
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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pro se

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 January 17, 2025, stating that "Petitioner has failed to do everything within his power to have his claims decided prior to the election, and dismissal is warranted."

On February 13, 2025, 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 at 2:34 p.m. on February 13, 2025, from the Georgia state court informing him of an opinion issued from that court, Case No. S25D0637. Petitioner has already appealed Case No. S25I0586 from the Georgia Court to this Court. The question(s) raised in this petition are specifically for the opinion issued Case No. S25D0637 from the Supreme Court of the State Georgia.

The State of Georgia court stated, in its opinion in Case No. S25D0637, the following, ““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.”” Petitioner’s right to a hearing and/or trial has been denied by the Georgia Court. The Georgia Court has taken the power from “the People” and the Georgia Assembly (legislature) by its changing of the meaning “exclusive” and giving its jurisdiction to the Georgia Court of Appeals, which Petitioners believe will create more confusion in future election contest, if a party feels the need to appeal.

The following questions are presented:

1. Does the February 13, 2025, opinion (Case No. S25D0637) of the Supreme Court of the State of Georgia 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 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.

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 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).

- *Andrew W. Bell et al. v Karli Swift et.al.*, No. S25I0586 (Ga.) (interlocutory appeal was dismissed on February 13, 2025).
- *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. vs Karli Swift et al.*, No. 2024CV10967 (Ga. Super. Ct., DeKalb Cnty.)(order to perfect service on petition on December 19, 2024).

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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 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.

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. 2a. The motion for reconsideration was denied on March 18, 2025. *See* Pet. App. 1a. The Georgia Court’s decision was for an application for appeal of a DeKalb County, Georgia Superior Court order dated January 17, 2025, that is unreported and attached at Pet. App. 4a. The February 13, 2025, opinion of DeKalb County Superior Court’s January 17, 2025 ruling stated, ““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.”” Prior to issuing the opinion for the decision being appealed in this petition for writ of certiorari, The Georgia Court issued another opinion on February 13, 2025, the opinion is unreported and attached at Pet. App. at 7a. Petitioner has submitted a petition for filing, for writ of certiorari to this Court regarding the first opinion of the Georgia Court that was made on February 13, 2025. The petition for writ of certiorari for Supreme Court of the State of Georgia (Case No. 25I0586) was mailed on March 27, 2025. The first decision was a ruling on an interlocutory application for appeal of the December 19, 2024 order of the DeKalb County, Georgia Superior Court, the ruling is unreported and attached at Pet. App. 9a.

JURISDICTION

The Georgia Supreme Court entered its judgement on February 13, 2025. Pet. App. 2a. 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 I).

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 II).

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 Bell filed his petition² to contest the “contested election” 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. *See* Pet. App. at 176. Petitioner Bell received an email the same day stating, “a notice with a hearing date will be issued in due course.” *See* Pet. App. at 179. On December 16, 2024, DeKalb County Superior Judge LaTisha Dear Jackson, issued

¹ Hereafter called the “contested election”

² Hereafter called the “election petition”

an order designating Judge Ural Glanville of the Fifth Judicial Administrative District to select a superior court judge to preside over the proceedings. *See Pet. App.* at 184. 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 187. 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 9a. Petitioner responded to the order on the same day. *See Pet. App.* at 366a. Petitioner appealed that order to the Supreme Court of the State of Georgia in order to obtain a hearing or the Petitioner’s requested jury trial. Petitioners’ appeal was dismissed. *See Pet. App.* at 7a.

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. *See Pet. App.* 227a. On January 17, 2025, DeKalb County Superior Court issued a final order stating, “Petitioner has failed to do everything within his power to have his claims decided prior to the election, and dismissal is warranted.” *See Pet. App.* at 5a. Petitioner appealed the January 17, 2025 case (Case No. S25D0637), to the Supreme Court of the State of Georgia. *See Pet. App.* at 15a. On February 13, 2025, the Georgia Court transferred the case to the Court of Appeals of Georgia, stating, ““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 Pet. App. at 2a. Petitioner filed a motion for reconsideration. See Pet. App. at 119a. The motion was denied on March 18, 2025. See Pet. App. at 1a.

REASONS FOR GRANTING THE WRIT

I. Petitioners have been denied a hearing and/or trial by the DeKalb Superior Court although Petitioner Bell met and completed all of the requirements under O.C.G.A. § 21-2-524 *et seq.*

Petitioner responded to the order from the DeKalb superior court on the same day of December 19, 2024. *See* Pet. App. at 366. 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 371-372. 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 superior court's December 19, 2024 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 81.

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)³ 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 Bell 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 law⁴ 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 367.

³ 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.

⁴ O.C.G.A. § 21-2-524(f)

The Supreme Court of the State of Georgia previously ruled stated in *Schmitz v. Barron*, 312 Ga. 523 (2021), ““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).

Once Petitioner became aware that there was an issue with the notice that the DeKalb County Superior Clerk should have given to the DeKalb County Sheriff, 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 81a. 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 77a-82a. As it relates to Petitioner's petition in DeKalb County Superior Court 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."

II. The Supreme Court of the State of jurisdiction changed the Georgia Assembly's definition of "exclusive".

On February 13, 2025, the Georgia court made a ruling in Case No. S25D0637. In that ruling the Georgia Court stated, "“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.”” The Georgia Constitution of 1983, Section VI, Paragraph II (2) gives the Supreme Court of the State of Georgia. It states, “Exclusive appellate jurisdiction of Supreme Court. The Supreme Court shall

be a court of review and shall exercise exclusive appellate jurisdiction in the following cases: (2) All cases of election contest.”⁵

The Ga. Const. of 1983, Art. VI, Sec. VI, Par. III⁶ gives the Supreme Court of Georgia “general” jurisdiction.

In its February 13, 2025 decision,⁷ the Supreme Court of Georgia cites four cases where the Supreme Court of Georgia set a precedent for giving jurisdiction to the Court of Appeals. However, the Georgia Constitution gives “exclusive” appellate jurisdiction to the Supreme Court of Georgia in **all** election cases, not just the election cases where “elections-related matters” were resolved. The decision made by the Georgia Court made a permanent change to the Georgia Constitution that neither the registered electorate nor their representatives authorized.

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).

⁵ Ga. Const. of 1983, Art. VI, Par. II

⁶ Paragraph III. General appellate jurisdiction of Supreme Court. Unless otherwise provided by law, the Supreme Court shall have appellate jurisdiction of the following classes of cases: (1) Cases involving title to land; (2) All equity cases; (3) All cases involving wills; (4) All habeas corpus cases; (5) All cases involving extraordinary remedies; (6) All divorce and alimony cases, (7) All cases certified to it by the Court of Appeals; and (8) All cases in which a sentence of death was imposed or could be imposed. Review of all cases shall be as provided by law.

⁷ There was another case (S25I0586) involving the Petitioners that was decided by the Supreme Court of Georgia on February 13, 2025.

In its February 13, 2025 decision,⁸ the Supreme Court of Georgia cites four cases in which set a precedent for giving jurisdiction to the Court of Appeals for a jurisdiction that it once had a “general” appellate jurisdiction. However, the Georgia Constitution gives “exclusive” appellate jurisdiction to the Supreme Court of Georgia in **all** election cases, not just the election cases where “elections-related matters” were resolved. In turn, it would seem that the Supreme Court of Georgia has changed the Constitution of the State of Georgia, a power that is not in its authority. Ga. Const. of 1983, Art. X, Sec. I, Par. I states, “amendments to this Constitution or a new Constitution may be proposed by the General Assembly or by a constitutional convention, as provided by this article.” Ga. Const. of 1983, Art. X, Sec. I, Par. II gives the procedures on how the proposal originates and the procedures that follow in order for the proposal to be ratified. Ga. Const. of 1983, Art. X, Sec. I, Par. III instructs how the Constitution of the State of Georgia may be amended or repealed. It is Petitioner Bell’s belief that this Court has no authority to amend or repeal any portion of the Constitution of the State of Georgia. Nor does Petitioner Bell believe that the Supreme Court of the State of Georgia had the authority to subjugate the meaning of words such as “exclusive”, “shall”, or “all” for its own purposes, especially if that purpose is against the Constitution of the State of Georgia and therefore against the will of the registered electorate a/k/a “The People”. The February 13, 2025 decisions place ambiguity in a election process where there should be none. Now if a candidate wants to appeal an election decision

⁸ There was another case (S25I0586) involving the Petitioners that was decided by the Supreme Court of Georgia on February 13, 2025.

made by a Georgia superior court they have to decide whether they should appeal to the Supreme Court of the State of Georgia or to the Court of Appeals of Georgia. However, before February 13, 2025, there was no ambiguity, there was only one court to appeal to, and that was the Supreme Court of the State of Georgia.

Petitioner Bell believes that the actions of the DeKalb Superior Court and the actions of the Supreme Court of Georgia have violated the Petitioners' Constitutional rights under Article III, the First Amendment, Fifth Amendment, and Fourteenth Amendment of the United States Constitution, due to the fact Petitioners have not been granted a hearing or their requested jury trial.

