
No.

In the Supreme Court of the United States

ANDREW W. BELL et. al.,

Petitioner,

v.

KARLI SWIFT et.al.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE STATE OF GEORGIA

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

There was a special election runoff held for the vacant DeKalb County, Georgia District 3 Commissioner seat. Petitioner filed an emergency petition to contest the election on December 09, 2024. Petitioner filed his petition on the grounds listed in the Official Code of Georgia Annotated (O.C.G.A.) § 21-2-522 (1) and in accordance with O.C.G.A. § 21-2-524 *et seq.* According to O.C.G.A. § 21-2-524(f) the DeKalb County Superior Court Clerk should have given a notice, in the form of special process, to the DeKalb Sheriff. To date there has been notice issued. Also O.C.G.A. § 21-2-524 (f) states that the presiding judge can hold a hearing or proceeding for Defendants to answer the petition before that date issued in a notice. There has been no hearing or proceeding held that would require Defendants to answer Petitioners' petition to contest the December 3, 2024 election. Instead, the DeKalb County Superior Court issued an order on December 19, 2024, stating that "Petitioner has failed to comply with the service requirements contained in O.C.G.A. § 21-2-524 regarding service on the State Election Board and on all parties by way of the special process required by O.C.G.A. § 21-2-524(f)." The DeKalb County Superior Court cited *Schmitz v. Barron*, 312 Ga. 523 (2021). In *Schmitz v. Barron*, 312 Ga. 523 (2021), the Supreme Court of the State of Georgia stated, "this statute specifies duties **only** for the clerk and sheriff, we have held that even where the clerk fails to act as OCGA § 21-2-524 (f) requires, "judicial recognition of the clerk's duty in election cases to issue process in the proper form does not end the inquiry." Swain, 281 Ga. at 31 (2), 635 S.E.2d 779.". The statute {O.C.G.A. § 21-2-524(f)} has not changed since *Schmitz v. Barron*.

On December 19, 2024, Petitioner appealed the DeKalb County Superior Court to the Supreme Court of the State of Georgia. On February 13, that court issued two rulings on the same day. Both rulings involved the same case. Petitioner received an email on February 13, 2025, at 1:28 p.m., that informed him of an opinion that had been issued from the Georgia state court, Case No. S25I0586. Petitioner received an additional email on February 13, 2025, from the Georgia state court informing him of an opinion issued from that court, Case No. S25D0637. Petitioner plans to appeal both cases to this Court. The question(s) raised in this petition are specifically for the opinion issued Case No. S25I0586 from the Supreme Court of the State Georgia.

The State of Georgia court stated, in its opinion in Case No. S25I0586, the following, "because Applicant has failed to comply with the interlocutory application procedures, his application is dismissed."

The following questions are presented:

1. Does the February 13, 2025 opinion of the Supreme Court of the State of Georgia and/or O.C.G.A. § 5-6-34(b) violate the Constitutional rights¹ of the Petitioner?

¹ Article III; First Amendment; Fifth Amendment; and Fourteenth Amendment

LIST OF PARTIES TO THE PROCEEDING

ANDREW W. BELL, Petitioner and Contestant in the DeKalb County District 3 Contested election. Mr. Bell was an Applicant in the Supreme Court of Georgia; **THE ELECT ANDREW BELL CAMPAIGN** as an entity; **REGISTERED ELECTORS OF DEKALB COUNTY DISTRICT 3 COMMISSION** as an entity

Respondents are as follows:

VASU ABHIRAMAN, Vice-Chair of DeKalb County Board of Registration and Elections; **KIMBERLY BROCK** Clerk of State Court of DeKalb County; **TONZA CLARK** DeKalb County Administrator of Code Compliance; **DEKALB COUNTY VOTER REGISTRATION AND ELECTION BOARD** as an entity; **BLAKE EVANS** in his official capacity as Elections Director for the State of Georgia; **JOHN FERVIER CHAIR** of the Georgia State Elections Board; **SARA TINDALL GHAZAL** member of the Georgia State Elections Board; **RICK JEFFARES** member of the Georgia State Elections Board; **NANCY JESTER** a member of DeKalb County Board of Registration and Elections; **JANICE W. JOHNSTON** member of the Georgia State Elections Board; **JANELLE KING** member of the Georgia State Elections Board; **ANTHONY LEWIS** member of DeKalb County Board of Registration and Elections; **SUSAN MOTTER** member of DeKalb County Board of Registration and Elections; **BRAD RAFFENSPERGER** Secretary of State of Georgia; **KEISHA SMITH** Executive Director of Voter Registration and Elections for DeKalb County; **KARLI SWIFT**, Chair of DeKalb County Board of Registration and Elections; **STATE BOARD OF ELECTIONS** as an entity.

RULE 29.6 STATEMENT

Petitioner is a natural person with no parent companies and no outstanding stock.

STATEMENT OF RELATED CASES

The following proceedings are directly related to this case within the meaning of Rule 14.1 (b)(iii)

- *Andrew W. Bell et al. vs Karli Swift et al.*, No. 2024CV10967 (Ga. Super. Ct., DeKalb Cnty.)(order to perfect service on petition on December 19, 2024).
- *Andrew W. Bell et al. vs Karli Swift et al.*, No. 2024CV10967 (Ga. Super. Ct., DeKalb Cnty.)(order dismissing petition on January 17, 2025).

- *Andrew W. Bell et al. v Karli Swift et.al.*, No. S25I0586 (Ga.) (interlocutory appeal was dismissed on February 13, 2025).
- *Andrew W. Bell v Karli Swift et.al.*, No. S25D0637 (Ga.) (Supreme Court of Georgia changed the definition of the word “exclusive” in the State of Georgia Constitution of 1983, Art. VI, Sec. VI, Par. II (2) and transferred the case to the Court of Appeals of Georgia on February 13, 2025).

TABLE OF CONTENTS

| | |
|---|------|
| QUESTIONS PRESENTED..... | i |
| LIST OF PARTIES TO THE PROCEEDING..... | ii |
| RULE 29.6 STATEMENT..... | ii |
| RULE 14 (B) STATEMENT OF RELATED CASES..... | ii |
| TABLE OF CONTENTS..... | iii |
| TABLE OF AUTHORITIES..... | vii |
| PETITION FOR WRIT CERTIORARI..... | 1 |
| OPINIONS BELOW..... | 1 |
| JURISDICTION..... | 2 |
| RELEVANT CONSTITUTIONAL PROVISIONS..... | 2 |
| STATEMENT OF THE CASE..... | 4 |
| REASONS FOR GRANTING THE WRIT..... | 6 |
| I. Issues concerning the December 19, 2024 order of the DeKalb County, Georgia superior court | 6 |
| II. Issues concerning the February 13, 2025 opinion of the Supreme Court of the State of Georgia..... | 10 |
| CONCLUSION..... | 11 |
| TABLE OF APPENDIX..... | i(a) |

TABLE OF AUTHORITIES

| | Pages(s) |
|--|-----------------|
| Cases | |
| <i>Andrew W. Bell v. DeKalb County Board of Registrations and Elections</i> , Case No. S22D1168 (Ga. July 14, 2022)..... | 15 |
| <i>Andrew W. Bell v. DeKalb County Board of Registrations and Elections</i> , Civil Action No. 22CV5204 (DeKalb Cnty, GA sup. ct. Jun 23, 2022) | 15 |
| <i>Bell v. Raffensberger et al.</i> , 311 Ga. 616 (888 SE2d 284) (Ga. 2021)..... | 14 |
| <i>Duke v. The State</i> , 306 Ga. 171 (Ga. 2019)..... | 10, 11 |
| <i>McDonald v. Smith</i> , 472 U.S. 479 (1985)..... | 11, 13 |
| <i>Schmitz v. Barron</i> , 312 Ga. 523 (Ga. 2021)..... | 8, 9 |
| Constitutional Provisions | |
| U.S. Const. Article III | 3, 14 |
| U.S. Const. amend. I | 3, 11, 13 |
| U.S. Const. amend. V..... | 3, 11, 12 |
| U.S. Const. amend. XIV | 3, 4, 11, 12 |
| Statutes | |
| 28 U.S.C. § 1257(a)..... | 2 |
| Ga. Code § 5-6-34(a)..... | 10 |
| Ga. Code § 5-6-34(a)(7)..... | 10 |
| Ga. Code § 5-6-35(b)..... | 10 |
| Ga. Code § 16-7-58..... | 12 |
| Ga. Code § 21-2-385(d)(1)(B)..... | 12 |

| | |
|--|---------------|
| Ga. Code § 21-2-385(d)(1)(B)(3)..... | 12 |
| Ga. Code § 21-2-504(a)..... | 12 |
| Ga. Code § 21-2-540(a)..... | 16 |
| Ga. Code § 21-2-522 (1)..... | 4 |
| Ga. Code § 21-2-522 (3)..... | 13 |
| Ga. Code § 21-2-524..... | , 5, 6 |
| Ga. Code § 21-2-524(b)..... | , 7 |
| Ga. Code § 21-2-524 <i>et seq.</i> | 7 |
| Ga. Code § 21-2-524(f) | 5, 6, 7, 8, 9 |

Rules

| | |
|---|----|
| Supreme Court of the State of Georgia Rule 27 | 13 |
|---|----|

Other

PETITION FOR WRIT OF CERTIORARI

Andrew W. Bell respectfully petitions this Court for a writ of certiorari to the Supreme Court of the State of Georgia to review the dismissal of his interlocutory application for appeal on February 13, 2025, and the denial of his motion for reconsideration on March 07, 2025. Respondents are VASU ABHRIRAMAN, Vice-Chair of DeKalb County Board of Registration and Elections; KIMBERLY BROCK Clerk of State Court of DeKalb County; TONZA CLARK DeKalb County Administrator of Code Compliance; DEKALB COUNTY VOTER REGISTRATION AND ELECTION BOARD as an entity; BLAKE EVANS in his official capacity as Elections Director for the State of Georgia; JOHN FERVIER CHAIR of the Georgia State Elections Board; SARA TINDALL GHAZAL member of the Georgia State Elections Board; RICK JEFFARES member of the Georgia State Elections Board; NANCY JESTER a member of DeKalb County Board of Registration and Elections; JANICE W. JOHNSTON member of the Georgia State Elections Board; JANELLE KING member of the Georgia State Elections Board; ANTHONY LEWIS member of DeKalb County Board of Registration and Elections; SUSAN MOTTER member of DeKalb County Board of Registration and Elections; BRAD RAFFENSPERGER Secretary of State of Georgia; KEISHA SMITH Executive Director of Voter Registration and Elections for DeKalb County; KARLI SWIFT, Chair of DeKalb County Board of Registration and Elections; STATE BOARD OF ELECTIONS as an entity.

OPINIONS BELOW

The February 13, 2025, opinion of the Supreme Court of the State of Georgia is unreported and attached in Appendix (“Pet. App.”) *See Pet. App. 1a.* The motion for reconsideration was denied on March 07, 2025. *See Pet. App. 2a.* The Georgia Court’s decision was for an interlocutory appeal of a DeKalb County, Georgia Superior Court order on December 19, 2024, that is unreported and attached at Pet. App. 3a. The February 13, 2025, opinion stated that Petitioner failed to comply with interlocutory application procedures and his application was dismissed. The Georgia Court issued another opinion on February 13, 2025, related to the same case, the opinion is unreported and attached at Pet. App. at 4a. The second decision was a ruling on an application for appeal of the final order of the DeKalb County, Georgia Superior Court order that the superior court made on January 17, 2025, the ruling is unreported and attached at Pet. App. 6a. Petitioner filed a motion for reconsideration of the superior court order, it is attached at Pet. App. 184. Petitioner filed a motion for reconsideration of the Georgia Court’s second ruling on February 13, 2025. *See Pet. App. 259a.* The motion for reconsideration for the Georgia court’s first ruling was denied on March 18, 2025, it is attached at Pet. App. 9.

JURISDICTION

The Georgia Supreme Court entered its judgement on February 13, 2025. Pet. App. 1a. The Court has jurisdiction under 28 U.S.C. § 1257(a).

RELEVANT CONSTITUTIONAL PROVISIONS

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—**to Controversies** between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, **and between a State, or the Citizens thereof**, and foreign States, Citizens or Subjects.

U.S. Const., Article III (section 2)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, and **to petition the Government for a redress of grievances**.

U.S. Const. amend I.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

U.S. Const. amend V.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

U.S. Const. amend XIV (Section 1).

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being *twenty-one* years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens *twenty-one* years of age in such State.

U.S. Const. amend XIV (Section 2).

STATEMENT OF THE CASE

Petitioner was a contestant in the December 03, 2025, special election runoff¹ for the then vacant DeKalb County, Georgia District 3 Commissioner seat. Petitioner Bell believed and still believes that there was misconduct, fraud, or irregularity by some primary or election official or officials sufficient to change or place in doubt the election result. *See* O.C.G.A. § 21-2-522 (1). Petitioner filed his petition² to contest the “contested election” on December 9, 2024. *See* Pet. App. 297. His case was assigned to DeKalb County Superior Judge Asha Jackson. On December 11, 2024, his case was reassigned to DeKalb County Superior Judge LaTisha Dear Jackson. *See* Pet. App. at 136. Petitioner received an email the same day stating, “a notice with a hearing date will be issued in due course.” *See* Pet. App. at 139. On December 16, 2024, DeKalb County Superior Judge LaTisha Dear Jackson, issued an order designating Judge Ural Glanville of the Fifth Judicial Administrative District to select a superior court judge to preside over the

¹ Hereafter called the “contested election”

² Hereafter called the “election petition”

proceedings. *See Pet. App.* at 144. On the same day of December 16, 2024, Judge Glanville assigned Senior Judge John J. Goger to preside over the contested election. *See Pet. App.* at 147. The order assigning Judge Goger to the case was filed on December 17, 2024. On December 19, 2024, the Superior Court of DeKalb County issued an order stating, “Petitioner has failed to comply with the service requirements contained in O.C.G.A. § 21-2-524 regarding service on the State Election Board and on all parties by way of the special process required by way of the special process required by O.C.G.A. § 21-2-524(f).” *See Pet. App.* at 1a. Petitioner responded to the order on the same day. *See Pet. App.* at 152a.

A day after the order was issued, on December 20, 2024, at 11:00 a.m., Petitioner Bell called (404) 612-8671 to inquire about how to get in touch with Judge Goger. The employee who answered the phone was extremely professional. She asked whether Petitioner was calling in regard to a mediation case. Petitioner Bell informed her that Judge Goger had been assigned to his case in DeKalb County Superior Court, and that he needed to contact Judge Goger, in order to get clarification on the order Judge Goger issued the day before. The person who answered the call told Petitioner that she would try to find a number that Petitioner could use, and that she would call Petitioner back. Petitioner Bell received a return call at 12:23 p.m., Petitioner Bell was given the number of Joseph Sibley. Petitioner Bell recognized the name of Joseph Sibley from a previous case that was before this Court (Docket No. 24-5992). *See Pet. App.* at 233. Before Petitioner Bell received the 12:23 p.m. phone call, he received a call

at 12:15 p.m. from Xernia Forston.³ Petitioners filed a motion for leave to amend their petition on December 30, 2024, the Petitioners also filed their amended petition on December 30, 2024. On February 28, 2025, at 10:24 a.m. Petitioner Bell received an email from the Georgia Court. *See* Pet. App. at 294. The email had links for the remittitur and the opinion for Case No. S2510586.

REASONS FOR GRANTING THE WRIT

I. Issues concerning the December 19, 2024 order of the DeKalb County, Georgia superior court.

The DeKalb County Superior Court issued an order on December 19, 2024. *See* Pet. App at 3a. The order stated that *“The petition was brought pursuant to O.C.G.A. § 21-2-524 et. seq but fails to comply with several procedural requirements. Most significantly, Petitioner has failed to comply with the service requirements contained in O.C.G.A. § 21-2-524 regarding service on the State Election Board and all parties by way of special process required by O.C.G.A. § 21-2-524(f).”*

³ Ms. Fortson stated that she was general counsel for the DeKalb County Superior Court Clerk. Ms. Fortson claimed that the reason there had not been service made by the DeKalb County Sheriff as O.C.G.A. § 21-2-524(f) directs is because Applicant had not paid for any entry of service fees to the DeKalb County Sheriff's Office to have the Respondents served. Applicant informed Ms. Forston that he did not agree with her assessment that he was required to pay an entry of service fee before the notice had been prepared by the Superior Court Clerk and given to the county Sheriff due to the fact that O.C.G.A. § 21-2-524(f) gave no instructions for the Petitioner to do so. Petitioner informed Ms. Fortson that O.C.G.A. § 21-2-524(f) only gives instructions to the Superior Court Clerk, County Sheriff, and the judge presiding over the contested election. Petitioner told Ms. Forston to put what she was directing him to do in writing because there had been no notice filed directed to the DeKalb County Sheriff as O.C.G.A. § 21-2-524(f) directs.

Petitioner responded to the order from the DeKalb superior court on the same day of December 19, 2024. *See* Pet. App. at 152. Petitioner provided proof that he had already served the State Election Board as was required by O.C.G.A. § 21-2-524(b). *See* Pet. App. at 160-161. Petitioner filed a return of service as was required by O.C.G.A. § 21-2-524(b). Although not required under O.C.G.A. § 21-2-524(b), Petitioner served and filed a return of service for all other Respondents. *See* Pet. App. at 163. O.C.G.A. § 21-2-524 *et seq.* only refers to O.C.G.A. § 21-2-524(b) when referencing the responsibilities of the Petitioner as it relates to service or return of service.

After Petitioner responded to the order, Petitioner emailed and attached a letter for the DeKalb County Superior Court Clerk, on December 20, 2024, asking her, “When will you be issuing the notice to the DeKalb County Sheriff?” *See* Pet. App. at 168.

After sending the email to the DeKalb County Superior Court Clerk, Petitioner received and phone call from Xernia Forston. Miss Fortson stated that she was general counsel for the DeKalb County Superior Court Clerk. Miss Fortson claimed that the reason there had not been service made by the DeKalb County Sheriff as O.C.G.A. § 21-2-524(f) directs is because Petitioner had not paid for any entry of service fees to the DeKalb County Sheriff’s Office, to have the Respondents served. Petitioner informed Miss Forston that he did not agree with her assessment, that he was required to pay an entry of service fee due to the fact that O.C.G.A. § 21-2-524(f) gave no instructions for the Petitioner to do so. O.C.G.A. § 21-2-524(f) only

gives instructions to the Superior Court Clerk, County Sheriff, and the judge presiding over the contested election. Petitioner told Miss Forston to put what she was directing him to do in writing because to his knowledge there had been no notice filed directed to the DeKalb County Sheriff as O.C.G.A. § 21-2-524(f)⁴ directs. Even if it were the responsibility of the Petitioner to pay for entry of service fees to the DeKalb County Sheriff, which the Petitioner does not believe the law requires of him, he would not be able to do so until the DeKalb County Clerk gives notice, in the form of special process, directed to the sheriff of such county.

As the Georgia law⁵ states and Petitioner stated in his response, “The requirements and responsibilities under O.C.G.A. § 21-2-524(f) are strictly assigned to DeKalb County Superior Court Clerk, DeKalb County Sheriff, and the judge that is presiding over the Contested election proceedings.” *See Pet. App. at 153.*

The December 19th order also makes reference to *Schmitz v. Barron*, 312 Ga. 523 (2021). In that case the Georgia court states, “*“{the Election Code sets forth a number of procedural requirements that are unique to election contests. Among those is the requirement set forth in OCGA § 21-2-524 (f) requiring the clerk of the court in which the contest is filed to issue “special process” that is to then be served by the sheriff on the defendants to the contest as well as each candidate in the election being*

⁴ Upon such petition being filed, the clerk of the superior court shall issue notice, in the form of special process directed to the sheriff of such county, requiring the defendant and any other person named in such petition as a candidate for such nomination or office, if any, to appear and answer such petition, on a day to be fixed in such notice, not more than ten days nor less than five days after the service of such notice. Such notice, with a copy of the petition attached, shall be served by the sheriff upon the defendant and any other person named therein in the same manner as petitions and process are served in other civil cases.

⁵ O.C.G.A. § 21-2-524(f)

challenged. Although this statute specifies duties only for the clerk and sheriff, we have held that even where the clerk fails to act as OCGA § 21-2-524 (f) requires, "judicial recognition of the clerk's duty in election cases to issue process in the proper form does not end the inquiry." *Swain* , 281 Ga. at 31 (2), 635 S.E.2d 779. Instead, in recognition of the legal requirements reflecting the General Assembly's policy of expediting election contests, we have held that "recognition of the clerk's duty to issue proper process must be balanced against the traditional placement on plaintiffs of the duty to ensure proper and timely service." *Id.* Specifically, "once the plaintiff becomes aware of a problem with service," he must exercise "the greatest possible diligence to ensure proper and timely service." (Citation and punctuation omitted.) *Id.* at 32 (2), 635 S.E.2d 779. As we held in *Swain* , receipt of an answer and motion to dismiss from an opposing party asserting insufficiency of service "should [inspire the plaintiff] to exercise the greatest possible diligence to ensure proper and timely service." *Id.* And where the plaintiff, in light of such notice, does not exercise diligence in seeing that the party complaining of lack of service is served by the time of a hearing on a motion to dismiss, it is within the superior court's discretion to dismiss the election contest.}"" *Schmitz v. Barron*, 312 Ga. 523 (2021).

Petitioner did not become aware that there was an issue with the notice that the DeKalb County Superior Clerk should have given to the DeKalb County Sheriff until an order was issued by DeKalb County Superior Court on December 19, 2024. After Petitioner reviewed the order he contacted the DeKalb County Superior Court Clerk in reference to when she would be giving the notice to the DeKalb County

Sheriff. *See* Pet. App. at 168. Although Petitioner was contacted by the Clerk's counsel by telephone he has not received anything in writing. After reviewing the Georgia Supreme Court's decision referenced in the December 19, 2024 order, Petitioner also emailed the DeKalb County Sheriff in reference to whether she had received the notice from the DeKalb County Superior Court Clerk pursuant to O.C.G.A. § 21-2-524(f), and asking the question of when she would be serving the Respondents pursuant to O.C.G.A. § 21-2-524(f). *See* Pet. App. at 176.

II. Issues concerning the February 13, 2025 opinion of the Supreme Court of the State of Georgia.

Petitioners previously made the argument in their January 17, 2025 response to Respondents in the Georgia court , that "Applicants' appeal falls into the established protocol for O.C.G.A. § 5-6-34(a)(7)."⁶ The Georgia court previously stated, "We overrule Waldrip to the extent it permits this Court to disregard O.C.G.A. § 5-6-34(b) that a litigant must obtain a certificate of immediate review from the trial court before pursuing an interlocutory appeal from an order not subject to immediate appeal under O.C.G.A. § 5-6-34(a)." *See Duke v. The State*, 306 Ga. 171 (Ga. 2019) at 172.

Not only did Petitioners' application meet the requirements for immediate appeal under O.C.G.A. § 5-6-34(a) but their application also met the collateral order doctrine as well. The Georgia Court previously stated, "under the collateral

⁶ All judgements or orders granting or refusing mandamus or any other extraordinary remedy, except with respect to temporary restraining orders.

order doctrine, an order that does not resolve the entire case in the trial court may be appealed immediately if it "(1) resolves an issue that is 'substantially separate' from the basic issues to be decided at trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely and conclusively decides the issue on appeal such that nothing in the underlying action can affect it." *Fulton County*, 282 Ga. At 571 (1), 651 S.E.2d 679.'" See *Duke v. The State*, 306 Ga. 171 (Ga. 2019).

First, the appeal had nothing to do with the issues to be decided at trial. Petitioners' goal is to have a jury trial, but the December 19, 2024 order prevented that from occurring. Second, the S25I0586 case was decided on the same day as the decision made in Case No. S25D0637. The Superior Court of DeKalb County's January 17, 2025, final order was assigned Case No. S25D0637, and that case was decided on February 13, 2025. Regardless of when the decision was made regarding the December 19, 2024 decision, it caused the Petitioners to lose their First and Fourteenth right to a hearing or jury trial. Third, the December 19, 2024 decision, from the DeKalb County Superior Court "completely and conclusively decides the issue on appeal such that nothing in the underlying action can affect it." In violation of the Petitioners' First, Fifth, and Fourteenth Amendments.

CONCLUSION

The Georgia courts have directly prohibited Petitioners' First Amendment and Fourteenth Amendment rights to petition the Government for redress of grievances. "The right to petition is guaranteed". *McDonald v. Smith*, 472 U.S. 479 (1985).

Petitioners have been deprived of their right to participate in a free and fair electoral process. Petitioners believe their Fifth Amendment rights not to be deprived of life, liberty, or property, without due process of law have been violated, also Petitioners' Fourteenth Amendment rights as well as it relates to the denial of equal protection of the laws. In Petitioners' petition to contest the contested election Petitioners gave listed several reasons as to why they were contesting the election. Some of those issues include the fact that the Respondents violated O.C.G.A. § 21-2-504(a) when those officials unlawfully added several months to an election cycle that could have been held in twenty-nine days after the DeKalb County, Georgia District 3 Commissioner seat was vacated. *See Pet. App.* at 14. Not only do Petitioners believe that they were deprived of a right or a liberty by Respondents in violation of Section 1 of the Fourteenth Amendment, but Petitioners believe their rights under Section 2 of the Fourteenth Amendment were also violated. Respondents changed advanced voting days in violation of O.C.G.A. § 21-2-385(d)(1)(B). *See Pet. App.* at 36. Respondents changed polling locations in violation of O.C.G.A. § 21-2-385(d)(1)(B)(3). *See Pet. App.* at 36. Respondents failed to provide requested election information in violation of O.C.G.A. § 21-2-72. Respondents failed to act on crimes⁷ committed against Petitioners when those crimes were reported to Respondents. *See Pet. App.* at 30. Respondents also failed to count any Uniformed and Overseas Citizens Absentee (UOCAVA) ballots for both the November 5, 2024

⁷ Petitioner filed a police report with the DeKalb County police department (Case No. 24-062486) after witnessing individuals employed by the DeKalb County, Georgia government removing his campaign signs from his home and other private residences of individuals who had given Petitioner Bell permission to place his signs on their property in violation of O.C.G.A. § 16-7-58(a)(2).

General election and the December 3, 2024 runoff election. Providing grounds to contest the election pursuant to O.C.G.A. § 21-2-522 (3). *See* Pet. App. at 34. However, none of the merits of the case are before this Court due to the fact, thus far, Petitioners have been denied their right to redress their grievances.⁸

The Georgia Court also entered decisions on two cases on the same day involving the same case from the DeKalb County Superior Court. By the Georgia court issuing opinions for both appeals on the same day, it forced Petitioners to into a position where they had to chose what appeal they should write a motion for reconsideration for, being there is a 10-day time limit to submit a motion for reconsideration. *See* Rule 27 in the Supreme Court of the State of Georgia. Petitioner Bell first realized that there had been two decisions made on the same day when he received an email from the Georgia Court on February 28, 2025, which contained a link to the opinion and the remittitur. *See* Pet. App. at 294.

⁸ ““The First Amendment guarantees “the right of the people . . . to petition the Government for a redress of grievances.” The right to petition is cut from the same cloth as the other guarantees of that Amendment, and is an assurance of a particular freedom of expression. In *United States v. Cruikshank*, 92 U.S. 542 (1876), the Court declared that this right is implicit in “[t]he very idea of government, republican in form.” *Id.*, at 552. And James Madison made clear in the congressional debate on the proposed amendment that people “may communicate their will” through direct petitions to the legislature and government officials. 1 *Annals of Cong.* 738 (1789).

The historical roots of the Petition Clause long antedate the Constitution. In 1689, the Bill of Rights exacted of William and Mary stated: “[I]t is the Right of the Subjects to petition the King.” 1 Wm. & Mary, Sess. 2, ch. 2. This idea reappeared in the Colonies when the Stamp Act Congress of 1765 included a right to petition the King and Parliament in its Declaration of Rights and Grievances. See 1 B. Schwartz, *The Bill of Rights - A Documentary History* 198 (1971). And the Declarations of Rights enacted by many [172 U.S. 479, 483] state conventions contained a right to petition for redress of grievances. See, e. g., *Pennsylvania Declaration of Rights* (1776).”” *MCDONALD v. SMITH*, 472 U.S. 479 (1985).

Petitioners believe that these controversies are ongoing and have the ability to appear in future elections that the Petitioners may be involved in. In turn, Petitioners believe Section 2 of Article III of the United States Constitution extends to this case. Georgia has history of election controversies.

Petitioner Bell has been involved in three different types of elections since 2020. The first election he ran as an independent candidate, which required him to submit a nomination petition. The second election was in 2022. That election was a Democratic primary election for DeKalb County District 3 Commissioner. The last election was in was a special election for DeKalb County District 3 Commissioner, which involves this case. All three elections bore controversies from the actions and/or inactions of election officials, other DeKalb County officials, or election equipment. All of the controversies were out of Petitioner Bell's control.

The 2020 election involved my cumulative total and my verification statement being different and not on the same page.⁹ *Bell v. Raffensperger*, 311 Ga. 616. Petitioner Bell appealed the decision to the U.S. District Court of Northern Georgia, then to the Eleventh Circuit Court of Appeals where he was granted a hearing en banc but it was on the same day that he had petitioned for a writ of certiorari to this Court. This Court denied the petition on October 07, 2024 (Docket No. 23-7684).

The second case involved voting machines. There were three Democratic primaries conducted for three DeKalb County Commissioner seats in 2022. DeKalb County District Commissioner 2, 3, and 7 were all on the Democratic primary ballot

⁹ See Pet. App. at 93-100

in May of 2022. All three races used the same exact voting machines.¹⁰ Michelle Long Spears, the eventual winner, finished in last place on election night. Mrs. Spears was the only candidate that was granted a recount, and the Georgia Bureau of Investigation (GBI) declined to investigate the matter. After the hand recount it was found that the voting machines had an inaccurate count. Mrs. Spears had actually finished in first place. She had a runoff with the person who finished in second place. Michelle Long Spears won the runoff and is currently the DeKalb County District 2 Commissioner. I contested the 2022 Democratic primary election on the grounds that the voting machines provided incorrect results. Unlike in this contested election case I was granted a hearing¹¹ in DeKalb County Superior Court on June 03, 2022. *See Andrew W. Bell v. DeKalb County Board of Registrations and Elections et al.*, Civil Action No. 22CV5204 DeKalb County Sup. Ct. (June 03, 2022). I appealed to the Supreme Court of Georgia on June 23, 2022. The application was dismissed on July 14, 2022, due to the application being untimely. *See Andrew W. Bell v. DeKalb County Board of Registrations and Elections et al.*, Case No. S22D1168 (July 14, 2022). *See Pet. App.* at 507.

