

25-6970 ORIGINAL
No.

In the Supreme Court of the United States

Supreme Court, U.S.
FILED
JAN 28 2026
OFFICE OF THE CLERK

ANDREW W. BELL,

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

1. Whether the Georgia Court of Appeals' dismissal of an election-contest appeal as untimely—despite the petitioner's sworn affidavit of non-receipt and the court's failure to provide proof of mailing or electronic delivery of the March 26, 2025 order that triggered the ten-day deadline—violated the Due Process Clause of the Fourteenth Amendment.
2. Whether the Georgia Supreme Court's refusal to exercise its constitutionally mandated "exclusive appellate jurisdiction" over election contests under **Ga. Const. Art. VI, § VI, ¶ II(2)** (by transferring or declining to retain an election contest) denies litigants access to the only court authorized to hear such appeals and thereby implicates federal constitutional protections (First and Fourteenth Amendments).
3. Whether the cumulative effect of procedural irregularities—including denial of notice, exclusion of co-petitioners without process, and acceptance of a procedurally defective motion to dismiss—amounts to a denial of the right to petition the government for redress under the First Amendment and a denial of equal protection and due process under the Fourteenth Amendment.
4. Whether the Georgia courts' failure to apply equitable tolling or to re-enter judgment after a documented notice failure conflicts with federal due process principles and this Court's precedent requiring notice reasonably calculated to apprise interested parties (e.g., *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950)).

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 PROCEEDINGS

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

- *Andrew W. Bell et al. v. Karli Swift et.al.*, No. S25C1274 (Ga.) (Supreme Court of Georgia denied motion for reconsideration, November 4, 2025).
- *Andrew W. Bell et al. v. Karli Swift et.al.*, No. S25C1274 (Ga.) (Supreme Court of Georgia denied the petition for certiorari, September 30, 2025).
- *Andrew W. Bell v. Karli Swift et.al* No. A25A1650 (Georgia Court of Appeals dismissal, June 3, 2025). Georgia Court of Appeals dismissed his appeal for not filing a notice of appeal within 10 days after the case was docketed, although Petitioner was never notified that case had been docketed.
- *Andrew W. Bell v. Karli Swift et.al* No. A25D0316 (Georgia Court of Appeals discretionary application granted, March 26, 2025)
- *Andrew W. Bell et al. 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. v. Karli Swift et al.*, No. 2024CV10967 (Ga. Super. Ct., DeKalb Cnty.)(order dismissing petition on January 17, 2025).
- *Andrew W. Bell et al. v. Karli Swift et al.*, No. 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

Petitioner Andrew W. Bell respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court of Georgia entered **November 4, 2025**, denying Petitioner's motion for reconsideration of that court's **September 30, 2025** denial of certiorari. That denial left standing the Georgia Court of Appeals' **June 3, 2025** dismissal of Petitioner's election-contest appeal (Court of Appeals Case No. **A25A1650**) as untimely, despite the absence of notice and a sworn affidavit of non-receipt.

JURISDICTION

This Court has jurisdiction under **28 U.S.C. § 1257(a)**. The Georgia Supreme Court denied certiorari on **September 30, 2025**, and denied reconsideration on **November 4, 2025**. This petition is timely filed within 90 days of the final state-court action.

OPINIONS BELOW

- *Andrew W. Bell et al. v. Karli Swift et.al.*, No. S25C1274 (Ga.) (Supreme Court of Georgia denied motion for reconsideration, November 4, 2025).
- *Andrew W. Bell et al. v. Karli Swift et.al.*, No. S25C1274 (Ga.) (Supreme Court of Georgia denied the petition for certiorari, September 30, 2025).
- *Andrew W. Bell v. Karli Swift et.al* No. A25A1650 (Georgia Court of Appeals dismissal, June 3, 2025). Georgia Court of Appeals dismissed his appeal for

not filing a notice of appeal within 10 days after the case was docketed, although Petitioner was never notified that case had been docketed.