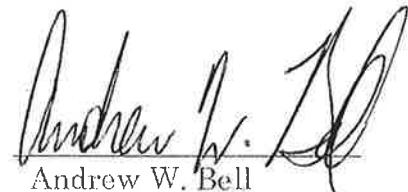
Respectfully submitted this 31th day of March, 2025.

Andrew W. Bell
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Petitioner Bell believes that the actions of the DeKalb Superior Court and the actions of the Supreme Court of Georgia have violated the Petitioners' Constitutional rights under Article III, the First Amendment, Fifth Amendment, and Fourteenth Amendment of the United States Constitution, due to the fact Petitioners have not been granted a hearing or their requested jury trial.

Respectfully submitted this 31th day of March, 2025.



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

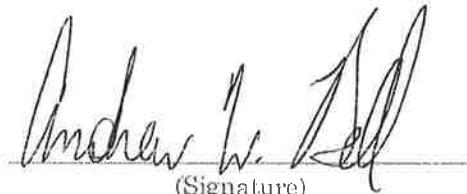
I, Andrew W. Bell, do swear or declare that on this date, March 25, 2025, as required by Supreme Court Rule 29.3, I have served the enclosed PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an 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 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)
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 2nd Floor Decatur, GA 30030	Nicole Massiah (DeKalb District 3 Commissioner) Manuel J. Maloof Center 1300 Commerce Drive Decatur, GA 30030

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 2nd Floor Decatur, GA 30030	Nicole Massiah (DeKalb District 3 Commissioner) Manuel J. Maloof Center 1300 Commerce Drive Decatur, GA 30030
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2025



(Signature)

APPENDIX

TABLE OF APPENDIX

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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.


Thavis N. Barnes, Clerk



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. 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.

Theresa S. Barnes, Clerk



Supreme Court
State of Georgia
NATHAN DEAL JUDICIAL CENTER
Atlanta 30334

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,



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. GOGER
Sitting by Designation
Superior Court of DeKalb County



SUPREME COURT OF GEORGIA

Andrew W. Bell et al.
APPELLANT

vs.

Karli Swift et al.
APPELLEE

*
*
*
*
*
*

CASE NUMBER

AFFIDAVIT OF INDIGENCE

Comes now

Andrew W. Bell

(Appellant/Applicant/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay filing fees.

This 23rd day of January, 2025

Andrew W. Bell

(Your name typed or printed)

Andrew W. Bell

(Signature)

P.O. Box 82348

Atlanta, GA 30354

(404) 380-0037

(Print complete address and telephone number.)

Sworn to and subscribed before me,
this 23rd day of January, 2025.

Walter Bell
Notary Public
SEAL



**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. GOWER,
Sitting by Designation
Superior Court of DeKalb County

Certificate of Interested Persons

(1) The undersigned counsel of record for [party name] to this action certifies to the best of his/her knowledge that the following is a full and complete list of all parties that have ever been named in the case, whether or not the party remains in the case.

VASU ABHIRAMAN, Vice-Chair of DeKalb County Board of Registration and Elections; **ANDREW W. BELL**, Petitioner and Contestant in the DeKalb County District 3 Contested election; **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; **REGISTERED ELECTORS OF DEKALB COUNTY DISTRICT 3 COMMISSION** as an entity; **STATE BOARD OF ELECTIONS** as an entity; **THE ELECT ANDREW BELL CAMPAIGN** as an entity

(2) The undersigned counsel of record for [party name] to this action certifies to the best of his/her knowledge that the following is a full and complete list of all persons who have served as an attorney in this case before the lower courts or administrative agencies.

CHRISTOPHER M. CARR Attorney General for the State of Georgia;
BRENT W. HERRIN Attorney for DeKalb County Respondents
LAURA K. JOHNSON Deputy Attorney for DeKalb County, Georgia;
ALEXANDRA M. NOONAN Assistant Attorney General for the State of Georgia;
MICHAEL PETTY Assistant Attorney for DeKalb County, Georgia;
TRISTEN N. WAITE Assistant Attorney for DeKalb County, Georgia;
ELIZABETH T. YOUNG Senior Assistant Attorney General for the State of Georgia.

(3) The undersigned counsel of record for [party name] to this action certifies to the best of his/her knowledge that the following is a full and complete list of all persons who were called as a witness at any trial or hearing in this case. **N/A**

Submitted this 23rd day of **January, 2025**.

/s/Andrew W. Bell

APPLICANT REQUEST EXPEDITION PURSUANT TO RULE 65

CASE NO.

IN THE SUPREME COURT OF GEORGIA

ANDREW W. BELL et al.

Appellants,

v.

KARLI SWIFT et al.,

Respondents.

**APPLICATION FOR APPEAL OF DISMISSAL ORDER FOR CASE
NO. 24CV10967 IN DEKALB SUPERIOR COURT**

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

QUESTIONS PRESENTED

Applicant was a contestant in a special election run-off for the District 3 Commissioner seat. Instead of holding the election as required by 21-2-540(a)(b), Applicant and the other candidates were forced to campaign for several months. The former DeKalb County District 3 Commissioner, Larry Johnson, resigned on or around March 7, 2024. Applicant started preparation for his candidacy around that time being that Larry Johnson had already began fundraising to run for DeKalb County CEO. That decision directly affected the Contested Election. There are other factors that Applicant believes impacted the results of the Contested election such as, being able to inspect or obtain records such as maps, voter information, and other information controlled by the DeKalb County Voter Registration and Elections office. The advance voting days were added several days after the 2024 General election, and after Applicant had already purchased and disseminated campaign material with the original dates. The advance voting dates and polling locations were changed unlawfully in violation of O.C.G.A. § 21-2-385(d)(1)(B)(1), and O.C.G.A. § 21-2-385(d)(1)(B)(3).

1. Is it the duty of the Petitioner Andrew Walter Bell, who is contesting the election, to issue notice, in the form of special process to the DeKalb County Sheriff or is the duty of the DeKalb County Superior Court Clerk pursuant to O.C.G.A. § 21-2-524(f)?
2. Is it lawful for the DeKalb County Superior Court Clerk to request or require the Petitioner to pay an additional eight (\$8) dollars per Respondent even though there is no authorization for the fee in either O.C.G.A. § 21-2-524 *et seq* or O.C.G.A. § 15-6-77 *et seq*.
3. Is it lawful for the DeKalb County Superior Court Clerk to request or require the Petitioner to pay the DeKalb County Sheriff entry of service fees at all, but more before the DeKalb County Sheriff issues a notice, in the form of special process directed to the Sheriff?

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INTRODUCTION

1.

COMES NOW, Applicants, to appeal to this Court to review a January 17, 2025 final order, issued by Dekalb County Superior Court.

JURISDICTION AND VENUE

2.

Jurisdiction is proper in this Court pursuant to Article VI, Section VI, Paragraph II(2) and O.C.G.A. § 5-6-35(j).

FACTUAL BACKGROUND

3.

Applicants' 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 of the Georgia State Constitution have been violated.

4.

After Petitioner filed his petition on December 9, 2024. The DeKalb County Superior Court Clerk charged Andrew W. Bell an extra one hundred and twenty-eight (\$128) dollars to add sixteen (16) parties.¹ Applicant Bell was told one Petitioner would be free and one Respondent would be free.

¹ Neither O.C.G.A. § 21-2-524 *et seq.* or O.C.G.A. § 15-6-77 *et seq.* make any mention of the eight (\$8.00) fee. The fees seem to be unlawful and violate and hinder Applicant from being able to petition the trial court or this Court for relief.

There was a total of **three** parties who are Petitioners. There was a total of **fifteen** parties who are Respondents. There was a total of **eighteen** parties. If you subtract the **two** parties that Applicant was not charged for then there is a total of **sixteen** (16) parties, as verified by the case initiation filing.² In order to have fifteen (15) Respondents there has to be an inclusion of the six (6) DeKalb County parties (individuals) who were named (the five Board members and the County's election director); the seven (7) State of Georgia parties (individuals) who were named (the five State Election Board members, the Secretary of State of Georgia, and the State Election Director); the DeKalb County Board of Voter Registration and Elections as an entity; and the Georgia State Election Board as an entity.

5.

The Applicants' case was assigned to DeKalb County Superior Judge Asha Jackson. On December 11, 2024, the case was reassigned to DeKalb County Superior Judge LaTisha Dear Jackson.³ Applicants received an email the same day stating, "a notice with a hearing date will be issued in due course."⁴ 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

² See Exhibit 27 and Exhibit 28

³ See Exhibit 13

⁴ See Exhibit 14

over the proceedings.⁵ On the same day of December 16, 2024, Judge Glanville assigned Senior Judge John J. Goger to preside over the contested election.⁶ The order assigning Judge Goger to the case was filed on December 17, 2024.

6.

The DeKalb County Superior Court issued an order on December 19, 2024.⁷ 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).”* The Applicants filed an appeal with this Court on December 30, 2024. The appeal was docketed on January 06, 2025, under Case # S2510586.

7.

On December 30, 2024, Applicants filed a motion for leave to amend their petition. Applicants also filed their amended petition December 30, 2024.