The 2024 contested election case centers around several issues but the most significant issues relate to the DeKalb County Board of Registration and Elections unlawfully changing voting dates, polling locations, and the dates and locations of

¹⁰ When I say the same exact voting machines. I am referring to the make and model number not serial number. Some of the early voting machines with the same serial numbers may have used by multiple registered voters in different districts. Some of the registered voters in District 3 and 7 used the same voting machines including serial numbers because those districts share some of the same precincts being that District 7 is a super district and covers approximately half of DeKalb County.

¹¹ *See Pet. App.* at 500

advance voting. I was involved in a special election that violated O.C.G.A. § 21-2-540(a). The DeKalb District 3 Commissioner seat was vacated on or about March 8, 2024, instead of holding the election at least 29 days from the call of the primary which could have been done on March 8, 2024, which would have allowed the election to take place on Tuesday April 16, 2024, or on May 21, 2024 which was the scheduled Primary election day, the election was unlawfully moved to November 5, 2024. Petitioner Bell had to campaign through December 3, 2024 due to being in a runoff. The prolonged campaign caused Petitioner Bell to be forced to campaign for several months instead of weeks. Petitioners had to exhaust unnecessary time, money, and other resources because of the malicious actions of the Respondents.

For the aforementioned reasons Petitioners believe certiorari should be granted.

Respectfully submitted this 26th day of March, 2025.



Andrew W. Bell
P.O. Box 82348
Atlanta, GA 303354
Andrew.Bell1@live.com

No.

IN THE
SUPREME COURT OF THE UNITED STATES

ANDREW W. BELL et al. --- PETITIONER
(Your Name)
VS.
KARLI SWIFT et al. --- RESPONDENT(S)

PROOF OF SERVICE

I, Andrew W. Bell, do swear or declare that on this date, March 25, 2025, as required by Supreme Court Rule 29.3, I have served the enclosed PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

| | | |
|---|--|--|
| DeKalb County Board of Registration and Elections and its board members (Karli Swift, Vasu Abhiraman, Nancy Jester, Susan Motter, Anthony Lewis) and DeKalb Executive Elections Director (Kiesha Smith) | State Elections Board of Georgia and its board members (John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, Jannelle King) | Secretary of State of Georgia (Brad Raffensberger) Elections Director of Georgia (Blake Evans) |
| SMALL HERRIN, LLP 100 Galleria Parkway Suite 350 Atlanta, GA 30339 | Georgia Department of Law 40 Capitol Square SW Atlanta, GA 30334 | Georgia Department of Law 40 Capitol Square SW Atlanta, GA 30334 |
| Administrator of Code Compliance (Tonza Clark) 180 Sams Street Suite B0100 Decatur, GA 30030 | Clerk of DeKalb County State Court (Kimberly Brock) DeKalb County Courthouse 556 N. McDonough Street 2 nd Floor Decatur, GA 30030 | Nicole Massiah (DeKalb District 3 Commissioner) Manuel J. Maloof Center 1300 Commerce Drive Decatur, GA 30030 |

| | | |
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| Administrator of Code Compliance (Tonza Clark) 180 Sams Street Suite B0100 Decatur, GA 30030 | Clerk of DeKalb County State Court (Kimberly Brock) DeKalb County Courthouse 556 N. McDonough Street 2 nd Floor Decatur, GA 30030 | Nicole Massiah (DeKalb District 3 Commissioner) Manuel J. Maloof Center 1300 Commerce Drive Decatur, GA 30030 |
|---|--|--|

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2025



(Signature)

APPENDIX

TABLE OF APPENDIX

| | |
|---|-----------|
| Supreme Court of Georgia's dismissal of Petitioners' interlocutory appeal application (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Case No. S25I0586 (February 13, 2025) | 1a |
| Supreme Court of Georgia's rejection of Petitioners' motion for reconsideration (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Case No. S25I0586 (March 7, 2025) | 2a |
| Superior Court of DeKalb County, GA order directing perfection of service (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Civil Action No. 2024CV10967 (December 19, 2024)..... | 3a |
| Supreme Court of Georgia's decision that changed the definition of "exclusive". They stated they did not have jurisdiction and transferred application to the Court of Appeals of Georgia (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Case No. S25D0637 (February 13, 2025) | 4a |
| Superior Court of DeKalb County, GA final order dismissing the case without holding a hearing (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Civil Action No. 2024CV10967 (January 17, 2025)..... | 6a |
| Supreme Court of Georgia's denial of motion for reconsideration (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Case No. S25D0637 (March 18, 2025) | 9a |
| Superior Court of DeKalb County, GA; Petitioners' motion for leave to add parties and amend petition (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Civil Action No. 2024CV10967 filed December 30, 2024..... | 10a |
| Superior Court of DeKalb County, GA Petitioners' amended petition (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Civil Action No. 2024CV10967 filed December 30, 2024..... | 14a |
| Fraud with Petitioner Andrew W. Bell's nomination petition in 2020..... | 93a-100a |
| Superior Court of DeKalb County, GA Petitioner's response to DeKalb County Superior Court's December 19, 2024 order (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Civil Action No. 2024CV10967 filed December 19, 2024..... | 152a |
| Return of service of Petitioners' original petition being served on the Chair of the State Election Board of the State of Georgia filed December 9, 2024..... | 160a-161a |

| | |
|--|-----------|
| Letter sent to the DeKalb County Superior Court Clerk on December 20, 2024..... | 168a |
| Letter sent to the DeKalb County Sheriff on December 29, 2024..... | 176a |
| Superior Court of DeKalb County, GA; Petitioner's motion for reconsideration of DeKalb County's final order (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Civil Action No. 2024CV10967 filed January 22, 2025..... | 184a |
| Emails sent to DeKalb County Superior Court Clerk, the DeKalb County Sheriff, and their counsel..... | 226a-231a |
| Emails sent to DeKalb County Superior Court inquiring about when a hearing would be held for Civil Action No. 2024CV10967..... | 237a-241a |
| Petitioner's motion for reconsideration (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Case No. S25I0586 (February 13, 2025) | 259a |
| Supreme Court of the State of Georgia emailed remittitur and opinion (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Case No. S25I0586 (February 13, 2025) email was sent on February 28, 2025..... | 294a |
| Superior Court of DeKalb County, GA; Petitioners' original election petition (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Civil Action No. 2024CV10967 filed December 9, 2024..... | 297a |
| Supreme Court of the State of Georgia; Petitioners' application for a appeal of DeKalb County's December 19, 2024 order (<i>Andrew Bell et al. v. Karli Swift et al.</i>) Case No. S25I0586 (February 13, 2025) originally filed on December 30, 2024 but docketed on January 6, 2025..... | 411a |
| Andrew W. Bell 2022 petition to DeKalb County Superior Court after a candidate finished in last place with the voting machines but after a hand recount she finished in first place (<i>Andrew w. Bell v. DeKalb County Voter Registration & Elections Board and Secretary of State of the State of Georgia, Brad Raffensperger et al.</i>) Civil Action No. 2022CV5204 DeKalb County Superior Court it was filed on June 1, 2022..... | 476a |
| Final Order (<i>Andrew w. Bell v. DeKalb County Voter Registration & Elections Board and Secretary of State of the State of Georgia, Brad Raffensperger et al.</i>) Civil Action No. 2022CV5204 DeKalb County Superior Court decision made on (June 3, 2022)..... | 500a |

Final Order (*Andrew w. Bell v. DeKalb County Voter Registration & Elections Board and Secretary of State of the State of Georgia, Brad Raffensperger et al.*)
Supreme Court of the State of Georgia; Case No. S22D1168 DeKalb County
Superior Court decision made on (July 14, 2022)..... 507a



SUPREME COURT OF GEORGIA
Case No. S25I0586

February 13, 2025

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ANDREW BELL et al. v. KARLI SWIFT et al.

Applicant filed an interlocutory application with this Court, seeking review of the trial court's December 19, 2024 order requiring him to perfect service as required for an election contest under OCGA § 21-2-524 (f). This case invokes this Court's jurisdiction over election contests. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. II (2); see also *Cook v. Board of Registrars*, 291 Ga. 67, 70 (727 SE2d 478) (2012). However, for interlocutory applications, the applicant must obtain a certificate of immediate review from the trial court within 10 days of the date of the order being appealed. See OCGA § 5-6-34 (b). However, Applicant did not obtain a certificate of immediate review, and the time to do so has passed. Accordingly, because Applicant has failed to comply with the interlocutory application procedures, his application is dismissed.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 , Clerk



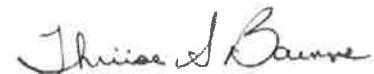
March 7, 2025

RE: S25I0586. Andrew Bell et al. v. Karli Swift et al.

Mr. Bell,

We are in receipt of your Motion for Reconsideration. A motion asking the Court to reconsider a ruling must be physically received by the Court within ten days of the order or judgment for which reconsideration is sought. See Ga. Supreme Ct. R. 27. Please note that the judgment issued in your case on February 13, 2025, meaning that a motion for reconsideration would have been due on Monday, February 24, 2025. Moreover, the remittitur issued in this case on February 28, 2025, returning jurisdiction to the lower court. Accordingly, this Court no longer has jurisdiction over the case and does not have the authority to act on your recent submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Therese S. Barnes".

Therese S. Barnes, Clerk

FILED 12/19/2024 2:01 PM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

ANDREW BELL et. al.)
Petitioner,) CIVIL ACTION FILE NO.:
v.) 24CV10967
KARLI SWIFT, et. al.,)
Respondent.)

ORDER

Petitioner filed, on 12/9/24, a "Petition to Contest DeKalb County Georgia's District Runoff Elections Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief." The body of the document alleges that the Petitioner was a candidate for office in DeKalb Count's District 3 Commissioner runoff race held on 12/3/24, that he did not prevail, but that relief is warranted because the election should have been held sometime in May instead. Various other allegations follow, including that DeKalb County did not adequately investigate allegations of campaign signs being stolen, that DeKalb County actually stole some of the campaign signs, that there were changes in early voting dates and locations, and that election employees were generally unprofessionalism and/or unhelpful.

The petition was brought pursuant to O.C.G.A. §21-2-521 *et. seq* but fails to comply with several procedural requirements. Most significantly, Petitioner has failed to comply with the service requirements contained in O.C.G.A. §21-2-524 regarding service on the State Election Board and on all parties by way of the special process required by O.C.G.A. §21-2-524(f).

An election contest is "to be heard with the greatest of expedition" to avoid the uncertainty, confusion and prejudice which can come in its wake. *Schmitz v. Barron*, 312 Ga. 523 (2021). Consequently, trial courts are vested with broad authority to manage the proceedings to resolve them as quickly as possible. *Martin v. Fulton County Board of Registration and Elections*, 307 Ga. 193 (2019)

Pursuant to O.C.G.A. §21-2-524(e) and (g), the Court Orders that the Petition is to be perfected no later January 3, 2025.

SO ORDERED this 19 day of December, 2024.


Honorable JOHN J. GOWER
Sitting by Designation
Superior Court of DeKalb County



SUPREME COURT OF GEORGIA
Case No. S25D0637

February 13, 2025

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ANDREW W. BELL et al. v. KARLI SWIFT et al.

The trial court dismissed the applicant's election contest on the ground that, after being directed to perfect service, he failed to exercise reasonable diligence in doing so. The applicant filed this discretionary application to challenge that ruling. Although we have exclusive jurisdiction over "[a]ll cases of election contest," see Ga. Const. of 1983, Art. VI, Sec. VI, Par. II (2), the trial court's order did not resolve any elections-related matters. As a result, our exclusive jurisdiction is not invoked. See, e.g., *Barzey v. City of Cuthbert*, 295 Ga. 641, 643 (2) (763 SE2d 447) (2014) (concluding that this Court had constitutional-question jurisdiction over appeal because the appellant raised and obtained a ruling on constitutional challenge to state statute, the issue was raised on appeal, and this Court had not previously addressed the issue); *Reeves v. Newman*, 287 Ga. 317, 318 (695 SE2d 626) (2010) (construing this Court's former appellate jurisdiction over equity cases as invoked when there was a substantive issue raised on appeal regarding the propriety of the equitable relief, whereas "cases in which the grant or denial of such relief was merely ancillary to underlying issues of law, or would have been a matter of routine once the underlying issues were resolved, [were] not equity cases" (citation and punctuation omitted)); *Ga. Dept. of Transp. v. Meadow Trace, Inc.*, 278 Ga. 423, 424 (603 SE2d 257) (2004) (construing this Court's former appellate

jurisdiction over “cases involving title to land” as including “only cases that directly involve[d] the title” and not “those that only incidentally involve[d] such a question” (citation and punctuation omitted); *In re Estate of Lott*, 251 Ga. 461 (306 SE2d 920) (1983) (construing this Court’s former appellate jurisdiction of “[a]ll cases involving wills” as embracing only “those cases in which the will’s validity or meaning is in question.”). Accordingly, this application is hereby transferred to the Court of Appeals.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk’s Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk

**IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA**

| | |
|------------------------------|---------------------------------|
| ANDREW BELL et. al. |) |
| Petitioner, |) CIVIL ACTION FILE NO.: |
| v. |) 24CV10967 |
| |) |
| KARLI SWIFT, et. al., |) |
| Respondent. |) |

DISMISSAL ORDER

Petitioner filed, on 12/9/24, a “Petition to Contest DeKalb County Georgia’s District Runoff Elections Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief.” The body of the document alleges that the Petitioner was a candidate for office in DeKalb County’s District 3 Commissioner runoff race held on 12/3/24, that he did not prevail, but that relief is warranted because the election should have been held sometime much earlier in the year instead. Various other allegations follow, including that DeKalb County did not adequately investigate allegations of campaign signs being stolen, that DeKalb County actually stole some of the campaign signs, that there were changes in early voting dates and locations, and that election employees were generally unprofessionalism and/or unhelpful.

The Court entered an Order on 12/19/24 identifying several procedural issues with the complaint, chief among them being that the special process required by O.C.G.A. §21-2-524(f) had not been served upon any party. The Court gave the Petitioner fifteen days (until January 3, 2025) to perfect the petition.

Hours after that Order was entered, Petitioner filed a “Response” to the Order in which he declared that ensuring service of the special process was not his responsibility.

On 12/30/24, Petitioner filed his second amended petition. In it, he alleged that the day after his receipt of this Court’s Order, he contacted the clerk to inquire about the service of the special process. He was told, he says, that he would have to pay the usual fee for having persons served by the Sheriff, which Petitioner maintains he should not have to do. Petitioner continued to insist that the responsibility for ensuring service of the special process was not his. It has now been thirty-nine days since Petitioner filed his challenge and twenty-nine since the Court put

him on notice that there was a problem with service. To date, there still has been no service of the special process required by O.C.G.A. §21-2-524(f) on any party.

“It is the responsibility of the person bringing an election contest to ensure that the proceedings move in an expeditious fashion, including by ensuring that all defendants and other interested individuals are given proper notice of the election contest.” *Schmitz v. Barron*, 312 Ga. 523 (2021). In that case, a petitioner was properly dismissed due to the lack of service on just one party. Here, none of the parties have been served with the special process, despite the Petitioner having been made aware of the issue and been given time to remedy same.

Rather than do so, Defendant filed, on 1/2/25, a notice that he had sought review by the Supreme Court of Georgia of this Court’s prior order. The notice refers to the code section for discretionary appeals taken after the signing of a certificate of immediate review.

“A notice of appeal does not act as a supersedeas when a party attempts to appeal an interlocutory order but fails to follow the requirements for obtaining interlocutory review set out in OCGA § 5–6–34 (b), which includes obtaining a certificate of immediate review from the trial court and an order from the appellate court granting the appeal. *Islamkhan v. Khan*, 299 Ga. 548 (2016). No certificate of immediate review was signed in this case, and the Court retains jurisdiction of this matter.

The question then is whether the Petitioner exercised reasonable diligence in ensuring prompt service of the special process. Petitioner alleges only 1) that he sent an email to the Clerk on 12/20/24, 2) that he was told he would have to pay a service fee to have the Sheriff personally serve all the parties, and 3) that he deliberately refused to pay the fee because he didn’t think he should have to. No request for a waiver of those fees was made.

Not only was the Petitioner put on notice that there were service issued on 12/19/24, but he was told exactly what he had to do to cure those issues by the Clerk the next day. In the four weeks since then, he has simply refused to do so. The Court finds that the Petitioner has failed to exercise reasonable diligence in ensuring service of the special process, without which this case cannot proceed. The Court further finds that the failure is deliberate and inexcusable. This case is, as an act of discretion, DISMISSED.

As an alternative ground for this holding, the Petition deals exclusively with things that allegedly happened before the election, many of them months before. “Parties seeking to undo an election [must] have done everything within their power to have their claims decided before the

election occurred." *Catoosa County Republican Party v. Henry*, 319 Ga. 794 (2024). Failure to do so may result in dismissal. *Miller v. Hodge*, 319 Ga. 543 (2024).

Petitioner has failed to do everything within his power to have his claims decided prior to the election, and dismissal is warranted.

Finally, the State and County Defendants have both filed motions to dismiss. Petitioner filed responses thereto. Those motions are both GRANTED as to all issues raised therein.

Petitioner also filed a motion to appoint process server, seemingly for the purpose of serving the special process, which again has never been issued. The statute is clear that the Sheriff must serve the respondents in an election challenge, and the motion is DENIED.

SO ORDERED this 17th day of January, 2025.



Honorable JOHN J. GOGER,
Sitting by Designation
Superior Court of DeKalb County



SUPREME COURT OF GEORGIA
Case No. S25D0637

March 18, 2025

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ANDREW W. BELL et al. v. KARLI SWIFT et al.

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa N. Barnes, Clerk

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

ANDREW W. BELL, in his capacity as a
Candidate for DeKalb County District 3
Commissioner, THE ELECT ANDREW BELL
CAMPAIGN INC, and the registered electors of
DeKalb County District 3 Commission

CIVIL ACTION NO. 24CV10967

Petitioners,

vs.

DEKALB COUNTY VOTER REGISTRATION
AND ELECTION BOARD as an entity, KARLI
SWIFT, in her individual capacity and her official
capacity as Chair of DeKalb County Board of
Registration and Elections, VASU ABHIRAMAN,
in his individual capacity and his official capacity as
Vice-Chair of DeKalb County Board of Registration
and Elections, NANCY JESTER in her individual
capacity and her official capacity as a member of
DeKalb County Board of Registration and Elections,
SUSAN MOTTER in her individual capacity and her
official capacity as a member of DeKalb County
Board of Registration and Elections, ANTHONY
LEWIS in his individual capacity and in his official
capacity as member of DeKalb County Board of
Registration and Elections, KEISHA SMITH in her
individual capacity and in her official capacity as
Executive Director of Voter Registration and
Elections for DeKalb County, TONZA CLARK in
her individual capacity and in her official capacity as
DeKalb County Administrator of Code Compliance,
KIMBERLY BROCK in her individual capacity and
in her official capacity as DeKalb County State
Clerk, GEORGIA STATE ELECTIONS BOARD as
an entity, JOHN FERVIER in his official capacity as
CHAIR of the Georgia State Elections Board, SARA
TINDALL GHAZAL in her official capacity as a
member of the Georgia State Elections Board,
JANICE W. JOHNSTON in her official capacity as a
member of the Georgia State Elections Board, RICK
JEFFARES in his official capacity as a member of
the Georgia State Elections Board, JANELLE KING
in her official capacity as a member of the Georgia
State Elections Board, BLAKE EVANS in his
official capacity as Elections Director for the State of
Georgia, BRAD RAFFENSPERGER in his official
capacity as Secretary of State of Georgia

Respondents.

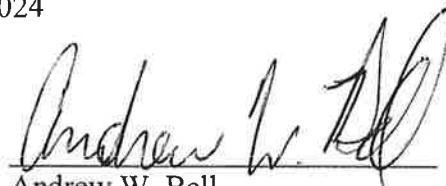
DATE: December 30, 2024

**MOTION FOR LEAVE TO ADD PARTIES AND AMEND PETITIONER'S PETITION
FILED ON DECEMBER 09, 2024**

Petitioner respectfully moves this Court to issue an order to grant Petitioner's attached amended petition pursuant to O.C.G.A. § 21-2-524(g). Petitioner paid the DeKalb County Superior Court Clerk extra fees to allow the DeKalb County Voter Registration Board to be placed on the summons for this case and his petition as an entity, and also for the Georgia State Elections Board to be placed on the summons for this case and his petition as an entity. Although the name were added to the summons they were not added to the petition. The amended petition also list the members of the DeKalb County Voter Registration Board in their individual capacity and their official capacity. The Petitioner also wishes to add Tonza Clark in her individual capacity and her official capacity as DeKalb County's Administrator for Code Compliance. The Petitioner also wishes to add Kimberly Brock in her individual capacity and her official capacity as DeKalb County State Clerk. Petitioner has also added other facts and events that have occurred since filing his petition on December 9, 2024. Leave shall be freely given when justice requires *See* O.C.G.A. § 9-11-15.

WHEREFORE, Petitioner respectfully requests this Court grant Petitioner's request to amend his petition in accordance with O.C.G.A. § 21-2-524(g).

The submitted this 30th day of December, 2024



Andrew W. Bell

pro se
P.O. Box 82348
Atlanta, GA 30354
Andrew.Bell@live.com

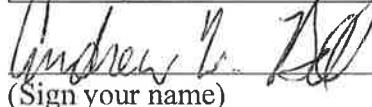
IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

I certify that I have served a copy of the Plaintiff's document **MOTION FOR LEAVE TO ADD PARTIES AND AMEND PETITIONER'S PETITION FILED ON DECEMBER 09, 2024** by depositing a copy of same in the United States mail with sufficient postage thereon OR by email, or by e-file addressed as follows:

| | | |
|--|--|---|
| DeKalb County Board of Registration and Elections and its board members (Karli Swift, Vasu Abhriraman, Nancy Jester, Susan Motter, Anthony Lewis) and DeKalb Executive Elections Director (Kiesha Smith) | State Elections Board of Georgia and its board members (John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, Jannelle King) | Secretary of State of Georgia (Brad Raffensberger) Elections Director of Georgia (Blake Evans) |
| Suite 300 4380 Memorial Drive Decatur, GA 30032 | Suite 802 2 MLK Jr. Drive Floyd West Tower Atlanta, GA 30334 | Suite 214 State Capitol 206 Washington Street Atlanta, GA 30334 |
| | | |

| | | |
|---|--|--|
| Administrator of Code Compliance (Tonza Clark) 180 Sams Street Suite B0100 Decatur, GA 30030 | Clerk of DeKalb County State Court (Kimberly Brock) DeKalb County Courthouse 556 N. McDonough Street 2 nd Floor Decatur, GA 30030 | Nicole Massiah (DeKalb District 3 Commissioner) Manuel J. Maloof Center 1300 Commerce Drive Decatur, GA 30030 |
|---|--|--|

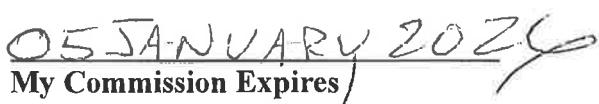

(Sign your name)

P.O. Box 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell@live.com

SUBSCRIBED AND SWORN BEFORE ME, on this the 30th day of December, 2024



Notary Public/ Officer authorized to administer oath


My Commission Expires



IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

ANDREW W. BELL, in his capacity as a
Candidate for DeKalb County District 3
Commissioner, THE ELECT ANDREW BELL
CAMPAIGN INC, and the registered electors of
DeKalb County District 3 Commission

Petitioners,

vs.

DEKALB COUNTY VOTER REGISTRATION
AND ELECTION BOARD as an entity, KARLI
SWIFT, in her individual capacity and her official
capacity as Chair of DeKalb County Board of
Registration and Elections, VASU ABHRIRAMAN,
in his individual capacity and his official capacity as
Vice-Chair of DeKalb County Board of Registration
and Elections, NANCY JESTER in her individual
capacity and her official capacity as a member of
DeKalb County Board of Registration and Elections,
SUSAN MOTTER in her individual capacity and her
official capacity as a member of DeKalb County
Board of Registration and Elections, ANTHONY
LEWIS in his individual capacity and in his official
capacity as member of DeKalb County Board of
Registration and Elections, KEISHA SMITH in her
individual capacity and in her official capacity as
Executive Director of Voter Registration and
Elections for DeKalb County, TONZA CLARK in
her individual capacity and in her official capacity as
DeKalb County Administrator of Code Compliance,
KIMBERLY BROCK in her individual capacity and
in her official capacity as DeKalb County State
Clerk, GEORGIA STATE ELECTIONS BOARD as
an entity, JOHN FERVIER in his official capacity as
CHAIR of the Georgia State Elections Board, SARA
TINDALL GHAZAL in her official capacity as a
member of the Georgia State Elections Board,
JANICE W. JOHNSTON in her official capacity as a
member of the Georgia State Elections Board, RICK
JEFFARES in his official capacity as a member of
the Georgia State Elections Board, JANELLE KING
in her official capacity as a member of the Georgia
State Elections Board, BLAKE EVANS in his
official capacity as Elections Director for the State of
Georgia, BRAD RAFFENSPERGER in his official
capacity as Secretary of State of Georgia

Respondents.

CIVIL ACTION NO. 24CV10967

DATE: December 30, 2024

**AMENDED PETITION TO CONTEST DEKALB COUNTY GEORGIA'S DISTRICT
RUNOFF ELECTION RESULTS FOR VIOLATIONS OF THE CONSTITUTION AND
LAWS OF THE STATE OF GEORGIA, AND REQUEST FOR EMERGENCY
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1.

COME NOW Andrew W. Bell ("Petitioner"), in his capacity as a Candidate for DeKalb County District 3 Commissioner. Petitioner in the above-styled civil action, file this, his petition to Contest DeKalb County Georgia's District 3 Commissioner Election Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief (the "Petition"), respectfully showing this honorable Court as follows:

2.

In Georgia, the General Assembly "shall provide by law for a procedure whereby returns of all elections by the people shall be made to the Secretary of State." *See Ga. Const. art. II, § 2, para. I*

3.

A run-off election shall be a continuation of the general election and only persons who were entitled to vote in the general election shall be entitled to vote therein; and only those votes cast for the persons designated for the runoff shall be counted in the tabulation and canvass of the votes cast. *See Ga. Const. art. II, § 2, para. II*

4.

The office of any state, county, or municipal elected official shall be declared vacant upon such elected official qualifying, in a general primary or general election, or special primary or special election, for another state, county, or municipal elective office or qualifying for the

House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins more than 30 days prior to the expiration of such official's present term of office. The vacancy created in any such office shall be filled as provided by this Constitution or any general or local law. This provision shall not apply to any elected official seeking or holding more than one elective office when the holding of such offices simultaneously is specifically authorized by law. *See Ga. Const. art. II, § 2, para. V*

5.

Pursuant to the legislative power vested in the Georgia General Assembly (the "Legislature"), the Legislature enacted the Georgia Election Code governing the conduct of elections in the State of Georgia. See O.C.G.A. §§ 21-2-1 et seq. (the "Election Code").

6.

Thus, through the Election Code, the Legislature promulgated a statutory framework for electing county officials, as directed by the Constitution.

7.

In this case, Petitioner Andrew W. Bell presents to this Court substantial evidence that the December 3, 2024, Runoff for the Special Election for DeKalb County District 3 Commissioner (the "Contested Election"), between Mr. Bell and Nicole Massiah, was not conducted in accordance with the Election Code and that the named Respondents deviated significantly and substantially from the Election Code.

8.

Nicole Messiah was allowed to run for office without proving she was a resident of DeKalb County. Her personal disclosure financial disclosure statement states she has a property but it does list an address. The disclosure statement states, "Property 1 DeKalb GA Atlanta, Georgia residential property". Being that Ms. Massiah is now elected she can be served at the Manuel J.

Maloof Center located at 1300 Commerce Drive, Decatur, GA 30030. Ms. Massiah had not been sworn in at the time of the original filing.

9.

Due to significant systemic misconduct and other irregularities occurring during the election process, the Petitioner was denied his right to a free and fair election. The registered electorate were also prevented with different sets of facts and circumstances that brought confusion, misunderstanding, and chaos into the election process, thereby creating substantial doubt regarding the results of that election.

10.

Petitioners demonstrate that the Respondents' repeated violations of the Election Code constituted an abandonment of the Legislature's duly enacted framework for conducting the election.

11.

Petitioners bring this contest pursuant to O.C.G.A. §21-2-522.

12.

"Honest and fair elections must be held in the selection of the officers for the government of this republic, at all levels, or it will surely fall. If [this Court] place[s] its stamp of approval upon an election held in the manner this one [was] held, it is only a matter of a short time until Page 5 of 64 unscrupulous men, taking advantage of the situation, will steal the offices from the people and set up an intolerable, vicious, corrupt dictatorship." *Bush v. Johnson*, 111 Ga. A pp. 702, 705, 143 S.E.2d 21, 23 (1965).

THE PARTIES

13.

Mr. Andrew W. Bell is a candidate for the special election for DeKalb County District 3 Commissioner and a natural person.

14.

The Elect Andrew Bell Campaign, Inc. is a local candidate committee registered with, reporting to, and governed by the regulations of the Internal Revenue Service (IRS) and the Georgia Government Transparency and Campaign Finance Commission. Andrew W. Bell is the Chairperson and agent designated by the Committee in the State of Georgia (collectively the "Bell Campaign").

15.

The registered electors of DeKalb County District 3 Commission. This includes any registered elector who believes their First and Fourteenth amendment rights were violated due to the actions of the Respondents.

16.

Petitioners are "Contestants" as defined by O.C.G.A. § 21-2-520(1) who are entitled to bring an election contest under O.C.G.A. § 21-2-521 (the "Election Contest").

17.

KARLI SWIFT, in her official capacity as Chair of DeKalb County Board of Registration and Elections,

18.

VASU ABHIRAMAN, in his official capacity as Vice-Chair of DeKalb County Board of Registration and Elections,

19.

NANCY JESTER in her official capacity as a member of DeKalb County Board of Registration and Elections,

20.

SUSAN MOTTER in her official capacity as a member of DeKalb County Board of Registration and Elections,

21.

ANTHONY LEWIS in his official capacity as member of DeKalb County Board of Registration and Elections,

22.

KEISHA SMITH in her official capacity as Executive Director of Voter Registration and Elections for DeKalb County, Georgia, and conducted the Contested Election within that county.

23.

JOHN FERVIER in his official capacity as CHAIR of the Georgia State Elections Board,

24.

SARA TINDALL GHAZAL in her official capacity as a member of the Georgia State Elections Board,

25.

JANICE W. JOHNSTON in her official capacity as a member of the Georgia State Elections Board,

26.

RICK JEFFARES in his official capacity as a member of the Georgia State Elections Board,

27.

JANELLE KING in her official capacity as a member of the Georgia State Elections Board,

28.

BLAKE EVANS in his official capacity as Elections Director for the State of Georgia,

29.

