not a big part of my practice, but it's a nice change of pace from dealing with breach of fiduciary duty claims," he said.