⁵ See Exhibit 15

⁶ See Exhibit 16

⁷ See Exhibit 17

8.

Applicant Andrew W. Bell contacted both the DeKalb County Superior Clerk and the DeKalb County Sheriff, several times, until he was directed by the Clerk to contact attorney R. David Ware. Mr. Bell contacted Attorney Ware to ascertain when the notice would be issued to the Dekalb County Sheriff, so that service could be perfected on Respondents. On January 03, 2025, Petitioner Bell was told, "Mr. Bell, thank you for your email. We cannot discuss with you any advice and/or conversations we have had with the Superior Court Clerk or the DeKalb County Sheriff as the same are subject to the Attorney-Client privilege."⁸

9.

On January 09, 2025, Applicants amended their Response to the December 19, 2024 order. Applicants had no way to reach or contact Judge John J. Goger. Applicant Bell wanted to get in touch with John J. Goger in order to get clarification on the instructions in his order. There was no listing of Judge John J. Goger on the Fulton County website for Superior Court Judges. Applicant Bell performed a Google search to find Judge Goger. The search resulted in Henning Mediation & Arbitration coming up and another listing that had the Fulton County Courthouse address. There was a number

⁸ See Exhibit 25

listed for the Fulton County address (404) 612-8671. A day after the order was issued, on December 20, 2024, at 11:00 a.m., Applicant 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 Applicant was calling in regard to a mediation case. Applicant 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 Applicant that she would try to find a number that Applicant could use, and that she would call Applicant back. Applicant Bell received a return call at 12:23 p.m., Applicant Bell was given the number of Joseph Sibley. Applicant Bell recognized the name of Joseph Sibley from a previous case that was before this Court (*See Exhibit 40*). Before Applicant Bell received the 12:23 p.m. phone call, he received a call at 12:15 p.m. from Xernia Forston.⁹

⁹ 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

10.

Applicant Bell was actually on the phone with Ms. Forston when he received the return phone call from the Fulton County employee. When Petitioner switched back over to talk to Ms. Forston the call was still connected but Ms. Fortson appeared to be on another line. Mr. Bell called her back at 12:25 p.m. on (404) 275-8704. Applicant Bell ended the call with Ms. Forston and called Joseph Sibley at 12:30 on phone number (404) 371-6246. Mr. Andrew W. Bell left a voicemail for Mr. Sibley, however Joseph Sibley never returned Applicant Bell's phone call.

11.

On January 16, 2025, Applicant Bell emailed¹⁰ the office of Chief Judge LaTisa Dear Jackson to inquire when a hearing would be scheduled or a notice would be issued. Applicant Bell asked, "Do you have any information on a hearing or any proceeding(s) for Case No. 24CV10967? As time was and is of the essence. There should have been a proceeding, on or before the day fixed in the notice, pursuant to O.C.G.A. § 21-2-524(f). The notice should have been issued no later than December 19, 2024." Applicant Bell sent several

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.

¹⁰ See Exhibit 41

emails to the DeKalb County Superior Court Clerk and the DeKalb County Sheriff.

12.

At 11:51 a.m. on January 17, 2025, Applicant Bell received a notification that discovery had been served by DeKalb County Respondents, however Applicants have never received any discovery from any Respondent. Later on January 17, 2025, at 3:24, Applicant Bell received notification that the Petitioners' petition in DeKalb County Superior Court was being dismissed in a final order. Applicant is appealing the final order decision to this Court.

13.

ENUMERATION OF ERRORS

The DeKalb County Superior Court issued an order on January 17, 2025, dismissing the Applicants' petition in that court. The DeKalb County Superior Court made several errors in its decision.

Enumeration Error No. 1: The DeKalb County Superior Court errored in saying, "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.”

Enumeration Error No. 2: The DeKalb County Superior Court errored in saying, “No certificate of immediate review was signed in this case, and the Court retains jurisdiction of this matter.”

Enumeration Error No. 3: The DeKalb County Superior Court errored in saying, “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.”

Enumeration Error No. 4: The DeKalb County Superior Court errored in saying, “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.”

Enumeration Error No. 5: The DeKalb County Superior Court errored in saying, “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.”

Enumeration Error No. 6: The DeKalb County Superior Court errored in saying, “Petitioner has failed to do everything within his power to have his claims decided prior to the election, and dismissal is warranted.”

Enumeration Error No. 7: The DeKalb County Superior Court errored in saying, “Finally, the State and County Defendants have both filed motions to dismiss. Petitioner filed responses thereto.”

Enumeration Error No. 8: The DeKalb County Superior Court errored in saying, “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.”

Enumeration Error No. 9: The DeKalb County Superior Court errored in saying, “As an alternative ground for this holding, the Petition deals exclusively with things that allegedly happened before the election, many of them months before.”

ARGUMENT AND CITATION OF AUTHORITIES

15.

In response to enumeration error no. 1, O.C.G.A. §21-2-524(f) states, “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.”

16.

In *Schmitz v. Barron*, 312 Ga. 523 (2021), this Court stated, “this statute specifies duties only for the clerk and sheriff”. The statute has not changed since *Schmitz v. Barron*. Even if the opinion of this Court has changed and would agree with the trial court, it would have been impossible for Applicants to have the DeKalb Sheriff serve a notice that was never produced. The County Clerk should have served the Sheriff with the notice, however even if it is the Applicants’ responsibility to pay service fees to the DeKalb County Sheriff before Respondents can be served, there has been no notice filed by

the DeKalb County Superior Clerk, in the form of special process directed to the DeKalb County Sheriff.¹¹ Therefore a notice that does not exist cannot be served on anyone including Respondents.

17.

In response to enumeration error no. 2, The Constitution of the State of Georgia Constitution gives appellate jurisdiction exclusively to this Court. Article VI, Section VI, Paragraph II(2) of the Constitution of the State of Georgia states, “The Supreme Court shall be a court of review and shall exercise exclusive appellate jurisdiction in the following cases:... (2) All cases of election contest.” In turn, asking the trial court for a certificate of immediate review excerpts the Constitution of the State of Georgia and the authority and jurisdiction of this Court as it relates to the State Constitution and elections.

18.

Respondents cite *Duke v. The State*, 306 Ga. 171 (Ga. 2019) at 172, but in that ruling this Court 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

¹¹ See Exhibit 42

interlocutory appeal from an order not subject to immediate appeal under O.C.G.A. § 5-6-34(a)." Applicants' appeal falls into the category of the established protocol for O.C.G.A. § 5-6-34(a)(7), which states, "All judgements or orders granting or refusing mandamus or **any other extraordinary remedy**, except with respect to temporary restraining orders."

19.

Furthermore, in *Duke v. The State*, 306 Ga this Court States, “*{Through the collateral order doctrine, we have also recognized that "a very small class of interlocutory rulings are effectively final in that they finally determine claims of right separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.}* (Citations and punctuation omitted.) *State v. Cash* , 298 Ga. 90, 92-93 (1) (b), 779 S.E.2d 603 (2015). Thus, "an order that satisfies the requirements of the collateral order doctrine is considered to be effectively final and would be appealable because it comes within the terms of a relevant statutory right to appeal final judgments," namely the right prescribed in OCGA § 5-6-34 (a) (1). *Id. at 93 (1) (b), 779 S.E.2d 603.*”

20.

This Court went on to say, "*{Under the collateral 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.}*"

21.

First, the issues concerning notice and of service have nothing to do with the basic issues to be decided at trial. Second, Applicants have a right to address the misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result. Third, the issue of the notice being issued, in the form of special process from the DeKalb County Superior Court Clerk to the DeKalb County Sheriff have completely and conclusively decided the issues on appeal.

22.

O.C.G.A. § 21-2-528 does not mention anything regarding a certificate of immediate review. Applicant Andrew W. Bell was before this Court in another election case where Mr. Bell presented evidence that his cumulative total of signatures and verification statement were not on one single page as

per the instructions given to the County Election Superintendents and Registrars.¹² At the same all the other candidates who submitted nomination petitions for 2020, years prior to 2020, and years after 2020 all had their cumulative totals on one single sheet of paper. In Mr. Bell's case after this Court took over 7 months to review the issues of the case, this Court stated, "We need not address the merits of Bell's claims because this appeal must be dismissed as moot." *Bell v. Raffensperger*, Docket No. S21A0306 (May 03, 2021). The *Bell v. Raffensperger* case was after the *Duke* decision and this Court did not require Mr. Bell to obtain a certificate of immediate review from the trial court.

23.

In response to enumeration error no. 3, The DeKalb County Superior Court Clerk charged Applicant Andrew W. Bell an extra one hundred and twenty-eight (\$128) dollars to add sixteen (16) parties.¹³ Applicant was told one Petitioner would be free and one Respondent would be free. There was a total of **three** parties who are Petitioners. There was a total of **fifteen** parties who are Respondents. There was a total of **eighteen** parties. If you subtract the **two** parties that Applicant was not charged for then there is a

¹² See Exhibit 4

¹³ Neither O.C.G.A. § 21-2-524 *et seq.* or O.C.G.A. § 15-6-77 *et seq.* make any mention of the eight (\$8.00) fee. The fees seem to be unlawful and violate and hinder Applicant from being able to petition the trial court or this Court for relief.

total of **sixteen** (16) parties, as verified by the case initiation filing.¹⁴ In order to have fifteen (15) Respondents there has to be an inclusion of the six (6) DeKalb County parties (individuals) who were named (the five Board members and the County's election director); the seven (7) State of Georgia parties (individuals) who were named (the five State Election Board members, the Secretary of State of Georgia, and the State Election Director); the DeKalb County Board of Voter Registration and Elections as an entity; and the **Georgia State Election Board** as an entity.