BRAD RAFFENSPERGER in his official capacity as Secretary of State of Georgia

30.

All references to Respondents made herein include named Respondent and those election workers deputized by Respondents to act on their behalf during the Contested Election.

JURISDICTION AND VENUE

31.

Jurisdiction is proper in this Court pursuant to O.C.G.A. § 21-2-523(a) as the Superior Court of the county where the Superior Court of the county where Secretary KEISHA SMITH in her official capacity as Executive Director of Voter Registration and Elections for DeKalb County, the Dekalb County Board of Registration and Elections. There are also Fulton County Respondents who are located in Fulton County. This Court has jurisdiction over those Respondents pursuant to O.C.G.A. § 9-10-31(a) due to the fact the Fulton County Respondents are joint-tort feasors. The Fulton County Respondents are the State Elections Board of Georgia, the State of Georgia Elections Director Blake Evans, and the Secretary of the State of Georgia Brad Raffensperger.

32.

Venue is proper before this Court.

FACTUAL BACKGROUND

33.

The Georgia Election Code and Election Contest Provisions

34.

The Election Code in O.C.G.A. § 21-2-522 provides the means for a candidate in a federal election to contest the results of said election based on:

1. Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
2. When the defendant is ineligible for the nomination or office in dispute;

3. When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
4. For any error in counting the votes or declaring the result of the primary or election, if such error would change the results; or
5. For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

35.

The results of an election may be set aside when a candidate has “clearly established a violation of *election procedures* and has demonstrated that the violation has placed the result of the election in doubt.” *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193-94, 835 S.E.2d 245, 248 (2019) (quoting *Hunt v. Crawford*, 270 GA 7, 10, 507 S.E.2d 723 (1998)(emphasis added).

36.

The Election Code “allows elections to be contested through litigation, both as a check on the integrity of the election process and as a means of ensuring the fundamental right of citizens to vote and to have their votes counted securely.” *Martin*, 307 Ga. at 194.

37.

The results of an election may be set aside when a candidate has “clearly established a violation of *election procedures* and has demonstrated that the violation has placed the result of the election in doubt.” *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193-94, 835 S.E.2d 245, 248 (2019) (quoting *Hunt v. Crawford*, 270 GA 7, 10, 507 S.E.2d 723 (1998)(emphasis added).

38.

The Election Code “allows elections to be contested through litigation, both as a check on the integrity of the election process and as a means of ensuring the fundamental right of citizens to vote and to have their votes counted securely.” *Martin*, 307 Ga. at 194.

39.

The DeKalb County District 3 Commissioner seat was vacated on or around March 8, 2024, when Mr. Johnson qualified to run for DeKalb County’s Chief Executive Officer.

40.

On March 18, 2024, the DeKalb County Board of Registration and Elections held a meeting to discuss when the 2024 special election for that election would be held¹.

41.

The DeKalb County Board Chair Karli Swift² stated that the Board was advised by counsel that the Board only had two options. Chair Swift stated that the Board had reviewed the law, and that the Board had reviewed their options. Chair Smith stated that the first option was to hold the Special election on May 21, 2024. Chair Smith then and falsely claimed that the Special election “must be conducted completely separate and apart from the general primary statewide nonpartisan election, which means that it requires us to use different ballots, or voting equipment, facilities, poll workers, or paperwork. And we’ll walk through what that means in shortly. The other option is November 5th in conjunction with the General election.”

42.

¹ See Exhibit 1 pgs. 3-4

² Chair Smith declared that she is a licensed attorney in the State of Georgia

Chair Smith then turned the meeting over to Executive Elections Director Kiesha Smith. Director Smith used a power point to display a slide labeled as “Separate and Apart” included in that slide was a copy of GA Code § 21-2-540(b)³.

43.

Chair Smith included language that was not in O.C.G.A. § 21-2-540(b). The GA Code § 21-2-540(b) does not say anything about nonpartisan elections.

Nonpartisans elections, in relation to how names are placed on the ballot, can be found at O.C.G.A. § 21-2-285.1

44.

The Respondents intentionally ignored O.C.G.A. § 21-2-540 (a) clearly states, “**All** special primaries and **special elections** held at the time of a **general primary**, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the **use of the same equipment and facilities**, insofar as practicable, as are used for such general primary.”

45.

O.C.G.A. § 21-2-540(b) was changed effective July 1, 2024. Subsection (b) now includes language “to present questions to the voters”.⁴

46.

Before the change was made it should have been clear to the Board especially the Chair, being she’s an attorney, that there was no presidential preference primary or state-wide general primary. There was a state-wide nonpartisan general election, however it is the Petitioner’s opinion that a reasonable person would assume a general election in relation to O.C.G.A. § 21-2-540(b) at that time and now would only include candidates from a political party.

47.

³ See Exhibit 2

⁴ See Exhibit 3 pgs. 23-24

The Dekalb County Elections Board and its executive director Kiesha Smith knowingly misled the public on March 18, 2024. The Board and its director clearly stated May 21, 2024 was an option. O.C.G.A. § 21-2-540(a) was applicable to the May 21, 2024 option, O.C.G.A. § 21-2-540(b) was not. The primary reason that O.C.G.A. § 21-2-540(b) was not applicable to the May 21, 2024 date was due to that fact O.C.G.A. § 21-2-540(b) clearly states the special election shall be called at least **90 days prior** to the date of such presidential preference primary, state-wide general primary, or state-wide general election. Well 90 days from March 18, 2024 is June 16, 2024, which is after the May 21, 2024 general primary. Even if there had of been an unscheduled meeting on March 8, 2024, after the DeKalb County District 3 and District 7 Commissioners had submitted their nomination to run for the DeKalb County Chief Executive Officer, the earliest that the special election could have been held using the 90 day prior standard would have been June 06, 2024. June 06, 2024 was after the May 21, 2024 general primary.

48.

The purpose for O.C.G.A. § 21-2-540(b) is to set a time schedule for O.C.G.A. § 21-2-540(a). O.C.G.A. § 21-2-540(a) clearly states, “**All** special primaries and **special elections** held at the time of a **general primary**, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the **use of the same equipment and facilities**, insofar as practicable, as are used for such general primary.” O.C.G.A. § 21-2-540(b) is just there to state at the time of the special primary there should have been a minimum of 29 days before the call of special primary and the holding of the special primary. In turn, if the call for a special election was held on March 18, 2024 the earliest that a special election could have been held was Tuesday April 16, 2024, and the run-off could have been held on May 21, 2024, the date of the general primary, if were called on or before April 22, 2024.

49.

The general primary was held on May 21, 2024. DeKalb County's Elections Board and its director cared nothing about the registered electorate of District 3 and District 7 having representation. The start of the United States of America came at the Boston Tea Party with the famous phrase "No taxation without representation". The DeKalb County Board of Elections and its executive director have forced the residents and citizens of both District 3 and District 7 to go without representation for over 9 months.

50.

With four potential candidates in both the District 3 and District 7 races it would seem that the Board and its executive director should have been aware that there would have been a great probability that no one candidate would get the majority of needed to win the election, which would have required a runoff. If the goal of the Board and the director was to save money they could have and should have held the special election on Tuesday April 16, 2024. The Board and the director could have then held the runoff on the general primary day of May 21, 2024. This would have allowed the registered electorate of District 3 to elect the representative at earliest and most efficient times. There were decisions made by the DeKalb Board of Commissioners during the last 9 months that affected the residents and citizens of DeKalb District 3, while those same residents and citizens had zero representation.

51.

On April 3, 2024, the Petitioner submitted his nomination of candidacy and affidavit for DeKalb County District 3 Commissioner.

52.

What took place after that was the longest race for a political office in Georgia history. The Board and its director forced the candidates to run for office for seven months. Those seven months placed a much more severe burden on the candidates than the 7 weeks would have been.

53.

For example, for the highest office in the land, the two prominent parties the Republicans and the Democrats, the Republican candidate was nominated by its party on July 15, 2024, and the Democratic candidate was nominated by its party on August 22, 2024. There are reports that one of those candidates was able to raise 1.6 billion dollars and their campaign still ended up 20 million in the negative.⁵

54.

The Petitioner did not have a lot of donors for his campaign. However, he was the most known out of the four candidates who had submitted their nominations to run for DeKalb County District 3 Commissioner. Due to the fact he had run for the same position 2 years prior against a 20-year incumbent Larry Johnson.

55.

Petitioner definitely had a significant advantage that he was deprived of. By **unlawfully** moving the special election to November 5, 2024. It allowed other candidates to raise money from the typical donors that have donated to the previous Commissioners. The Petitioners slogan being “Bringing Integrity Back” did not afford him the same access to those same type of donors. The Petitioner had to loan his campaign money.

56.

⁵ <https://thehill.com/homenews/campaign/4996895-harris-campaign-scrutiny-spending/>

Moving the election from the May 21, 2024⁶ option that was given to the November 5, 2024 put a significant and unnecessary financial burden on the candidates running in the special election.

57.

More than the financial burden it placed on the candidates for the special election was the amount of time taken from the candidates that cannot be returned. The candidates in the District 3 special election faced a burden that no other candidates in this state's history have faced and should never face again.

58.

The Petitioner had to employ different campaign strategies than he anticipated, due to the actions of the DeKalb County Board of Elections and its executive Elections director.

59.

The Petitioner had to exhaust resources⁷ that he would not have to exhaust had the special election been held in accordance with O.C.G.A. § 21-2-540(a). O.C.G.A. § 21-2-540(a) makes reference to O.C.G.A. § 21-2-541⁸, when O.C.G.A. § 21-2-540(a) states, All special primaries and special elections held at the time of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, in so far as practicable, as used for a general election.

⁶ April 16, 2024 would have been the first date that a special election could have been held

⁷ Time, money, supporters, vehicle expenses, campaign materials, and other essentials needed to run for political office.

⁸ O.C.G.A. § 21-2-541 (a)A special primary or election may be held at the time of a general primary or election. (b)If the times specified for the closing of the registration list for a special primary or special election are the same as those for a general primary or general election, the candidates and questions in such special primary or special election shall be included on the ballot for such general primary or general election. In such an instance, the name of the office and the candidates in such special primary or special election shall appear on the ballot in the position where such names would ordinarily appear if such contest was a general primary or general election.

60.

Although there was new language (“to present questions to the voters”) that supposedly provided more clarity to O.C.G.A. § 21-2-540(b)⁹, the added language was not necessary. If a person references O.C.G.A. § 21-2-541 as O.C.G.A. § 21-2-540(a) instructs them to do, a reasonable person can discern that in the first sentence in O.C.G.A. § 21-2-541(b) list candidates and questions. However, the second sentence only talks about candidates, which means that the placement for question is mentioned somewhere else, which would be O.C.G.A. § 21-2-540(b).

61.

The false misrepresentation of O.C.G.A. § 21-2-540(b) caused Petitioner irreputable harm and damaged his financial wellbeing, and impacted his business and business opportunities.

62.

The malicious and purposeful actions of the Respondents violated the U.S. and State of Georgia constitutional rights of the registered electorate of DeKalb County’s District 3 Commissioner district.

63.

These are not Petitioner Andrew W. Bell first experiences dealing with unethical and unlawful behavior from DeKalb County’s Board of Registration and Elections. In 2020, Petitioner’s verification statement was different from all other candidates who submitted nomination petitions in 2020 and in the previous elections where nomination petitions were required. The cumulative total was not documented on the 2020 Petition Verification statement. Petitioner has a verification statement that states he collected 2,200 valid signatures. However,

⁹ See Exhibit 3

the cumulative total is missing from the page. All the other independent candidates have their cumulative totals listed above the verification statement. According to the Respondents' own instructions, as it relates to the nomination petition, "*The cumulative total of valid signatures must be documented on the 2020 Petition Verification Statement.*"¹⁰

64.

The added sheet¹¹ that prevented Mr. Bell's name from being printed on the ballot although it had no name or signature, it had a letterhead from DeKalb County's Board of Registration and Elections.

65.

In 2022, on the night of the general primary election the DeKalb County Voter and Registration office declared Michelle Long Spears finished in third place or last. She was granted a recount where the ballots were counted by hand. After the recount she was said to have finished in second place. Michelle Long Spears actually finished in first place. Mrs. Spears competed in the runoff, where she won and was elected as DeKalb County District 2 Commissioner.

66.

DeKalb County Board of Registration and Elections has a pattern of unfair elections practices including the alteration of documents, which is fraud.

67.

¹⁰ Exhibit 4 pg.4 of 8

¹¹ See Exhibit 3 pg. 3 of 8

- Due to Petitioner's past experiences with the DeKalb County Voter and Registration.

Petitioner sent DeKalb County's Election Director Keisha Smith an Open Records request¹² asking for the following information:

1. All Advance Voting Recap Sheets for each Advance Voting location utilized during the May 24, 2022, Election.
2. All Advance Voting Logic & Accuracy Testing Equipment Tapes for each Advance Voting location utilized during the May 24, 2022, Election.
3. All Advance Voting Recap Sheets for each Advance Voting location utilized during the November 7, 2023, Election.
4. All Advance Voting Logic & Accuracy Testing Equipment Tapes for each Advance Voting location utilized during the November 7, 2023, Election.
5. Polling Location Site Surveys/Assessments completed in 2023 for all Advance Voting locations utilized during the November 7, 2023, Election regarding the new Vote Center Hubs purchased by the county and utilized during this election.
6. Polling Location Site Surveys/Assessments completed for March 12, 2024, Election for the following Election Day Polling locations used for the Precincts listed below:

1. Snapfinger Elementary
2. Snapfinger Road
3. Rainbow Elementary
4. Stone Mill Elementary
5. Rowland Road
6. Canby Lane Elementary
7. Wesley Chapel Library
8. Glenwood Road
9. Avondale
10. Columbia Drive
11. East Lake
12. Rehoboth

¹² See Exhibit 11 (pgs. 3-4)

7. Polling Location Site Surveys/Assessments completed before the postponed June 9, 2020, Election (original dates March 24, 2020, and May 19, 2020), for the twelve precincts listed above in number six of this correspondence.

68.

After waiting for over four months, DeKalb County Board of Registration and Elections sent Mr. Bell a response asking him to pay \$896.25 for the requested information.¹³

69.

The Petitioner has become a victim of their unfair practices again through the special election process, the special election, and the Contested election.

VIOLATIONS DURING THE ELECTION

70.

The Petitioner was a victim of DeKalb County's own government violating his rights and rights of his supporters. The DeKalb County government removed campaign signs on the private property of the Petitioner and several of his supporters in violation of O.C.G.A. § 16-7-58(a)(2).

71.

After the DeKalb County government violated the rights of the Petitioner and his supporters. The Petitioner filed a police report with the DeKalb County police department¹⁴. Three of the incidents of campaign signs being stolen from private property were filmed, but there were many supporters throughout the nine-month campaign who informed me of similar experiences, where DeKalb County stole campaign signs from their property.

¹³ See Exhibit 12

¹⁴ Case No. 24-062486

All of the Respondents were emailed¹⁵ with the exception of Respondent Raffensperger on August 22, 2024, about the stolen property from Andrew Bell's campaign.

72.

The Petitioner received no response about the stolen signs from the Respondents.

73.

Petitioner had to contact Detective Watson of the DeKalb County police department again regarding an incident where DeKalb County employees came to the Petitioner's abode and attempted to steal signs from his yard¹⁶. Petitioner emailed the exact same Respondents as he had done previously on August 22, 2024. The Petitioner again received no response from the Respondents. Petitioner added the Administrator of Code Compliance, Tonza Clark, to his amended petition. Although Petitioner has not gotten a response to his complaint from the DeKalb County police. It is clear that individuals who work for DeKalb County's Code Compliance Department were culprits of stealing his signs on at least three occasions.¹⁷

74.

While on the campaigning Andrew Walter Bell had individuals approach him about a criminal case in the City of Avondale Estates in 2014. The case was closed in 2014. Mr. Bell does not know exactly when the case was opened but he knows that it was after he made an informal complaint and made an open records request.¹⁸ The case was record restricted in 2016. I made an Open Records request with DeKalb Solicitor-General's office, in an attempt to find out who opened the case in the DeKalb County State Court Judicial Information System, and for

¹⁵ See Exhibit 5

¹⁶ See Exhibit 6

¹⁷ Petitioner received numerous calls from his supporters stating the "County" was stealing his signs

¹⁸ See Exhibit 24

what reason being that the case has been record restricted since 2016.¹⁹ The DeKalb Solicitor-General's office denied having any knowledge of the case.²⁰ I submitted an Open Records request to DeKalb County State Clerk, who is in charge of the DeKalb County State Court Judicial Information System. The Clerk's office responded²¹ saying that I needed to contact Avondale Estates, however the City of Avondale Estates closed the case and requested that the record be restricted years ago.²² The City of Avondale Estates nor myself ever transferred the case to State Court the case in is the DeKalb County State Court JUDICIAL INFORMATION SYSTEM. Obviously, a person had to open the case in the aforementioned system in violation of O.C.G.A. § 35-3-38(a) and my rights the U.S. Constitution and the Constitution of the State of Georgia. There has already been severe damage to my reputation, that has caused harm to me in my personal and professional endeavors.

75.

Petitioner believes entities acted on their own or in conclusion with other entities in DeKalb County to hinder or prevent Andrew Walter Bell from being elected as the DeKalb County District 3 Commissioner.

76.

There were several times when Petitioner or his representatives have gone to DeKalb County Board of Registration and Elections office located at 4380 Memorial Drive #300, Decatur, GA 30032, and were denied the access to inspect or copy various records held by the DeKalb County Board of Registration and Elections office, in violation of O.C.G.A. § 21-2-72.

¹⁹ See Exhibit 25

²⁰ See Exhibit 26

²¹ See Exhibit 27

²² See Exhibit 28

77.

When Petitioner did receive documents, information would be missing. For example, the list Petitioner was given for the polling sites for the Contested election had missing voter precincts.²³

78.

Petitioner would send his staff to the DeKalb County Board of Registration and Elections office they would be met with rude and discourteous employees (deputy registrars). The personnel for the DeKalb County Board of Registration and Elections office ("the Elections office") would always tell the individuals that Petitioner sent to Elections office, no matter what they asked for, that the information was available online. Most of the time the information that was asked for was not available online.

79.

Early voting for the special election for DeKalb County District 3 Commissioner began on October 15, 2024 and ended on November 01, 2024.

80.

On November 05, 2024, a special election for DeKalb County District 3 was placed on the General election day ballot.

81.

None of the candidates received a majority of the votes cast during the November 5, 2024 special election.

GROUND FOR CONTESTING THE ELECTION CONTEST

O.C.G.A. § 21-2-521 *et seq.*

²³See Exhibit 7

82.

The Petitioner was further damaged by the DeKalb County Board of Registration and Elections when it failed to count Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots. Petitioner believes the actions of the DeKalb County Board of Registration and Elections were malicious and intentional due to the fact he was the only veteran running for Dekalb County District 3 Commissioner.

83.

Andrew Bell and Nicole Massiah were the two candidates who received the highest number of votes. A special runoff election was held for the DeKalb County District 3 Commissioner race, which is the contested election.

84.

The dates for the Contested election were posted on the DeKalb County Board of Registration and Elections website. The same dates were also posted on the Secretary of the State of Georgia's website. The dates for early voting on both websites was Nov 25 -Nov 27.²⁴ The election day for the Contested election was December 3, 2024.

85.

The Petitioner, having already been forced to campaign for seven months, knew the importance of preparing early for the runoff election. In turn, on November 6, 2024, Petitioner contacted his design & print person to order new campaign materials, such as large signs, yard signs, stickers, door hangers etc. All of the new campaign materials had the election date and the dates of early voting which were Nov 25- Nov 27.

86.

²⁴ See Exhibit 8

On November 12, 2024, undenounced to Petitioner the DeKalb County Board of Registration and Elections changed the dates the dates of the Contested election and the Board also added and or changed the location of polling sites for the Contested election.

87.

On Tuesday November 19, 2024, Petitioner Andrew W. Bell visited the Elections office. The previous day, November 18, 2024, the Petitioner sent a person from his campaign staff to gather information regarding an unconfirmed change in the advance voting date, after hearing from Jaqueline Adams, another candidate running for political office in a special runoff election in District 7, while visiting Rainbow Park Baptist Church that the advance voting dates had been changed.

88.

After going to the Elections office, Petitioner was met by a deputy registrar who is very unprofessional. The person stated her name was Holly and she was a supervisor. Holly on several occasions while in the Elections office to prevented me from obtaining information that should have been available to any registered voter. The supervisor Holly violated O.C.G.A. § 21-2-72 several times.

89.

Upon arriving Petitioner arriving at the Elections office, Petitioner noticed that the main office is not accessible to the public anymore nor was the Logic & Accuracy (L&A) testing available to be monitored by the public, because now the door leading to those areas is restricted

and requires keyed access. Petitioner emailed the Respondents in regard to the law being violated.²⁵

90.

It appears that the Elections office has moved to being less transparent instead of being more transparent. After entering into a lobby area near the front of the building, Petitioner failed to find any public notice detailing the changes made for the advance voting dates.

91.

Petitioner had no expectations that the dates would change, being that the dates had already been set and O.C.G.A. § 21-2-385 (d)(1)(B) clearly states that all Saturday and Sunday voting has to be done on the second and third Saturday and Sunday. The DeKalb County Board of Registration and Elections added Saturday and Sunday advance voting days, which began November 23. November 23 was 11 days after the Board's November 12, 2024 meeting where they voted to add elections days and remove early voting locations.

92.

Although O.C.G.A. § 21-2-385 (d)(1)(B)(3) does give the DeKalb County Board of Registration and Elections the ability to change dates and locations "no later than seven days prior to the beginning of the advance voting period for any run-off election", there are specific requirements that the Board were required to do in order for those changes to be made. The DeKalb County Board of Registration and Elections failed to abide those requirements and therefore unlawfully changed the advance dates and polling locations.

93.

²⁵ See Exhibit 9

O.C.G.A. § 21-2-385 (d)(1)(B) prohibits all Saturday and Sunday advance voting, except for the second and third Saturday and Sunday of the month. DeKalb County Board of Registration and Elections violated the law.

94.

Petitioner and his team encountered several voters that asked why his signs and other campaign materials had a date of November 25th instead of November 23rd.

95.

Although the Petitioner was not at fault in making the changes to the advance voting, the change cast negative aspersions on the Petitioner. The changes invited the registered electorate to doubt the competency of Andrew W. Bell and his campaign.

96.

O.C.G.A. § 21-2-385 (d)(1)(B)(3) states, "The board of registrars shall publish the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's publicly accessible website associated with elections or registrations, or if the county does not have such a website, in a newspaper of general circulation, and by posting in a prominent location in the county, no later than 14 days prior to the beginning of the advance voting period for a general primary, special primary, general election, or special election and no later than seven days prior to the beginning of the advance voting period for any run-off election. Any new advance voting locations added after that deadline shall be published in the same manner as soon as possible. The board of registrars shall not remove any advance voting location after the notice of such location is published, except in the case of an emergency or unavoidable event that renders a location unavailable for use. Any changes that are made due to an

emergency or unavoidable event after a notice of a location has been published shall be published as soon as possible in the same manner set forth in this paragraph."

97.

DeKalb County Board of Registration and Elections did not publish the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's publicly accessible website associated with elections or registrations.

98.

DeKalb County Board of Registration and Elections did not publish the dates, times, and locations of the availability of advance voting in its jurisdiction in a newspaper of general circulation.

99.

DeKalb County Board of Registration and Elections did not publish the dates, times, and locations of the availability of advance voting by posting in a prominent location in the county.

100.

Petitioner's opponent Nicole Messiah claims that she resides in the City of Atlanta. The City of Atlanta is where Massiah gathered the majority of her support. The DeKalb County Board of Registration and Elections added Bessie Brenham Park on November 12, 2024, after Petitioner had already made critical strategic campaign decisions.

101.

Due to the unlawful actions of the DeKalb County Board of Registration and Elections moving the election from May 21, 2024 to November 5, 2024, the Petitioner resources, both human and monetary, were exhausted.

102.

Petitioner could not afford to make any last minute changes to his strategy or campaign materials. Petitioner relied on the Respondents information that was originally disseminated to the registered electorate.

103.

The unlawful changes to the advance voting dates and the DeKalb County Board of Registration and Elections giving the Petitioner incomplete data in regard to the polling locations, placed Petitioner Andrew W. Bell at a major and unfair disadvantage. Petitioner emailed Respondent about the illegal changes that were made to the changes in the advance voting dates and the advance polling stations.²⁶

104.

Upon the start of advance voting there were reports of Nicole Massiah, Jackie Malcom²⁷, and other workers or supporters of Nicole Messiah, campaigning at the door of early voting locations. Due to the lack of funds after nine months of campaigning²⁸, Petitioner did not have the resources to employ at every advance voting location. Petitioner did however witness the illegal campaigning at the New Life Church and Community Center²⁹. The Petitioner took pictures of a vehicle with a large Nicole Massiah sign displayed on both sides of the vehicle. There was a male poll worker standing nearby. The driver was speaking to voters as they entered into the polling location. Petitioner took pictures and filed a complaint with the poll manager.

105.

²⁶ See Exhibit 10

²⁷ A campaign worker for Nicole Messiah

²⁸ A United States Presidential candidate exhausted their funds after 15 weeks.

²⁹ New Life Church and Community Center was an advance voting location

The Friday before Contested election day Petitioner sent a representative, Curtis Guin, to the Elections office. After waiting over an hour for a map and the polling locations with no success at being able to obtain the items he called the Petitioner.

106.

Petitioner had to obtain a map of where the polling precincts were located during the November 5, 2024 election polling stations during the previous election due to the fact the Respondents claimed they did not have a list with just the District 3 polling precincts. Petitioner was forced to go through the entire list of precincts just to find the precincts for District 3.

107.

Once the Petitioner arrived at the Elections office. The Petitioner was met by security. While at the security desk Petitioner was asked why he there. Petitioner answered that he would like to speak to the Elections director. The security, who was not and is not a deputy registrar continued to convey that I should direct my questions to her.

108.

Security eventually called a deputy registrar, Jessica Hill, who said that she would handle the request of Mr. Guin. When Mr. Guin finally got the list, the list had missing polling precincts.

109.

Petitioner filed his original petition on December 9, 2024. Petitioner should have had a hearing at minimum five days after his petition was filed, or at maximum 10 days after his petition was filed pursuant to O.C.G.A. § 21-2-524(f).

110.

Petitioner was charged an eight (\$8.00) dollars for each additional Respondent. There were a total of fifteen Respondents. Petitioner was told that the Petitioner and one of the Respondents

would be free. In turn, the Petitioner had to pay an additional one hundred and twelve (\$112) dollars to add fourteen Respondents. Neither O.C.G.A. § 21-2-524 *et seq* nor O.C.G.A. § 15-6-77 *et seq* make any mention of the eight (\$8.00) fee.

111.

Petitioner's constitutional rights under the First and Fourteenth amendments of the United States Constitution, as well as his rights under Article I, §, I, ¶¶ I, IX, XII, and XXX have been violated.

112.

After Petitioner filed his petition on December 9, 2024, his case was assigned to DeKalb County Superior Judge Asha Jackson. On December 11, 2024, his case was reassigned to DeKalb County Superior Judge LaTisha Dear Jackson.³⁰ Petitioner received an email the same day stating, "a notice with a hearing date will be issued in due course."³¹ On December 16, 2024, DeKalb County Superior Judge LaTisha Dear Jackson, issued an order designating Judge Ural Glanville of the Fifth Judicial Administrative District to select a superior court judge to preside over the proceedings.³² On the same day of December 16, 2024, Judge Glanville assigned Senior Judge John J. Goger to preside over the contested election.³³

113.

The DeKalb County Superior Court issued an order on December 19, 2024.³⁴ The order stated that "*The petition was brought pursuant to O.C.G.A. § 21-2-524 et. seq but fails to comply with several procedural requirements. Most significantly, Petitioner has failed to comply with*

³⁰ See Exhibit 13

³¹ See Exhibit 14

³² See Exhibit 15

³³ See Exhibit 16

³⁴ See Exhibit 17

the service requirements contained in O.C.G.A. § 21-2-524 regarding service on the State Election Board and all parties by way of special process required by O.C.G.A. § 21-2-524(f). ”

114.

Petitioner responded to the order from the DeKalb superior court on the same day of December 19, 2024.³⁵ Petitioner provided proof that he had already served the State Election Board³⁶ as was required by O.C.G.A. § 21-2-524(b). Petitioner filed a return of service as was required by O.C.G.A. § 21-2-524(b). Although not required under O.C.G.A. § 21-2-524(b), Petitioner served and filed a return of service for all other Respondents.³⁷ O.C.G.A. § 21-2-524 *et seq* only refers to O.C.G.A. § 21-2-524(b) when referencing the responsibilities of the Petitioner as it relates to service or return of service.

115.

After receiving the December 19, 2024 order, on December 20, 2024, Petitioner emailed and attached a letter³⁸ for the DeKalb County Superior Court Clerk, asking her, “When will you be issuing the notice to the DeKalb County Sheriff?”

116.

After sending the email to the DeKalb County Superior Court Clerk, Petitioner received a phone call from Xernia Forston. Miss Fortson stated that she was general counsel for the DeKalb County Superior Court Clerk. Miss Fortson claimed that the reason there had not been service made by the DeKalb County Sheriff as O.C.G.A. § 21-2-524(f) directs is because Petitioner had not paid for any entry of service to the DeKalb County Sheriff’s Office to have the Respondents

³⁵ See Exhibit 18

³⁶ See Exhibit 19

³⁷ See Exhibit 20

³⁸ See Exhibit 21

served. Petitioner informed Miss Forston that he did not agree with her assessment that he was required to pay an entry of service fee due to the fact that O.C.G.A. § 21-2-524(f) gave no instructions for the Petitioner to follow. O.C.G.A. § 21-2-524(f) only gives instructions to the Superior Court Clerk, County Sheriff, and the judge presiding over the contested election. Petitioner told Miss Forston to put what she was directing him to do in writing because to his knowledge there had been no notice filed directed to the DeKalb County Sheriff as O.C.G.A. § 21-2-524(f)³⁹ directs. Even if it were the responsibility of the Petitioner to pay for entry of service fees to the DeKalb County Sheriff, which the Petitioner does not believe the law requires of him, he would not be able to do so until the presiding judge lets the DeKalb County Clerk know the date of the hearing, and the DeKalb County Clerk gives notice in the form of special process directed to the sheriff of such county.

117.

As Petitioner stated in his response,⁴⁰ “The requirements and responsibilities under O.C.G.A. § 21-2-524(f) are strictly assigned to DeKalb County Superior Court Clerk, DeKalb County Sheriff, and the judge that is presiding over the Contested election proceedings.”

118.

