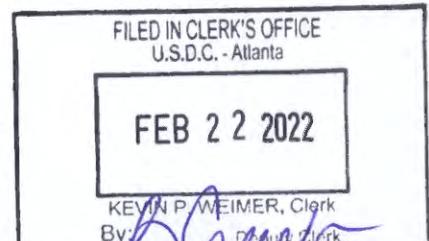


IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In re ANDREW W. BELL ) Case No.  
 )  
PLAINTIFF, pro se ) 1:21-cv-02486-SCJ  
 )  
vs )  
 )  
Brad Raffensberger, Secretary ) PETITION FOR WRIT OF MANDAMUS  
of State of the State of Georgia and )  
Chris Harvey Director of Elections )  
for the State of Georgia )  
 )  
DEFENDANTS )  
 )



**PLAINTIFF'S REPLY TO DEFENDANT'S 02/17/2022 Response**

**FACTS**

The Plaintiff filed a writ of mandamus with this Court. This Court has jurisdiction under 28 U.S.C § 1651.

The Defendants stated that Merriam Webster dictionary says the adobe definition reads, “the place where one lives”. In fact, when anyone goes to the website listed by the Defendants, which is <https://www.merriam-webster.com/dictionary/adobe>, they will find three definitions: (1.) a brick or building material of sun-dried earth and straw (2.) a structure made of adobe bricks (3.) a heavy clay used in making adobe bricks (*see Exhibit MM*). In fact, not one

of the five words that the Defendants state is the Merriam Webster definition for adobe, are listed in the **real definition** (not “the”, not “place”, not “where”, not “one”, and not “lives”). In fact, we can affirmatively conclude that Merriam Webster dictionary has no definition for adobe that uses any phrase, words or language that contain “the place where one lives”. It seems that the Defendants are either using alternative facts or they are lying about Merriam Webster’s “adobe” definition.

Defendants stated the Court lacked jurisdiction because of the Rocker-Feldman Doctrine. The Plaintiff has never made that assertion. The Plaintiff has argued in his previous filings that the Georgia laws are unconstitutional and violate the Plaintiff’s first and fourteenth amendment rights. The Plaintiff has also argued that the appeal process provided under O.C.G.A 21-2-171(c) violates his due process rights from a procedural manner. He stated that in his first reply to the Defendants when he stated, *“The procedure under which the Plaintiff was forced to challenge the Defendant’s decision violated due process of law.”* The Plaintiff also stated, *“The Defendants altered forms, lied to the trial court and used methods of chicanery to deny Mr. Bell his right to access the ballot. The actions of the Defendants substantively denied the Plaintiff’s right to due process.”* The Rocker-Feldman doctrine simply gave the Plaintiff another opportunity to display the

malice actions of the Defendants. The Plaintiff is not and has not conceded that his writ is for the single purpose of attempting to appeal the judgment and decisions of the Georgia state courts.

## **ARGUMENT**

### **I. A warranted writ of mandamus**

A writ of mandamus is warranted when a party establishes that (1) the “the right to issuance of the writ is ‘clear and indisputable,’” (2) the party has “no other adequate means to attain relief” sought and (3) “the writ is appropriate under the circumstances.” It’s clear that the Plaintiff had 2200 valid signatures. The Plaintiff went through the appellate process provided by O.C.G.A 21-2-171(c). The Plaintiff has no other adequate means to attain relief. The Plaintiff plans to run as an independent again in the future and therefore the writ is appropriate under the circumstances due to the fact the Plaintiff could potentially receive the same malicious treatment from the Defendants in the future.

### **II. Plaintiff’s right to due process violated**

The Plaintiff has stated that his right to due process is both a procedural and a substantive claim. It is procedural in the fact that the Defendants claim O.C.G.A § 21-2-171(c) provided the Plaintiff with appellate relief to obtain access to the ballot, when in fact it did not. The US Supreme Court has stated, “Application of the principles recited above leads us to conclude the respondent has not alleged a violation of the Due Process Clause of the Fourteenth Amendment. Although he has been deprived of property under the color of state law, the deprivation did not occur as a result of some established state procedure,” *Parratt vs. Taylor* 451 US 527(1981). In the Plaintiff’s case a primary reason that he was unable to access the ballot was due to the fact, the evidence that he needed to prove that he had enough valid signatures to access the ballot was provided only hours before court hearing. The Plaintiff was not afforded enough time to review the evidence thoroughly. Although he was aware of the fraud and chicanery methods used by the Defendants when he filed his appeal before the Supreme Court of Georgia on September 22, 2020, he was denied a hearing that could have placed him on the November 3, 2020 general election ballot. The Plaintiff waiting several months for the Georgia Supreme Court’s decision. On May 3, 2020 the Georgia Supreme Court stated, “We need not to address the merits of Mr. Bell’s claims because this appeal must be dismissed as moot.” Mr. Bell filed his initial appeal with the trial court on Sept 8, 2020. After Mr. Bell lost his appeal in the trial court he appealed to the Georgia