24.

Applicant Andrew W. Bell never deliberately refused to pay the fee. Applicant Bell asked the General Counsel for the DeKalb County Superior Court Clerk to put what she was telling Applicant Bell in writing.¹⁵ Applicant

¹⁴ See Exhibit 27

¹⁵ Applicant's amended December 30, 2024 petition states, "Petitioner received an 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 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) 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 a to due 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."

Bell did not want to pay anymore unnecessary and/or unlawful fees. It appears the trial court is stating Applicant could have waived service pursuant to 9-11-4(d)(3). It would have been impossible for Applicant to waive service due to the fact that he did not have a notice to send to the Respondents.

25.

In response to Enumeration Error No. 4: Applicant never refused to pay the fees. Applicant simply wanted the DeKalb Superior Court Clerk, the DeKalb County Sheriff, or one of their representatives to place in writing that he needed to pay entry of service fees before the DeKalb County Superior Court Clerk gave notice to the DeKalb County Sheriff, being that the DeKalb County Sheriff should have already had the notice due to the fact O.C.G.A. § 21-2-524(f) commands the clerk of superior court to give notice to the sheriff at the time of the filing of the Contested election petition. Applicant Andrew. W. Bell had already been deceived, by the DeKalb County Superior Court Clerk, by forcing the Applicants to pay for fees not required in O.C.G.A. § 21-2-524 *et seq* or O.C.G.A. § 15-6-77 *et seq*.¹⁶

26.

¹⁶ Exhibit 27 and Exhibit 28

In response to Enumeration Error No. 5, Applicant Andrew W. Bell, exercised more than reasonable diligence in attempting to ensure service of special process. Applicant contacted the Superior County Court Clerk and the DeKalb County Sheriff. Applicant contacted both the Clerk and the Sheriff, several times, until he was directed by the Clerk to contact attorney R. David Ware. Upon contacting Attorney Ware about when the notice would be issued to the Dekalb County Sheriff, so that service could be perfected on the Respondents, Petitioner was told, "Mr. Bell, thank you for your email. We cannot discuss with you any advice and/or conversations we have had with the Superior Court Clerk or the DeKalb County Sheriff as the same are subject to the Attorney-Client privilege."¹⁷

27.

The trial court states Applicant's failure is deliberate and inexcusable. Which failure is the trial court is referring to? The trial court does not say which alleged failure of the Applicant Bell are deliberate or inexcusable. The trial court could be referring to the Applicants' timely filing of their Contested election petition. The trial court could be referring to the Applicants' service of the State Election Board. The trial court could be referring to the affidavit filed by Applicant Bell. The trial court could be

¹⁷ See Exhibit 25

referring to the response to the trial court's December 19, 2024 order. The trial court could be referring to the numerous emails that Applicant Bell wrote to gather any information on when a hearing would be held or when the notice would be issued by the DeKalb County Superior Court Clerk to the Dekalb County Sheriff. The trial court be referring to every response and reply the Applicants made to Respondents including responses and replies to motions to dismiss. The trial court could be referring to Applicants amended petition or the amendment to his response to the trial court. The trial court may be referring to appeal to this Court, of the trial court's December 19, 2024 order. Applicants don't know what failure the trial court is referring to when it states Applicants' "failure is deliberate and inexcusable."

28.

The DeKalb County Superior Court based part of its decision on the *Schmitz v. Barron, Director et al*, 312 Ga. 523 (Ga. 2021) 863 S.E.2d 121. According to *Schmitz v. Barron*, Warren Schmitz filed a timely petition on November 25, 2020, which was twenty-two days after the November 3, 2020 election.¹⁸ Applicant Bell filed a timely petition on December 9, 2020, which was six days after the December 3, 2024 contested election. Applicant Bell as

¹⁸ Schmitz petition was timely being that his election was certified on November 20, 2020.

well as Mr. Schmitz both placed the name of the other candidate(s) in their petitions as required by O.C.G.A. § 21-2-524(a)(4).

29.

Although O.C.G.A. § 21-2-524(f) directs the clerk of superior court clerk to issue the county sheriff the notice, in form of process, at the time of the petition being filed, the DeKalb County Superior Court Clerk never issued a notice, in the form of special process, for the DeKalb County Sheriff's direction. In the *Schmitz* case Fulton County Superior Court Clerk did not issue the notice at the time of the petition being filed. "*The Fulton County Superior Court Clerk issued the 'special process' required by O.C.G.A. § 21-2-524(f) on February 18, 2021.*" Id. The Fulton County Superior Court Clerk issued a notice, in the form of special process, 85 days after the petition was filed for the contested election. "The special process directed Barron and the Board to answer Schmitz's petition by March 8.... The superior court entered a notice on March 23, setting a virtual hearing for the case on March 29." Id. In Applicant's case, according the order being appealed, the DeKalb County Superior Court Clerk never issued a notice, in the form of special of special process, to the DeKalb County Sheriff, which according to the final order from DeKalb County Superior Court was thirty-nine days from the filing of the petition to the dismissal of the case.

30.

In the *Schmitz* case there was a hearing held before dismissal of Mr. Schmitz's petition. In Applicant's case there was no hearing held. The Fulton County Superior Court dismissed Mr. Schmitz's case due to the fact two of the Board members were never served with special process. "The superior court found that Schmitz had provided no evidence of any evidence to effectuate service on Silcox and Roberts, noting that there was no evidence that Schmitz had provided the clerk with addresses for the candidates at which they could be served." *Id.*

31.

This Court stated in *Schmitz* the following: "*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. at 32 (2), 635 S.E.2d 779. 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. See id. This Court reviews such a decision only for an abuse of the superior court’s discretion, and the superior court’s findings in an election contest will not be disturbed unless clearly erroneous. See id.}”

32.

In Applicants’ case DeKalb County Superior Court Clerk never issued a notice, in the form of special process, to the DeKalb County Sheriff. Applicant Bell contacted the Clerk and the Sheriff several times through email in an effort to have a notice issued to the Sheriff in the form of special process, however Applicant Bell was unsuccessful at getting the Clerk or the Sheriff to perform their required duties.

33.

This Court went on to say in *Schmitz*, “*Here, the record, as it existed at the time of dismissal, supports the superior court’s determination that, despite*

repeated indications that Roberts had never been served with the special process required by OCGA § 21-2-524 (f), Schmitz did not exercise diligence in ensuring that, once issued by the clerk, the special process was served on Roberts by the sheriff. Although Schmitz's counsel represented at the March 29 hearing that there had been “multiple” communications with the clerk about issuing the special process, Schmitz presented no evidence of those efforts or efforts to contact the sheriff's office to the superior court before it dismissed Schmitz's petition. We also reject Schmitz's efforts to distinguish this case from Swain. In particular, we disagree with his contention that Swain does not apply because Roberts was not named as a defendant in the petition contesting the election in this case. As Schmitz rightly points out, in Swain, the party who was not served was listed as a defendant in the petition contesting the election at issue in that case. However, the text of OCGA § 21-2-524 (f) makes no distinction between parties and non-party candidates with regard to service of the special process. The statute's text provides that the special process “shall be served by the sheriff upon the defendant and any other person named therein[.]” OCGA § 21-2-524 (f). Thus, this contention fails. Moreover, as in Swain, the record before the superior court supports the court's finding that Roberts was never served and that Schmitz did not exercise diligence in seeing that she was served despite receiving notice of defects in service at least as early as the date of Roberts's intervention in the

case and the filing of an answer and a motion to dismiss raising the issue of insufficiency of service. See id. at 32 (2), 635 S.E.2d 779 (noting that “[c]ertainly,” the defendant’s motion to dismiss “triggered the duty of greatest possible diligence” to see that the defendant was properly served). As Swain clearly indicates, the failure to diligently pursue service as required by OCGA § 21-2-524 (f) provides grounds for dismissal of an election contest regardless of the participation of an individual who raises issues about the sufficiency of service of process. Here, because the superior court’s findings in relation to diligence were not clearly erroneous, its decision to dismiss the election contest for lack of service under OCGA § 21-2-524 (f) did not constitute an abuse of discretion. See Swain, 281 Ga. at 32 (2), 635 S.E.2d 779.”

34.

