



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

Court of Appeals of the State of Georgia

ATLANTA, March 26, 2025

The Court of Appeals hereby passes the following order:

A25D0316. ANDREW W. BELL et al. v. KARLI SWIFT et al.

On December 3, 2024, DeKalb County held a runoff election for the position of its District 3 Commissioner. Andrew Bell filed a petition to contest the election results. On January 17, 2025, the trial court dismissed Bell's petition. Bell filed a timely application for discretionary review in the Supreme Court of Georgia, which transferred the matter to this Court. See Case No. S25D0637 (Feb. 13, 2025).

Under OCGA § 5-6-34 (a) (1), a party may file a direct appeal from “[a]ll final judgments, that is to say, where the case is no longer pending in the court below, except as provided in Code Section 5-6-35.” It does not appear that any provision of OCGA § 5-6-35, the discretionary appeal statute, applies here. Rather, the trial court's dismissal of Bell's petition may be appealed directly.¹

We will grant an otherwise timely application for discretionary appeal if the lower court's order is subject to direct appeal. See OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED. Bell shall have ten days from the date of this order to file a notice of appeal with the trial court if they have not already done so. The

¹ In their response, the defendants concede that Bell is entitled to a direct appeal.

clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/26/2025

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

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

Christina Bailey Smith
....., Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 03, 2025

The Court of Appeals hereby passes the following order:

A25A1650. ANDREW W. BELL v. KARLI SWIFT et al.

In January 2025, the trial court dismissed Andrew Bell's petition to contest election results involving a county commissioner race. Bell filed a timely application for discretionary review in the Supreme Court of Georgia, which transferred the matter to this Court. See Case No. S25D0637 (Feb. 13, 2025). On March 26, 2025, we granted Bell's application. See Case No. A25D0316 (Mar. 26, 2025). In our order, we informed Bell that he had ten days within which to file a notice of appeal. See OCGA § 5-6-35 (g) ("Within ten days after an order is issued granting the appeal, the applicant, to secure a review of the issues, shall file a notice of appeal as provided by law.")¹ Bell filed his notice of appeal 16 days later on April 11, 2025. Defendant Karli Swift and several other defendants, who are county election officials, now have filed a motion to dismiss the appeal, asserting that it is untimely. We agree.

"The proper and timely filing of the notice of appeal is an absolute requirement to confer appellate jurisdiction upon this court." *Ebeling v. State*, 355 Ga. App. 469, 469 (844 SE2d 518) (2020). Because Bell filed his notice of appeal 16 days after this Court's order granting his application, his appeal is untimely, and we lack jurisdiction.

¹ Contrary to the assertions in Bell's notice of appeal that he did not receive a communication regarding the March 26, 2025 order, this Court has verified that this order was sent successfully on March 26, 2025, to the email address which Bell provided to this Court.

Accordingly, we GRANT defendants' motion to dismiss and hereby DISMISS this appeal. See id.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 06/03/2025

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

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

Christina Coley Smith, Clerk.



SUPREME COURT OF GEORGIA
Case No. S25C1274

September 30, 2025

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

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

The Supreme Court today denied the petition for certiorari in this case.

All the Justices concur.

Court of Appeals Case No. A25A1650 & A25D0316

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 A. Barnes, Clerk



SUPREME COURT OF GEORGIA
Case No. S25C1274

November 04, 2025

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ANDREW W. BELL v. KARLI SWIFT et al.

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

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

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

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

Theresa A. Barnes

, Clerk

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