The December 19th order also makes reference to *Schmitz v. Barron*, 312 Ga. 523 (2021). In that case the Georgia Supreme, states, “*{the Election Code sets forth a number of procedural requirements that are unique to election contests. Among those is the requirement set forth*

³⁹ Upon such petition being filed, the clerk of the superior court shall issue notice, in the form of special process directed to the sheriff of such county, requiring the defendant and any other person named in such petition as a candidate for such nomination or office, if any, to appear and answer such petition, on a day to be fixed in such notice, not more than ten days nor less than five days after the service of such notice. Such notice, with a copy of the petition attached, shall be served by the sheriff upon the defendant and any other person named therein in the same manner as petitions and process are served in other civil cases.

⁴⁰ See Exhibit 18

*in OCGA § 21-2-524 (f) requiring the clerk of the court in which the contest is filed to issue "special process" that is to then be served by the sheriff on the defendants to the contest as well as each candidate in the election being challenged. Although this statute specifies duties only for the clerk and sheriff, we have held that even where the clerk fails to act as OCGA § 21-2-524 (f) requires, "judicial recognition of the clerk's duty in election cases to issue process in the proper form does not end the inquiry." *Swain*, 281 Ga. at 31 (2), 635 S.E.2d 779. Instead, in recognition of the legal requirements reflecting the General Assembly's policy of expediting election contests, we have held that "recognition of the clerk's duty to issue proper process must be balanced against the traditional placement on plaintiffs of the duty to ensure proper and timely service." *Id.* Specifically, "once the plaintiff becomes aware of a problem with service," he must exercise "the greatest possible diligence to ensure proper and timely service." (Citation and punctuation omitted.) *Id.* at 32 (2), 635 S.E.2d 779. As we held in *Swain*, receipt of an answer and motion to dismiss from an opposing party asserting insufficiency of service "should [inspire the plaintiff] to exercise the greatest possible diligence to ensure proper and timely service." *Id.* And where the plaintiff, in light of such notice, does not exercise diligence in seeing that the party complaining of lack of service is served by the time of a hearing on a motion to dismiss, it is within the superior court's discretion to dismiss the election contest.)"*

119.

Petitioner did not become aware that there was an issue with the notice that the DeKalb County Superior Clerk should have given to the DeKalb County Sheriff until an order was issued by DeKalb County Superior Court on December 19, 2024. After Petitioner reviewed the order he contacted the DeKalb County Superior Court Clerk in reference to when she would be giving the

notice to the DeKalb County Sheriff.⁴¹ Although Petitioner was contacted by the Clerk's counsel by telephone he has not received anything in writing. After reviewing the Georgia Supreme Court's decision referenced in the December 19, 2024 order, Petitioner also emailed⁴² the DeKalb County Sheriff in reference to whether she had received the notice from the DeKalb County Superior Court Clerk pursuant to O.C.G.A. § 21-2-524(f), and asking the question of when she would be serving the Respondents pursuant to O.C.G.A. § 21-2-524(f).

120.

Petitioner contested an election in 2022 in DeKalb County. The Superior Court of DeKalb held a hearing in less than five days.⁴³ Now in 2024 it has been 21 days since Petitioner has filed his petition and there has been no hearing held or no notice given for a future hearing.

RELIEF SOUGHT

COUNTS

COUNT I

ELECTION CONTEST

O.C.G.A. § 21-2-521 *et seq.*

121.

Petitioners incorporate by reference and re-allege paragraphs 1 through 100 of this Petition as set forth herein verbatim.

122.

⁴¹ See Exhibit 21

⁴² See Exhibit 22

⁴³ See Exhibit 23

Respondents, jointly and severally, have violated the Constitution of the State of Georgia.

123.

Respondents, jointly and severally, have violated the laws of the State of Georgia.

124.

Respondents, jointly and severally, have violated the Election Code.

125.

Respondents, jointly and severally, have violated State Election Board Rules and Regulations.

126.

Respondents, jointly and severally, have violated the basic tenants of an open, free, and fair election.

Respondents, jointly and severally, have failed in their duties to their constituents, the people of the State of Georgia, and the entire American democratic process.

127.

The Contested Election has been timely and appropriately contested per O.C.G.A. § 21-2-522 et seq.

128.

As a direct and proximate result of Respondents' actions, the Contested Election is fraught with misconduct, fraud, and irregularities.

129.

The fraud, misconduct, and irregularities that occurred under the "supervision" of Respondents are sufficient to change the purported results of the Contested Election.

130.

The fraud, misconduct, and irregularities that occurred under the “supervision” of Respondents are sufficient to place the Contested Election in doubt.

131.

Respondents’ misconduct is sufficient to change the purported results in the Contested Election in Petitioner Andrew W. Bell’s favor. Respondents’ misconduct is sufficient to place the purported Contested Election results in doubt.

132.

Respondents, jointly and severally, erred in the unlawful change of advance voting dates and advance voting locations in the Contested Election.

133.

Respondents’ error in not providing the Petitioner the name and location of every precinct and polling location in Contested Election would change the result in Andrew Bell’s favor.

134.

Respondents’ systemic negligent, intentional, willful, and reckless violations of the Georgia Constitution, Georgia law, as well as the fundamental premise of a free and fair election created such error and irregularities at every stage of the Contested Election—from registration through certification and every component in between—that the outcome of the Contested Election is in doubt.

135.

As a result, there is substantial doubt as to the outcome of the Contested Election, and the Contested Election and any certification associated therewith shall be enjoined, vacated, and nullified and either a new DeKalb County District 3 Commissioner election be immediately

ordered that complies with Georgia law or, in the alternative, that such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia. *See* O.C.G.A. § 21-2-522.

COUNT II
VIOLATIONS OF GEORGIA CONSTITUTION'S EQUAL PROTECTION DIVISION

136.

Petitioners incorporate by reference and re-allege paragraphs 1 through 100 of this Petition as set forth herein verbatim.

137.

The Constitution of the State of Georgia provides, "Protection and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws." Ga. Const. art. I, § I, para. II.

138.

Under Georgia's Equal Protection Clause, "the government is required to treat similarly situated individuals in a similar manner." *State v. Jackson*, 271 GA 5 (1999), *Favorito v. Handel*, 285 Ga. 795, 798 (2009) (citation and quotations omitted).

139.

This requires establishing a uniform procedure for all counties to conduct absentee voting, advance voting, and Election Day in-person voting.

140.

Respondents, jointly and severally, failed to establish such uniform procedure for absentee and (UOCAVA) ballots.

141.

Respondents, jointly and severally, failed to train those who would be conducting voting operations on how to do so. Respondents allowed Nicole Messiah to illegal campaign at polling stations.

142.

The DeKalb County Board of Registration and Elections failed to send or count Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots in both the November 5, 2024 election and the Contested election.

143.

Respondents, jointly and severally, failed to establish uniform procedures for treating similarly situated electors similarly.

Respondents' systemic failure to even attempt uniformity across the DeKalb County District 3 electorate is a flagrant violation of the Constitution of the State of Georgia.

144.

Such a violation of the rights of the Citizens of Georgia and DeKalb County District 3 constitutes misconduct and irregularity by election officials sufficient to change or place in doubt the result of the Contested Election.

145.

As a result, there is substantial doubt as to the outcome of the Contested Election, and the Contested Election and any certification associated therewith should be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia

law or such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia. *See* O.C.G.A. § 21-2-522.

COUNT III
VIOLATIONS OF THE GEORGIA CONSTITUTION'S DUE PROCESS PROVISIONS

146.

Petitioners incorporate by reference and re-allege paragraphs I through 100 of this Petition and Count II as set forth herein verbatim.

147.

Pursuant to the Constitution of the State of Georgia, "No person shall be deprived of life, liberty, or property except by due process of law." Ga. Const. art. I, § I, para. I.

Moreover, "All citizens of the United States, resident in this state, are hereby declared citizens of this state; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship." Ga. Const. art. I, § 1, para. VII.

148.

The right to vote is a fundamental right.

149.

When a fundamental right is allegedly infringed by government action, substantive due process requires that the infringement be narrowly tailored to serve a compelling state interest.

Old S. Duck Tours v. Mayor & Aldermen of City of Savannah, 272 Ga. 869, 872, 535 S.E.2d 751, 754 (2000).

150.

By changing the advance voting dates and the advance polling locations unlawfully, Respondents diluted the votes of qualified Georgia electors.

151.

By allowing Nicole Massiah and individuals affiliated with her campaign, Respondents, by and through their misconduct, allowed the disenfranchisement of qualified Georgia electors. Respondents, jointly and severally, violated the Due Process protections of qualified Georgia Electors guaranteed by the Georgia State Constitution.

152.

As a result, there is substantial doubt as to the outcome of the Contested Election and any certification associated therewith should be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia law or such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia.

**COUNT IV
DECLARATIVE JUDGEMENT AND RELIEF**

153.

Petitioners incorporate by reference and re-allege paragraphs 1 through 100 of this Petition as set forth herein verbatim.

154.

This claim is an action for a declaratory judgment pursuant to O.C.G.A. §§ 9-4-1 et seq.

155.

An actual controversy is ripe and exists between Petitioners and Respondents with regard to the misconduct, fraud, and irregularities occurring in the Contested Election, specifically including but not limited to:

- a. The illegal change in the advance voting locations and advance voting dates in the Contested Election;
- b. allowing vehicle with large Nicole Messiah campaign signs to park close to the door of the polling station, and less than 10 feet from the outer edge of the building where the Contested Election was taking place;
- c. whether the Contested Election results are invalid;
- d. whether the failure of the DeKalb County Board of Registration and Elections to send, collect, or count UOCAVA ballots cast doubt or effected the results of the November 5, 2024 special election or the Contested Election.
- e. whether the results of the Contested Election are null and void.

156.

It is necessary and proper that the rights and status amongst the parties hereto be declared.

157.

This Honorable Court is a Court of Equity and therefore endowed with the authority to hear and the power to grant declaratory relief.

158.

As a result of the systemic misconduct, fraud, irregularities, violations of Georgia law, and errors occurring in the Contested Election and consequently in order to cure and avoid said uncertainty, Petitioners seek the entry of a declaratory judgment providing that:

- a. The advance voting dates and advance voting locations of the Contested Election were illegally changed;
- b. Illegal campaigning by Nicole Massiah and her supporters were allowed and not prevented during the Contested Election;
- c. the DeKalb County Board of Registration and Elections failed to send or count

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots in both the November 5, 2024 election and the Contested election.

- d. the results of the Contested Election are null and void.

COUNT V
REQUEST FOR RESTRAINING ORDER AND PERMANENT INJUNCTIVE RELIEF

159.

Petitioners incorporate by reference and re-allege paragraphs 1 through 100 of this Petition as set forth herein verbatim.

160.

Petitioners seek an emergency temporary restraining order, as well as preliminary and permanent injunctive relief per O.C.G.A. § 9-11-65, to:

- a. Order expedited discovery and strict compliance with all open records requests;
- b. Order Respondents to respond to this Petition within 2 days;
- c. Require an immediate audit of the UOCAVA ballots and all processes for which the UOCAVA ballots are sent, collected, and counted ;
- d. Prevent the certification of the results of the Contested Election;
- e. Order a new DeKalb County District 3 Commissioner special run-off election.
- f. For such other relief that this Court deems just and proper under the circumstances.

161.

In the absence of an emergency temporary restraining order and preliminary and permanent injunctions, Petitioners (and the Citizens of DeKalb County Commissioner 3 District) will suffer irreparable harm for which there is no adequate remedy at law, while injunctive relief will cause no harm to Respondents.

162.

Immediate and irreparable injury, loss, or damage will result to the Petitioners (as well as the Citizens of DeKalb County Commissioner 3 District) if the requested emergency injunctive relief is not granted.

163.

There will be immediate and irreparable damage to the DeKalb County Commissioner 3 District by allowing an illegal, improper, fraudulent, error-ridden the Citizens of DeKalb County Commissioner 3 District election to be certified.

164.

There will be irreparable damage to the Citizens of the Citizens of DeKalb County Commissioner 3 District through their loss of confidence in the integrity of the election process by virtue of not given the proper notification of the change in advance voting locations and advance voting dates of the Contested Election, which outweighs any potential harm to Respondents.

165.

Granting the requested relief will not disserve the public interest.

166.

Petitioners will be irreparably injured in the event the prayed for injunctive relief is not granted.

167.

As early as possible, notice to Respondents of Petitioners' motion for emergency injunctive relief will be made via email and / or telephone.

168.

Petitioners are further entitled to the injunctive relief sought herein because there is a substantial likelihood of success on the merits.

169.

The Petitioner has been damaged financially from being unlawfully forced to campaign for nine months. The Petitioner was also damaged from the Respondents unlawfully changing the dates of the advance voting and polling locations of the Contested Election.

170.

The damage to Petitioners is not readily compensable by money, however Petitioner is seeking actual, compensatory, and punitive damages from the Respondents.

171.

The balance of equities favors entry of a temporary restraining order and injunctive relief against Respondents and would not be adverse to any legitimate public interest.

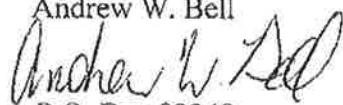
WHEREFORE, Petitioners respectfully pray as follows for emergency and permanent relief as follows:

1. That this Court, pursuant to O. C. G. A. § 21-2-523, expeditiously assign a Superior Court or Senior Judge to preside over this matter;
2. That this Court issue a declaratory judgment that systemic, material violations of the Election Code during the Contested Election for DeKalb County District 3 Commissioner occurred that has rendered the Contested Election null and void as a matter of law;
3. That this Court issue a declaratory judgment that systemic, material violations of the Election Code during the Contested Election violated the voters' due process rights under the Georgia Constitution have rendered the Contested Election null and void as a matter of

law;

4. That this Court issue a declaratory judgment that systemic, material violations of the Election Code violated the voters' equal protection rights under the Constitution of the State of Georgia that have rendered the Contested Election null and void as a matter of law;
5. That the Court issue an injunction requiring all Respondents to decertify the results of the Contested Election;
6. That the Court order a new election to be conducted in the DeKalb County District 3 Commissioner race, at the earliest date, to be conducted in accordance with the Election Code;
7. That the Court order the Secretary of State and other Respondents to release to Petitioners for inspection all records regarding the Contested Election pursuant to O.C.G.A. § 21-2-586;
8. That the Court order such other relief as it finds just and proper.

Respectfully submitted this 30th day of December, 2024.

Andrew W. Bell

P.O. Box 82348
Atlanta, GA 303354
Andrew.Bell@live.com

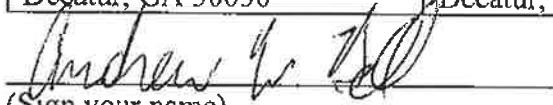
IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

I certify that I have served a copy of the Plaintiff's document AMENDED PETITION TO CONTEST DEKALB COUNTY GEORGIA'S DISTRICT RUNOFF ELECTION RESULTS FOR VIOLATIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF GEORGIA, AND REQUEST FOR EMERGENCY DECLARATORY AND INJUNCTIVE RELIEF by depositing a copy of same in the United States mail with sufficient postage thereon OR by email, or by e-file addressed as follows:

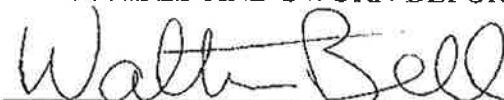
| | | |
|---|--|---|
| DeKalb County Board of Registration and Elections and its board members (Karli Swift, Vasu Abhiramam, Nancy Jester, Susan Motter, Anthony Lewis) and DeKalb Executive Elections Director (Kiesha Smith) | State Elections Board of Georgia and its board members (John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, Jannelle King) | Secretary of State of Georgia (Brad Raffensberger) Elections Director of Georgia (Blake Evans) |
| Suite 300 | Suite 802 | Suite 214 |
| 4380 Memorial Drive | 2 MLK Jr. Drive Floyd West Tower | State Capitol 206 Washington Street |
| Decatur, GA 30032 | Atlanta, GA 30334 | Atlanta, GA 30334 |

| | | |
|--|---|---|
| Administrator of Code Compliance (Tonza Clark) | Clerk of DeKalb County State Court (Kimberly Brock) | Nicole Massiah (DeKalb District 3 Commissioner) |
| 180 Sams Street | DeKalb County Courthouse | Manuel J. Maloof Center |
| Suite B0100 | 556 N. McDonough Street 2 nd Floor | 1300 Commerce Drive |
| Decatur, GA 30030 | Decatur, GA 30030 | Decatur, GA 30030 |


(Sign your name)

P.O. Box 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell@live.com

SUBSCRIBED AND SWORN BEFORE ME, on this the 30th day of December, 2024



Notary Public/ Officer authorized to administer oath

05 JAN 2024
My Commission Expires



EXHIBIT 1

DeKalb County Board of Registration and Elections

Meeting Minutes

March 18, 2024
Start Time: 12:14 p.m.
End Time: 3:07 p.m.

Board Attendees: Karli Swift, Chair
Vasu Abhiraman, Vice-Chair
Nancy Jester
Anthony Lewis
Susan Motter

Other Attendees: Keisha Smith, Executive Director
Terry Phillips, Deputy County Attorney
Shelley Momo, Senior Assistant County Attorney

APPROVAL OF AGENDA

Chair Swift called the Board of Registration and Elections meeting to order at 12:14 p.m. Ms. Austin read the roll by calling each board member by name. A quorum was met.

Motion to approve the agenda by Ms. Motter and seconded by Ms. Jester. The motion carried unanimously.

APPROVAL OF MINUTES

Motion to approve the minutes of the February 8 and February 10 scheduled meetings by Mr. Lewis, seconded by Ms. Motter. The motion carried unanimously.

PUBLIC COMMENTS

Ms. Austin read the rules for public comment:

Public comments may be made in person or submitted by sending an email of one printed page or less at a minimum font of 12 to electionspubliccmnt@dekalbcountyga.gov which must be received between 35 and 5 minutes before the scheduled start of the meeting. The body of your email must include your first and last name. Abusive, profane, or derogatory language will not be permitted. By submitting an email for public comment, you agree to have your name and the email broadcast on the UStream and entered into the record and minutes. The DeKalb Board of Registration and Elections reserves the right, at the DeKalb Board of Registration and Elections' sole discretion, to (1) add your email to the record/minutes without reading any of it into the broadcast or (2) read all or a portion of your email into the record/minutes.

The following citizens provided public comment:

- Tommy T. Travis
- Jackie S. Malcom

Approved 04/11/2024

- Pat Culp
- Jacqueline Adams
- Joscelyn O'Neil
- Besse Swint
- Beverly Dabney
- Eunice Wright
- Andrew W. Boil
- Willie Pringle
- Gail Lee
- Bill Henderson
- Bethann Frillman
- Janet Grant
- Barbara J. Mobley
- Nicole Massiah

ITEMS FOR DECISION

A) Certification of the March 12, 2024 Presidential Preference Primary/Special Election

Director Smith reported the election results and statistics of the 2024 Presidential Preference Primary and Special Election. She shared the continued success of partnerships with other County departments including the scaling of election night runner activities for this election. She proceeded to thank all key stakeholders for another successful election cycle.

Ms. Jester commented on the election night runners and reiterated the significant improvement in the ability to report the election results.

Motion to approve and certify the election of the Presidential Preference Primary/ Special Election held on March 12, 2023 by Ms. Jester and seconded by Mr. Lewis. The motion passed unanimously.

B) 2024 Advance Voting Locations, Dates, Times, and Managers

Director Smith presented the proposed Advance Voting locations, dates, times, and managers.

Chair Swift requested that approval for November and December elections to be deferred and requested that Neighborhood Church be added as an Advance Voting location.

Motion to approve the 2024 Advance Voting locations, dates, times, and managers for the May General Primary/Nonpartisan Election and June General Primary/Nonpartisan Election Runoff only, with the addition of Neighborhood Church to the Advance Voting location sites by Ms. Jester and seconded by Ms. Motter.

Further discussion ensued.

The motion passed unanimously.

C) 2024 Election Day Locations and Managers

Approved 04/11/2024

Motion to decide item 5D in advance of item 5C by Ms. Jester and seconded by Mr. Lewis. The motion passed unanimously.

Director Smith presented the list of Election Day locations and managers for all remaining elections in 2024.

Motion to approve the list of Election Day locations and managers as provided by the Executive Director by Ms. Motter and seconded by Vice-Chair Abhiraman. The motion passed unanimously.

D) Polling Place Changes

Director Smith proposed 2 location changes for the May General Primary/Nonpartisan Election and 4 location changes for the June General Primary/Nonpartisan Election Runoff.

Motion to accept the polling place changes discussed by Executive Director Smith including Evergreen Baptist Church and Livsey Elementary School for the May General Primary/Nonpartisan Election and Intown Community Church, Holiday Regency House, Holiday Regency House, and Mount Moriah Baptist Church for the June General Primary/Nonpartisan Election Runoff by Ms. Jester, seconded by Ms. Motter.

Chair Swift asked if Winnona Park and Midvale changes would be permanent. Director Smith replied that Midvale would not be permanent, but Winnona Park would be.

Ms. Motter commented on the posting of notices to the Champion and said that it appears that software reformats the notices online, so it looks distorted. She provided an example of a post on gapublicnotice.com and asked if the Law Department could look at revamping the format of notices.

Mr. Lewis clarified that Livsey Elementary will be the location for Midvale for May and June.

Chair Swift inquired about the timeline for notices to voters impacted by the polling location changes. Director Smith replied that letters to impacted voters will go out in the next 2 weeks, ahead of Advance Voting.

Vice-Chair Abhiraman expressed concern about having different locations for May and November elections and reiterated the importance of signage for these locations.

The motion passed unanimously.

E) Special Election

Chair Swift provided background on the need for a Special Election. She stated that a Special Election could not be called until vacancies were created by candidates qualifying for the May General Primary/Nonpartisan Election. She further stated that there are 2 options to administer the Special Election: May 21 but it must be separate and apart from the General Primary/Nonpartisan Election or Nov 5 in conjunction with the General Election.

Director Smith presented the research for a separate and apart Special Election including the financial cost, logistics, staffing, space, and electrical requirements.

Motion to call the Special Election for Districts 3 and 7 to set a date of November 5, 2024 by Vice-Chair Abhiraman and seconded by Ms. Motter.

Further discussion ensued.

Director Smith recommended the qualification period for the Special Election to be Monday, April 1 - Thursday, April 4 from 9am - 5pm and Friday, April 5 from 9am - noon.

Motion for the Board of Registration and Elections to call the Special Election for the Board of Commissioner seats 3 and 7 on November 5, 2024 with the respective qualifying period being held April 1 through April 4 Monday through Thursday from 9am-5pm and April 5 from 9am-noon with the location for qualifying being at Memorial Drive by Ms. Motter and seconded by Mr. Lewis. The motion passed unanimously.

Motion to recess for five minutes to sign certification documents by Ms. Jester, seconded by Ms. Motter. The motion passed unanimously.

Motion to end recess and resume the regular meeting by Ms. Jester and seconded by Mr. Lewis. The motion carried unanimously.

F) VOTE Resolution

Director Smith presented the recommendations the Board received earlier in 2024 in the presentation by Management Fellow, Saniel Rodriguez. The recommendation was to continue translating materials in Spanish and Korean and to add 2 additional languages each year based on statistical data.

Motion to approve the recommendations of the department for DeKalb County's VOTE Resolution by Ms. Motter and seconded by Vice-Chair Abhiraman.

Further discussion ensued.

Vice-Chair Abhiraman restated the motion. The motion carried 3-2 with Ms. Jester and Mr. Lewis voting nay.

G) Purchases

a. SCYTL EMS

Director Smith stated that this EMS purchase from SCYTL would provide additional election night reporting features including customized views and graphs. The total cost is \$60,000 for a 3-year agreement.

b. SCYTL LMS

Approved 04/11/2024

Director Smith stated that this LMS purchase from SCYTL would provide an online training platform and repository for VRE including poll workers. The total cost is \$75,200 for a 3-year agreement.

Motion to approve both purchases with SCYTL for upgraded election night reporting as well as online poll worker training by Ms. Motter and seconded by Vice Chair Abhiraman.

Further discussion ensued and the Board's consensus was to separate the purchases into two motions.

Motion to approve the online poll worker training services offered by SCYTL with the agreement to be in a form acceptable to the County Attorneys by Ms. Motter and seconded by Vice-Chair Abhiraman. The motion passed 3-2 with Ms. Jester and Mr. Lewis voting nay.

Motion to defer the SCYTL EMS proposal for election night reporting by Vice-Chair Abhiraman and seconded by Ms. Motter. The motion passed unanimously.

ITEMS FOR DISCUSSION

A) Director's Report

Director Smith reported on the budget, recent purchases from KnowInk, Tattnall, and Fort Orange, candidate qualification, and contests/questions submitted for the May and November ballots.

B) Contract Signing Authority || Executive Director

Chair Swift requested that discussion on the contract signing authority for the Executive Director be deferred until the next meeting.

C) Legislative Update

Ms. Momo stated that she will have a legislative update at the next meeting.

BOARD COMMENTS

Mr. Lewis thanked the staff and the County Attorneys for all their work. He also thanked the public for their attendance and comments.

Ms. Jester thanked Chair Swift for her leadership and agreed with the sentiments expressed by Mr. Lewis.

Ms. Motter thanked Tiffani Gilbert and Jean Wingo for their work with qualifying candidates during the qualifying period. She also thanked the County partners that participated as Election Night Runners. She thanked the staff, County Attorneys, poll workers, and the public.

Vice-Chair Abhiraman echoed the thanks that the other Board Members expressed. He also thanked the poll workers for their recruitment efforts and the public.

Chair Swift also agreed with the appreciation expressed by the other Board Members.

Approved 04/11/2024

ADJOURNMENT

Motion to adjourn by Mr. Lewis and seconded by Vice-Chair Abhiraman. The motion carried unanimously. The meeting was adjourned at 3:07 p.m.

Approved 04/11/2024

64a

(6 or 4)

EXHIBIT 2

Separate and Apart

GA Code § 21-2-540 (b)

"At least 29 days shall intervene between the call of a special primary and the holding of same, and at least 29 days shall intervene between the call of a special election and the holding of same. The period during which candidates may qualify to run in a special primary or a special election shall remain open for a minimum of two and one-half days. Special primaries and special elections which are to be held in conjunction with the presidential preference primary, a state-wide general primary, or state-wide general election shall be called at least 90 days prior to the date of such presidential preference primary, state-wide general primary, or state-wide general election; provided, however, that *this requirement shall not apply to special primaries and special elections held on the same date as such presidential preference primary, state-wide general primary, or state-wide general election but conducted completely separate and apart from such state-wide general primary or state-wide general election using different ballots or voting equipment, facilities, poll workers, and paperwork.*"

EXHIBIT 3

Senate Bill 189

By: Senators Burns of the 23rd, Dolezal of the 27th, Brass of the 28th, Anavitarte of the 31st, Moore of the 53rd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to remove the Secretary of State from the State
3 Election Board; to provide additional conflict of interest provisions for state-wide and local
4 election officers, officials, and employees relating to businesses providing goods and services
5 related to voting equipment or any other equipment related to the tabulation, auditing,
6 processing, or scanning of ballots; to provide for ballot access to certain political parties or
7 political bodies relating to nomination of presidential electors and candidates; to provide for
8 definitions; to revise provisions for determining residency for election purposes; to revise
9 provisions related to challenging electors; to provide that the text portions or machine marks
10 on ballots produced by ballot marking devices shall be counted for vote tabulation and
11 recount purposes instead of any machine coding; to authorize the use of physical ballots in
12 certain circumstances; to provide for chain of custody and related procedures for absentee
13 ballots; to provide timelines for the tabulation of absentee ballots and ballots cast by advance
14 voting; to provide procedures for requesting high resolution scanned images of ballots; to
15 provide for a pilot program to audit paper ballots using optical character recognition; to
16 revise a timing limitation on holding certain special elections in conjunction with certain
17 state-wide primaries or elections; to provide for related matters; to provide effective dates;
18 to repeal conflicting laws; and for other purposes.

S. B. 189

- 1 -

68a

(1 of 24)

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20

SECTION 1.

21 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
22 primaries generally, is amended in Code Section 21-2-30, relating to creation, membership,
23 terms of service, vacancies, quorum, bylaws, meetings, and executive director, by revising
24 subsections (d) and (f) as follows:

25 "(d) ~~The Secretary of State shall be an ex officio nonvoting member of the board.~~ Three
26 voting members of the board shall constitute a quorum, and no vacancy on the board shall
27 impair the right of the quorum to exercise all the powers and perform all the duties of the
28 board. The board shall adopt a seal for its use and bylaws for its own government and
29 procedure."

30 "(f) ~~If any member of the board, other than the Secretary of State,~~ shall qualify as a
31 candidate for any public office which is to be voted upon in any primary or election
32 regulated by the board, that member's position on the board shall be immediately vacated
33 and such vacancy shall be filled in the manner provided for filling other vacancies on the
34 board."

35

SECTION 2.

36 Said chapter is further amended in Code Section 21-2-35, relating to emergency rules and
37 regulations, imminent peril requirement, and procedures, by revising paragraph (2) of
38 subsection (a) as follows:

39 "(2) Immediately upon the setting of the date and time of the meeting at which such
40 emergency rule or regulation is to be considered give notice by email of its intended
41 action to:

42 (A) The Governor;
43 (B) The Lieutenant Governor;

44 (C) The Speaker of the House of Representatives;
45 (D) The chairpersons of the standing committees of each house of the General
46 Assembly tasked with election matters;
47 (E) The Secretary of State;
48 (E)(F) Legislative counsel; and
49 (F)(G) The chief executive officer of each political party registered pursuant to
50 subsection (a) of Code Section 21-2-110; and"

51 **SECTION 3.**

52 Said chapter is further amended by adding a new Code section to read as follows:
53 "21-2-19.

54 (a) As used in this Code section, the term:
55 (1) 'Business' means any corporation, partnership, proprietorship, firm, enterprise,
56 franchise, association, organization, self-employed individual, trust, or other legal entity.
57 (2) 'Family' means spouse and dependents.
58 (3) 'Full-time' means 30 hours of work for the state per week for more than 26 weeks per
59 calendar year.
60 (4) 'Part-time' means any amount of work other than full-time work.
61 (5) 'Substantial interest' means the direct or indirect ownership of more than 5 percent
62 of the assets or stock of any business.
63 (6) 'Transact business' or 'transact any business' means to sell or lease any personal
64 property, real property, or services on behalf of oneself or on behalf of any third party as
65 an agent, broker, dealer, or representative and to purchase surplus real or personal
66 property on behalf of oneself or on behalf of any third party as an agent, broker, dealer,
67 or representative.
68 (b) In addition to and notwithstanding any contrary provisions of Chapter 10 of Title 45,
69 it shall be unlawful for any member of the State Board of Elections, the Secretary of State,

70 a county or municipal superintendent or registrar, or any full-time, part-time, or contractual
71 employee of such officer or official, for himself or herself or on behalf of any business, or
72 for any business in which such officer, official, or employee or member of his or her family
73 has a substantial interest to transact any business with a business that has contracted with
74 the state, or any county or municipal government, to provide goods or services related to
75 voting equipment or any other equipment related to the tabulation, auditing, processing, or
76 scanning of ballots."