Here the DeKalb County Superior Court’s findings were erroneous due to the fact there was never a notice, in the form of special process filed with the DeKalb County Superior Court or issued to the DeKalb County Sheriff. Instead, Applicant was contacted by the DeKalb County Superior Clerk’s counsel to have him pay entry of service fees to the DeKalb County Sheriff for a notice that didn’t exist. It is Applicant Bell’s interpretation of the O.C.G.A. § 21-2-524 et seq., that he is only responsible for serving and filing a return of service for the State Election Board as instructed in O.C.G.A. § 21-2-524(b). O.C.G.A. § 21-2-524(f) clearly states “in the form of special process **directed**

to the sheriff of such county...". O.C.G.A. § 21-2-524(f) does not direct the contestant filing the petition to do anything, including paying for unlawful entry of service fees. Being that the notice is not directed to the Petitioner how would Petitioner know that there is a notice if the notice is not filed? The only thing the Applicant can do is contact the Clerk or the Sheriff to see when the notice will be made available and if so when the Respondents will be served. If it is the Applicants responsibility to pay extras fees it should be in the law but even if it is presumed to be Applicants responsibility to pay extra fees Applicants shouldn't be forced to pay for service of a notice that doesn't exist. It would be the same as going to a restaurant ordering a meal, the meal never being served, but the patron is still required to pay; Doesn't make sense. As stated previously and Applicant contacted the Clerk, the Sheriff, their staff, and their counsel on several occasions.¹⁹

35.

In response to enumeration Error No. 6, to ask the Applicant to go to court to take away valuable time from his campaign seems unreasonable and unnecessary during a campaign, due to the fact that there are election officials who took an oath to uphold fairness and justice through the election process. Applicant wrote, called, and voiced his grievances to those election

¹⁹ See Exhibit 25 and See Exhibit 41

officials. Other events show a continued pattern of misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result of the Contested election. However, in the “lawfare” system it may seem reasonable to those who may be in opposition to that particular candidate to have that candidate to stop their campaign to seek legal action.

36.

Respondents knowingly violated O.C.G.A. § 21-2-540(a)(b) which caused Applicants to incur unnecessary and unwarranted costs associated with campaigning. Instead of having to campaign for a few weeks Applicants were forced to campaign for several months which directly impacted the Contested election, because it forced the Applicant Bell to spend time and money that he would not have had to spend if Respondents had not violated the statute 21-2-540(a)(b). During the Contested election the Respondents violated several Constitutional rights both state and federal, including several laws such as O.C.G.A. § 21-2-72, O.C.G.A. § 21-2-385(d)(1)(B)(1), and O.C.G.A. § 21-2-385(d)(1)(B)(3).

37.

During the Contested election Respondents prevented Applicants from inspecting the primary and election records of each superintendent, registrar,

municipal governing authority, and committee of a political party or body, including registration statements, nomination petitions, affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other documents in official custody of Respondents in violation of O.C.G.A. § 21-2-72.

38.

During the Contested election Respondents illegally changed the advanced voting dates, in violation of O.C.G.A. § 21-2-385(d)(1)(B)(1), well after Applicants had already purchased and begun disseminating campaign materials with the original run-off voting dates.

39.

During the Contested election Respondents failed to publish the dates, times, and locations of advance voting in its jurisdiction, in violation of O.C.G.A. § 21-2-385(d)(1)(B)(3).

40.

Applicant contacted all the Respondents in regard to the issues concerning lack of inspection of the records and unlawful changes to advance voting. In turn, Applicant believes the trial court errors in its assertion that,

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

41.

In response to enumeration Error No. 7, Respondents presented any evidence that there had been a notice filed in DeKalb County Superior Court that the DeKalb County Superior Court Clerk had issued notice, in the form of special process directed to the DeKalb County Sheriff. The trier of facts never stated that the DeKalb County Superior Court Clerk had issued notice, in the form of special process directed to the DeKalb County Sheriff. The DeKalb County Superior did not state on which statute it was granting the Respondents motion to dismiss. Without the Clerk giving notice to the DeKalb County Sheriff there is notice that can be served upon Respondents. Respondents nor the trier of facts presented any proof that the Appellant did not make several attempts to contact both the DeKalb County Superior Court or the DeKalb County Sheriff.

42.

In response to Enumeration Error No. 8, the law only directs the petitioner to serve the State Election Board as directed in O.C.G.A. § 21-2-524(b). Although O.C.G.A. § 21-2-524(f) is clear that the Sheriff must serve a notice to Respondents. O.C.G.A. § 21-2-524(f) is also clear that the same

notice must be issued to the sheriff of the county by the superior court clerk.

DeKalb County Superior Court Clerk neglected her duties in issuing notice to the Sheriff. Applicant Bell emailed both the Clerk and the Sheriff several times before being referred to their counsel. The counsel of the Clerk and the Sheriff refused to provide any information on the when a notice would be issued to the Sheriff from the Clerk claiming, "any advice and/or conversations we have had with the Superior Court Clerk or the DeKalb County Sheriff as the same are subject to the Attorney-Client privilege."

43.

Most importantly, O.C.G.A. § 21-2-524(f) does not prevent the presiding judge from scheduling a proceeding for the Respondents to answer the petition. In fact, O.C.G.A. § 21-2-524(f) states, "On or **before** the day fixed in such notice, ... the defendant shall appear and answer such petition. For example, in 2022 Andrew W. Bell filed a contested election petition in the same court (DeKalb County Superior).²⁰ Applicant Bell filed his petition in

²⁰ Mr. Bell was a candidate for DeKalb County District 3 Commissioner. There was also an election for DeKalb County District 2. The make and model of the voting machines used in both elections were identical. A candidate for that election Michelle Long Spears finished in last place, after the votes were tabulated from the voting machines. However, when she demanded and received a recount she finished in first place. Mr. Andrew W. Bell, not as experienced then as he now, contested the election on the grounds of receiving a recount based on the fact that the same type of voting machines were used in the DeKalb District 3 election.

that contested election on June 01, 2022, and the hearing was held by two days later by DeKalb County Superior Court Judge Yolanda Parker-Smith on June 03, 2022. *See Andrew W. Bell v. DeKalb County Board of Registrations and Elections et al*, DeKalb County Sup. Ct., Civil Action No. 22CV5204 (June 03, 2022).

In response to Enumeration Error No. 9, the DeKalb County Superior Court lied in its decision when it stated, “As an alternative ground for this holding, the Petition deals **exclusively** with things that allegedly happened before the election, many of them months before.” It is impossible for the Petition to only deal with things before the Contested election because the Petition clearly talks about L&A testing before the election, changes in the dates for advance voting, changes to polling locations, and Respondents not posting the changes as required by law. Applicant Bell sent several emails to all the Respondents making them aware of the violations.²¹

44.

PRAYER and RELIEF

Comes now Applicants, to ask this Court to reverse the January 17, 2025, order from DeKalb County Superior Court. The DeKalb County Superior

²¹ See Exhibit 9 and See Exhibit 10

Court Clerk failed in her duties. She has refused to obey the law, as it relates to issuing, a notice in the form of special process directed to the DeKalb County Sheriff. The Clerk has chosen to ignore her duties required O.C.G.A. § 21-2-524(f). Applicants also ask this Court to recuse Judge Goger from this case, based on the false statements he has made regarding Applicants. Judge John J. Goger, the trier of fact in this case, stated that Applicant Bell “declared that ensuring service of special process was not his responsibility.” Applicant Bell never stated that ensuring service of special process was not his responsibility. The word “ensure”, word “ensuring”, or any word that might have letters “ensur” cannot be found in the Applicants’ response to the December 19, 2024 order or their amended response to the same order. What the Applicants’ did state in both responses was, *“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).”*

Judge Goger made other false statements such as “the Petition deals exclusively with things before the election.” Or saying “he deliberately refused to pay because he didn’t think he should have to do so” Judge Goger

does not appear to be impartial at all and has gone out of his way to prevent Applicants from having a hearing to address the issues in the amended Petition.

45.

Applicants do not make his request lightly. In the years that Applicant Bell has been filing lawsuits he has only asked for recusal of a judge twice.

The first being a DeKalb County magistrate judge in January of 2022 for violating his rights. The second was the recusal of a Fulton County judge in January of 2024 who not only violated Applicant Bell's rights but ignored fraud in two cases that were before her.

46.

As Applicant Bell stated in his amended response to the trial court, "Not only has the DeKalb County Superior Court Clerk and the DeKalb County Sheriff violated the law and the constitutional rights of the Petitioners, but so has this Court. This Court has failed to honor its oath and duties as required by O.C.G.A. § 21-2-32(e) and O.C.G.A. § 21-2-524(f)."

47.

The trial court's decision made no statements in regards to the DeKalb County Clerk not issuing notice, in the form of special process directed to the DeKalb County Sheriff.

Respectfully submitted this 23rd day of January, 2025.

This submission does not exceed the word count limit imposed by Rule 20, because it does not exceed 7,000 words.

