

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

MS. ROSALIND LAKE and)
MR. MATTHEW L. HESS)
qualified and registered voters)
under Georgia law,)
)
Plaintiffs,)
v.)
HON. SONNY PERDUE, in his)
official capacity as Governor;)
)
STATE ELECTION BOARD; and,)
)
FULTON COUNTY BOARD OF)
REGISTRATION AND ELECTIONS,)
)
Defendants.)

CIVIL ACTION
FILE NO. 2006-CV-119207

NOTICE OF APPEAL

Notice is hereby given that Defendants SONNY PERDUE, in his official capacity as Governor of State of Georgia, and STATE ELECTION BOARD, by and through their undersigned counsel Thurbert Baker, the Attorney General of Georgia, hereby appeal to the Supreme Court of Georgia from the order of the Superior Court of Fulton County entered September 19, 2006, declaring O.C.G.A. § 21-2-417, as amended in 2006, unconstitutional and permanently enjoining Defendants from enforcing or applying the provisions of O.C.G.A. § 21-2-417 (2006) so as to condition the counting of any properly registered and qualified voter's ballot exclusively on the presentation of a photo ID for in-person voting.

The clerk will please omit the nothing from the record on appeal.

The Supreme Court of Georgia, rather than the Court of Appeals, has jurisdiction of this appeal since this case involves the construction of the Constitution of the State of Georgia, and is in the Supreme Court's exclusive appellate jurisdiction and, in addition, involves injunctive

relief, which is also within the Supreme Court's general appellate jurisdiction. Ga. Const. Art.

VI, Sec. VI, Paras. II(1) and III(2).

Dated: September 25, 2006.

Respectfully submitted,

THURBERT E. BAKER
Attorney General
Georgia Bar No. 033887

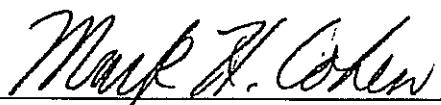
DENNIS R. DUNN
Deputy Attorney General
Georgia Bar No. 234098

40 Capitol Square, S.W.
State of Georgia
Department of Law
Atlanta, GA 30334-1300
Telephone: 404/656-7298
Facsimile: 404/657-9932


Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree Street, N.E.
Atlanta, GA 30308
Telephone: 404/885-3597
Facsimile: 404/962-6753

Strickland Brockington Lewis LLP
Midtown Proscenium, Suite 2000
1170 Peachtree Street, N.E.
Atlanta, GA 30309
Telephone: 678/347-2200
Facsimile: 678-347-2210

STEFAN E. RITTER
Senior Assistant Attorney General
Georgia Bar No. 606950



MARK H. COHEN
Special Assistant Attorney General
Georgia Bar No. 174567



ANNE W. LEWIS
Special Assistant Attorney General
Georgia Bar No. 737490
(signed with express permission by Mark H. Cohen)

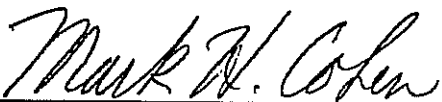
CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the NOTICE OF APPEAL upon the following counsel of record via electronic mail and U.S. mail addressed as follows:

Roy E. Barnes, Esq.
roy@barneslawgroup.com
Jennifer Auer Jordan, Esq.
jennifer@barneslawgroup.com
The Barnes Law Group, L.L.C.
P.O. Box 489
Marietta, GA 30061

A. Lee Parks, Jr., Esq.
lparks@pcwlawfirm.com
Parks, Chesin & Walbert, P.C.
26th Floor
75 Fourteenth Street
Atlanta, GA 30309

This 25th day of September, 2006.



MARK H. COHEN
Georgia Bar No. 174567