Supreme Court on September 22, 2020 (see Case # S21D0206 GA Supreme Court). The Georgia Supreme Court did issue its decision until May 3, 2021. The Plaintiff filed a motion for reconsideration. His motion was denied on June 1, 2021. The process afforded the Plaintiff under O.C.G.A. 21-2-171(c) denied the Plaintiff his right to hold office which violates the Plaintiff's First, and Fourteenth Amendment rights, as well as O.C.G.A. 1-2-6(a)(2)(5)(6). Mr. Bell's deprivation resulted a result of the established state procedure 21-2-170 and 21-2171(c).

The Plaintiff also believes that there was substantive violation to his right to due process. The Plaintiff had 2200 valid signatures which was more than the 1255 needed to access the ballot. However, he was still denied access to the ballot through an unsigned document that used the letterhead of Dekalb County Georgia, instead of the required letterhead from the Georgia Secretary of State's Office.

It is difficult to cite authority being that the only case that the Plaintiff has found that went completely went through the appellate process was Anderson, et al vs Poythress{No. C80-187A; USDC (N.D. Ga Sept 26,1980)} and as the Plaintiff explained in his original filing Mr. Anderson's experience was far different from Mr. Bell's experience 40 years later.

When it comes to alteration or changing of documents there are several violations of the Georgia law that have occurred<sup>1</sup>. There is a clear violation of Mr. Bell's fundamental rights. It was the Plaintiff's attempt to access the ballot as an independent candidate that provided the Defendants with the opportunity to violate the Plaintiff's due process rights. *In 1922, Georgia passed a law that authorized government-printed ballots. (Pl.'s Statement of Material Facts to Which There is No Genuine Issue to be Tried ("Pls.' SOMF"), Dkt. [76-2] ¶ 9.) Prior to that, Georgia had no ballot access law. (Id.¶ 8.) From 1922 until 1943, independent and political party candidates could access the November ballot "with no petition and no fee." (Id.¶ 9.) In 1943, Georgia adopted a 5% petition requirement for access to the general election ballot. (Id.¶ 11.) Green Party of GA vs. Kemp 171 F. Supp. 3d 1340 (N.D. Ga. 2016). The Plaintiffs in the Green Party of GA vs Kemp case made the assertion that the requirement was adopted as a means of preventing Republicans, Communists, and Black people from accessing the ballot. The Supreme Court has acknowledged plight of Black Americans<sup>2</sup>, in regard to the*

---

<sup>1</sup> See O.C.G.A. § 21-2-562; See O.C.G.A. § 21-2-563; See O.C.G.A. § 21-2-564; See O.C.G.A. § 21-2-604

<sup>2</sup> The status of the Negro as property was officially erased by his emancipation at the end of the Civil War. But the long-awaited emancipation, while freeing the Negro from slavery, did not bring him citizenship or equality in any meaningful way. Slavery was replaced by a system of "laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value." *Slaughter-House Cases*, 16 Wall. 36, 83 U.S. 70 (1873). Despite the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments, the Negro was systematically denied the rights those Amendments were supposed to secure. The combined actions and inactions of the State and Federal Governments maintained Negroes in a position of legal inferiority for another century after the Civil War. The Southern States

balloting process. There has never been an American of African descent a/k/a “black” that has ever gained access to the ballot through a nomination petition since the petition requirement was set forth in 1943. Even Mr. Bell was unable to gain access to the ballot even though he had 945 more signatures than he needed. The actions of the Defendants seem to be a clear violation of Section 2 of the 1965 Voting Rights Act. The citizens of GA House District 85 were clearly deprived of the choice of voting for the candidate of their choice. In Mr. Bell’s case he ran as an independent because he believes the platforms of the two majority parties are not addressing or, in the least, properly addressing the issues concerning his community. The plaintiff believes that access to the ballot should be easier on a state and local level (at maximum 1% of the registered voters) but at least the same standard for all candidates, and by no means should there ever be any fraud or deceit. The malicious actions of the Defendants denied the Plaintiff his right to hold office and his right to effectively appeal to the courts, which violates the Plaintiff’s First, Fifth and Fourteenth Amendment rights, as well as O.C.G.A. 1-2-6(a)(2)(5)(6). “...notwithstanding the existence in that State and civil law as the basis of her jurisprudence, freedom of pursuit has always recognized as the