77

SECTION 3.1.

78 Code Section 21-2-172 of the Official Code of Georgia Annotated, relating to nomination
79 of presidential electors and candidates of political bodies by convention, is amended by
80 adding a new subsection to read as follows:

81 "(g) Notwithstanding any provision of law to the contrary, any political party or political
82 body which has obtained ballot access in no fewer than 20 states or territories for the office
83 of presidential elector shall be allowed to qualify candidates for presidential elector and
84 receive access to the general election ballot for the purpose of election of the office of
85 presidential elector."

86

SECTION 4.

87 Said chapter is further amended by revising Code Section 21-2-217, relating to rules for
88 determining residence, as follows:

89 "21-2-217.

90 (a) In determining the residence of a person desiring to register to vote or to qualify to run
91 for elective office, the following rules shall be followed so far as they are applicable:
92 (1) The residence of any person shall be held to be in that place in which such person's
93 habitation is fixed, without any present intention of removing therefrom;

94 (1.1) The mailing address for election purposes of any person of this state who is
95 homeless and without a permanent address shall be the registrar's office of the county in
96 which such person resides;

97 (2) A person shall not be considered to have lost such person's residence who leaves such
98 person's home and goes into another state or county or municipality in this state, for
99 temporary purposes only, with the intention of returning, unless such person shall register
100 to vote or perform other acts indicating a desire to change such person's citizenship and
101 residence; provided, however, that:

102 (A) If a person registers to vote in another state, county, municipality, or legislative
103 district of any type or sort, that person shall be deemed to have changed his or her
104 residency;

105 (B) If a person returns to his or her original or new residence after voting or registering
106 to vote in a different or separate jurisdiction, such person shall update their voter
107 registration with their current residency jurisdiction in order to be deemed a valid
108 registered elector and resident of such jurisdiction for voting purposes; and

109 (C) Proof of ownership or rental of a post office box or private mailbox service address
110 within a particular jurisdiction shall not constitute sufficient grounds to establish a
111 person's residency within that particular jurisdiction;

112 (3) A person shall not be considered to have gained a residence in any county or
113 municipality of this state into which such person has come for temporary purposes only
114 without the intention of making such county or municipality such person's permanent
115 place of abode;

116 (4) If a person removes to another state with the intention of making it such person's
117 residence, such person shall be considered to have lost such person's residence in this
118 state;

119 (4.1) If a person removes to another county or municipality in this state with the
120 intention of making it such person's residence, such person shall be considered to have
121 lost such person's residence in the former county or municipality in this state;

122 (5) If a person removes to another state with the intention of remaining there an
123 indefinite time and making such state such person's place of residence, such person shall
124 be considered to have lost such person's residence in this state, notwithstanding that such
125 person may intend to return at some indefinite future period;

126 (6) If a person removes to another county or municipality within this state with the
127 intention of remaining there an indefinite time and making such other county or
128 municipality such person's place of residence, such person shall be considered to have
129 lost such person's residence in the former county or municipality, notwithstanding that
130 such person may intend to return at some indefinite future period;

131 (7) The residence for voting purposes of a person shall not be required to be the same as
132 the residence for voting purposes of his or her spouse;

133 (8) No person shall be deemed to have gained or lost a residence by reason of such
134 person's presence or absence while enrolled as a student at any college, university, or
135 other institution of learning in this state;

136 (9) The mere intention to acquire a new residence, without the fact of removal, shall
137 avail nothing; neither shall the fact of removal without the intention;

138 (10) No member of the armed forces of the United States shall be deemed to have
139 acquired a residence in this state by reason of being stationed on duty in this state;

140 (11) If a person removes to the District of Columbia or other federal territory, another
141 state, or foreign country to engage in government service, such person shall not be
142 considered to have lost such person's residence in this state during the period of such
143 service; and the place where the person resided at the time of such person's removal shall
144 be considered and held to be such person's place of residence;

145 (12) If a person is adjudged mentally ill and is committed to an institution for the
146 mentally ill, such person shall not be considered to have gained a residence in the county
147 in which the institution to which such person is committed is located;

148 (13) If a person goes into another state and while there exercises the right of a citizen by
149 voting, such person shall be considered to have lost such person's residence in this state;

150 (14) The specific address in the county or municipality in which a person has declared
151 a homestead exemption, if a homestead exemption has been claimed, shall be deemed the
152 person's residence address; and

153 (15) For voter registration purposes, the board of registrars and, for candidacy residency
154 purposes, the Secretary of State, election superintendent, or hearing officer may consider
155 evidence of where the person receives significant mail such as personal bills and any
156 other evidence that indicates where the person resides.

157 (b) In determining a voter's qualification to register and vote, the registrars to whom such
158 application is made shall consider, in addition to the applicant's expressed intent, any
159 relevant circumstances determining the applicant's residence. The registrars taking such
160 registration may consider the applicant's financial independence, business pursuits,
161 employment, income sources, residence for income tax purposes, age, marital status,
162 residence of parents, spouse, and children, if any, leaseholds, sites of personal and real
163 property owned by the applicant, motor vehicle and other personal property registration,
164 National Change of Address program information sponsored by the United States Postal
165 Service, and other such factors that the registrars may reasonably deem necessary to
166 determine the qualification of an applicant to vote in a primary or election. The decision
167 of the registrars to whom such application is made shall be presumptive evidence of a
168 person's residence for voting purposes."

169

SECTION 5.

170 Said chapter is further amended by revising subsection (b) of Code Section 21-2-230, relating
171 to challenge of persons on list of electors by other electors, procedure, hearing, and right of
172 appeal, and by adding a new subsection to read as follows:

173 "(b) Upon the filing of such challenge, the board of registrars shall immediately consider
174 such challenge and determine whether probable cause exists to sustain such challenge. If
175 the registrars do not find probable cause, the challenge shall be denied. If the registrars
176 find probable cause, the registrars shall notify the poll officers of the challenged elector's
177 precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the
178 absentee ballot precinct and, if practical, notify the challenged elector and afford such
179 elector an opportunity to answer. Probable causes shall include, but not be limited to, an
180 elector who is deceased; an elector voting or registering to vote in a different jurisdiction;
181 an elector obtaining a homestead exemption in a different jurisdiction; or an elector being
182 registered at a nonresidential address as confirmed or listed by or in a government office,
183 data base, website, or publicly available sources derived solely from such governmental
184 sources. If a challenged elector's name appears on the National Change of Address data
185 base, as maintained by the United States Postal Service, as having changed such elector's
186 residence to a different jurisdiction, the presence of such elector's name on such data base
187 shall be insufficient cause to sustain the challenge against the elector unless additional
188 evidence would indicate that the elector has lost his or her residency as determined
189 pursuant to Code Section 21-2-217; provided, however, that:

190 (1) Any challenge of an elector within 45 days of a primary, run-off primary, election,
191 or run-off election shall be postponed until the certification of such primary, election, or
192 runoff is completed; and

193 (2) Any challenge of an elector who is determined eligible pursuant to the residency
194 determinations provided for in paragraph (8), (10), or (11) of subsection (a) of Code
195 Section 21-2-217 shall be deemed insufficient to sustain such challenge."

196 "(k) Any challenge of an elector that occurs during a primary or general election shall
197 continue through the run-off primary or run-off election of such primary or general
198 election."

199

SECTION 6.

200 Said chapter is further amended in Code Section 21-2-300, relating to provision of new
201 voting equipment by state, uniform system for all elections to be conducted with the use of
202 scanning ballots marked by electronic ballot markers, pilot programs, county responsibilities,
203 education, and county and municipal contracts for equipment, by adding a new subsection
204 to read as follows:

205 "(f)(1) Notwithstanding any provision of this Code section to the contrary, provided that
206 the county election superintendent has petitioned and received the approval of the State
207 Election Board at least 10 days prior to the beginning of advance voting, in any election
208 with less than 5,000 registered electors, such superintendent may provide the electors
209 physical ballots on the same type of ballot that is used for absentee ballots pursuant to
210 subsection (a) of Code Section 21-2-383 and allow electors to mark their ballot using a
211 pen, pencil, or similar non-electronic writing tool as an alternative to using electronic
212 ballot marking devices.

213 (2) Such physical ballots may only be used to conduct:

214 (A) Special primaries, special elections, or runoffs thereof for county offices; or
215 (B) Special elections to present a question to the voters of a county.

216 Furthermore, such primary, special primary, election, or special election shall occur
217 independently and apart from a presidential preference primary, state-wide general
218 primary, state-wide special primary, state-wide general election, or state-wide special
219 election."

220

SECTION 7.

221 Said chapter is further amended in Code Section 21-2-379.23, relating to requirements for
222 ballot display, role of Secretary of State, and printed paper ballot controls during recount, by
223 revising subsection (d) as follows:

224 "(d) The text portion of the paper ballot marked and printed by the electronic ballot marker
225 indicating the elector's selection shall constitute the official ballot and shall be used for, and
226 govern the result in, constitute the official vote for purposes of vote tabulation, any recount
227 conducted pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code
228 Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon
229 the text portion or the machine mark, provided that such mark clearly denotes the elector's
230 selection and does not use a QR code, bar code, or similar coding, of such ballots and not
231 any machine coding that may be printed on such ballots."

232

SECTION 8.

233 Said chapter is further amended in Code Section 21-2-386, relating to safekeeping,
234 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
235 location designated by superintendent, duties of superintendent and managers, precinct
236 returns, report of returns of verified and accepted absentee ballots cast as soon as possible
237 following closing of polls, notification of challenged elector, and unlawful disclosure of
238 tabulation results, by revising paragraph (3) of subsection (a) as follows:

239 "(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on
240 the day of the primary, election, or runoff begin tabulating the absentee ballots, provided,
241 however, that all absentee ballots that have been verified and accepted pursuant to
242 subparagraph (a)(1)(B) of this Code section by the Monday prior to the day of the
243 primary, election, or runoff shall be tabulated and the results reported by no later than
244 8:00 P.M. on the day of such primary, election, or runoff or within one hour of the
245 closing of all polls in such county, whichever occurs later. If the county election

246 superintendent chooses to open the inner envelopes and begin tabulating such ballots
247 prior to the close of the polls on the day of the primary, election, or runoff, the
248 superintendent shall notify in writing, at least seven days prior to the primary, election,
249 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot
250 tabulation prior to the close of the polls. The county executive committee or, if there is
251 no organized county executive committee, the state executive committee of each political
252 party and political body having candidates whose names appear on the ballot for such
253 election in such county shall have the right to designate two persons and each
254 independent and nonpartisan candidate whose name appears on the ballot for such
255 election in such county shall have the right to designate one person to act as monitors for
256 such process. In the event that the only issue to be voted upon in an election is a
257 referendum question, the superintendent shall also notify in writing the chief judge of the
258 superior court of the county who shall appoint two electors of the county to monitor such
259 process."

260 **SECTION 9.**

261 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,
262 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
263 location designated by superintendent, duties of superintendent and managers, precinct
264 returns, report of returns of verified and accepted absentee ballots cast as soon as possible
265 following closing of polls, notification of challenged elector, and unlawful disclosure of
266 tabulation results, as follows:

267 "21-2-386.

268 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
269 and stored in a manner that will prevent tampering and unauthorized access to and shall
270 document authorized access to all official absentee ballots received from absentee

271 electors prior to the closing of the polls on the day of the primary or election except as
272 otherwise provided in this subsection.

273 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
274 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
275 number of the elector's Georgia driver's license number or state identification card
276 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the
277 absentee ballot envelope with the same information contained in the elector's voter
278 registration records. If the elector has affirmed on the envelope that he or she does not
279 have a Georgia driver's license or state identification card issued pursuant to Article 5
280 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the
281 elector's social security number and date of birth entered on the envelope with the same
282 information contained in the elector's voter registration records. The registrar or clerk
283 shall also confirm that the elector signed the oath and the person assisting the elector,
284 if any, signed the required oath. If the elector has signed the elector's oath, the person
285 assisting has signed the required oath, if applicable, and the identifying information
286 entered on the absentee ballot envelope matches the same information contained in the
287 elector's voter registration record, the registrar or clerk shall so certify by signing or
288 initialing his or her name below the voter's oath. Each elector's name so certified shall
289 be listed by the registrar or clerk on the numbered list of absentee voters prepared for
290 his or her precinct. All accepted absentee ballots shall be securely stored in either a
291 sealed container or appropriately secured in an access controlled room that will prevent
292 tampering or unauthorized access prior to the scanning of such ballots.

293 (C) If the elector has failed to sign the oath, or if the identifying information entered
294 on the absentee ballot envelope does not match the same information appearing in the
295 elector's voter registration record, or if the elector has failed to furnish required
296 information or information so furnished does not conform with that on file in the
297 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the

298 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason
299 therefor. The board of registrars or absentee ballot clerk shall promptly notify the
300 elector of such rejection, a copy of which notification shall be retained in the files of
301 the board of registrars or absentee ballot clerk for at least two years. Such elector shall
302 have until the end of the period for verifying provisional ballots contained in
303 subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection
304 of the ballot. The elector may cure a failure to sign the oath, nonmatching identifying
305 information, or missing information by submitting an affidavit to the board of registrars
306 or absentee ballot clerk along with a copy of one of the forms of identification
307 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.
308 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's
309 ballot, and that the elector is registered and qualified to vote in the primary, election,
310 or runoff in question. If the board of registrars or absentee ballot clerk finds the
311 affidavit and identification to be sufficient, the absentee ballot shall be counted.

312 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
313 of Code Section 21-2-220, and who votes for the first time in this state by absentee
314 ballot shall include with his or her application for an absentee ballot or in the outer oath
315 envelope of his or her absentee ballot either one of the forms of identification listed in
316 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
317 statement, government check, paycheck, or other government document that shows the
318 name and address of such elector. If such elector does not provide any of the forms of
319 identification listed in this subparagraph with his or her application for an absentee
320 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
321 provisional ballot and such ballot shall only be counted if the registrars are able to
322 verify current and valid identification of the elector as provided in this subparagraph
323 within the time period for verifying provisional ballots pursuant to Code
324 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify

325 the elector that such ballot is deemed a provisional ballot and shall provide information
326 on the types of identification needed and how and when such identification is to be
327 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

328 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
329 absentee electors, giving the name of the elector and the reason for the rejection in each
330 case. Three copies of the numbered list of certified absentee voters and three copies of
331 the numbered list of rejected absentee voters for each precinct shall be turned over to
332 the poll manager in charge of counting the absentee ballots and shall be distributed as
333 required by law for numbered lists of voters.

334 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
335 of the polls on the day of the primary or election shall be safely kept unopened by the
336 board or absentee ballot clerk and then transferred to the appropriate clerk with the
337 documentation provided for in subparagraph (a)(1)(A) of this Code section for storage
338 in a manner that will prevent tampering for the period of time required for the
339 preservation of ballots used at the primary or election and shall then, without being
340 opened, be destroyed in like manner as the used ballots of the primary or election. The
341 board of registrars or absentee ballot clerk shall promptly notify the elector by
342 first-class mail that the elector's ballot was returned too late to be counted and that the
343 elector will not receive credit for voting in the primary or election. All such late
344 absentee ballots shall be delivered to the appropriate clerk and stored as provided in
345 Code Section 21-2-390.

346 (G) Notwithstanding any provision of this chapter to the contrary, until the United
347 States Department of Defense notifies the Secretary of State that the Department of
348 Defense has implemented a system of expedited absentee voting for those electors
349 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
350 eligible absentee electors who reside outside the county or municipality in which the
351 primary, election, or runoff is held and are members of the armed forces of the United

352 States, members of the merchant marine of the United States, spouses or dependents of
353 members of the armed forces or merchant marine residing with or accompanying such
354 members, or overseas citizens that are postmarked by the date of such primary, election,
355 or runoff and are received within the three-day period following such primary, election,
356 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and
357 included in the certified election results.

358 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary,
359 election, or runoff, the election superintendent shall be authorized to open the outer oath
360 envelope of absentee ballots that have been verified and accepted pursuant to
361 subparagraph (a)(1)(B) of this Code section, remove the contents of such outer
362 envelope, open the inner envelope marked 'Official Absentee Ballot,' and scan the
363 absentee ballot using one or more ballot scanners. At least three persons who are
364 registrars, deputy registrars, poll workers, or absentee ballot clerks ~~must shall~~ be present
365 before commencing; and three persons who are registrars, deputy registrars, or absentee
366 ballot clerks shall be present at all times while the sealed containers containing verified
367 and accepted absentee ballots are unsealed and verified for integrity, while the absentee
368 ballot envelopes are ~~being~~ opened, and while the absentee ballots are ~~being~~ scanned.
369 However, no person shall tally, tabulate, estimate, or attempt to tally, tabulate, or
370 estimate or cause the ballot scanner or any other equipment to produce any tally or
371 tabulate, partial or otherwise, of the absentee ballots cast until the time for the closing
372 of the polls on the day of the primary, election, or runoff except as provided in this
373 Code section. Prior to beginning the process set forth in this paragraph, the
374 superintendent shall provide written notice to the Secretary of State in writing at least
375 seven days prior to processing and scanning absentee ballots. Such notice shall contain
376 the dates, start and end times, and location or locations where absentee ballots will be
377 processed and scanned. The superintendent shall also post such notice publicly in a
378 prominent location in the superintendent's office and on the home page of the county

379 election superintendent's website, if the county election superintendent maintains such
380 a website. The Secretary of State shall publish on his or her website the information
381 he or she receives from superintendents stating the dates, times, and locations where
382 absentee ballots will be processed.

383 (B) The proceedings set forth in this paragraph shall be open to the view of the public,
384 but no person except one employed and designated by the superintendent shall touch
385 any ballot or ballot container. Any person involved in processing and scanning
386 absentee ballots shall swear an oath, in the same form as the oath for poll officers
387 provided in Code Section 21-2-95, prior to beginning the processing and scanning of
388 absentee ballots. The county executive committee or, if there is no organized county
389 executive committee, the state executive committee of each political party and political
390 body having candidates whose names appear on the ballot for such election shall have
391 the right to designate two persons and each independent and nonpartisan candidate
392 whose name appears on the ballot for such election shall have the right to designate one
393 person to act as monitors for such process. In the event that the only issue to be voted
394 upon in an election is a referendum question, the superintendent shall also notify in
395 writing the chief judge of the superior court of the county who shall appoint two
396 electors of the county to monitor such process. While viewing or monitoring the
397 process set forth in this paragraph, monitors and observers shall be prohibited from:

398 (i) In any way interfering with the processing or scanning of absentee ballots or the
399 conduct of the election;

400 (ii) Using or bringing into the room any photographic or other electronic monitoring
401 or recording devices, cellular telephones, or computers;

402 (iii) Engaging in any form of campaigning or campaign activity;

403 (iv) Taking any action that endangers the secrecy and security of the ballots;

404 (v) Touching any ballot or ballot container;

405 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,
406 whether partial or otherwise, any of the votes on the absentee ballots cast; and
407 (vii) Communicating any information that they see while monitoring the processing
408 and scanning of the absentee ballots, whether intentionally or inadvertently, about any
409 ballot, vote, or selection to anyone other than an election official who needs such
410 information to lawfully carry out his or her official duties.

411 (C) The State Election Board shall promulgate rules requiring reconciliation
412 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes
413 are opened; secrecy of election results prior to the closing of the polls on the day of a
414 primary, election, or runoff; and other protections to protect the integrity of the process
415 set forth in this paragraph.

416 (D) At the conclusion of the scanning of ballots, such scanned ballots shall be stored
417 in tamper-resistant containers sealed with numbered seals, the number of which shall
418 be recorded on the chain of custody document specified by the Secretary of State, and
419 such forms shall be signed by the person storing the ballots and the date and time of
420 storage shall be entered on such forms.

421 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
422 day of the primary, election, or runoff begin tabulating the absentee ballots; provided,
423 however, that all absentee ballots that have been verified and accepted pursuant to
424 subparagraph (a)(1)(B) of this Code section by the Monday prior to the day of the
425 primary, election, or runoff shall be tabulated and the results reported by no later than
426 8:00 P.M. on the day of such primary, election, or runoff or within one hour of the
427 closing of all polls in such county, whichever occurs later. If the county election
428 superintendent chooses to open the inner envelopes and begin tabulating such ballots
429 prior to the close of the polls on the day of the primary, election, or runoff, the
430 superintendent shall notify in writing, at least seven days prior to the primary, election,
431 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot

432 tabulation prior to the close of the polls. The county executive committee or, if there is
433 no organized county executive committee, the state executive committee of each political
434 party and political body having candidates whose names appear on the ballot for such
435 election in such county shall have the right to designate two persons and each
436 independent and nonpartisan candidate whose name appears on the ballot for such
437 election in such county shall have the right to designate one person to act as monitors for
438 such process. In the event that the only issue to be voted upon in an election is a
439 referendum question, the superintendent shall also notify in writing the chief judge of the
440 superior court of the county who shall appoint two electors of the county to monitor such
441 process.

442 (4) The county election superintendent shall publish a written notice in the
443 superintendent's office of the superintendent's intent to begin the absentee ballot
444 tabulation prior to the close of the polls and publish such notice at least one week prior
445 to the primary, election, or runoff in the legal organ of the county.

446 (5) The process for opening absentee ballot envelopes, scanning absentee ballots, and
447 tabulating absentee ballots on the day of a primary, election, or runoff as provided in this
448 subsection shall be conducted in a manner to maintain the secrecy of all ballots and to
449 protect the disclosure of any balloting information before 7:00 P.M. on election day. No
450 absentee ballots shall be tabulated before 7:00 A.M. on the day of a primary, election, or
451 runoff.

452 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
453 election, or runoff, including the vote review panel required by Code Section 21-2-483,
454 and all monitors and observers shall be sequestered until the time for the closing of the
455 polls. All such persons shall have no contact with the news media; shall have no contact
456 with other persons not involved in monitoring, observing, or conducting the tabulation;
457 shall not use any type of communication device including radios, telephones, and cellular
458 telephones; shall not utilize computers for the purpose of email, instant messaging, or

459 other forms of communication; and shall not communicate any information concerning
460 the tabulation until the time for the closing of the polls; provided, however, that
461 supervisory and technical assistance personnel shall be permitted to enter and leave the
462 area in which the tabulation is being conducted but shall not communicate any
463 information concerning the tabulation to anyone other than the county election
464 superintendent; the staff of the superintendent; those persons conducting, observing, or
465 monitoring the tabulation; and those persons whose technical assistance is needed for the
466 tabulation process to operate.

467 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
468 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
469 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
470 for security. Such boxes or bags shall be sealed and witnessed and verified by each
471 person taking custody of such items by each such person's signature and date and time
472 of taking custody. The persons conducting the tabulation of the absentee ballots shall not
473 cause the tabulating equipment to produce any count, partial or otherwise, of the absentee
474 votes cast until the time for the closing of the polls except as otherwise provided in this
475 Code section.

476 (b) When requested by the superintendent, but not earlier than the third Monday prior to
477 a primary, election, or runoff, a registrar or absentee ballot clerk shall deliver the official
478 absentee ballot of each certified absentee elector, each rejected absentee ballot, applications
479 for such ballots, and copies of the numbered lists of certified and rejected absentee electors
480 to the location designated by the superintendent in secure, sealed containers with the chain
481 of custody documents as specified by the Secretary of State and the signature and date and
482 time of the person taking custody, and the superintendent or official receiving such
483 absentee ballots shall issue his or her receipt therefor.

484 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened
485 and tabulated as provided in this Code section. A manager shall then open the outer

486 envelope in such manner as not to destroy the oath printed thereon and shall deposit the
487 inner envelope marked 'Official Absentee Ballot' in a ballot box reserved for absentee
488 ballots with an accompanying chain of custody documentation. Such ballot box shall be
489 securely sealed if it is not in the direct control of the poll officers or if it is transferred to
490 a different room or facility for tabulation. In the event that an outer envelope is found to
491 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an
492 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited
493 in the ballot box and counted in the same manner as other absentee ballots, provided that
494 such ballot is otherwise proper. Such manager with two assistant managers, appointed by
495 the superintendent, with such clerks as the manager deems necessary shall count the
496 absentee ballots following the procedures prescribed by this chapter for other ballots,
497 insofar as practicable.

498 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
499 be reported by precinct; and separate returns shall be made for each precinct in which
500 absentee ballots were cast showing the results by each precinct in which the electors reside.
501 The superintendent shall utilize the procedures set forth in this Code section to ensure that
502 the returns of verified and accepted absentee ballots cast are reported to the public as soon
503 as possible following the closing of the polls on the day of the primary, election, or runoff.
504 Failure to utilize these procedures to ensure that the returns of verified and accepted
505 absentee ballots are reported as soon as possible following the close of polls shall subject
506 the superintendent to sanctions by the State Election Board. If a superintendent fails to
507 report the returns of verified and accepted absentee ballots by the day following the
508 election at 5:00 P.M., the State Election Board may convene an independent performance
509 review board pursuant to Code Section 21-2-107.

510 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
511 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
512 envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be

513 a chain of custody document as specified by the Secretary of State on which is recorded
514 and witnessed the name and signature of each person taking custody of such ballots; and
515 it shall be counted as other challenged ballots are counted. Where direct recording
516 electronic voting systems are used for absentee balloting and a challenge to an elector's
517 right to vote is made prior to the time that the elector votes, the elector shall vote on a paper
518 or optical scanning ballot and such ballot shall be handled as provided in this subsection.
519 The board of registrars or absentee ballot clerk shall promptly notify the elector of such
520 challenge.
521 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose
522 or for any person to receive any information regarding the results of the tabulation of
523 absentee ballots except as expressly provided by law."

524 **SECTION 10.**

525 Said chapter is further amended in Code Section 21-2-493, relating to computation,
526 canvassing, and tabulation of returns, investigation of discrepancies in vote counts, recount
527 procedure, pilot program for posting of digital images of scanned paper ballots, certification
528 of returns, and change in returns, by revising subsection (a) and adding a new subsection to
529 read as follows:

530 "(a) The superintendent shall, after the close of the polls on the day of a primary or
531 election, at his or her office or at some other convenient public place at the county seat or
532 in the municipality, of which due notice shall have been given as provided by Code
533 Section 21-2-492, publicly commence the computation and canvassing of the returns and
534 continue until all absentee ballots received by the close of the polls, including those cast
535 by advance voting; provided, however, that such votes cast by advance voting shall be
536 tabulated and the results reported by no later than 8:00 P.M. on such day or within one hour
537 of the closing of all polls in such county, whichever occurs later, and all ballots cast on the
538 day of the primary or election have been counted and tabulated and the results of such

539 tabulation released to the public and, then, continuing with provisional ballots as provided
540 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in
541 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For
542 this purpose, the superintendent may organize his or her assistants into sections, each of
543 whom may simultaneously proceed with the computation and canvassing of the returns
544 from various precincts of the county or municipality in the manner provided by this Code
545 section. Upon the completion of such computation and canvassing, the superintendent
546 shall tabulate the figures for the entire county or municipality and sign, announce, and
547 attest the same, as required by this Code section."

548 "(j.2)(1) On or after January 1, 2025, in the event that a superintendent receives a request
549 pursuant to Code Section 50-18-71, for scanned ballot images at a resolution higher than
550 the ballot images available from the Secretary of State pursuant to subsection (j.1) of this
551 Code section, and such request is received following the final certification of the results
552 of the election in which such ballots were created, the superintendent shall, consistent
553 with Code Section 50-18-71, produce digital scans of the requested ballots at a resolution
554 of no less than 600 dots per inch and deliver such scans to the requestor. A person
555 making a request pursuant to this subsection may observe the scanning and related
556 handling process, but under no circumstances shall anyone other than an authorized
557 election official touch or handle a physical ballot.

558 (2) Notwithstanding any seal provided for by Code Section 21-2-500, a superintendent
559 shall have access to the ballots cast within its jurisdiction so as to comply with the
560 provisions of this subsection. Upon receiving a request pursuant to this subsection, the
561 superintendent shall notify the clerk of the superior court or, if designated by the clerk of
562 the superior court, the county records manager or other office or official under the
563 jurisdiction of a county governing authority which maintains or is responsible for
564 maintaining such sealed ballots, and such official or office that maintains such requested
565 ballot shall provide the superintendent access to such ballot without the need for

566 obtaining a court order. All ballots provided to a superintendent pursuant to this
567 paragraph shall be immediately returned by such superintendent to the official or office
568 that maintains such ballots upon the scanning of such ballot."

569 **SECTION 11.**

570 Said chapter is further amended by adding a new Code section to read as follows:

571 "21-2-498.1.

572 The Secretary of State shall create a pilot program for the auditing of paper ballot images
573 using optical character recognition technology or other related technology which shall
574 verify the human-readable text portion of the ballot. Such auditing program shall not be
575 based on or tabulate any QR code, bar code, or similar machine coding that may be printed
576 on such ballots. Such audits shall include all ballot types, and the audit findings shall be
577 reported prior to final certification of the election."

578 **SECTION 12.**

579 Said chapter is further amended in Code Section 21-2-540, relating to conduct of special
580 primaries and special elections generally, by revising subsection (b) as follows:

581 "(b) At least 29 days shall intervene between the call of a special primary and the holding
582 of same, and at least 29 days shall intervene between the call of a special election and the
583 holding of same. The period during which candidates may qualify to run in a special
584 primary or a special election shall remain open for a minimum of two and one-half days.
585 Special primaries and special elections to present questions to the voters which are to be
586 held in conjunction with the presidential preference primary, a state-wide general primary,
587 or state-wide general election shall be called at least 90 days prior to the date of such
588 presidential preference primary, state-wide general primary, or state-wide general election;
589 provided, however, that this requirement shall not apply to special primaries and special
590 elections to present questions to the voters held on the same date as such presidential

591 preference primary, state-wide general primary, or state-wide general election but
592 conducted completely separate and apart from such state-wide general primary or
593 state-wide general election using different ballots or voting equipment, facilities, poll
594 workers, and paperwork."

595 **SECTION 13.**

596 (a) This section and Sections 12 and 14 of this Act shall become effective upon its approval
597 by the Governor or upon its becoming law without such approval.
598 (b) Sections 1, 2, 3, 3.1, 5, 8, 10, and 11 of this Act shall become effective on July 1, 2024.
599 (c) Sections 4, 6, and 9 of this Act shall become effective on January 1, 2025.
600 (d) Section 7 of this Act shall become effective on July 1, 2026.

601 **SECTION 14.**

602 All laws and parts of laws in conflict with this Act are repealed. All laws and parts of laws
603 in conflict with this Act are repealed.