/s/ Andrew W. Bell
Andrew W. Bell
P.O. Box 82348
Atlanta, GA 30354
Andrew.Bell@live.com

CERTIFICATE OF COMPLIANCE

Applicant submitted this pleading pursuant to Rule 16(2) and Rule 20(3). This pleading has 6947 words and was produced in Century Schoolbook 13-point font.¹

/s/Andrew W. Bell

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

¹ Footnotes were produced in 11-point Century Schoolbook font

CERTIFICATE OF SERVICE

I certify that I have served a copy of the Plaintiff's document **APPLICATION FOR APPEAL OF DISMISSAL ORDER FOR CASE NO. 24CV10967 IN DEKALB SUPERIOR COURT** 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 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)
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)	Clerk of DeKalb County State Court (Kimberly Brock)	Nicole Massiah (DeKalb District 3 Commissioner)
180 Sams Street Suite B0100 Decatur, GA 30030	DeKalb County Courthouse 556 N. McDonough Street 2 nd Floor Decatur, GA 30030	Manuel J. Maloof Center 1300 Commerce Drive Decatur, GA 30030

By: /s/Andrew W. Bell

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

EXHIBIT 27

andrew.be11@live.com

From: no-reply@efilingmail.tylertech.cloud
Sent: Monday, December 9, 2024 11:11 AM
To: andrew.be11@live.com
Subject: Filing Submitted for Case: 16765036; ; Envelope Number: 16765036



Filing Submitted

Envelope Number: 16765036

Case Number: 16765036

Case Style:

The filing below has been submitted to the clerk's office for review. Please allow 24 - 48 hours for clerk office processing.

Filing Details

Court	Dekalb County - Superior
Date/Time Submitted	12/9/2024 11:10 AM EST
Filing Type	Case Initiation Form
Filing Description	Case Initiation
Type of Filing	EFile
Filed By	Andrew Bell
Filing Attorney	

Fee Details

Your account is never charged until your filing is accepted. If you see any pending charges on your account prior to acceptance, this is an authorization hold to ensure the funds are available so your filing can be accepted without delay.

If the filing is canceled or rejected these funds will be released and will return to your account according to your financial institution's policies (typically 3-10 business days).

This envelope is pending review and fees may change.

Case Fee Information	\$226.97		
Case Fees	\$217.00		
Payment Service Fees	\$9.97		
Complaint or Petition for Damages	\$128.00		
• Optional Services	Fee Per	Quantity	
• Additional Party	\$8.00	16	\$128.00
Case Initiation Form			\$0.00
Summons			\$0.00

Total:\$354.97 (The envelope still has pending filings and the fees are subject to change)

Document Details	
Lead Document	Black and White5285.pdf
Lead Document Page Count	2
File Copy	Download Document This link is active for 90 days.

For technical assistance, contact your service provider



Need Help? [Help](#)

No Lawyer? [Start Here](#)

Visit: <https://georgia.tylertech.cloud/ofsweb>

Email: efiling.support@tylertech.com

Please do not reply to this email. It was automatically generated.

EXHIBIT 28

FILED 12/9/2024 11:10 AM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

General Civil and Domestic Relations Case Filing Information Form

 Superior or State Court of DEKALB County

For Clerk Use Only

Date Filed 12/9/2024

24CV10967

Case Number _____

MM-DD-YYYY

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
<u>Bell Andrew W</u>				
<u>The Elect Andrew Bell Campaign Inc</u>				
Last	First	Middle I.	Suffix	Prefix
<u>Registered Electors of DeKalb County District 3 Commission</u>				
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Defendant(s)

See attached sheet

Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney _____

State Bar Number _____ Self-Represented

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- Automobile Tort
- Civil Appeal
- Contempt/Modification/Other
- Post-Judgment
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

Domestic Relations Cases

- Adoption
- Contempt
- Non-payment of child support, medical support, or alimony
- Dissolution/Divorce/Separate
- Maintenance/Alimony
- Family Violence Petition
- Modification
- Custody/Parenting Time/Visitation
- Paternity/Legitimation
- Support - IV-D
- Support - Private (non-IV-D)
- Other Domestic Relations

Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required _____

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

DEKALB COUNTY BOARD OF REGISTRATION AND ELECTIONS RESPONDENTS

{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 her 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},

GEORGIA STATE ELECTIONS BOARD RESPONDENTS {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**

EXHIBIT 13

FILED 12/11/2024 9:18 AM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

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. <rrgreen2@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

FILED 12/16/2024 10:41 AM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

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 FERVERIER**, 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

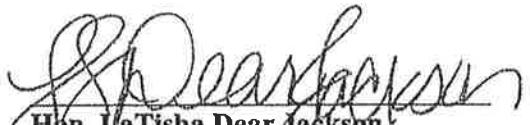
Emergency Declaratory and Injunctive Relief" under OCGA § 21-2-524;

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

FILED 12/17/2024 9:00 AM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

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.

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

CLERK
CHIUS ALEXANDER
Clerk of Superior Court
Fulton County, Georgia
asp

Civil Action File No.
24CV10967

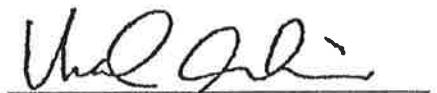
DEC 16 2024

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

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(l).

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 14 day of December, 2024.


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

EXHIBIT 25

andrew.be11@live.com

From: Andrew Bell
Sent: Friday, January 3, 2025 3:09 PM
To: R. David Ware
Cc: ddeberry@dekalbcountyga.gov; mmaddox@dekalbcountyga.gov; Russell A. Britt; Blake Walker; Fortson, Xernia L
Subject: RE: Bell v. State Board of Elections, et al... [HBS-DMS.FID2513940]

David,

I have received your email.

Thanks

From: R. David Ware <DWare@hallboothsmith.com>
Sent: Friday, January 3, 2025 3:01 PM
To: Andrew Bell <andrew.be11@live.com>
Cc: ddeberry@dekalbcountyga.gov; mmaddox@dekalbcountyga.gov; Russell A. Britt <RBritt@hallboothsmith.com>; Blake Walker <BWalker@hallboothsmith.com>; Fortson, Xernia L <xlfortson@dekalbcountyga.gov>
Subject: Bell v. State Board of Elections, et al... [HBS-DMS.FID2513940]

Mr. Bell, thank you for your email.

We cannot discuss with you any advice and/or conversations we have had with the Superior Court Clerk or the DeKalb County Sheriff as the same are subject to the Attorney-Client privilege.

Kind regards,
David

R. David Ware
Hall Booth Smith
191 Peachtree Street
Suite 2900
Atlanta, GA. 30303
(404) 954-5000
(404) 586-6619 (direct)
(404) 402-0204 (cell)
dware@hallboothsmith.com



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R. David Ware

Attorney at Law | Hall Booth Smith, P.C.

O: 470.386.6000 2710 Old Milton Parkway, Suite 200
D: 404.566.6619 Alpharetta, GA 30009
M: 404.402.0204 191 Peachtree Street NE, Suite 2900
Atlanta, GA 30303



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From: Andrew Bell <andrew.be11@live.com>
Sent: Friday, January 3, 2025 2:25 PM
To: R. David Ware <DWare@hallboothsmith.com>
Cc: ddeberry@dekalbcountyga.gov; mmaddox@dekalbcountyga.gov
Subject: FW: Issuance of notice

You don't often get email from andrew.be11@live.com. [Learn why this is important](#)
Attorney Ware,

I contacted Superior Court Clerk DeBerry this afternoon in regard to her providing notice to the Sheriff Maddox in accordance with O.C.G.A. § 21-2-524(f). Superior Court Clerk DeBerry stated that I should direct my questions to you. In turn my question is; When will the DeKalb County Superior Court Clerk be issuing the notice to the DeKalb County Sheriff, to serve the Respondents in Case No. 24CV10967, as required by O.C.G.A. § 21-2-524(f)?

Andrew W. Bell

From: Andrew Bell
Sent: Friday, January 3, 2025 2:17 PM
To: DeBerry, Debra E. <ddeberry@dekalbcountyga.gov>
Subject: RE: Issuance of notice

Thank you for responding. I will reach out to attorney Ware per your instructions. I'm just doing my due diligence so if this case goes to the Georgia Supreme Court or the highest Court, the argument cannot be made that I was not diligent in attempting to get an answer to "When will you [the Clerk] be issuing the notice to the DeKalb County Sheriff?"

Andrew W. Bell

"Bringing Integrity Back"

From: DeBerry, Debra E. <ddeberry@dekalbcountyga.gov>
Sent: Friday, January 3, 2025 2:07 PM
To: Andrew Bell <andrew.be11@live.com>; Maddox, Melody <mmaddox@dekalbcountyga.gov>
Cc: R. David Ware <DWare@hallboothsmith.com>
Subject: RE: Issuance of notice

Good afternoon Mr. Bell,

Please contact Attorney Ware for further information. I am adding Attorney Ware to this email.

Regards,



www.dksuperiorclerk.com

Debra DeBerry

Clerk of Superior Court

DeKalb County, GA

DeKalb County Courthouse
Ground Floor
556 North McDonough Street
Decatur, GA 30030
404-371-2025



Follow us @DKSUPERIORCLERK

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From: Andrew Bell <andrew.be11@live.com>
Sent: Friday, January 3, 2025 2:03 PM
To: DeBerry, Debra E. <ddeberry@dekalbcountyga.gov>; Maddox, Melody <mmaddox@dekalbcountyga.gov>
Subject: FW: Issuance of notice

Good afternoon Sheriff Maddox and Clerk DeBerry,

I'm just checking in before the close of business, due to it being Friday and the weekend is approaching. Do either one of you have an update on the notice required pursuant to O.C.G.A. § 21-2-524(f)? I submitted my petition on December 9, 2024. There should have been a minimum of a five-day period or a maximum of ten days in which the notice should have been prepared by the DeKalb County Superior Court Clerk and given to the DeKalb County

Sheriff. The ten-day time frame expired on December 19, 2024. Your expediency in processing this matter is greatly appreciated and of extreme importance to the democratic process.