---

took the first steps to reenslave the Negroes. Immediately following the end of the Civil War, many of the provisional legislatures passed Black Codes, similar to the Slave Codes, which among other things limited the rights of Negroes to own or rent property and permitted imprisonment for breach of employment contracts. Over the next several decades, the South managed to disenfranchise the Negroes in spite of the Fifteenth Amendment by various techniques, including poll taxes, deliberately complicated balloting processes, property and literacy qualifications, and finally the white primary. *Regents of Univ. of California v. Blake*, 438 U.S. 265 (1978) Opinion Mr. Justice Marshall

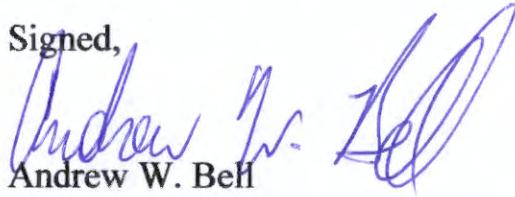
common right of her citizens. But were this otherwise, the fourteenth amendment secures the protection to all citizens in that State against any abridgement of their common rights, as in other States. That amendment was intended to give practical effect to the declaration of 1776 of inalienable rights, rights which are the gift of the Creator, which the law does not confer, only recognizes. If the trader in London could plead that he was a free citizen of that city against the enforcement to his injury of monopolies, surely, under the fourteenth amendment, every citizen of the United States should be able to plead his citizenship of the republic as a protection against any similar invasion of his privileges or immunities." Slaughterhouse Cases, 83 U.S. 36 (1872).

## CONCLUSION

For the for going reasons, this Court should deny the Defendants motion to dismiss.

Respectfully submitted, this 22nd day of February, 2022.

Signed,

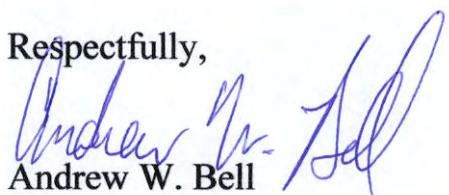
A handwritten signature in blue ink, appearing to read "Andrew W. Bell".

Andrew W. Bell

**CERTIFICATE OF COMPLIANCE**

I hereby certify, pursuant to Local Rule 7.1(D), that this memorandum of law was prepared using 14-point Times New Roman font in accordance with Local Rule 5.1 (C).

Respectfully,

A handwritten signature in blue ink, appearing to read "Andrew W. Bell".

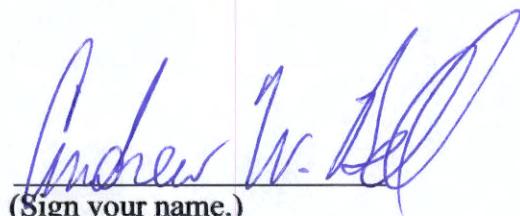
Andrew W. Bell

### CERTIFICATE OF SERVICE

I certify that I have this day served Brad Raffensperger Secretary of State of Georgia and Chris Harvey State of Georgia's Elections Director (opposing party or attorney) with a copy of this Notice of Intent by filing with Clerk of the Court who upload it into the CM/ ECF system or by sending a copy, first class postage paid, through the U.S. Mail or by email with the agreement of the (opposing party or attorney) to him/her at: Christopher M. Carr, Bryan K. Webb, Russell David Willard, Charlene S. McGowan, and Lee M. Stoy, Jr.

**Certification # 7017 3380 0001 0572 9533**

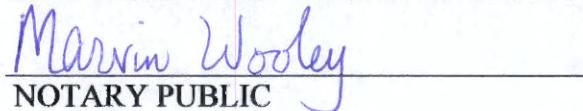
Office of the Georgia Attorney General  
40 Capital Square SW  
Atlanta, GA 30334



(Sign your name.)

P.O. BOX 82348  
ATLANTA, GA 30354  
(404) 380-0037  
electandrewbell@gmail.com

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 3rd day of February, 2022



\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES

1/21/2023



The screenshot shows the Merriam-Webster dictionary website. The search bar at the top contains the word 'adobe'. Below the search bar, there are tabs for 'Dictionary' and 'Thesaurus'. A large advertisement for 'Georgia Natural Gas' is displayed, offering '\$100 off your first bill'. The main content area shows the definition of 'adobe' as a noun, with three numbered definitions and a pronunciation guide 'ado-be | ə-dō-bə'. There is also an illustration of a small adobe structure and a photograph of a person working with clay. The 'WORD OF THE DAY' section for 'nonchalant' is visible on the right.

## adobe noun

Save Word

ado-be | ə-dō-bə

### Definition of *adobe*

- 1 : a brick or building material of sun-dried earth and straw
- 2 : a structure made of adobe bricks
- 3 : a heavy clay used in making adobe bricks  
*broadly*: alluvial or playa clay in desert or arid regions



### Illustration of *adobe*



### WORD OF THE DAY

nonchalant

[See Definitions and Examples »](#)

Exhibit MM