EXHIBIT 4



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Chris Harvey
ELECTIONS DIRECTOR
404-657-5380

August 28, 2018

VIA CERTIFIED MAIL
RETURN-RECEIPT REQUESTED

Mr. Andrew Bell
2083 Cherrybrook Drive
Decatur, Georgia 30032
electandrewbell@gmail.com

Re: Nomination Petition

Dear Mr. Bell,

You filed a notice of candidacy affidavit and paid the qualifying fee in order to qualify as an Independent candidate for the Georgia House of Representatives District 85. In addition to your affidavit and fee, you were initially required to obtain and turn in 1,793 signatures of eligible voters in your district, which consists of DeKalb County by Noon on August 14, 2020, to O.C.G.A. § 21-2-132(e). However, following a recent court order, the number of required signatures was reduced by 30%. As such, you were required to obtain 1,255 (24,503 x .7) signatures. You turned in your nomination petition on August 13, 2020.

Upon review of the signatures you submitted to our office, I hereby inform you that your total number of valid and verified signatures submitted is 827. This is not a sufficient number of signatures to fully qualify as an Independent candidate for election to the Georgia House of Representatives District 85. for the General Election to be held on November 3, 2020. Therefore, for forgoing reasons, your name will not appear on the ballot.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature of Chris Harvey.

Chris Harvey
Elections Director
Georgia Secretary of State's Office

Exhibit A

PST



The Office of Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Chris Harvey
ELECTIONS DIRECTOR

TO: Chris Harvey, Elections Director
Secretary of State Elections Division
2 MLK Jr. Dr. SE
Suite 802 – West Tower
Atlanta, Georgia 30334

RE: VERIFICATION OF VALID SIGNATURES FOR THE NOMINATION PETITION OF:
CANDIDATE: Andrew Bell
OFFICE: Georgia House of Representatives, District 85
COUNTY: DeKalb County

This is to certify that the County Voter Registration Office has reviewed the referenced nomination petition and has determined that the petition contains 2,220 valid signatures, as per the attached memo provided by the Secretary of State for verifying signatures on the nomination petition for the November 3, 2020 General Election.

This petition is hereby returned along with this verification statement.

This 19th day of August 2020.

Tyyla Inez Hart
Printed Name of County Official validating signatures

Tyyla Inez Hart
Signature of County Official validating signatures

Exhibit III

PJ. 1082

Georgia Secretary of State Brad Raffensperger's Office
The Elections Division | 2 MLK Jr. Dr. SE | West Tower | Suite 802
Atlanta, Georgia 30334

Page 2 of 8
94a

ERICA D. HAMILTON
VOTER REGISTRATION & ELECTIONS DIRECTOR
(404) 298-4920
FAX (404) 298-4038



BOARD MEMBERS
MICHAEL COVENY
ANTHONY LEWIS
LEONA FERRY
SAMUEL E. TILLMAN
BARRY YU

Board of Registration and Elections
4380 Memorial Drive, Suite 300
Decatur, Georgia 30032

Nomination Petition for Andrew W. Bell GA House District 85

Verified: 827

Out of District: 648

Duplicate Signing: 9

Signature Not Verified: 15

Not Registered/Unable to Determine: 694

Rejected: 15

Signature not on Petition: 15

Total: 2,208

Valid Signatures: 827

~~Exhibit III~~
~~pg. 2 of 2~~

Pg. 3 of 8
95a



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Chris Harvey
ELECTIONS DIRECTOR

DATE: August 2, 2018

TO: County Election Superintendents and Registrars

FROM: Chris Harvey, Elections Director

RE: Verification of Signatures on Nomination Petition for Georgia House of Representatives District [REDACTED]

Please use the following codes to verify the signatures on the nomination petition for Georgia House of Representatives District [REDACTED] submitted by [REDACTED] and write the code next to each row with a signature.

- D: Duplicate Signature -Person has signed the petition more than once
- UK: Unknown -Signature is illegible or the identity of the person cannot be determined
- NR: Not Registered -Person who signed the petition was not eligible to sign the petition either due to incorrect status or not in the right district
- NS: No Signature -Person did not provide a signature or the provided signature does not match signature on voter registration card
- SNF: Signature Not on File -Person is a registered voter, but a signature is not on file
- V: Valid Signature -Signature is that of the registered voter of the county or district
- W: Withdrawn Signature -Signature that has been stricken
- I: Incomplete Information -Person did not provide sufficient information to be identified by the Registrar's Office

The total number of valid signatures (which includes SNF's and V's) should be calculated and written on the lower left hand corner of the front of each page. The cumulative total of valid signatures and a breakdown of rejection numbers must be documented on the 2018 Petition Verification Statement.

The petition, with codes indicated, and the signed 2018 Petition Verification Statement must be turned in to our office no later than Friday, August 17, 2018.

Please let our office know if you have any additional questions or concerns.

FBI-ATL IV

PG 1475



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Chris Harvey
ELECTIONS DIRECTOR

TO: Chris Harvey, Elections Director
Secretary of State Elections Division
2 MLK Jr. Dr. SE
Suite 802 – West Tower
Atlanta, GA 30334

RE: 2018 PETITION VERIFICATION STATEMENT

CANDIDATE: [REDACTED]

OFFICE: Georgia House of Representatives District [REDACTED]

COUNTY: Barrow

This is to certify that the County Voter Registration Office has reviewed the referenced nomination petition and has determined that the petition contains 51 valid signatures, as per the attached memo provided by the Secretary of State for verifying signatures on the nomination petition for the November 6, 2018 General Election.

The following is a breakdown of the rejected signatures:

D (Duplicate): 0

NR (Not Registered): 15

UK (Illegible/Can't Identify): 2

NS (Signature Problem): 0

W (Withdrawn Signature): 0

I (Incomplete): 0

Along with this 2018 Petition Verification Statement, the petition with the respective codes for verification or rejection of signatures is enclosed/attached. I hereby verify such information and submit the same to the Secretary of State on this 10 day of August, 2018.

Monica Franklin

Printed Name of County Election Official

Monica Franklin

Signature of County Election Official



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Chris Harvey
ELECTIONS DIRECTOR

TO: Chris Harvey, Elections Director
Secretary of State Elections Division
2 MLK Jr. Dr. SE
Suite 802 – West Tower
Atlanta, GA 30334

RE: 2018 PETITION VERIFICATION STATEMENT

CANDIDATE: [REDACTED]

OFFICE: Georgia House of Representatives District [REDACTED]

COUNTY: Gwinnett

This is to certify that the County Voter Registration Office has reviewed the referenced nomination petition and has determined that the petition contains 384 valid signatures, as per the attached memo provided by the Secretary of State for verifying signatures on the nomination petition for the November 6, 2018 General Election.

The following is a breakdown of the rejected signatures:

D (Duplicate): 0

NR (Not Registered): 203

UK (Illegible/Can't Identify): 24

NS (Signature Problem): 44

W (Withdrawn Signature): 0

I (Incomplete): 1

Along with this 2018 Petition Verification Statement, the petition with the respective codes for verification or rejection of signatures is enclosed/attached. I hereby verify such information and submit the same to the Secretary of State on this 14 day of August, 2018.

Shantell Black
Printed Name of County Election Official

S.B. ok
Signature of County Election Official



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Chris Harvey
ELECTIONS DIRECTOR

TO: Chris Harvey, Elections Director
Secretary of State Elections Division
2 MLK Jr. Dr. SE
Suite 802 – West Tower
Atlanta, GA 30334

RE: 2018 PETITION VERIFICATION STATEMENT

CANDIDATE: [REDACTED]

OFFICE: Georgia House of Representatives District [REDACTED]

COUNTY: Rockdale

This is to certify that the County Voter Registration Office has reviewed the referenced nomination petition and has determined that the petition contains 57 valid signatures, as per the attached memo provided by the Secretary of State for verifying signatures on the nomination petition for the November 6, 2018 General Election.

The following is a breakdown of the rejected signatures:

D (Duplicate): 0

NR (Not Registered): 20

UK (Illegible/Can't Identify): 8

NS (Signature Problem): 10

W (Withdrawn Signature): 0

I (Incomplete): 5

Along with this 2018 Petition Verification Statement, the petition with the respective codes for verification or rejection of signatures is enclosed/attached. I hereby verify such information and submit the same to the Secretary of State on this 15 day of August, 2018.

Cynthia Willingham

Printed Name of County Election Official

Signature of County Election Official

2 MLK Jr. Dr. SE | West Tower | Suite 802 | Atlanta, Georgia 30334
404-656-2871 | sos.ga.gov

[Handwritten Signature]

Pg. 7 of 8

[Handwritten Signature]



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Chris Harvey
ELECTIONS DIRECTOR

TO: Chris Harvey, Elections Director
Secretary of State Elections Division
2 MLK Jr. Dr. SE
Suite 802 - West Tower
Atlanta, GA 30334

RE: 2018 PETITION VERIFICATION STATEMENT

CANDIDATE: [REDACTED]

OFFICE: Georgia House of Representatives District [REDACTED]

COUNTY: Walton

This is to certify that the County Voter Registration Office has reviewed the referenced nomination petition and has determined that the petition contains 551 valid signatures, as per the attached memo provided by the Secretary of State for verifying signatures on the nomination petition for the November 6, 2018 General Election.

The following is a breakdown of the rejected signatures:

D (Duplicate): 0

NR (Not Registered): 124

UK (Illegible/Can't Identify): 18

NS (Signature Problem): 129

W (Withdrawn Signature): 0

I (Incomplete): 122

Along with this 2018 Petition Verification Statement, the petition with the respective codes for verification or rejection of signatures is enclosed/attached. I hereby verify such information and submit the same to the Secretary of State on this 16th day of August, 2018.

Jenni Pross
Printed Name of County Election Official

Jenni Pross
Signature of County Election Official

2 MLK Jr. Dr. SE | West Tower | Suite 802 | Atlanta, Georgia 30334
404-656-2871 | sos.ga.gov

Exhibit IV

PS 5/25/18

pg. 888
100a

EXHIBIT 5

Dekalb County government has been stealing my signs

From Andrew Bell <andrew@electandrewbell.com>

Date Wed 8/21/2024 1:12 PM

To jfervier.seb@gmail.com <jfervier.seb@gmail.com>; saraghazal.seb@gmail.com <saraghazal.seb@gmail.com>; rjeffares.seb@gmail.com <rjeffares.seb@gmail.com>; jkingseb@gmail.com <jkingseb@gmail.com>; jjohnstonmd.seb@gmail.com <jjohnstonmd.seb@gmail.com>

Cc Karli <kswift@dekalbcountyga.gov>; Vasudevan Abhiraman <vabhiraman@dekalbcountyga.gov>; Nancy <njester@dekalbcountyga.gov>; Anthony <antlewis@dekalbcountyga.gov>; Susan <smotter@dekalbcountyga.gov>; bevans@sos.ga.gov <bevans@sos.ga.gov>; ksmith@dekalbcountyga.gov <ksmith@dekalbcountyga.gov>; AGCarr@law.ga.gov <AGCarr@law.ga.gov>

I am reaching out for assisting with reporting DeKalb County government's continued violation of the rights of my rights and the rights of my supporters. DeKalb County government trespassed on one of my supporters Mr. Paul Banks property, and illegally removed the sign that I had given him. DeKalb County government also took signs out of my yard, at the time that they took the signs I did not have my cameras in a position where I could capture an image or video of them in the act. However I was able to catch them in the act on August 8, 2024. The signs are costly I would like for the County to apologize and at minimum replace Mr. Banks sign. Mr. Banks has property and a first amendment right to show support for the candidate of his choice. The sign is not soliciting anything. I have attached pictures of the events that occurred on March 22, 2024, May 24, 2024, and August 8, 2024. There is an open case with the DeKalb County Police Department (Case No. 24-062486). As a disabled veteran of the United States Marine Corps, I am disgusted at the behavior of these individuals. They disrespect every aspect of "freedom". My mother integrated Troup County school system in 1966, and now we still have individuals who go out of their way to deny citizens their First Amendment, Fourteenth, and Fifteenth rights as Americans. This is one of the reasons I'm running. DeKalb County government is corrupt. Please tell DeKalb County government to STOP STEALING MY SIGNS FROM THE PRIVATE PROPERTY OF MY SUPPORTERS!

1st video of sign removal on May 24 https://share.icloud.com/photos/0f8j7Dfk3NyjyOdRAAe_AGgeA

2nd video of sign removal on May 24 <https://share.icloud.com/photos/0c5iLSDKbx44h9qZrGifU-xnQ>

August 8 video

<https://ring.com/share/64cdedc5-16d5-4445-877d-ac847a215a37>

O.C.G.A. § 1-2-6(a)(2)(3)(4)(5)- Right of Citizens Generally

(a.) The rights of citizens include, without limitation, the following:

1. The right of personal liberty;
2. The right of private property and the disposition thereof;
3. The right of the elective franchise;
4. The right to hold office, unless disqualified by the Constitution and laws of this state;

O.C.G.A. § 16-7-21(a)- Criminal Trespass and Damage to Property

- (a) A person commits the offense of criminal trespass when he or she intentionally damages any property of another without consent of that other person and the damage thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person.

O.C.G.A. § 16-7-28(a)(2)- Prohibited Placements of Posters, Signs, and Advertisements

It shall be unlawful for any person to place posters, signs, or advertisements:

1. On any public property or building, unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; provided, however, that signs within the rights of way of public roads shall be governed by Code Section 32-6-51;
2. On any private property unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; and, provided, further that no municipal, county, or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed or the number of signs which may be displayed on private property for which permission has been granted; or

O.C.G.A. § 16-8-2 -Theft by taking

A person commits the offense of theft by taking when he unlawfully takes or, being in lawful possession thereof, unlawfully appropriates any property of another with the intention of depriving him of the property, regardless of the manner in which the property is taken or appropriated.

Andrew W. Bell

(404) 380-0037

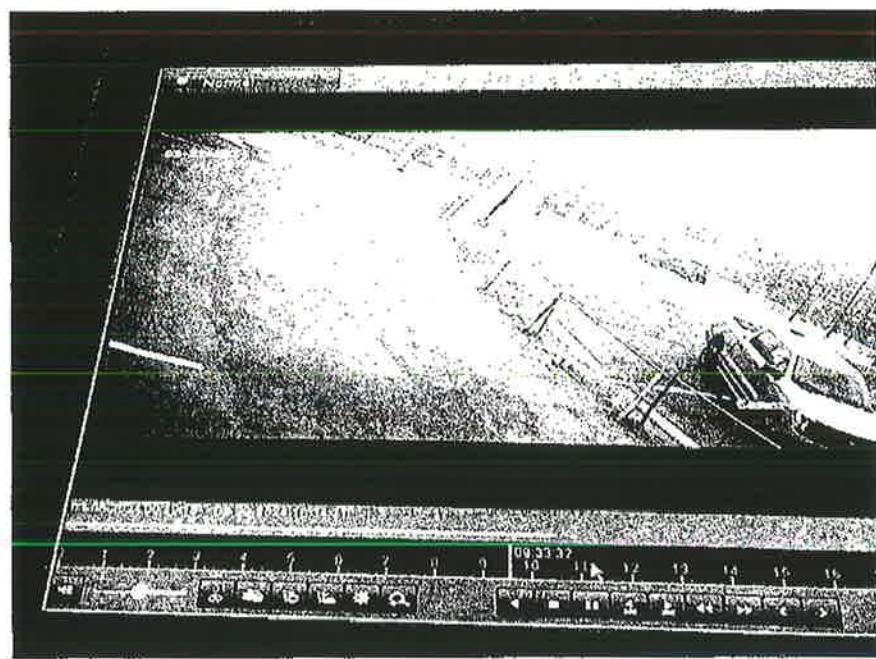
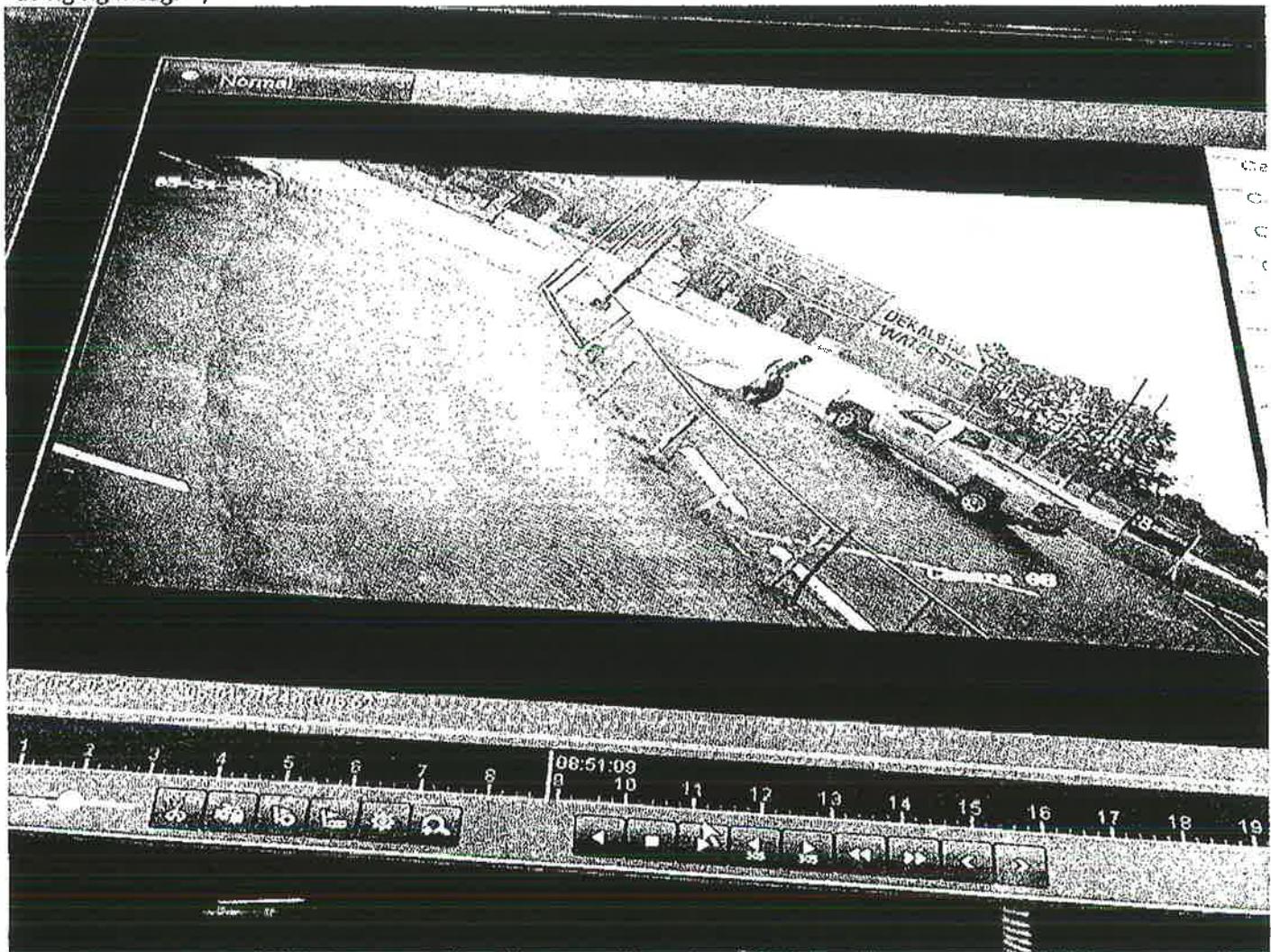


EXHIBIT 6

Case # (24-062486)

From Andrew Bell <andrew@electandrewbell.com>

Date Wed 9/25/2024 3:28 PM

To Tellis D. <tdwatson@dekalbcountyga.gov>

Cc jfervier.seb@gmail.com <jfervier.seb@gmail.com>; saraghazal.seb@gmail.com <saraghazal.seb@gmail.com>; rjeffares.seb@gmail.com <rjeffares.seb@gmail.com>; jking.seb@gmail.com <jking.seb@gmail.com>; jjohnstonmd.seb@gmail.com <jjohnstonmd.seb@gmail.com>; Karli <kswift@dekalbcountyga.gov>; Vasudevan Abhiraman <vabhiraman@dekalbcountyga.gov>; Nancy <njester@dekalbcountyga.gov>; Anthony <antlewis@dekalbcountyga.gov>; Susan <smotter@dekalbcountyga.gov>; bevans@sos.ga.gov <bevans@sos.ga.gov>; ksmith@dekalbcountyga.gov <klsmith@dekalbcountyga.gov>; AGCarr@law.ga.gov <AGCarr@law.ga.gov>; dekalbda@dekalbcountyga.gov <dekalbda@dekalbcountyga.gov>; mlthurmond@dekalbcountyga.gov <mlthurmond@dekalbcountyga.gov>; Michael Thurmond - County CEO <ceomichaelthurmond@dekalbcountyga.gov>; Williams, Zachary L. <zlwilliams@dekalbcountyga.gov>

Detective Watson,

I was again the victim of trespass, damage to property , and an attempted theft by Dekalb County government (on previous occassions the signs were stolen). My uncle caught the thief in the act this time. On Monday September 23, 2024, at approximately 12:29:50, DeKalb County government once again went on my property and removed campaign signs in violation of the United States Constitution and the State of Georgia Constitution, and O.C.G.A § 16-7-58(a)(2)[1]. Although there are "Private Property No Trespassing" and "Private Property Not Free to Roam" signs posted on several areas of my property, a Dekalb County employee walked past my uncle and the private signs, and then took my campaign sign from the stakes the was holding the sign, and then attempted to place my sign in an orange trash bag. <https://ring.com/share/9b6315ca-ef59-4beb-9cce-866fd1985f38>

My uncle came inside to bring the actions and behavior to my attention. My uncle thought that DeKalb County had began to pay my property taxes, my mortgage, my homeowners' insurance, my flood insurance, my home maintenance, and my groceries.

After my uncle came inside of my house to inform me of what was going on, I came outside to confront the thief. <https://ring.com/share/42f1268b-b060-4e84-848f-902d4d0b9e1a> . Upon asking the thief why he had trespassed upon my property and taken my sign. He told me his supervisor had instructed him to take the signs. I showed him the cameras and asked him why he had ignored the "Private Property No Trespassing" and "Private Property Not Free to Roam" signs. He continued to state that he worked for the "County" and that he had authorization to come on my property and take the signs. Informed him of the O.C.G.A § 16-7-58(a)(2). I told the thief that DeKalb County had no authority to come on property to take anything, and that the county taking my signs from private property was against the law.

The thief acted like he was unaware that he had done something illegal. In turn I shook his had and told him not to do it again. <https://ring.com/share/243d91ac-58f1-4636-8f7a-60dd98f7b2db>

The thief, although he works for the public, did not reveal his name or his supervisor's name. I told him next time someone tells him to do something unlawful, to tell that person to do it themselves. He proceeded up Snapfinger Road, I went inside the house, and my uncle continued to wait on the bus.

We are living more and more in an authoritarian society where the government has and is restricting the rights of the people. Tyranny plain and simple!

Andrew W. Bell

"Bringing Integrity Back"

[1] (a) It shall be unlawful for any person to place posters, signs, or advertisements: (2) On any private property unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; and, provided, further that no municipal, county, or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed or the number of signs which may be displayed on private property for which permission has been granted; or

EXHIBIT 7



ELECTION DAY POLLING PLACES

December 2024 General/Special Election Runoff

| POLLING PLACE | FACILITY | STREET NUMBER | STREET | CITY | ZIP |
|--------------------------------------|------------------------------------|---------------|------------------------|----------------|-------|
| ALLGOOD ELEM | ALLGOOD ELEMENTARY SCHOOL | 659 | ALLGOOD ROAD | STONE MOUNTAIN | 30083 |
| ✓ AUSTIN DRIVE BOULEVARD | PEACE BAPTIST CHURCH | 4000 | COVINGTON HWY | DECATUR | 30032 |
| | ISRAEL BAPTIST CHURCH | 2071 | HOSEA L WILLIAMS DR SE | ATLANTA | 30317 |
| BRIAR VISTA ELEM/JOHNSON ESTATES/ETC | BRIAR VISTA ELEMENTARY SCHOOL | 1131 | BRIAR VISTA TER | ATLANTA | 30324 |
| BRIARLAKE ELEM/CORALWOOD | BRIARLAKE ELEMENTARY SCH | 3590 | LAVISTA ROAD | DECATUR | 30033 |
| BROCKETT ELEM | BROCKETT ELEMENTARY SCH | 1855 | BROCKETT ROAD | TUCKER | 30084 |
| BROCKETT | MOUNT MORIAH BAPTIST CHURCH | 1983 | BROCKETT ROAD | TUCKER | 30084 |
| BROWNS MILL ELEM | BROWNS MILL ELEMENTARY SCHOOL | 4863 | BROWN'S MILL ROAD | LITHONIA | 30038 |
| ✓ BOULDERCREST ROAD/GRESHAM ROAD | BARACK OBAMA ELEMENTARY SCHOOL | 3132 | CLIFTON CHURCH RD, SE | ATLANTA | 30316 |
| ✓ BETHUNE MIDDLE | MARY MACLEOD BETHUNE MIDDLE SCHOOL | 5200 | COVINGTON HIGHWAY | DECATUR | 30035 |
| ✓ BURGESS ELEM | HUGH OTIS BURGESS ELEM SCHOOL | 480 | CLIFTON ST, SE | ATLANTA | 30316 |
| ✓ COLUMBIA DRIVE | HILLSIDE PRESBYTERIAN CHURCH | 1879 | COLUMBIA DRIVE | DECATUR | 30032 |
| ✓ CANBY LANE ELEM | CANBY LANE ELEMENTARY SCH | 4150 | GREEN HAWK TRAIL | DECATUR | 30035 |
| ✓ COLUMBIA ELEM | COLUMBIA ELEMENTARY SCH | 3230 | COLUMBIA WOODS DR | DECATUR | 30032 |
| ✓ CEDAR GROVE ELEM | CEDAR GROVE ELEMENTARY SCH | 2330 | RIVER ROAD | ELLENWOOD | 30294 |
| CANDLER-MURPHEY CANDLER ELEM | MURPHEY CANDLER ELEM | 6775 | SOUTH GODDARD ROAD | LITHONIA | 30038 |
| ✓ CHAPEL HILL ELEM | CHAPEL HILL ELEMENTARY SCH | 3536 | RADCLIFF BOULEVARD | DECATUR | 30034 |

EAST LAKE GRES HAM



DeKalb County, Georgia Voter Registration & Elections

| | | | | | |
|--|----------------------------------|------|----------------------------|----------------|-------|
| ✓ CLIFTON/MEADOWVIEW | BEULAH MISSIONARY BAPTIST CHURCH | 2340 | CLIFTON SPRINGS RD | DECATUR | 30034 |
| ✓ COLUMBIA MIDDLE | COLUMBIA MIDDLE SCHOOL | 3001 | COLUMBIA DRIVE | DECATUR | 30034 |
| ✓ COAN RECREATION CENTER * | COAN PARK RECREATION CENTER | 1530 | WOODBINE AVENUE, SE | ATLANTA | 30317 |
| CROSSROADS | CROSSROADS PRESBYTERIAN CH | 5587 | REDAN ROAD | STONE MOUNTAIN | 30088 |
| ✓ CANDLER/EAST LAKE 57.83 | SAINT PHILIP AME CHURCH | 240 | CANDLER RD, SE-GYMNASIUM A | ATLANTA | 30317 |
| ✓ CEDAR GROVE MIDDLE * | CEDAR GROVE MIDDLE SCHOOL | 2300 | WILDCAT ROAD | DECATUR | 30034 |
| ✓ CEDAR GROVE SOUTH 34.12 | CEDAR GROVE UNITED METH CHURCH | 3430 | BOULDERCREST ROAD | CONLEY | 30288 |
| ✓ COVINGTON/COVINGTON HWY | ATLANTA-BELVEDERE SDA CHURCH | 3567 | COVINGTON HWY | DECATUR | 30032 |
| ✓ CANDLER PARK/LIN-MARY LIN ELEM 42.77 | NEIGHBORHOOD CHURCH | 1561 | MCLENDON AVENUE NE | ATLANTA | 30307 |
| DORAVILLE NORTH/SOUTH | DORAVILLE CIVIC CENTER | 3774 | CENTRAL AVE | DORAVILLE | 30340 |
| DRUID HILLS HIGH | DRUID HILLS HIGH SCHOOL | 1798 | HAYGOOD DRIVE NE | ATLANTA | 30307 |
| EMBRY HILLS | EVANSDALE ELEMENTARY SCHOOL | 2914 | EVANS WOODS DR A | DORAVILLE | 30340 |
| EVANSDALE ELEM | EVANSDALE ELEMENTARY SCH | 2914 | EVANS WOODS DRIVE | DORAVILLE | 30340 |
| EMORY ROAD | EMORY UNIVERSITY | 1599 | CLIFTON RD | ATLANTA | 30322 |
| FAIRINGTON ELEM | FAIRINGTON ELEMENTARY SCHOOL | 5505 | PHILLIP BRADLEY DR | LITHONIA | 30038 |
| ✓ FLAT SHOALS ELEM | FLAT SHOALS ELEMENTARY SCHOOL | 3226 | FLAT SHOALS ROAD | DECATUR | 30034 |
| ✓ FLAT SHOALS PARKWAY | H F SHEPHERD MULTIPLEX | 4650 | FLAT SHOALS PKWY | DECATUR | 30034 |
| FLAT ROCK ELEM | FLAT ROCK ELEMENTARY SCHOOL | 4603 | EVANS MILL RD | LITHONIA | 30038 |
| ✓ FLAT SHOALS | NEW LIFE COMMUNITY CENTER | 3592 | FLAT SHOALS ROAD | DECATUR | 30034 |
| ✓ FLAKES MILL | COUNTY LINE-ELLENWOOD LIBRARY | 4331 | RIVER RD | ELLENWOOD | 30294 |
| ✓ FLAT SHOALS LIBRARY | FLAT SHOALS LIBRARY | 4022 | FLAT SHOALS PARKWAY | DECATUR | 30034 |
| FREEDOM MIDDLE | FREEDOM MIDDLE SCHOOL | 505 | SOUTH HAIRSTON ROAD | STONE MOUNTAIN | 30088 |
| ✓ GLENHAVEN | STRAIGHT LIFE CHURCH OF GOD | 4228 | GLENHAVEN DRIVE | DECATUR | 30035 |