- *Andrew W. Bell v. Karli Swift et.al* No. A25D0316 (Georgia Court of Appeals discretionary application granted, March 26, 2025)
- *Andrew W. Bell et al. 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 of DeKalb County, GA December 19, 2024 order was dismissed on February 13, 2025).
- *Andrew W. Bell et al. v. Karli Swift et al.*, No. 2024CV10967 (Ga. Super. Ct., DeKalb Cnty.)(order dismissing petition on January 17, 2025).
- *Andrew W. Bell et al. v. Karli Swift et al.*, No. 2024CV10967 (Ga. Super. Ct., DeKalb Cnty.)(order to perfect service on petition on December 19, 2024).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- **U.S. Const. amend. I** (right to petition).
- **U.S. Const. amend. V** (due process).
- **U.S. Const. amend. XIV** (due process and equal protection).

- **Ga. Const. of 1983, Art. VI, § VI, ¶ II(2)** (exclusive appellate jurisdiction of the Georgia Supreme Court over election contests).
- **O.C.G.A. § 5-6-32(a)** (service and proof of mailing).
- **O.C.G.A. § 5-6-35(g), (j)** (timeliness rules for appeals).
- **O.C.G.A. § 21-2-524(f)** (clerk's duty to issue special process in election contests).
- **Court of Appeals Rule 46(b)** (docketing and mailing of original docket notice).

STATEMENT OF THE CASE

A. Filing and trial-court proceedings. Petitioner filed a verified petition to contest the DeKalb County District 3 special election on **December 9, 2024**, under O.C.G.A. §§ 21-2-520, 21-2-522, and 21-2-524. *See* Appx.¹ at [a-349]. On **December 19, 2024**, the DeKalb Superior Court issued an order directing Petitioner to perfect service. *See* Appx. at [a-16]. Petitioner responded and sought the clerk's issuance of special process under **O.C.G.A. § 21-2-524(f)**; the clerk did not issue the special process required by statute. Petitioner Andrew W. Bell filed a motion for leave to amend the petition on **December 30, 2024**. *See* Appx. at [a-697]. Petitioner Andrew W. Bell also filed the amended petition. *See* Appx. at [a-700]. On **January 17, 2025**,

¹ Petitioner refers to Appendix as "Appx. at a-[page number]"

the trial court dismissed the petition as untimely and for failure to perfect service. See Appx. at [a-13].

B. Georgia Supreme Court actions. Petitioner filed an interlocutory application and a discretionary application to the Georgia Supreme Court. On **February 13, 2025**, the Georgia Supreme Court issued two rulings: it dismissed the interlocutory application (S25I0586)² and transferred the discretionary appeal (S25D0637)³ to the Court of Appeals, stating that its “exclusive jurisdiction” was not invoked because the trial court had not resolved “elections-related matters.” Petitioner filed motions for reconsideration; those motions were denied. See Appx. at [a- (8 - 9)].

C. Court of Appeals docketing and March 26 order. The Court of Appeals docketed the transferred matter on **March 20, 2025** (A25D0316). On **March 26, 2025**, the Court of Appeals issued an order granting the application and instructing Petitioner to file a notice of appeal in the trial court within ten days. See Appx. at [a-6]. Petitioner did **not** receive any email or mailed notice of the March 26 order.

D. Discovery of the order and affidavit. Petitioner first discovered the March 26 order on **April 10, 2025** by manually checking the Court of Appeals docket. Petitioner filed a notice of appeal in the trial court on **April 11, 2025**, and submitted a sworn affidavit (June 16, 2025) attesting that he never received the March 20 or March 26 communications and that no original docket notice was

² See Appx. at [12]

³ See Appx. at [13]

mailed to him as required by Rule 46(b) and O.C.G.A. § 5-6-32(a). *See* Appx. at [a-301-307; a-290].