Respectfully,

Andrew W. Bell

From: Andrew Bell <andrew.be11@live.com>
Sent: Thursday, January 2, 2025 3:57 PM
To: ddeberry@dekalbcountyga.gov; mmaddox@dekalbcountyga.gov
Subject: Fw: Issuance of notice

Dear Sheriff Maddox and Clerk DeBerry,

We are approaching the deadline given Superior Court order given by Judge Goger's December 19th order. I am reaching out again to see when or if a notice will be given to the Sheriff from the DeKalb County Superior Court Clerk in order to perfect service on the Respondents and the other contestant in the Contested election? Please feel free to contact me with that information at anytime.

Thank you,

Andrew W. Bell
(404) 391-6980

From: Andrew Bell <andrew.be11@live.com>
Sent: Sunday, December 29, 2024 1:22 PM
To: mmaddox@dekalbcountyga.gov <mmaddox@dekalbcountyga.gov>
Subject: FW: Issuance of notice

Dear Sheriff Maddox,

My name is Andrew Bell. I filed a petition to contest an election held December 3, 2024 (Civil Action File No.: 24CV10967). I sent the DeKalb County Superior Court Clerk the attached email on December 20, 2024. I did receive a call from Xernia Fortson, who stated she was the General counsel for the DeKalb County Superior Court Clerk. Miss Fortson told me that I had to pay entry of service fees to the DeKalb County Sheriff's office. However, the Petitioner paying any fees to the Sheriff violates O.C.G.A. § 21-2-524(f), and precedent set forth by the Supreme Court of Georgia. See *Schmitz v. Barron*, 312 Ga. 523 (2021). I have not seen a notice addressed to you filed into this case file as required by O.C.G.A. § 21-2-524(f). Have you received notice from the DeKalb County Superior Court Clerk? If so, when? If you have received notice the following individuals should be served:

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)
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	1300 Commerce Drive	
	2nd Floor		
Decatur, GA 30030	Decatur, GA 30030	Decatur, GA 30030	

Respectfully,

Andrew W. Bell

(404) 391-6980

From: Andrew Bell <andrew.be11@live.com>
Sent: Friday, December 20, 2024 10:36 AM
To: ddeberry@dekalbcountyga.gov
Subject: Issuance of notice

Madam Clerk,

I filed a petition of December 09, 2024, to Contest a runoff election held on December 03, 2024. The Case No. assigned to the petition is 24CV10967. I have submitted my petition in accordance with O.C.G.A. § 21-2-524(a). I have also served the State Election Board pursuant to O.C.G.A. § 21-2-524(b)[1]. When will you be issuing the notice to the DeKalb County Sheriff?

I received a copy of an order[2] issued yesterday that stated I failed "to comply with 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)."

It my responsibility to serve the State Elections Board as directed by O.C.G.A. § 21-2-524(b), which I have done already. See Exhibit 1. However, in accordance with O.C.G.A. § 21-2-524(f)[3] it is the DeKalb County Sheriff's responsibility to serve the defendants in form of special process, after you give the Sheriff notice. The notice should have required the defendants to answer the summons as early as December 14 but no later than December 19.

Being that I am neither the DeKalb County Superior Court Clerk or the DeKalb County Sheriff it is impossible for me to perform or fulfil the requirements of O.C.G.A. § 21-2-524(f).

Your assistance is very essential to justice being carried out. The ten-day period expired yesterday. The laws of Georgia and my rights under the Constitution of the State of Georgia and the Constitution of the United States of America continue to be violated.

By the way your picture has a good presentation, but your people have you looking bad because they don't know how to spell the word "chief". They have Chief Judge spelled wrong. The word displays as "Cheif".

Andrew W. Bell

Proverbs 12:22

"Bringing Integrity Back"

[1] See Exhibit 1

[2] See Exhibit 2

[3] 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. On or before the day fixed in such notice, unless for good cause shown the presiding judge shall extend the time therefor, the defendant shall appear and answer such petition and may set up by way of answer or cross action any right of interest he or she may have or claim in such proceeding. Any other person who was a candidate at such primary or election for the nomination or office involved and upon whom notice was served as provided in this subsection shall be deemed a litigant to such proceeding and may set up by way of answer or cross action any right of interest or claim he or she may have.

EXHIBIT 40



STATUTORY ELECTRONIC SERVICE - Notification of Service for Case: 2021CV352322, ANDREW BELLVS.EYEYLONDRA AUSTIN,THE OFFER GEEKS ATL, LLC,WEBSTER RICHARDS,ANDREWS ASARE,MARK RICHARDS,MARINA LOPEZ,JOSE LUX,Marina Lopez,Jose Lux for filing JUDGMENT ORDER ...

From no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>

Date Thu 12/21/2023 9:09 AM

To ANDREW.BE11@LIVE.COM <ANDREW.BE11@LIVE.COM>



Notification of Service

Case Number: 2021CV352322

Case Style: ANDREW BELLVS.EYEYLONDRA AUSTIN,THE OFFER GEEKS ATL, LLC,WEBSTER RICHARDS,ANDREWS ASARE,MARK RICHARDS,MARINA LOPEZ,JOSE LUX,Marina Lopez,Jose Lux
Envelope Number: 13898753

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	2021CV352322
Case Style	ANDREW BELLVS.EYEYLONDRA AUSTIN,THE OFFER GEEKS ATL, LLC,WEBSTER RICHARDS,ANDREWS ASARE,MARK RICHARDS,MARINA LOPEZ,JOSE LUX,Marina Lopez,Jose Lux
Date/Time Submitted	12/20/2023 4:25 PM EST
Filing Type	JUDGMENT ORDER ON REMITTITUR
Filing Description	SIGNED REMITTITUR
Filed By	Gina Demons
Service Contacts	<p>ANDREW BELL: ANDREW BELL (ANDREW.BE11@LIVE.COM)</p> <p>Other Service Contacts not associated with a party on the case: Micah Ripley (micah.ripley@fnf.com)</p>

Ted Jackson (sheriff@fultoncountyga.gov)

Elizabeth Padgett (Elizabeth.padgett@fnf.com)

Tomisha Stanford (tomisha.stanford@fultoncountyga.gov)

Angela Morris (Nicole@offergeeksusa.com)

Anonymous Filer

(anonymous43de13e4f0f24a1089be3f4f3200c028@kiosk.com)

Anonymous Filer

(anonymous7091428ad67844d08f929159fb47932d@kiosk.com)

Anonymous Filer

(anonymous8c4461f2483f49509bf6804c5f98c3af@kiosk.com)

Anonymous Filer

(anonymous6804c8aa26aa42038f0e0449968f3f02@kiosk.com)

Anonymous Filer

(anonymous8e040582c60749f0ae0b03af75fef82@kiosk.com)

Kellyn Kidwell (kellynkidwell@gmail.com)

Anonymous Filer

(anonymous92a68c3d01e943a9bdebc392f848347c@kiosk.com)

Anonymous Filer

(anonymous4309028723014771b51da0cb3aba6897@kiosk.com)

Anonymous Filer

(anonymousc4b14331f6364d2cae8fc8d27014006d@kiosk.com)

Anonymous Filer

(anonymous0a7406d5a66a4c19b0b1d984cbfffc57@kiosk.com)

Anonymous Filer

(anonymousce22dff7a53043038d4d6b7b901b36c3@kiosk.com)

Anonymous Filer

(anonymous640848121b174bfb94af1b405e40c327@kiosk.com)

Anonymous Filer

(anonymous28f36509ff7c46078ecd45b5f817aea5@kiosk.com)

Anonymous Filer

(anonymous9d4cccd8756e14003832a89eea9773d4c@kiosk.com)

Anonymous Filer

(anonymous46673a0ef4c3402fa0f6e980fc268273@kiosk.com)

Anonymous Filer

(anonymous7c4b6184224642f480664aae5bc0bf2d@kiosk.com)

Anonymous Filer
(anonymousf30bdc3e7494e5a96063f6bd60de343@kiosk.com)

Anonymous Filer
(anonymous1cd83af147c24ddcb8cb300ab96c94@kiosk.com)

Anonymous Filer
(anonymous2ee2c961b9d149b6a20afb2e475925e1@kiosk.com)

Anonymous Filer
(anonymous222f464349fb4f2a8c543c86557ca5d3@kiosk.com)

J Sibley (jmsibley@dekalbcountyga.gov)

VONCIEL TURNER (vonciel.turner@fultoncountyga.gov)

Document Details

Served Document	Download Document
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EXHIBIT 41



RE: Case No. Case Number 24CV10967

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

Date Thu 1/16/2025 3:24 PM

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

4 attachments (1 MB)

2024EX001499-Order Appointing Judge Goger-24CV10967.pdf; 12-19-24 order from Judge Goger.pdf; Response to December 19 Order (1).pdf; Amendend Response to December 19 order.pdf;

Mrs. Edwards,

It has been over a month since our last communication. Since that time, I received an order dated December 16, 2024, and filed on December 17th that appointed Senior Judge John J. Goger to the Contested election case (Case No. 24CV10967). On December 19, 2024, Judge Goger is an order which I responded to on December 19th. I also filed an amended response to the judge Goger's December 19, 2024 order on January 09, 2024. Although there was an order assigning Judge Goger to the Case No. 24CV10967, Chief LaTisa Dear Jackson is still displayed as the judge assigned to the aforementioned case in Odyssey's E-File GA system.