DeKalb County, Georgia
Voter Registration & Elections

| | | | | | |
|-------------------------------------|--------------------------------|------|---------------------|----------------|-------|
| ✓ GLENWOOD ROAD | FIRST REPHIDIM MISSIONARY BAPT | 4649 | GLENWOOD ROAD | DECATUR | 30035 |
| HAWTHORNE ELEM | HAWTHORNE ELEMENTARY | 2535 | CALADIUM DRIVE, NE | ATLANTA | 30345 |
| MIDVALE ROAD/HENDERSON MILL | HENDERSON MILL ELEMENTARY SCH | 2408 | HENDERSON MILL RD | ATLANTA | 30345 |
| HUGH HOWELL | SMOKE RISE BAPTIST CHURCH | 5903 | HUGH HOWELL RD | STONE MOUNTAIN | 30087 |
| ✓ NARVIE J HARRIS ELEM | NARVIE J HARRIS ELEMENTARY SCH | 3981 | MCGILL DRIVE | DECATUR | 30034 |
| ✓ IDLEWOOD ELEM | IDLEWOOD ELEMENTARY SCHOOL | 1484 | IDLEWOOD ROAD | TUCKER | 30084 |
| ✓ KELLEY LAKE ELEM | KELLEY LAKE ELEMENTARY SCHOOL | 2590 | KELLY LAKE ROAD | DECATUR | 30032 |
| ✓ KELLEY CHAPEL ROAD | KELLEY CHAPEL UNITED METHODIST | 3411 | KELLEY CHAPEL ROAD | DECATUR | 30034 |
| ✓ KNOLLWOOD | WADSWORTH ELEMENTARY SCHOOL | 3039 | SANTA MONICA DRIVE | DECATUR | 30032 |
| LAKESIDE HIGH | LAKESIDE HIGH SCHOOL | 3801 | BRIARCLIFF ROAD, NE | ATLANTA | 30345 |
| LITHONIA | LITHONIA CITY HALL | 6920 | MAIN STREET | LITHONIA | 30058 |
| LITHONIA HIGH | LITHONIA HIGH SCHOOL | 2440 | PHILLIPS ROAD | LITHONIA | 30058 |
| LIVSEY ELEM | LIVSEY ELEMENTARY SCHOOL | 4137 | LIVSEY ROAD | TUCKER | 30084 |
| MILLER-ELDRIDGE L MILLER ELEM | ELDRIDGE L MILLER ELEMENTARY S | 919 | MARTIN ROAD | STONE MOUNTAIN | 30088 |
| ✓ MCNAIR HIGH | RONALD MCNAIR SR.,HIGH SCHOOL | 1804 | BOULDERCREST RD,SE | ATLANTA | 30316 |
| MARBUT ELEM | MARBUT ELEMENTARY SCHOOL | 5776 | MARBUT ROAD | LITHONIA | 30058 |
| ✓ MCNAIR ACADEMY/MCNAIR | RONALD E MCNAIR DISCOVERY LEAR | 2162 | SECOND AVE | DECATUR | 30032 |
| MCWILLIAMS/MILLER GROVE | OUSLEY UNITED METHODIST CHURCH | 3261 | PANOLA ROAD | LITHONIA | 30038 |
| MIDVALE ELEM | MIDVALE ELEMENTARY SCHOOL | 3836 | MIDVALE ROAD | TUCKER | 30084 |
| MONTREAL | LIVING GRACE LUTHERAN CHURCH | 1812 | COOLEGE RD | TUCKER | 30084 |
| ✓ PEACHCREST/MIDWAY 4075 | PEACHCREST ELEMENTARY SCHOOL | 1530 | JOY LANE | DECATUR | 30032 |
| ✓ MATHIS-BOB MATHIS ELEM | BOB MATHIS ELEMENTARY SCH | 3505 | BORING ROAD | DECATUR | 30034 |



DeKalb County, Georgia
Voter Registration & Elections

| Name | | | | | |
|--------------------------------|-------|--------------------------------|------|---------------------------|----------------------|
| ✓ METROPOLITAN | 51.92 | FIRST ICONIUM BAPTIST CHURCH | 542 | MORELAND AVE SE | ATLANTA 30316 |
| MILLER GROVE ROAD | | BIG MILLER GROVE BAPTIST CHUR | 3800 | MILES E FOWLER WAY | LITHONIA 30038 |
| MILLER GROVE HIGH/PANOŁA ROAD | | MILLER GROVE HIGH SCHOOL | 2645 | DEKALB MEDICAL PARKWAY | LITHONIA 30058 |
| NORTH HAIRSTON/STONE MILL ELEM | | STONE MILL ELEMENTARY SCHOOL | 4900 | SHEILA LANE | STONE MOUNTAIN 30083 |
| OAKCLIFF ELEM | | OAKCLIFF ELEMENTARY SCHOOL | 3151 | WILLOW OAK WAY | DORAVILLE 30340 |
| ✓ OAK VIEW ELEM | | OAK VIEW ELEMENTARY SCHOOL | 3574 | OAKVALE RD | DECATUR 30034 |
| PRINCETON ELEM | | PRINCETON ELEMENTARY SCHOOL | 1321 | SOUTH DESHON RD | LITHONIA 30058 |
| PINE LAKE | | THE CLUB HOUSE | 470 | E CLUBHOUSE CIR | PINE LAKE 30072 |
| PLEASANTDALE ROAD | | PLEASANTDALE ELEMENTARY SCHOOL | 3680 | PLEASANTDALE RD | ATLANTA 30340 |
| PANOŁA | | ST. PAUL A.M.E. CHURCH | 1704 | S STONE MTN-LITHONIA ROAD | LITHONIA 30058 |
| PANOŁA WAY ELEM | | PANOŁA WAY ELEMENTARY SCHOOL | 2170 | PANOŁA WAY COURT | LITHONIA 30058 |
| ✓ PINEY GROVE/TERRY MILL 63.74 | | GREATER PINEY GROVE BAPTIST | 1879 | GLENWOOD AVE | ATLANTA 30316 |
| ✓ RAINBOW ELEM | | RAINBOW ELEMENTARY SCHOOL | 2801 | KELLEY CHAPEL ROAD | DECATUR 30034 |
| REDAN ELEM | | REDAN ELEMENTARY SCHOOL | 1914 | S STONE MOUNTAIN-LIT RD | LITHONIA 30058 |
| REHOBOTH | | LAWRENCEVL RD UNITED METH CHU | 3142 | LAWRENCEVILLE HWY | TUCKER 30084 |
| ROCKBRIDGE ELEM | | ROCKBRIDGE ELEMENTARY SCHOOL | 445 | HALWICK WAY | STONE MOUNTAIN 30083 |
| ROCK CHAPEL ELEM | | ROCK CHAPEL ELEM SCHOOL | 1130 | ROCK CHAPEL ROAD | LITHONIA 30058 |
| ROWLAND ELEM | | ROWLAND ELEMENTARY SCHOOL | 1317 | S INDIAN CREEK DR | STONE MOUNTAIN 30083 |
| REDAN-TROTTI LIBRARY | | REDAN-TROTTI LIBRARY | 1569 | WELLBORN ROAD | LITHONIA 30058 |
| ROCKBRIDGE ROAD | | NEW BETHEL A.M.E. CHURCH | 8350 | ROCKBRIDGE ROAD | LITHONIA 30058 |
| ROWLAND ROAD | | FIRST ST. PETERS A.M.E. CHURCH | 1074 | SOUTH INDIAN CREEK DRIVE | STONE MOUNTAIN 30083 |
| REDAN ROAD | | FAIRFIELD BAPTIST CHURCH | 6133 | REDAN ROAD | LITHONIA 30058 |
| ROCK CHAPEL ROAD | | ANTIOCH-LITHONIA M. B. C. | 2152 | ROCK CHAPEL ROAD | LITHONIA 30058 |



DeKalb County, Georgia
Voter Registration & Elections

| | | | | | |
|--|--|------|-------------------------|----------------|-------|
| REDAN MIDDLE | REDAN MIDDLE SCHOOL | 1775 | YOUNG ROAD | LITHONIA | 30058 |
| STONE MOUNTAIN ELEM | STONE MOUNTAIN ELEMENTARY SCH | 6720 | JAMES B RIVERS DR | STONE MOUNTAIN | 30083 |
| SNAPFINGER ELEM | SNAPFINGER ELEMENTARY SCHOOL | 1365 | SNAPFINGER ROAD | DECATUR | 30032 |
| SMOKE RISE | CARMEL MAR THOMA CENTER, ATLANTA | 6015 | OLD STONE MOUNTAIN ROAD | STONE MOUNTAIN | 30087 |
| STN MTN MIDDLE | STONE MOUNTAIN MIDDLE SCHOOL | 4301 | SARR PARKWAY | STONE MOUNTAIN | 30083 |
| SHADOW ROCK ELEM | SHADOW ROCK ELEMENTARY SCHOOL | 1040 | KINGWAY DRIVE | LITHONIA | 30058 |
| STONEVIEW ELEM | STONEVIEW ELEMENTARY SCHOOL | 2629 | HUBER STREET | LITHONIA | 30058 |
| SALEM MIDDLE | SALEM MIDDLE SCHOOL | 5333 | SALEM ROAD | LITHONIA | 30038 |
| SOUTH DESHON | STRONGHOLD CHRISTIAN CHURCH | 724 | ROCK CHAPEL ROAD | LITHONIA | 30058 |
| STONE MOUNTAIN/STONE MOUNTAIN CHAMPION | CHAMPION THEME MIDDLE SCHOOL | 5265 | MIMOSA DRIVE | STONE MOUNTAIN | 30083 |
| SNAPFINGER ROAD N | BETHESDA CATHEDRAL OF APOSTOLI | 1989 | AUSTIN DRIVE | DECATUR | 30032 |
| ✓ SNAPFINGER ROAD S | RAY OF HOPE CHRISTIAN CHURCH | 2767 | SNAPFINGER ROAD | DECATUR | 30034 |
| STEPHENSON MIDDLE | STEPHENSON MIDDLE SCHOOL | 922 | STEPHENSON ROAD | STONE MOUNTAIN | 30087 |
| SOUTH HAIRSTON | ANTIOCH A. M. E. CHURCH | 765 | SOUTH HAIRSTON ROAD | STONE MOUNTAIN | 30088 |
| STEPHENSON HIGH | STEPHENSON HIGH SCHOOL | 701 | STEPHENSON ROAD | STONE MOUNTAIN | 30087 |
| STONECREST LIBRARY | STONECREST LIBRARY | 3123 | KLONDIKE ROAD | LITHONIA | 30038 |
| SNAPFINGER ROAD | SOLID ROCK AME ZION CHURCH | 4065 | SNAPFINGER RD | LITHONIA | 30038 |
| TONEY ELEM | TONEY ELEMENTARY SCHOOL | 2701 | OAKLAND TERRACE | DECATUR | 30032 |
| TUCKER LIBRARY | REID H COFER LIBRARY | 5234 | LAVISTA RD | TUCKER | 30084 |
| TUCKER | TUCKER FIRST U M CHURCH /WESLEY CENTER | 2397 | FOURTH ST | TUCKER | 30084 |
| ✓ WADSWORTH | COLUMBIA DRIVE UNITED METHODIST CHURCH | 2067 | COLUMBIA DRIVE | DECATUR | 30032 |
| ✓ WESLEY CHAPEL LIBRARY | WILLIAM C BROWN LIBRARY | 2861 | WESLEY CHAPEL ROAD | DECATUR | 30034 |
| WOODROW ROAD | NEW BIRTH MISSIONARY BAPTIST | 6400 | WOODROW ROAD | LITHONIA | 30038 |



DeKalb County, Georgia
Voter Registration & Elections

| | | | | | |
|----------------|--------------------------------|------|-------------------|----------------|-------|
| WOODRIDGE ELEM | WOODRIDGE ELEMENTARY SCHOOL | 4120 | CEDAR RIDGE TRAIL | STONE MOUNTAIN | 30083 |
| WARREN TECH | WARREN TECHNICAL SCHOOL | 3075 | ALTON ROAD | CHAMBLEE | 30341 |
| WHITE OAK | WHITE OAK HILLS BAPTIST CHURCH | 5171 | REDAN ROAD | STONE MOUNTAIN | 30088 |
| WYNBROOKE ELEM | WYNBROOKE ELEMENTARY SCHOOL | 440 | WICKSBURY WAY | STONE MOUNTAIN | 30087 |
| YOUNG ROAD | BEREAN CHRISTIAN CHURCH | 2201 | YOUNG ROAD | STONE MOUNTAIN | 30088 |

November 11, 2024 – This report is based on approved polling places as of the date of publishing and is subject to change. Contact Voter Registration & Elections at voterreg@dekalbcountyga.gov to determine any pending precinct changes.



DeKalb County, Georgia
Voter Registration & Elections

www.dekalbvotes.com
(404) 298-4020

4380 Memorial Drive, Ste 300
Decatur, GA 30032-1239

115a

(7 of 7)

EXHIBIT 8

2024 General/Special Election

INFORMATION

August 19 - December 3



DeKalb County
GEORGIA

First day to request an absentee ballot for the November General/Special Election

Last day to register to vote for the November General/Special Election

First day absentee ballots will be mailed/issued for the November General/Special Election

Advance Voting period for the November General/Special Election

Saturday voting for the November General/Special Election

Sunday voting for the November General/Special Election

Last day to request an absentee ballot for the November General/Special Election

General/Special Election Day

Advance Voting period for December General/Special Runoff (if needed)

General/Special Runoff Election Day (if needed)

Advance Voting for the 2024 General/Special and Runoff Elections (if needed)

Monday - Friday
Oct. 15th - Nov. 2
7 a.m. - 7 p.m.

Saturday
Oct. 19 & 26
9 a.m. - 7 p.m.

Sunday
Oct. 20 & 27
12 p.m. - 5 p.m.

Monday - Wednesday
Nov. 25 - Nov. 27
7 a.m. - 7 p.m.

(*First day moved to Tuesday, Oct. 15, due to Monday's observed state holiday)

EXHIBIT 9

Advance Voting notifications

From Andrew Bell <andrew@electandrewbell.com>

Date Wed 11/20/2024 12:46 PM

To jfervier.seb@gmail.com <jfervier.seb@gmail.com>; saraghazal.seb@gmail.com <saraghazal.seb@gmail.com>; rjeffares.seb@gmail.com <rjeffares.seb@gmail.com>; jkingseb@gmail.com <jkingseb@gmail.com>; jjohnstonmd.seb@gmail.com <jjohnstonmd.seb@gmail.com>

Cc Vasudevan Abhiraman <vabhiraman@dekalbcountyga.gov>; Nancy <njester@dekalbcountyga.gov>; Anthony <antlewis@dekalbcountyga.gov>; Susan <smotter@dekalbcountyga.gov>; bevans@sos.ga.gov <bevans@sos.ga.gov>; klsmith@dekalbcountyga.gov <klsmith@dekalbcountyga.gov>

Bcc [REDACTED]

2 attachments (838 KB)

SCAN0078.PDF; GE AIP Flyer_DecRunoff_111224 Draft 11.pdf;

Dear State Elections Board,

Yesterday, Tuesday November 19, 2024, I visited the DeKalb Voter and Registration office. The previous day, November 18, I sent a person from my campaign staff to gather information regarding an unconfirmed change in the advance voting date, after hearing from another candidate running for office in District 7 who informed the start of advance voting had been changed to November 23, 2024. The video will show an employee who is very unprofessional who attempted several times to prevent me from obtaining information that should have been available to any registered. The supervisor Holly violated O.C.G.A. § 21-2-72. The video can be viewed on Facebook at: <https://www.facebook.com/ElectAndrew/videos/413044591744191>.

The reason for sending a person from my campaign instead of myself was for the purpose of getting the information while at the same time saving time. On all previous occasions the same campaign worker had been told to go to the website. I informed her before going not to accept the DeKalb County Voter and Registration office telling her to go online. That's exactly what happened, my staff member put me on the phone with an employee from the that same office. I encouraged that employee to not "let a small thing turn into a big thing." The woman on the phone told me that I would receive the requested information through email. I never received the email. In turn, I felt the need to personally go to the Voter and Registration office to ascertain why my campaign was not receiving the changes made to the DeKalb County District 3 Commissioner race.

Upon arriving to the DeKalb Voter and Registration office, I noticed that the main office is not accessible to the public anymore nor was the L&A testing available to be monitored by the public, because now the door leading to those areas is restricted and requires keyed access. It appears that DeKalb County has moved to being less transparent instead of being more transparent. After entering into a lobby area near the front of the building I was looking for the public notice detailing the changes

made for the advance voting dates. I had the previous handout, which is attached to this document. That flyer clearly states that the advance voting dates are from Nov 25th -Nov 27th . In turn, I paid to have door hangers printed that reflected those dates. I had no expectations that the dates would change. The DeKalb Board of Registrars added Saturday and a Sunday advance voting days, which will begin November 23. November 23 is 11 days after the Board's November 12, 2024 meeting where they voted to add elections days and remove early voting locations. First the O.C.G.A. § 21-2-385 (d)(1)(B) only allows for advance voting to be conducted on the second and third Saturdays and Sundays of the month. Secondly, O.C.G.A. § 21-2-385 (d)(1)(B)(3) clearly states, "The board of registrars shall publish the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's publicly accessible website associated with elections or registrations, or if the county does not have such a website, in a newspaper of general circulation, and by posting in a prominent location in the county, no later than 14 days prior to the beginning of the advance voting period for a general primary, special primary, general election, or special election and no later than seven days prior to the beginning of the advance voting period for any run-off election."

Although the DeKalb County Board of Elections vote is more than seven days prior to the runoff, their vote is still unlawful. First, the advance voting days do not fall on the second or third Saturday or Sunday of the month. Secondly, the board has not published the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's publicly accessible website associated with elections or registrations, or if the county does not have such a website, in a newspaper of general circulation, and by posting in a prominent location in the county. Upon my encounter with the unhinged supervisor Holly[1] I informed her that the changes for advanced voting were not posted. The uniformed supervisor told me that they only had to be posted on the website. Holly never found the publication anywhere on the website. She returned with a manager, Julietta Henry, who was much more cooperative and professional. Julietta gave me a document labeled "2024 State Election Comprehensive Calendar" that she claimed came from the Georgia Secretary of State's office. The other piece of paper that she gave me was a pamphlet that replaced the previous pamphlet, both the old pamphlet and the new pamphlet are attached to this document. I never received any official document stating that the dates, times, and locations of advance voting had been changed. A member of my team Curtis Guin, who was present DeKalb's Voter and Registration office at the same time as myself, noticed yesterday evening that Dekalb County had posted the information somewhere on their website where he had previously visited and found no documentation related to the runoff. The information was not and is not on the "homepage of the county's publicly accessible website associated with elections or registrations." None of the personnel presented any information that the board chose to publish the information in a "newspaper of general circulation". Along with that, as the supervisor Holly stated, the information was not posted because she lied claiming it was posted on the website, but she never could find the information on the website. I was eventually told by Julietta that DeKalb Board of Elections meeting where the board made the changes could be viewed by going to a particular page on the website. What is certain is that the information has never been on the homepage of the county's publicly accessible website associated with elections or registrations pursuant to O.C.G.A. § 21-2-385 (d)(1)(B)(3). Dekalb County has allocated over \$47 million dollars to its annual information technology (IT) budget.

My experience with the corrupt and unprofessional practices of the DeKalb County Voter and Registration office began in August of 2020. At that time I should have included them in my lawsuit that is still pending an en banc hearing in the U.S. Eleventh Circuit Court of Appeals (Case #23-10059). I plan to file a motion for leave to add the DeKalb County Voter and Registration Board to that lawsuit.

I am also requesting that the original days set for the runoff period be reinstated. As the board did not follow the procedures pursuant to O.C.G.A. § 21-2-385 (d)(1)(B) or O.C.G.A. § 21-2-385 (d)(1)(B)(3)

for the advanced voting procedures. The changes were inconsiderate of my campaign and most importantly unlawful.

https://1drv.ms/v/c/e21e44c03a239944/EQtrDnI_ladMkf4fMzvqO-gBkrAZGyAbjI5MyqA_jfx1sA

<https://1drv.ms/v/c/e21e44c03a239944/EbP9CE-Y7XVFm3hGHlYh1dUBmgle2oCNGfdt6J6TP5o3tQ>

Respectfully submitted,

Andrew W. Bell
“Bringing Integrity Back”
(404) 380-0037

[1] See video Facebook video at 7:50

EXHIBIT 10

Advance Voting notifications

From Andrew Bell <andrew@electandrewbell.com>

Date Wed 11/20/2024 12:46 PM

To jfervier.seb@gmail.com <jfervier.seb@gmail.com>; saraghazal.seb@gmail.com <saraghazal.seb@gmail.com>; rjeffares.seb@gmail.com <rjeffares.seb@gmail.com>; jkingseb@gmail.com <jkingseb@gmail.com>; jjohnstonmd.seb@gmail.com <jjohnstonmd.seb@gmail.com>

Cc Vasudevan Abhiraman <vabhiraman@dekalbcountyga.gov>; Nancy <njester@dekalbcountyga.gov>; Anthony <antlewis@dekalbcountyga.gov>; Susan <smotter@dekalbcountyga.gov>; bevans@sos.ga.gov <bevans@sos.ga.gov>; klsmith@dekalbcountyga.gov <klsmith@dekalbcountyga.gov>

Bcc [REDACTED]

3 attachments (1 MB)

SCAN0078.PDF; GE AIP Flyer_DecRunoff_111224 Draft 11.pdf; Andrew Bell Face Book Card for sos.jpg;

Dear State Elections Board,

Yesterday, Tuesday November 19, 2024, I visited the DeKalb Voter and Registration office. The previous day, November 18, I sent a person from my campaign staff to gather information regarding an unconfirmed change in the advance voting date, after hearing from another candidate running for office in District 7 who informed the start of advance voting had been changed to November 23, 2024. The video will show an employee who is very unprofessional who attempted several times to prevent me from obtaining information that should have been available to any registered. The supervisor Holly violated O.C.G.A. § 21-2-72. The video can be viewed on Facebook at: <https://www.facebook.com/ElectAndrew/videos/413044591744191>.

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Upon arriving to the DeKalb Voter and Registration office, I noticed that the main office is not accessible to the public anymore nor was the L&A testing available to be monitored by the public, because now the door leading to those areas is restricted and requires keyed access. It appears that DeKalb County has moved to being less transparent instead of being more transparent. After entering into a lobby area near the front of the building I was looking for the public notice detailing the changes

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My experience with the corrupt and unprofessional practices of the DeKalb County Voter and Registration office began in August of 2020. At that time I should have included them in my lawsuit that is still pending an en banc hearing in the U.S. Eleventh Circuit Court of Appeals (Case #23-10059). I plan to file a motion for leave to add the DeKalb County Voter and Registration Board to that lawsuit.

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for the advanced voting procedures. The changes were inconsiderate of my campaign and most importantly unlawful.

https://1drv.ms/v/c/e21e44c03a239944/EQtrDnI_jadMkf4fMzvqO-gBkrAZGyAbjI5MyqA_jfx1sA

<https://1drv.ms/v/c/e21e44c03a239944/EbP9CE-Y7XVFm3hGHIYb1dUBmgle2oCNGfdt6J6TP5o3tQ>

Respectfully submitted,

Andrew W. Bell
"Bringing Integrity Back"
(404) 380-0037

[1] See video Facebook video at 7:50

EXHIBIT 11

**RE: Open Records Request**

From Garrett, Sean A. <sagarrett@dekalbcountyga.gov>

Date Fri 7/5/2024 6:03 PM

To Andrew Bell <andrew.be11@live.com>

Cc Smith, Keisha L <klsmith@dekalbcountyga.gov>; Henry, Julietta <jhenry@dekalbcountyga.gov>; Aigner, Nicole <nwaigner@dekalbcountyga.gov>; Burkhalter, Trey L. <tlburkhalter@dekalbcountyga.gov>

Good evening, Mr. Bell,

VRE requires an additional 10 business days to retrieve records.

Sincerely,

Sean Garrett
Assistant County Attorney
DeKalb County Law Department
Office: (404) 371-3203
Cell: (470) 542-8068
sagarrett@dekalbcountyga.gov

From: Garrett, Sean A.

Sent: Wednesday, June 5, 2024 4:53 PM

To: Andrew Bell <andrew.be11@live.com>

Cc: Smith, Keisha L <klsmith@dekalbcountyga.gov>; Henry, Julietta <jhenry@dekalbcountyga.gov>; Aigner, Nicole <nwaigner@dekalbcountyga.gov>; Burkhalter, Trey L. <tlburkhalter@dekalbcountyga.gov>

Subject: RE: Open Records Request

Good afternoon, Mr. Bell,

Your new Open Records Request has been noted and we will proceed with an initial search to produce an estimated timeline and possible cost estimate.

Sincerely,

Sean Garrett
Assistant County Attorney
DeKalb County Law Department
Office: (404) 371-3203
Cell: (470) 542-8068
sagarrett@dekalbcountyga.gov

From: Andrew Bell <andrew.be11@live.com>

Sent: Wednesday, June 5, 2024 4:52 PM

To: Garrett, Sean A. <sagarrett@dekalbcountyga.gov>

Cc: Smith, Keisha L <klsmith@dekalbcountyga.gov>; Henry, Julietta <jhenry@dekalbcountyga.gov>; Aigner, Nicole <nwaigner@dekalbcountyga.gov>; Burkhalter, Trey L. <tlburkhalter@dekalbcountyga.gov>

<nwaigner@dekalbcountyga.gov>; Burkhalter, Trey L. <tlburkhalter@dekalbcountyga.gov>
Subject: Re: Open Records Request

Mr. Garrett,

My apologies for not seeing your May 24, 2024 email. However, please make note of the additional request, which is the exact date and time the map for State House District 85 and State House District 84 was updated on the County's website (Board of Election website).

Thanks,

Andrew W. Bell

“Bringing Integrity Back”

From: Garrett, Sean A. <sagarrett@dekalbcountyga.gov>
Sent: Wednesday, June 5, 2024 9:52 AM
To: andrew.be11@live.com <andrew.be11@live.com>
Cc: Smith, Keisha L <klsmith@dekalbcountyga.gov>; Henry, Julietta <jhenry@dekalbcountyga.gov>; Aigner, Nicole <nwaigner@dekalbcountyga.gov>; Burkhalter, Trey L. <tlburkhalter@dekalbcountyga.gov>
Subject: RE: Open Records Request

Good morning, Mr. Bell,

I sent a 3-day response on May 24, 2024. Please find that response attached. You may wish to check your junk email.

Please note that the ElectionsORR is the designated method for submitting Open Records Requests to the Department of Voter Registration and Elections.

Sincerely,

Sean Garrett
Assistant County Attorney
DeKalb County Law Department
Office: (404) 371-3203
Cell: (470) 542-8068
sagarrett@dekalbcountyga.gov

From: Smith, Keisha L <klsmith@dekalbcountyga.gov>
Sent: Tuesday, June 4, 2024 5:03 PM
To: Garrett, Sean A. <sagarrett@dekalbcountyga.gov>
Cc: Henry, Julietta <jhenry@dekalbcountyga.gov>
Subject: FW: Open Records Request

Keisha L. Smith, MPA
Executive Director
Voter Registration & Elections | DeKalb County

From: Andrew Bell <andrew.bell@live.com>
Sent: Tuesday, June 4, 2024 5:01 PM
To: Smith, Keisha L <ksmith@dekalbcountyga.gov>
Cc: Swift, Karli <kswift@dekalbcountyga.gov>; Vasudevan Abhiraman <vabhiraman@dekalbcountyga.gov>; Jester, Nancy <njester@dekalbcountyga.gov>; Lewis, Anthony <antlewis@dekalbcountyga.gov>; Motter, Susan <smotter@dekalbcountyga.gov>
Subject: FW: Open Records Request

Good afternoon Ms. Smith,

I have forwarded to you an open records request that I sent to ElectionsORR@dekalbcountyga.gov in accordance with O.C.G.A. § 50-18-70(a), there has been no acknowledgement of the request to date, which is in violation of O.C.G.A. § 50-18-70(f). I sent the message exactly 14 days ago. In addition to the information requested in the previous email sent May 21, 2024, I am requesting additional information in accordance with O.C.G.A. § 50-18-70(a). The information that I am requesting is the exact date and time the map for State of District 85 and State House District 84 was updated on the County's website (Board of Election website). In accordance with O.C.G.A. § 50-18-70(g), I am requesting records that are maintained by computer be made available where practicable by electronic means.

Andrew Bell

(404) 391-6980

From: Andrew Bell
Sent: Tuesday, May 21, 2024 7:42 AM
To: ElectionsORR@dekalbcountyga.gov
Subject: Open Records Request

May 21, 2024

To: DeKalb County Voter Registration & Elections
4380 Memorial Drive # 300
Decatur, Georgia 30032
(404) 298-4020
Voterreg@dekalbcountyga.gov

Pursuant to the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.), I am requesting the following records:

1. All Advance Voting Recap Sheets for each Advance Voting location utilized during the May 24, 2022, Election.
2. All Advance Voting Logic & Accuracy Testing Equipment Tapes for each Advance Voting location utilized during the May 24, 2022, Election.
3. All Advance Voting Recap Sheets for each Advance Voting location utilized during the November 7, 2023, Election.
4. All Advance Voting Logic & Accuracy Testing Equipment Tapes for each Advance Voting location utilized during the November 7, 2023, Election.
5. Polling Location Site Surveys/Assessments completed in 2023 for all Advance Voting locations utilized during the November 7, 2023, Election regarding the new Vote Center Hubs purchased by the county and utilized during this election.

6. Polling Location Site Surveys/Assessments completed for March 12, 2024, Election for the following Election Day Polling locations used for the Precincts listed below:

1. Snapfinger Elementary
2. Snapfinger Road
3. Rainbow Elementary
4. Stone Mill Elementary
5. Rowland Road
6. Canby Lane Elementary
7. Wesley Chapel Library
8. Glenwood Road
9. Avondale
10. Columbia Drive
11. East Lake
12. Rehoboth

7. Polling Location Site Surveys/Assessments completed before the postponed June 9, 2020, Election (original dates March 24, 2020, and May 19, 2020), for the twelve precincts listed above in number six of this correspondence.

Andrew W. Bell

(404) 380-0037

“Bringing Integrity Back”



FW: Open Records Request - VRE 287

From Garrett, Sean A. <sagarrett@dekalbcountyga.gov>

Date Mon 9/9/2024 1:11 PM

To Andrew Bell <andrew.be11@live.com>

1 attachment (127 KB)

Bell, Andrew - ORR response - VRE 287 - UPDATE.pdf;

Mr. Bell,

I wanted to update you on your open records request. Please find a letter correspondence attached. Please follow the link below for records responsive to your open records request:

[Polling Location Assessments](#)

Sincerely,

Sean Garrett
Assistant County Attorney
DeKalb County Law Department
Office: (404) 371-3203
Cell: (470) 542-8068
sagarrett@dekalbcountyga.gov

This email is sent from a lawyer and protected from disclosure by the attorney client privilege and the attorney work product doctrine. This email is also privileged, confidential, and not subject to disclosure. If you receive this email in error, please do not read it, return it to me and destroy all copies.