E. Court of Appeals dismissal and state-court denials. Despite the affidavit and lack of proof of mailing or server logs, the Court of Appeals dismissed the appeal as untimely on **June 3, 2025** (A25A1650). *See* Appx. at [a-4]. Petitioner filed a petition for certiorari in the Georgia Supreme Court (docketed **June 17, 2025**). *See* Appx. at [a-509]. The Georgia Supreme Court denied certiorari on **September 30, 2025**, and denied Petitioner's motion for reconsideration on **November 4, 2025**. Petitioner exhausted state remedies. *See* Appx. at [a-2; a-1]

STATEMENT REGARDING PRESERVATION OF FEDERAL QUESTIONS

1. Due-process / notice claim (Fourteenth Amendment).

- **Trial court stage:** Petitioner raised the notice and service issue in his **December 19, 2024** response to the trial court's order to perfect service. *See* Appx. at [a-690]. The response expressly argued that the clerk had not issued the special process required by O.C.G.A. § 21-2-524(f) and requested that the clerk issue process. *Id.*
- **Appellate stage (Georgia Supreme Court):** Petitioner raised the same due-process and notice arguments in his **interlocutory application** (S25I0586) and in his **discretionary application** (S25D0637); *see* Appx. at [a-444] (Interlocutory Application) and Appx. at [a-509] (Discretionary Application). The applications specifically cited the clerk's failure to issue

special process and asserted that the trial court's order imposing the service burden on Petitioner violated statutory and constitutional protections.

- **Appellate stage (Court of Appeals):** After transfer, Petitioner raised the notice non-receipt issue by filing a sworn **affidavit of non-receipt** (filed June 16, 2025) and by filing a timely **notice of intent** and notice of appeal (see **Appx. at [a-290]** (Affidavit); **Appx. at [a-(291-303)]** (Court of Appeals docket entries). The Court of Appeals addressed timeliness in its **June 3, 2025** dismissal order (see **Appx. at [a-(4-5)]** (June 3, 2025 Order), but the court did not cite any proof of mailing or server logs.
- **How the courts passed on the issue:** The trial court dismissed the petition for failure to perfect service (Appx. at [a-13]). The Georgia Supreme Court, in its February 13, 2025 transfer order, did not resolve the notice issue on the merits but transferred the matter to the Court of Appeals (Appx. at [a-10]). The Court of Appeals dismissed the appeal as untimely on June 3, 2025 (Appx. at [a-4]). Petitioner then filed a certiorari petition in the Georgia Supreme Court (Appx. at [a-258]) and a sworn affidavit of non-receipt (Appx. at [290]); the Georgia Supreme Court denied certiorari (Appx. at [a-2]) and denied reconsideration (Appx. at [a-1]). The record citations above show the issue was timely and repeatedly raised at each stage.

Pertinent record quotations and locations:

- Trial court response (Dec. 19, 2024): “Petitioner never asked for leave of the court to amend his petition as required by O.C.G.A. § 21-2-524(g), and therefore this Court did not and could not have granted the approval of a motion that was never filed by Petitioner. Petitioner’s original petition still stands as the only petition before this Court until the petitioner files a motion to amend the petition and that motion is granted by this Court. In turn, the State Election Board has been served in accordance with the service requirements and responsibilities under O.C.G.A. § 21-2-524(b). **The requirements 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).” (Appx. at [691]).
- Petitioner’s affidavit (June 16, 2025): “I did not receive any emails from the Court of Appeals of Georgia on March 20, 2025. Neither did I receive any emails from the Court of Appeals of Georgia on March 26, 2025. I did not receive the original notice for case No. A25D0316. I did not receive the March 26, 2025 order for case No. A25D0316. See Appx. at [290]. In Petitioner’s response (May 06, 2025) to the County Respondents’ motion to dismiss⁴, Petitioner stated, “Appellant Bell was not given notice in accordance with

⁴ The State Respondents did not file a motion to dismiss.