Do you have any information on a hearing or any proceeding(s) for Case No. 24CV10967? As time is of the essence. There should have been a proceeding, on or before the day fixed in the notice, pursuant to O.C.G.A. § 21-2-524(f). The notice should have been issued no later than December 19, 2024. I sent several emails to the DeKalb County Superior Court Clerk and the DeKalb County Sheriff. The Clerk directed me to attorney R. David Ware. I contacted Attorney Ware to find out when the notice would be issued to the Sheriff so that the Respondents could be served, Mr. Ware told me that he could not tell me anything in regard to the notice being issued because it was protected by attorney client privilege.

If you have any information on any of the issues that I mentioned pleas feel free to reach out to me anytime. Thank you.

Andrew W. Bell
"Bringing Integrity Back"

From: Andrew Bell
Sent: Wednesday, December 11, 2024 9:52 AM
To: Edwards, Damico N. <dnedwards@dekalbcountyga.gov>
Subject: RE: Case No. Case Number 24CV10967

Thank you, Mrs. Edwards,

Your message was received.

Andrew W. Bell
"Bringing Integrity Back"
(404) 391-6980

From: Edwards, Damico N. <dnedwards@dekalbcountyga.gov>
Sent: Wednesday, December 11, 2024 9:49 AM
To: Andrew Bell <andrew.be11@live.com>; Bilic, Renata <rbilic2@dekalbcountyga.gov>; Daldry, Amy Lynn <ADaldry@dekalbcountyga.gov>
Subject: RE: Case No. Case Number 24CV10967

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

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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. <rrgreen2@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 42

Case Information

24CV10967 | Andrew W Bell VS KARLI SWIFT

Case Number	Court	Judicial Officer
24CV10967	Division 7	Dear Jackson, LaTisha
File Date	Case Type	Case Status
12/09/2024	Injunction	Closed

Party

Respondent (Participant)
ABHRIRHAMAN, VASU

Active Attorneys ▾
Attorney
Johnson, Laura K
Retained

Address
4380 MEMORIAL DRIVE
SUITE 300
DECATUR GA 30354

Attorney
Waite, Tristen N.
Retained

Lead Attorney
Petty, J. Michael
Retained

Respondent (Participant)
JESTER, NANCY

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4380 MEMORIAL DRIVE
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DECATUR GA 30032

Active Attorneys ▾
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Johnson, Laura K
Retained

Attorney
Waite, Tristen N.
Retained

Lead Attorney
Petty, J. Michael
Retained

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FERVIER, JOHN

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2 MLK JR. DRIVE
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ATLANTA GA 30354

Active Attorneys ▾
Lead Attorney
Young, ELIZABETH T
Retained

Attorney
Noonan, Alexandra M
Retained

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Active Attorneys ▾
Lead Attorney
Young, ELIZABETH T
Retained

Attorney
Noonan, Alexandra M
Retained

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Lead Attorney
Young, ELIZABETH T
Retained

Attorney
Noonan, Alexandra M
Retained

Respondent (Participant)
JEFFARES, RICK

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2 MLK JR DRIVE
SUITE 802
ATLANTA GA 30334

Active Attorneys ▾
Lead Attorney
Young, ELIZABETH T
Retained

Attorney
Noonan, Alexandra M
Retained

Petitioner (Participant)

THE ELECT ANDREW BELL CAMPAIGN INC

Address

650 S CENTRAL AVE
SUITE 82348
ATLANTA GA 30354

Defendant

SWIFT, KARLI

Address

4380 MEMORIAL DRIVE
SUITE 300
DECATUR GA 30032

Active Attorneys ▾

Attorney
Johnson, Laura K
Retained

Attorney
Herrin, Brent W
Retained

Attorney
Waite, Tristen N.
Retained

Lead Attorney
Petty, J. Michael
Retained

Events and Hearings

12/09/2024 Complaint or Petition for Damages ▾

Complaint or Petition for Damages

Comment

Emergency Petition to Contest Runoff Election Results

12/09/2024 Case Initiation Form ▾

Case Initiation Form

12/17/2024 Amended Petition ▾

Amended Petition

Comment

Amended Petition

12/17/2024 Order Appointing ▾

Order Appointing

Comment

Order Appointing Judge to Preside Over Case

12/17/2024 Notice of Filing ▾

Notice of Filing

Comment

Notice of Filing of the Service of the Amended Petition

12/17/2024 Notice of Filing ▾

Notice of Filing

Comment

Notice of Filing of Discovery Request

12/19/2024 Order Requiring Compliance ▾

Order Requiring Compliance

Comment

Order to perfect petition

12/19/2024 Response ▾

Response

Comment

Response to December 19, 2024 Order

12/20/2024 Entry of Appearance ▾

Entry of appearance

Comment

Limited Entry of Appearance

12/26/2024 Entry of Appearance ▾

01/06/2025 Answer ▾

Answer

Comment

State Respondents' Answer to the Petition

01/07/2025 Response ▾

Response

Comment

Petitioners Response to Answer and Defenses of State Respondents

01/07/2025 Response to Motion ▾

Response to Motion

Comment

Petitioner's Response to State Respondents Motion to Dismiss

01/07/2025 Motion to Appoint ▾

Motion to Appoint

Comment

Petitioner's Motion to Appoint Process Server

01/07/2025 Service - Return of Service ▾

Service - Return of Service

Comment

Return of Service for State Election Board. Second Filing

01/08/2025 Answer ▾

Answer

Comment

Answer of County Respondents to Petition to Contest Election Results

01/09/2025 Response ▾

Response

Comment

Amended Response to December 19, 2024 Order

01/16/2025 Response ▾

Notice of Filing
Notice of Case Reassignment
Affidavit
Change Code
Amended Petition
Order Appointing
Notice of Filing
Notice of Filing
Appeal Volume 1
Appeal Index
Order Requiring Compliance
Response
Entry of appearance
Entry of appearance
Motion to Amend
Amended Petition
Demand for Jury List
Notice of Filing
Motion to Compel
Service - Return of Service
State Respondents' Special Appearance Motion to Dismiss
Answer
Response
Response to Motion
Motion to Appoint
Service - Return of Service
Answer
Response
Response
Rule 5.2 Certificate
Order of Dismissal (Case)
Case Disposition Form

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
PG 1 of 1

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

(Page 1 of 8)



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.

Tylyla Inez Hart
Printed Name of County Official validating signatures

Tylyla Inez Hart
Signature of County Official validating signatures

Exhibit III

PS-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

ERICA D. HAMILTON
VOTER REGISTRATION & ELECTIONS DIRECTOR
(404) 291-4020
FAX (404) 291-4038



DeKalb County
G E O R G I A

BOARD MEMBERS
MICHAEL COVENY
ANTHONY LEWIS
LEONA PERRY
SAMUEL E. TILLMAN
BACIY 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



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 ~~10~~ submitted by ~~RECEIVED~~

Please use the following codes to verify the signatures on the nomination petition for Georgia House of Representatives District ~~10~~ submitted by ~~RECEIVED~~ 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 - Atlanta

PG 1 of 5



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

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

Pg. 5 of 8

~~REDACTED~~
Pg. 2 of 5



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

SBC
Signature of County Election Official

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

PG. 6 of 8

~~Exhibit IV~~

PG. 3 of 8



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 RED

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

REDACTED

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

Pg. 7 of 8

pg. 4 of 85



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 005

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 Phinney
Printed Name of County Election Official

Jenni Phinney
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 5055

pg. 8 of 8

EXHIBIT 9



Outlook

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 [\[REDACTED\]](mailto:)
[\[REDACTED\]](mailto:)
[\[REDACTED\]](mailto:)
[\[REDACTED\]](mailto:)

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/EQtrDnl_ladMkf4fMzvqO-gBkrAZGyAbjI5MyqA_jfx1sA

<https://1drv.ms/v/c/e21e44c03a239944/EbP9CE-Y7XVFm3hGHlYb1dUBmqle2oCNGfdt6J6TP5o3tQ>

Respectfully submitted,

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

[1] See video Facebook video at 7:50

EXHIBIT 10



Outlook

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]

[REDACTED]

[REDACTED]

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

https://1drv.ms/v/c/e21e44c03a239944/EqTrDnl_jadMkf4fMzvqO-gBkrAZGyAbj15MyqA_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



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

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