From: Garrett, Sean A.
Sent: Friday, July 19, 2024 1:34 PM
To: Andrew Bell <andrew.be11@live.com>
Cc: Smith, Keisha L <klsmith@dekalbcountyga.gov>; Henry, Julietta <jhenry@dekalbcountyga.gov>; Aigner, Nicole <nwaigner@dekalbcountyga.gov>; Burkhalter, Trey L. <tlburkhalter@dekalbcountyga.gov>
Subject: RE: Open Records Request - VRE 287

Mr. Bell,

Due to the current issues occurring with County computer systems, we will not be able to produce records today. Your estimated timeline for production is July 26, 2024.

Sincerely,
Sean Garrett

Get [Outlook for iOS](#)

EXHIBIT 12



Chief Executive Officer

Michael L. Thurmond

Board of Commissioners

District 1
Robert Patrick

District 2
Michelle L. Spears

District 3
Vacant

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward "Ted" Terry

District 7
Vacant

September 9, 2024

Via Email:

Andrew Bell

Andrew.bell@live.com

Re: Open Records Request – Advance Voting Records - UPDATE
(VRE No. 287)

Dear Mr. Bell,

Thank you for your patience as the Department of Voter Registration and Elections (“VRE”) deals with the upcoming election. In your open records request you asked to inspect copies of the following records:

- (1) All advance voting recap sheets for each advance voting location utilized during May 2022 Primary;
- (2) All advance voting logic and accuracy testing equipment tapes for each advance voting location May 2022 Primary;
- (3) All advance voting recap sheets for each advance voting location utilized during the November 7, 2023 election;
- (4) All advance voting L&A Testing equipment tapes for advance voting locations utilized during Nov. 7, 2023 election;
- (5) Polling location site surveys/assessments completed in 2023 for all advance voting locations utilized during the Nov. 7, 2023 election regarding the new vote center hubs purchased by the county and utilized during “this election”;
- (6) Polling location site surveys/assessments completed for March 12, 2024 election for the following election day polling locations used for the precincts listed below: (1) Snapfinger Elementary, (2) Snapfinger road, (3) Rainbow Elem., (4) Stone Mill Elem., (5) Rowland Rd, (6) Canby Lane Elem., (7) Wesley Chapel Library, (8) Glenwood Rd, (9) Avondale, (10) Columbia Dr, (11) East Lake, (12) Rehoboth;
- (7) Polling location surveys/assessments completed before the postponed June 9, 2020 election for twelve precincts listed above.

VRE has searched and retrieved records responsive to your open records request. Please find polling location site surveys and assessments performed by VRE. There is no cost for this component of your open records request.

Due to the volume of L&A testing records, VRE proposed that you should perform an in-person inspection of those records. To request an inspection, please provide proposed times and dates, and VRE will respond as to which will work. If you request copies of the records, VRE has estimated it will cost \$896.25, and will take approximately 60 business days to complete the copying and production of those records.

Please note that the County, its officials, and departments do not produce documents or records that are protected under the attorney-client privilege or the attorney work product doctrine under Georgia or federal law or that are otherwise exempt from production under the Georgia Open Records Act. The County expressly reserves and does not waive statutory exemptions from disclosure provided by the Open Records Act and other applicable laws.¹

Please do not hesitate to contact me should you have any further questions or concerns related to this matter.

Sincerely,

/s/ Sean Garrett

Assistant County Attorney

DeKalb County Law Department

cc: Keisha Smith, VRE Director
Julietta Henry, VRE Deputy Director
Nicole Aigner, Supervising County Attorney
Trey Burkhalter Legal Assistant

¹ O.C.G.A. § 50-18-72 *et seq.*

EXHIBIT 13

LaTisha Dear Jackson
Administrative Judge



LeNora Hawkins Ponzo
District Court Administrator

FOURTH JUDICIAL ADMINISTRATIVE DISTRICT
410 DeKalb County Courthouse
Decatur, Georgia 30030
(404) 371-4901
FAX (404) 371-2002

TO: Judge LaTisha Dear Jackson and Calendar Clerk
Judge Asha F. Jackson and Calendar Clerk

FROM: LeNora Hawkins Ponzo
Court Administrator

SUBJECT: Reassignment of cases

DATE: 12/11/2024

NOTE TO CLERK: THIS CASE HAS BEEN CHANGED IN THE COMPUTER.

In accordance with the procedures of the Georgia Uniform Rules for Superior Court 3.2, the following cases have been reassigned effective this date.

The case file should be examined by the calendar clerk and scheduled for hearings in accordance with the procedures of the newly-assigned judge.

| FROM JUDGE | TO JUDGE | CASE STYLE | CASE NUMBER |
|-------------------|----------------------|--|--------------------|
| Asha F. Jackson | LaTisha Dear Jackson | Andrew W Bell; REGISTERED ELECTORS OF DEKALB COUNTY DISTRICT 3 COMMISSION; THE ELECT ANDREW BELL CAMPAIGN INC KARLI SWIFT | 24CV10967 |

**COUNSEL FOR PLAINTIFF: Andrew W Bell 2083 CHERRYBROOK DRIVE
DECATUR GA 30032**

COUNSEL FOR DEFENDANT:

PREVIOUS CASE NUMBER:

**ATTORNEYS ARE RESPONSIBLE FOR MAKING THE DIVISION CHANGE ON ANY
FUTURE PLEADINGS OR ON ANY FUTURE CORRESPONDENCE.**

EXHIBIT 14

RE: Case No. Case Number 24CV10967

From Edwards, Damico N. <dnedwards@dekalbcountyga.gov>

Date Wed 12/11/2024 9:48 AM

To Andrew Bell <andrew.be11@live.com>; Bilic, Renata <rbilic2@dekalbcountyga.gov>; Daldry, Amy Lynn <ADaldry@dekalbcountyga.gov>

Good morning Mr. Bell,

Your voicemail message was also received. Chief Judge Dear Jackson has been notified. The process set forth is being followed, and a notice with a hearing date will be issued in due course.

Please reply to confirm receipt of this information.

Thank you and have a great day!


Mrs. Damico N. Edwards | Judicial Assistant, Division 7
to **Chief and Administrative Judge LaTisha Dear Jackson**
Superior Court of DeKalb County | Stone Mountain Judicial Circuit
4th Judicial Administrative District
556 N. McDonough St, Suite 7220 | Decatur, GA | 30030
Office: (404) 371-4710 | Fax: (404) 371-2993
dnedwards@dekalbcountyga.gov | www.DeKalbSuperiorCourt.com

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

EX PARTE NOTICE: Division 7 Staff will not engage in ex parte communications as defined by Rule 2.9 of the Judicial Code of Ethics. Except as provided in that rule, should you have to contact Division 7 Staff by e-mail, you must copy all interested parties or their counsel, if they are represented. Failure to do so will result in a gentle reminder and/or the e-mail being deleted.

From: Andrew Bell <andrew.be11@live.com>
Sent: Wednesday, December 11, 2024 6:35 AM
To: Bilic, Renata <rbilic2@dekalbcountyga.gov>; Edwards, Damico N. <dnedwards@dekalbcountyga.gov>; Daldry, Amy Lynn <ADaldry@dekalbcountyga.gov>
Subject: RE: Case No. Case Number 24CV10967

Thank you for the update.

From: Bilic, Renata <rbilic2@dekalbcountyga.gov>
Sent: Wednesday, December 11, 2024 6:34 AM
To: Andrew Bell <andrew.be11@live.com>; Edwards, Damico N. <dnedwards@dekalbcountyga.gov>; Daldry, Amy Lynn <ADaldry@dekalbcountyga.gov>
Subject: RE: Case No. Case Number 24CV10967

Good morning, Mr. Bell,

Hope you are well. Chief Judge Dear Jackson has been notified of this newly filed action by the Clerk of Court. The process set forth is being followed, and a notice with a hearing date will be issued in due course.

Respectfully,
Renata

From: Andrew Bell <andrew.be11@live.com>
Sent: Tuesday, December 10, 2024 4:41 PM
To: Edwards, Damico N. <dnedwards@dekalbcountyga.gov>; Daldry, Amy Lynn <ADaldry@dekalbcountyga.gov>;
Bilic, Renata <rbilic2@dekalbcountyga.gov>
Subject: Fw: Case No. Case Number 24CV10967

To whom it may concern: My name is Andrew W. Bell I am a Contestant in the Contestant election held on Dec 3, 2024. I am checking on the status of the hearing. I am contesting the election pursuant to O.C.G.A. § 21-2-522 et seq. I have also filed my petition and served all Respondents in accordance with O.C.G.A. § 21-2-524 et seq.

Andrew W. Bell
"Bringing Integrity Back"

(404) 391-6980

From: Simmons, Terri R. <trsimmmons@dekalbcountyga.gov>
Sent: Tuesday, December 10, 2024 3:43 PM
To: Andrew Bell <andrew.be11@live.com>
Subject: RE: Case No. Case Number 24CV10967

Hello Mr. Bell!

I have an update for you on your case. Title 21 Chapter 2 Article 13 Contested Elections and Primaries mandates that the Administrative Judge (Judge LaTisha Dear Jackson – Division 7) is responsible for the assignment of a Judge to your case. I am including, for your convenience, contact information for Division 7. <https://dekalbsuperiorcourt.com/judges/latisha-dear-jackson/>

You will want to follow up with Judge Dear Jackson's chambers for information on scheduling. Let me know if there is anything else I can do to assist you and I again apologize for any confusion I may have caused in our prior conversation.

From: Andrew Bell <andrew.be11@live.com>
Sent: Tuesday, December 10, 2024 3:32 PM
To: Simmons, Terri R. <trsimmmons@dekalbcountyga.gov>
Subject: RE: Case No. Case Number 24CV10967

No problem, I called first, and quickly realized that unfortunately email is probably best.

Andrew W. Bell

"Bringing Integrity Back"

(404) 380-0037

From: Simmons, Terri R. <trsimmmons@dekalbcountyga.gov>
Sent: Tuesday, December 10, 2024 2:41 PM
To: Andrew Bell <andrew.be11@live.com>
Cc: Martin, Keia <kjmartin@dekalbcountyga.gov>; Green, Rakilah R. <rjgreen2@dekalbcountyga.gov>
Subject: RE: Case No. Case Number 24CV10967

Hello Mr. Bell!

Thank you for following up. I have pulled your petition and Judge Jackson is in the process of reviewing the contents. We will notify you of next steps.

From: Andrew Bell <andrew.be11@live.com>
Sent: Tuesday, December 10, 2024 2:39 PM
To: Simmons, Terri R. <trsimmmons@dekalbcountyga.gov>
Subject: Case No. Case Number 24CV10967

Miss Simmons,

Per our conversation, this a notification to Judge Jackson that I am contesting an election pursuant to O.C.G.A. § 21-2-522 et seq. I have also filed my petition and served all Respondents in accordance with O.C.G.A. § 21-2-524 et seq.

Thank you,

Andrew W. Bell

"Bringing Integrity Back"

(404) 380-0037

EXHIBIT 15

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

ANDREW W. BELL, in his capacity as a Candidate for DeKalb County District 3 Commissioner; THE ELECT ANDREW BELL CAMPAIGN INC.; and the registered electors of DeKalb County District 3 Commission,

Petitioners,

v.

Civil Action File No.
24CV10967

KARLI SWIFT, in her official capacity as Chair of DeKalb County Board of Registration and Elections; VASU ABHRIRAMAN, in his official capacity as Vice-Chair of DeKalb County Board of Registration and Elections; NANCY JESTER, in her official capacity as a member of DeKalb County Board of Registration and Elections; SUSAN MOTTER, in her official capacity as a member of DeKalb County Board of Registration and Elections; ANTHONY LEWIS, in his official capacity as member of DeKalb County Board of Registration and Elections; KEISHA SMITH, in her official capacity as Executive Director of Voter Registration and Elections for DeKalb County; JOHN FERVIER, in his official capacity as CHAIR of the Georgia State Elections Board; SARA TIN DALL GHAZAL, in her official capacity as a member of the Georgia State Elections Board; JANICE W. JOHNSTON, in her official capacity as a member of the Georgia State Elections Board; RICK JEFFARES, in his official capacity as a member of the Georgia State Elections Board; JANELLE KING, in her official capacity as a member of the Georgia State Elections Board; BLAKE EVANS, in his official capacity as Elections Director for the State of Georgia; and BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia,

Respondents.

ORDER FOR SELECTION OF JUDGE TO PRESIDE OVER CASE

Upon review of the "Petition to Contest DeKalb County Georgia's District Runoff Election Results for Violations of the Constitution and Laws of the State of Georgia, and Request for

Bell et al v. Swift et al, CAFN 24CV10967
DeKalb County Superior Court
Order for Selection of Judge to Preside Over Case
Page 1 of 2

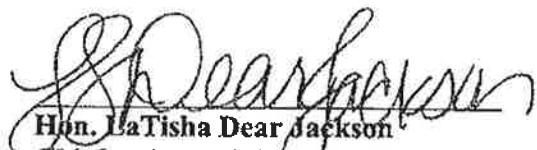
Emergency Declaratory and Injunctive Relief" under OCGA § 21-2-524;

And in compliance with the procedure set forth in OCGA § 21-2-523;

The undersigned Chief and Administrative Judge of the Fourth Judicial Administrative District, being a member of the circuit in which the proceeding is filed, hereby selects the Honorable Ural Glanville, Administrative Judge of the Fifth Judicial Administrative District, "to select a superior court judge from that district, or a superior court judge from the district in which the proceeding was filed, but not the circuit in which the proceeding was filed, or a senior judge who is not a resident of the circuit wherein the proceeding was filed" to preside over the contest. OCGA § 21-2-523(d);

Further, once a judge is selected and agrees to preside over the case, Chief Judge Glanville is requested to enter an order in DeKalb County Superior Court appointing such judge. Once the appointment order is entered, the appointed judge "shall promptly begin presiding over such proceedings . . . and shall determine same as soon as practicable." OCGA § 21-2-523(e).

SO ORDERED, this 16th day of December 2024.



Hon. LaTisha Dear Jackson
Chief and Administrative Judge of the
Fourth Judicial Administrative District
Superior Court of DeKalb County
Stone Mountain Judicial Circuit

Copies to:

Hon. Ural Glanville, Chief and Administrative Judge, Fifth JAD
David Summerlin, Court Administrator, Fifth JAD
LeNora Hawkins Ponzo, Court Administrator, Fourth JAD
Debra DeBerry, Clerk of Superior Court, DeKalb County
Petitioner
Respondents

EXHIBIT 16

24-EX-001499
FILED IN OFFICE

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

ANDREW W. BELL, in his capacity as a Candidate for DeKalb County District 3 Commissioner; THE ELECT ANDREW BELL CAMPAIGN INC.; and the registered electors of DeKalb County District 3 Commission,

Petitioners,

v.

KARLI SWIFT, in her official capacity as Chair of DeKalb County Board of Registration and Elections; VASU ABHIRAMAN, in his official capacity as Vice-Chair of DeKalb County Board of Registration and Elections; NANCY JESTER, in her official capacity as a member of DeKalb County Board of Registration and Elections; SUSAN MOTTER, in her official capacity as a member of DeKalb County Board of Registration and Elections; ANTHONY LEWIS, in his official capacity as member of DeKalb County Board of Registration and Elections; KEISHA SMITH, in her official capacity as Executive Director of Voter Registration and Elections for DeKalb County; JOHN FERVIER, in his official capacity as CHAIR of the Georgia State Elections Board; SARA TIN DALL GHAZAL, in her official capacity as a member of the Georgia State Elections Board; JANICE W. JOHNSTON, in her official capacity as a member of the Georgia State Elections Board; RICK JEFFARES, in his official capacity as a member of the Georgia State Elections Board; JANELLE KING, in her official capacity as a member of the Georgia State Elections Board; BLAKE EVANS, in his official capacity as Elections Director for the State of Georgia; and BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia,

Respondents.

Civil Action File No.
24CV10967

CHÉ ALEXANDER
Clerk of Superior Court
Fulton County, Georgia



ORDER APPOINTING JUDGE TO PRESIDE OVER CASE

This matter being referred to the Fifth Judicial Administrative District pursuant to O.C.G.A. § 21-2-523(d), the Honorable Ural Glanville, Administrative Judge of the Fifth Judicial

Bell et al v. Swift et al, CAFN 24CV10967
DeKalb County Superior Court
Order Appointing Judge to Preside Over Case
Page 1 of 2

Administrative District, hereby appoints Senior Judge John J. Goger to preside over the above styled election contest. This appointment is made pursuant to O.C.G.A. § 15-1-9.2 and O.C.G.A. § 21-2-523(d).

The appointed judge may contact LeNora Hawkins Ponzo, the DeKalb County Superior Court Administrator, at 404-371-4901 to arrange courtroom space, if needed, at the DeKalb County Superior Court.

The Clerk of DeKalb County Court is directed to submit a certified copy of the entire record as it currently exists and a certified copy of all documents filed in the same case after the date of this Order to Senior Judge John J. Goger by emailing to john.goger@fultoncountyga.gov. The parties are further directed to provide courtesy copies of any filings after the date of this Order to the judge assigned to preside over this matter.

SO ORDERED, this 16th day of December 2024.



Hon. Ural Glanville
Chief and Administrative Judge of the
Fifth Judicial Administrative District
Superior Court of Fulton County
Atlanta Judicial Circuit

Copies to:

Hon. LaTisha Dear Jackson, Chief and Administrative Judge, Fourth JAD
David Summerlin, Court Administrator, Fifth JAD
LeNora Hawkins Ponzo, Court Administrator, Fourth JAD
Debra DeBerry, Clerk of Superior Court, DeKalb County
Petitioner
Respondents

EXHIBIT 17

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

| | | |
|-----------------------|---|------------------------|
| ANDREW BELL, et. al. |) | |
| Petitioner, |) | CIVIL ACTION FILE NO.: |
| v. |) | 24CV10967 |
| |) | |
| KARLI SWIFT, et. al., |) | |
| Respondent. |) | |

ORDER

Petitioner filed, on 12/9/24, a "Petition to Contest DeKalb County Georgia's District Runoff Elections Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief." The body of the document alleges that the Petitioner was a candidate for office in DeKalb County's District 3 Commissioner runoff race held on 12/3/24, that he did not prevail, but that relief is warranted because the election should have been held sometime in May instead. Various other allegations follow, including that DeKalb County did not adequately investigate allegations of campaign signs being stolen, that DeKalb County actually stole some of the campaign signs, that there were changes in early voting dates and locations, and that election employees were generally unprofessionalism and/or unhelpful.

The petition was brought pursuant to O.C.G.A. §21-2-521 *et. seq* but fails to comply with several procedural requirements. Most significantly, Petitioner has failed to comply with the service requirements contained in O.C.G.A. §21-2-524 regarding service on the State Election Board and on all parties by way of the special process required by O.C.G.A. §21-2-524(f).

An election contest is "to be heard with the greatest of expedition" to avoid the uncertainty, confusion and prejudice which can come in its wake. *Schmitz v. Barron*, 312 Ga. 523 (2021). Consequently, trial courts are vested with broad authority to manage the proceedings to resolve them as quickly as possible. *Martin v. Fulton County Board of Registration and Elections*, 307 Ga. 193 (2019).

Pursuant to O.C.G.A. §21-2-524(e) and (g), the Court Orders that the Petition is to be perfected no later January 3, 2025.

SO ORDERED this 19 day of December, 2024.


Honorable JOHN J. GOWER
Sitting by Designation
Superior Court of DeKalb County

EXHIBIT 18

IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

ANDREW W. BELL et al.

Petitioners,

vs.

DeKalb Board of Registration and Elections

Respondents.

CIVIL ACTION NO.
24CV10967

DATE: December 19, 2024

PETITIONER'S RESPONSE TO DECEMBER 19, 2024 ORDER

The Petitioner followed the law and its procedures in regard to contesting the December 3, 2024 runoff election. Petitioner filed his petition pursuant to O.C.G.A. § 21-2-524(a). Petitioner served his petition pursuant to O.C.G.A. § 21-2-524(b). Petitioner served the State Elections Board with his petition on December 9, 2024. *See Exhibit 1.* Petitioner mailed the summons and the petition overnight mail to the address on the address on the State Election Board website, which is 2 MLK Jr. Drive, Suite 802 Floyd West Tower, Atlanta, GA 30334. Petitioner used the United States Postal Service (USPS) to deliver the summons and petition. The USPS tracking number can be accessed at usps.com. The tracking number is ER138360200US. The link for the tracking number is

<https://tools.usps.com/go/TrackConfirmAction?Ref=fullpage&Loc=2&text28777=&Labels=ER138360200US%2C&ABl=false>

This Court mentions that "*The petition was brought pursuant to O.C.G.A. § 21-2-524 et. Seq but fails to comply with several procedural requirements.*" O.C.G.A. § 21-2-524(e) states, "A statement of the grounds of contest shall not be rejected, nor the proceedings dismissed by any

court, for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the primary or election is contested." Therefore, not holding a proceeding by today December 19, 2024, has further violated the laws of Georgia and infringed upon the Petitioner's constitutional rights provided by the State of Georgia constitution and the United States Constitution.

This Court specifically mentions O.C.G.A. § 21-2-524(f). When this Court states, "*Most significantly, Petitioner has failed to comply with the service requirements contained in O.C.G.A. § 21-2-524 regarding service on the State Election Board*". Although Petitioner did file an amended petition. Petitioner never asked for leave of the court to amend his petition as required by O.C.G.A. § 21-2-524(g), and therefore this Court did not and could not have granted the approval of a motion that was never filed by Petitioner. Petitioner's original petition still stands as the only petition before this Court until the petitioner files a motion to amend the petition and that motion is granted by this Court. In turn, the State Election Board has been served in accordance with the service requirements that the Petitioner was responsible for under O.C.G.A. § 21-2-524(b). The requirements and responsibilities under O.C.G.A. § 21-2-524(f) are strictly assigned to DeKalb County Superior Court Clerk, DeKalb County Sheriff, and the judge that is presiding over the Contested election proceedings. Petitioner has not been elected Clerk, Sheriff or judge, and therefore is incapable of performing the duties and responsibilities of O.C.G.A. § 21-2-524(f).

Petitioner filed his petition on December 09, 2024, a hearing should have been held by today December 19, 2024.

Submitted December 19, 2024,



Andrew W. Bell
P.O. Box 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell@live.com

IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

I certify that I have served a copy of the Plaintiff's document **RESPONSE TO DECEMBER 19 ORDER** by depositing a copy of same in the United States mail with sufficient postage thereon OR by email, or by e-file addressed as follows:

| | | |
|---|--|---|
| DeKalb County Board of Registration and Elections (Karli Swift, Vasu Abhiraman, Nancy Jester, Susan Motter, Anthony Lewis) and DeKalb Executive Elections Director (Kiesha Smith) | State Elections Board of Georgia (John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, Jannelle King) | Secretary of State of Georgia (Brad Raffensberger) Elections Director of Georgia (Blake Evans) |
| Suite 300 4380 Memorial Drive Decatur, GA 30032 | Suite 802 2 MLK Jr. Drive Floyd West Tower Atlanta, GA 30334 | Suite 214 State Capitol 206 Washington Street Atlanta, GA 30334 |
| | | |

Andrew V. Bell
(Sign your name)

P.O. Box 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell@live.com

SUBSCRIBED AND SWORN BEFORE ME, on this the 19th day of December, 2024

Walter Bell

Notary Public/ Officer authorized to administer oath

05 JANUARY 2026
My Commission Expires

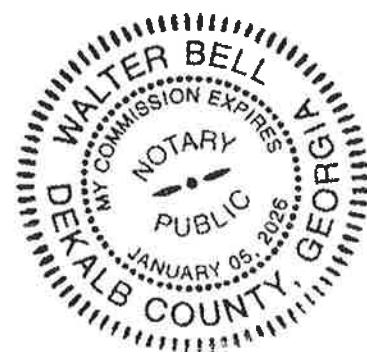


EXHIBIT 1

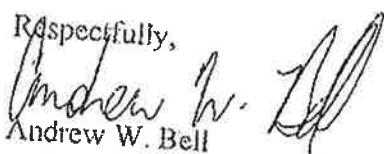
FILED 12/9/2024 4:46 PM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

Andrew W. Bell et al.,)
Petitioners,)
v.)
DeKalb County Board of) FILE NO. 24CV10967
Registration and)
Elections et al.,)
Respondents.

NOTICE OF FILING

On December 09, 2024, Petitioner has served the State Elections Board of Georgia by mailing the Respondents a copy of the summons and petition pursuant to O.C.G.A. § 21-2-524(b).

Respectfully,



Andrew W. Bell

P.O. BOX 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell1@live.com



SCOTTDALE
3328 C PONCE DE LEON AVE
SCOTTDALE, GA 30079-3998
(800)275-8777

12/09/2024 02:22 PM

| Product | Qty | Unit Price | Price |
|-------------------------|-----|------------|----------------|
| PM Express | 1 | | \$32.00 |
| Flat Rate Env | | | |
| Atlanta, GA 30334 | | | |
| Flat Rate | | | |
| Signature Waiver | | | |
| Scheduled Delivery Date | | | |
| Tue 12/10/2024 06:00 PM | | | |
| Money Back Guarantee | | | |
| Tracking #: | | | |
| ER139360200US | | | |
| Insurance | | \$0.00 | |
| Up to \$100.00 included | | | |
| Total | | | \$32.00 |

Grand Total: \$32.00

Debit Card Remit
Card Name: VISA
Account #: XXXXX0XXXXXX7751
Approval #: 044325
Transaction #: 842
Receipt #: 038148
Debit Card Purchase: \$32.00
AID: A00000000980640 Chip
Alt: US DEBIT
PIN: Verified

Save this receipt as evidence of
insurance. For information on filing an
insurance claim go to
<https://www.usps.com/help/claims.htm>
or call 1-800-222-1811.

Text your tracking number to 28777 (208PSD)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informeddelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/pos>
or scan this code with your mobile device.



or call 1-800-410-7620.

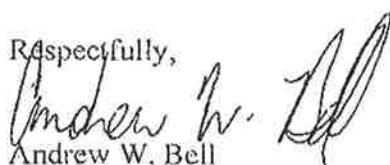
EXHIBIT 19

Andrew W. Bell et al,)
Petitioners,)
V.) FILE NO. 24CV10967
DeKalb County Board of)
Registration and)
Elections et al.,)
Respondents.

NOTICE OF FILING

On December 09, 2024, Petitioner has served the State Elections Board of Georgia by mailing the Respondents a copy of the summons and petition pursuant to O.C.G.A. § 21-2-524(b).

Respectfully,



Andrew W. Bell

P.O. BOX 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell@live.com



SCOTTDALE
3328 E. PONCE DE LEON AVE
SCOTTDALE, GA 30079-9998
(800)275-8777

12/09/2024 02:22 PM

| Product | Qty | Unit Price | Price |
|-------------------------|-----|------------|-------------------------|
| PM Express | 1 | | \$32.00 |
| Flat Rate Env. | | | |
| Atlanta, GA 30334 | | | |
| Flat Rate | | | |
| Signature Waiver | | | |
| Scheduled Delivery Date | | | The 12/10/2024 06:00 PM |
| Money Back Guarantee | | | |
| Tracking #: | | | ER138360200US |
| Insurance | | | \$0.00 |
| Up to \$100.00 included | | | |
| Total | | | \$32.00 |

Grand Total: \$32.00

Debit Card Remit
Card Name: VISA
Account #: XXXXX000XXXX7751
Approval #: 044025
Transaction #: 842
Receipt #: 033146
Debit Card Purchase: \$32.00
AID: A0000000980640 Chip
AL: US DEBIT
PIN: Verified

Save this receipt as evidence of
insurance. For information on filing an
insurance claim go to
<https://www.usps.com/help/claims.htm>
or call 1-800-222-1811

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informeddelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.



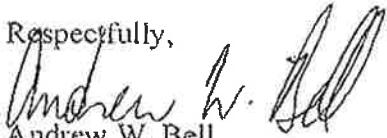
or call 1-800-440-7420.

EXHIBIT 20

Andrew W. Bell et al,)
Petitioners,)
V.) FILE NO. 24CV10967
DeKalb County Board of)
Registration and)
Elections et al.,)
Respondents.

NOTICE OF FILING

On December 09, 2024, Petitioner has served the DeKalb County Board of Registration and Elections and its members. The Petitioner also served DeKalb County's Executive Director of Voter Registration and Elections Kiesha Smith. All parties were served at DeKalb County's Voter Registration and Elections office located at 4380 Memorial Drive, Decatur, GA 30032, pursuant to O.C.G.A. § 21-2-524(b).

Respectfully,

Andrew W. Bell

P.O. BOX 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell@live.com

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

Andrew W. Bell

Case No.: 24CV10967

The Elect Andrew Bell Campaign Inc.

Registered Electors of DeKalb County District 3 Commission
Plaintiff

VS

See attached Sheet

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file electronically with the Clerk of said court at
<https://efilega.tylerhost.net/ofsweb> and serve upon the Plaintiff's attorney, whose name, address and email is:

DEKALB COUNTY
VOTER REGISTRATION
AND ELECTIONS
2024 DEC - 9 PM 1:58

An answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 9 day of December, 20 24.

Honorable Debra DeBerry
Clerk of Superior Court
/s/ Russell Jackson
By _____
Deputy Clerk

E-Filing and E-Service

Pursuant to the Superior Court of DeKalb County's E-File Order, dated December 27, 2016, and available at www.dksuperiorclerk.com/civil, the parties must file all documents electronically through eFileGA unless expressly exempted under the Rule. All orders and notices from the Court will be electronically filed and served through eFileGA. The parties must register for an eFileGA account, link their service contact information with the case and the party represent, and take whatever steps are necessary to ensure that correspondence from eFileGA reaches the parties' inboxes. To access eFileGA, please go to <http://www.odysseysoftware.com/>.

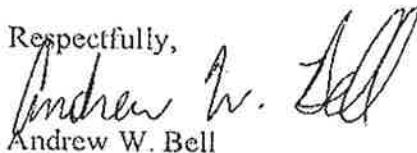
Instructions: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

Andrew W. Bell et al,)
Petitioners,)
V.) FILE NO. 24CV10967
DeKalb County Board of)
Registration and)
Elections et al.,)
Respondents.

NOTICE OF FILING

On December 09, 2024, Petitioner has served Secretary of State of Georgia Brad Raffensberger and Elections Director of the State of Georgia Blake Evans through the Secretary's Designee: Charlene McGowan at Address: 206 Washington Street, Suite 214, State Capitol, Atlanta, GA 30334 pursuant to O.C.G.A. § 21-2-524(b).

Respectfully,



Andrew W. Bell

P.O. BOX 82348
Atlanta, GA 30354
(404) 380-0037
Andrew.Bell@live.com

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

Andrew W. Bell

Case No.: 24CV10967

The Elect Andrew Bell Campaign Inc.

Registered Electors of DeKalb County District 3 Commission
Plaintiff

VS

See attached Sheet

Defendant

SUMMONS

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An answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

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**Additional material
from this filing is
available in the
Clerk's Office.**