O.C.G.A. § 5-6-32.” See Appx. at [a-301]. There is no record of Appellant having received notification from this order until he logged into the Court’s e-file system on April 10, 2025.” (Appx. at [302]). In Petitioner’s addendum to his response (June 03, 2025), he reaffirmed that he did not receive notice saying “as Appellant Bell stated in his response on May 06, 2025, he did not receive notice in accordance with O.C.G.A. § 5-6-32. Nor did Appellant Bell receive notice in accordance with this Court’s Rule 46(b).” See Appx at [a-294]. Petitioner also mentioned the fact that he had received an email on June 2, 2025, at 11:44 a.m. stating that the DeKalb County Respondents’ motion to dismiss had been docketed in error. Then at 11:54 a.m. Petitioner received another email the stated, “TO ALL PARTIES The following filing by Brent Herrin has been docketed with a docket date of 04/29/2025 12:00 AM EDT.” The problem with that is that Brent Herrin only submitted one motion to dismiss on behalf of the DeKalb County Respondents. The one submission Mr. Herrin did submit was on April 29, 2025 at 6:24 p.m. The fact that the Clerk of the Georgia Court of Appeals now states that motion to dismiss the was submitted at 12:00 a.m. on April 29, 2025 is impossible and a lie. It is impossible for Mr. Herrin to have submitted the DeKalb County Respondents “motion to dismiss” at 12:00 a.m., when the first and only time that he submitted the Motion to Dismiss was at 6:24 p.m. on April 29, 2025. Petitioner also mentioned the fact that the DeKalb County Respondents motion to dismiss did not comply with the Court of Appeals of Georgia’s Rule

24(f). The Court of Appeals of Georgia's rule to 41(b) it states "motions and responses shall be prepared in accordance with Rule 24." Rule 24(f) of the Court of Appeals of Georgia states, "{each submission **must contain** the following certification just above the signature block of the submitting attorney: "This submission does not exceed the word count limit imposed by Rule 24." The submission that was submitted by Brent Herrin did not comply with Rule 24(f). The motion attorney Brent Herrin submitted stated, "This submission does not exceed the word count limit imposed by Rule 41(b), because it does not exceed 4,200 words." The DeKalb County Respondents' Motion to Dismiss submitted by Brent Herrin should have not been docketed by the Clerk of the Georgia Court of Appeals. See Appx. at [a-293 – a-296].

- Court of Appeals dismissal (June 3, 2025): The court dismissed "for failure to timely file a notice of appeal" and did not cite any proof of mailing as required by O.C.G.A. § 5-6-32 (see **Appx. at [a-4 – a-5]**).

2. Exclusive-jurisdiction / access-to-courts claim (First and Fourteenth Amendments).

Trial court stage: Petitioner's initial petition and subsequent filings requested the statutory and constitutional protections afforded to election contests. Petitioner alleged election petition(s) alleged several violations by the Respondents including:

- 1) Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots were not counted for the General election held on November 4, 2024, nor the

contested election held on December 3, 2024. I was the only veteran in the running in the District 3 special election.

- 2) The Respondents caused Applicant Bell a “pocketbook injury” and diminished his “competitive standing” The DeKalb County Board of Registration and Elections Chairperson. There was a meeting held on March 18, 2024 when the Board made the decision not to hold the special election on May 21, 2024. The Board was voted to hold the special election on November 5, 2024. The State Respondents were aware of the Board’s decision, and did act to prevent the Board from violating the law. The Chairwoman Karli Smith lied when she said that the special election, “must be conducted completely separate and apart from the general primary statewide nonpartisan election, which means that it requires us to use different ballots, or voting equipment, facilities, poll workers, or paperwork. And we’ll walk through what that means in shortly. The other option is November 5th in conjunction with the General election.” Chair Smith then turned the meeting over to Executive Elections Director Kiesha Smith. Director Smith used a PowerPoint presentation to display a slide labeled as “Separate and Apart” included in that slide was a copy of GA Code § 21-2-540(b). The Respondents made no mention of O.C.G.A. § 21-2-540(a), where it clearly states, “**All special primaries and special elections held at the time of a general primary, as provided by Code Section 21-2-541, shall be conducted by poll officers by the use of the same equipment and**

facilities, insofar as practicable, as are use for such general primary.” The delay caused the Petitioner to participate in a special election campaign for over 8 months instead of 6 or 7 weeks. This caused Petitioner a significant financial loss. The Petitioner suffered an unimagined time loss to his time as well. The special primary election according to Georgia law, O.C.G.A. § 21-2-540(a), the election should have been held on May 21, 2024. *See* Appx. at [a-718 – a-722]. The runoff for the special election, if necessary, would have been held on July 18, 2024. The violation of the law by the election officials put petitioner at took away potential perceived advantage from being the runner-up for the previous District 3 DeKalb County Georgia Commissioner election held two years earlier on May 24, 2022. The other candidates had never run for political office before. The candidate who won the Respondents claim won the special election runoff was a new resident of the District.

- 3) Respondents never respond to Petitioner Bell’s complaint about the Dekalb County government removing his campaign signs from the private property of his supporters. Petitioner Bell campaign signs were removed by DeKalb Georgia government officials. Petitioner Bell and his campaign had to occur additional expenses because of DeKalb County government stealing his signs. *See* Appx. at [a-725 – a-726]
- 4) The advance voting dates were changed after Applicant Bell had already ordered his campaign material for the original dates. Applicant Bell could not have anticipated that the dates would change, being the runoff election

was 28 days after the General election. Also, the dates for the runoff had already been set before the General election. O.C.G.A. § 21-2-385(d)(1)(B) clearly states that all Saturday and Sunday voting has to be done on the second and third Saturday and Sunday. The Respondents added the fourth Saturday (Nov. 23rd) and the fourth Sunday (Nov. 24th) as advance voting days. Votes from those days should not have counted. The Board did not change the dates until November 12, 2024, which was 11 days before the first unlawful advance voting date and 21 days before the contested election. See Appx. at {a-729 – a-734}.

- 5) The Respondents did not publish the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's website associated with elections or registrations in violation of O.C.G.A. § 21-2-385(d)(1)(b)(3). The Respondents did not publish the dates, times, and locations of the availability of advance voting in a prominent location in the county in violation of O.C.G.A. § 21-2-385(d)(1)(b)(3). See Appx. at [a-732 – a-734].
- 6) The Respondents violated O.C.G.A. § 21-2-72 several times by denying Applicant Bell and his campaign staff access to voter and election information. See Appx. at [a-735].
- 7) Petitioner also raised the issue that he was forced to pay an eight (\$8.00) for each Respondent that he placed as a Respondent in his petition. That action

violated Georgia law and Petitioners' First and Fourteenth Amendment rights. *See Appx. at [a-735 – a-736]*

- 8) Petitioner was the only veteran on the ballot in the District 3 DeKalb County special election and the District 3 DeKalb County special election runoff. As Petitioner alleged in his amended petition. Petitioner stated he was “further damaged by the DeKalb County Board of Registration and Elections when it failed to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots. Petitioner believes the actions of the DeKalb County Board of Registration and Elections were malicious and intentional due to the fact he was the only veteran running for DeKalb County District 3 Commissioner.” *See Appx. at [a-729]*. Petitioner also alleged “Respondents, jointly and severally, failed to establish such uniform procedure for absentee and (UOCAVA) ballots.” *See Appx. at [a-743]*. The right to vote is protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise. “Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another.” *Bush v. Gore*, 531 U.S. 98 (2000).
- 9) Most importantly the Petitioner's election petition clearly states, “Petitioner's constitutional rights under the First and Fourteenth amendments of the United States Constitution, as well as his rights Under Article I, § I, IX, XII, and XXX have been violated.” *See Appx. at [a-736]*.

- **Appellate stage (Georgia Supreme Court):** Petitioner raised the exclusive-jurisdiction argument in his discretionary application (S25D0637) and in his motion for reconsideration (Appx. at [587]; *See* Appx. at [a-422 – a-437]). The discretionary application and the motion for reconsideration expressly cited **Ga. Const. Art. VI, § VI, ¶ II(2)**. The motion for reconsideration argued that the Supreme Court’s transfer to the Court of Appeals conflicted with the Constitution’s allocation of jurisdiction (*See* Appx. at [a-429 – a-430]).
- **How the courts passed on the issue:** The Georgia Supreme Court’s February 13, 2025 order stated that its “exclusive jurisdiction” was not invoked because the trial court had not resolved “elections-related matters” (*See* Appx. at [a-10]). Petitioner preserved the constitutional claim in his motion for reconsideration (*See* Appx. at [a-422 – a-437]), which the court denied (*See* Appx. at [a-8]). The record shows the constitutional question was timely raised and passed on by the state courts.

3. Cumulative procedural irregularities / First Amendment petition claim.

- Petitioner raised these issues in his amended petition *See* Appx. at [a-736; a-745]; the trial court responses (*See* Appx. at [a-699; a-625 – a-626]), in the appellate applications (*See* Appx. at [a-456]; *See* Appx. at [a-527]; *See* Appx. at [a-322]), and in the certiorari filings (*See* Appx. at [a-266]; *See* Appx. at [a-247]). The record contains the trial court’s orders, the Court of Appeals’

orders, the Georgia Supreme Court's orders, and Petitioner's sworn affidavit (See Appx. at [a-13 – a-16]; See Appx. at [a-4 – a-6]; See Appx. at [a-1– a-3; a-8 – a-12]; See Appx. at [a-290]). The Appendix contains the specific pages and quotations relied upon above.

REASONS FOR GRANTING THE WRIT

I. The Court of Appeals' Dismissal Without Proof of Notice Violated Due Process

A. Notice is a constitutional prerequisite. Due process requires notice reasonably calculated to apprise interested parties of proceedings that may affect their rights. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Where a court's own notice procedures fail, dismissal based on a missed deadline deprives a litigant of a meaningful opportunity to be heard.

B. Statutory and rule obligations. O.C.G.A. § 5-6-32(a) contemplates service by mail and proof thereof; **Court of Appeals Rule 46(b)** contemplates mailing of the original docket notice. The Court of Appeals asserted that an email was "sent successfully" but produced no server logs, delivery receipts, postmarks, or affidavits of mailing. Absent proof of mailing or reliable electronic delivery, the jurisdictional clock cannot be deemed to have run.

C. Georgia precedent and re-entry. Georgia courts recognize that failure of notice justifies re-entry of judgment and tolling of appellate deadlines. *Cambron v. Canal Ins. Co.*, 246 Ga. 147 (1980). Dismissing an appeal where notice was not provided conflicts with fundamental due-process principles and this Court's decisions requiring adequate notice and opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319 (1976), requires balancing the private interest, the risk of erroneous deprivation, and the government's interest; here the private interest in appellate review is weighty and the risk of erroneous deprivation is high. Georgia precedent requires re-entry or relief where the losing party did not receive required notice: *Cambron v. Canal Ins. Co.*, 246 Ga. 147, 269 S.E.2d 426 (1980); *Hamilton v. Edwards*, 245 Ga. 810, 267 S.E.2d 246 (1980).

II. The Georgia Supreme Court Abdicated Its Constitutional Duty Over Election Contests

A. Textual command of exclusive jurisdiction. The Georgia Constitution grants the Supreme Court of Georgia **exclusive appellate jurisdiction** over "all cases of election contest." **Ga. Const. Art. VI, § VI, ¶ II(2)**. The Georgia Supreme Court's decision to decline to exercise that jurisdiction in this case—by transferring or treating the matter as outside its exclusive jurisdiction—effectively narrows the Constitution's plain text and leaves litigants without the forum the Constitution designates.

B. Federal implications of jurisdictional abdication. When a state high court reinterprets or narrows a constitutional grant of jurisdiction in a way that denies access to the forum the state constitution provides, federal constitutional questions arise: access to courts, equal protection, and the right to petition for redress. This Court's review is warranted to resolve whether a state court may, by internal rule or practice, displace a constitutional allocation of jurisdiction and thereby deny federally protected rights.

III. The Cumulative Effect of Procedural Irregularities Denied Access to the Courts and the Right to Petition

A. Exclusion of co-petitioners. The Court of Appeals altered the caption and effectively excluded co-petitioners without motion, hearing, or explanation. That unilateral alteration raises due-process concerns and affects standing, representation, and the integrity of the appellate record.

B. Acceptance of defective filings. Respondents' motion to dismiss contained certification defects under Court of Appeals rules (e.g., Rule 24(f)); the court nonetheless accepted and relied on the motion. Accepting procedurally defective filings while dismissing a pro se litigant's appeal for timeliness compounds the appearance of unequal treatment. Accepting procedurally defective filings while dismissing a pro se litigant for timeliness raises equal-protection concerns (*Bush v. Gore*, 531 U.S. 98 (2000))

C. Aggregate effect. Taken together—notice failures, party exclusion, and selective enforcement of procedural rules—the record shows a systemic denial of meaningful access to appellate review and a denial of the right to petition for redress.

IV. Petitioner’s Financial and Procedural Harms Satisfy Article III

Standing and the “Capable of Repetition, Yet Evading Review” Exception

A. Article III standing: injury in fact, causation, redressability.

1. **Injury in fact.** Petitioner suffered concrete, particularized economic injuries: increased campaign costs caused by delayed scheduling and extended runoff period (printing, outreach, staffing); expenses and disruption from last-minute changes to polling locations and advance-voting schedules (reprinting materials, website updates); and an allegedly unlawful \$128 surcharge imposed by the DeKalb County Clerk’s Office. Economic harms of this nature are concrete and particularized and have been recognized as sufficient to establish Article III standing where traceable to defendants’ conduct. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-1(1992) (standing elements); *Federal Election Commission v. Akins*, 524 U.S. 11, 19-26 (1998)(informational/economic injuries can be cognizable); *Anderson v. Celebrezze*, 460 U.S. 780 (1983)(campaign burdens implicate First Amendment interests); *Buckley v. Valeo*, 424 U.S. 1 (1976) (expenditures and campaign burdens implicate constitutional protections).

2. **Causation.** The injuries are fairly traceable to respondents' and officials' actions: scheduling and administration of the election, changes to polling and early-voting logistics, and the clerk's fee practices.

3. **Redressability.** A favorable decision—vacating the Court of Appeals' dismissal and remanding for full appellate review—would redress these injuries by restoring Petitioner's opportunity to litigate the election contest on the merits and by enabling relief that could mitigate or prevent the financial and procedural harms.

4. **Petitioner's Financial and Procedural Harms**

Recent Supreme Court authority confirms that candidates suffer concrete Article III injuries when state election rules and procedures unlawfully burden their ability to compete and to vindicate electoral rights. See **Bost v. Illinois State Bd. of Elections, No. 24-568 (Jan. 14, 2026)**. *Bost* recognizes that campaign expenditures, lost opportunities to communicate with voters, and other campaign-related harms constitute cognizable injuries for federal-court standing purposes. That principle applies here: Bell has alleged concrete economic and procedural injuries—extended campaign costs, reprinting and outreach expenses caused by last-minute schedule changes, and the \$128 surcharge traceable to respondents' administration of the contest—that are fairly traceable to respondents' conduct and redressable by vacatur of the Court of Appeals' dismissal and remand for full review. Although *Bost* addressed standing and federal vote-counting rules rather

than the particular state-law notice and state-constitutional jurisdiction questions presented here, its recognition of candidate injury and the recurring, time-sensitive nature of election disputes reinforces the conclusion that Bell's claims are justiciable and that this Court's review is warranted to prevent future constitutional deprivations that would otherwise evade review.

B. Mootness and the “capable of repetition, yet evading review”

exception. Election disputes are paradigmatic candidates for the exception: they are time-limited, often conclude before full appellate review can occur, and are likely to recur. *Moore v. Ogilvie*, 394 U.S. 814 (1969); *Norman v. Reed*, 502 U.S. 279 (1992). Petitioner is a repeat candidate who has experienced multiple procedural denials; the same statutory framework and administrative actors will govern future elections in DeKalb County. The risk of recurrence is real and not speculative. This Court's intervention is therefore appropriate to prevent future constitutional injury that would otherwise evade review.

CONCLUSION AND RELIEF REQUESTED

None of the merits of this case have been ruled upon. There has been no hearing held in this case. Petitioner and other Petitioners in

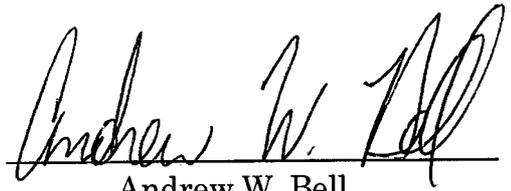
the trial court have been denied their right to redress their grievances.⁵

For the foregoing reasons, the petition for a writ of certiorari should be granted. This Court should:

1. Reverse the Georgia Supreme Court's denial of reconsideration (Nov. 4, 2025);
2. Vacate the Georgia Court of Appeals' dismissal (June 3, 2025) of Court of Appeals Case No. **A25A1650**; and
3. Remand the case for full appellate review and reinstatement of Petitioner's election contest for hearing on the merits.

Submitted February 10, 2026

⁵ "The First Amendment guarantees "the right of the people . . . to petition the Government for a redress of grievances." The right to petition is cut from the same cloth as the other guarantees of that Amendment, and is an assurance of a particular freedom of expression. In *United States v. Cruikshank*, 92 U.S. 542 (1876), the Court declared that this right is implicit in "[t]he very idea of government, republican in form." *Id.*, at 552. And James Madison made clear in the congressional debate on the proposed amendment that people "may communicate their will" through direct petitions to the legislature and government officials. 1 *Annals of Cong.* 738 (1789). The historical roots of the Petition Clause long antedate the Constitution. In 1689, the Bill of Rights enacted of William and Mary stated: "[I]t is the Right of the Subjects to petition the King." 1 *Wm. & Mary, Sess. 2, ch. 2*. This idea reappeared in the Colonies when the Stamp Act Congress of 1765 included a right to petition the King and Parliament in its Declaration of Rights and Grievances. See 1 B. Schwartz, *The Bill of Rights - A Documentary History* 198 (1971). And the Declarations of Rights enacted by many [472 U.S. 479, 483] state conventions contained a right to petition for redress of grievances. See, e. g., *Pennsylvania Declaration of Rights* (1776)."
MCDONALD v. SMITH, 472 U.S. 479 (1985).

A handwritten signature in black ink, appearing to read "Andrew W. Bell", written over a horizontal line.

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 IN THE
 SUPREME COURT OF THE UNITED STATES

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

PROOF OF SERVICE

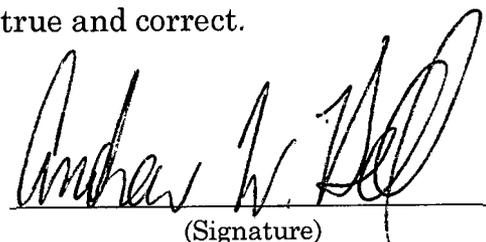
I, Andrew W. Bell, do swear or declare that on this date, February 10, 2026, as required by Supreme Court Rule 29.3, I have served the enclosed PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

DeKalb County Board of Registration and Elections and its board members (Karli Swift, Vasu Abhiraman, Nancy Jester, Susan Motter, Anthony Lewis) and DeKalb Executive Elections Director (Kiesha Smith)	State Elections Board of Georgia and its board members (John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, Jannelle King)	Secretary of State of Georgia (Brad Raffensberger) Elections Director of Georgia (Blake Evans)
SMALL HERRIN, LLP	Georgia Department of Law	Georgia Department of Law
100 Galleria Parkway Suite 350	40 Capitol Square SW	40 Capitol Square SW
Atlanta, GA 30339	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	P.O. BOX 170517
Suite B0100	556 N. McDonough Street	
	2 nd Floor	
Decatur, GA 30030	Decatur, GA 30030	Atlanta, GA 30317

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

Executed on February 24, 2026


 (Signature)