

1 **RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS**
2 **CHALLENGING THE CONSTITUTIONALITY OF GEORGIA HOUSE BILL 369 WHICH**
3 **PROVIDES FOR THE NONPARTISAN ELECTION OF COUNTY OFFICERS AND**
4 **DISTRICT ATTORNEYS IN CLAYTON, COBB, DEKALB, FULTON AND GWINNETT**
5 **COUNTIES BEGINNING IN 2028; AND FOR OTHER PURPOSES.**

6
7 **WHEREAS**, the Fulton County has been a bastion in the fight for equal access to
8 the ballot and free and fair elections and; and

9 **WHEREAS**, Fulton County has been a leader among counties in the State of
10 Georgia with respect to ballot access, free and fair elections and honoring the will of its
11 electors; and

12 **WHEREAS**, Governor Biran Kemp signed House Bill 369 into law on May 12,
13 2026; and

14 **WHEREAS**, House Bill 369 proposes to amend Chapter 2 of Title 21 of the
15 Official Code of Georgia Annotated to require the nonpartisan election of certain county
16 officers and district attorneys in Clayton, Cobb, Dekalb, Fulton and Gwinnett counties
17 beginning January 1, 2028; and

18 **WHEREAS**, House Bill 369 requires that candidates for various county offices,
19 such as the board of commissioners, tax commissioner, clerk of superior court, solicitor-
20 general, in these counties be elected through nonpartisan elections and would further
21 repeal existing local laws providing for partisan elections for such offices; and

22 **WHEREAS**, House Bill 369 further proposes that district attorneys for judicial
23 circuits in these five counties be elected through nonpartisan elections conducted as
24 part of the November election without a prior primary election; and

25 **WHEREAS**, the Fulton County Board of Commissioners believes that the method
26 of electing local constitutional officers and district attorneys is a matter of substantial
27 local concern that directly impacts the voters and residents of Fulton County; and

28 **WHEREAS**, the Fulton County Board of Commissioners finds that House Bill 369
29 selectively applies changes in election procedures to the five most populous counties,
30 Clayton, Cobb, Dekalb, Fulton, and Gwinnett, while leaving substantially similar offices
31 and election structures unchanged in other counties throughout the State of Georgia;
32 and

33 **WHEREAS**, the District Attorneys in these five counties are African-American
34 females and it is apparent that House Bill 369 is motivated by race and gender; and

35 **WHEREAS**, the Fulton County Board of Commissioners is concerned that House
36 Bill 369 may constitute impermissible special legislation and may raise constitutional
37 concerns regarding uniformity and equal application of laws affecting local governments
38 and elections; and

39 **WHEREAS**, the Fulton County Board of Commissioners finds that any changes
40 to the method of electing local constitutional officers and district attorneys should be
41 carefully evaluated in consultation with local governments, election officials, and the
42 public since it subverts the will of the electors; and

43 **WHEREAS**, the Fulton County Board of Commissioners desires to preserve local
44 legislative authority and protect the rights of Fulton County residents to participate in
45 determining the structure of their local elections.

46 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
47 Commissioners recognizes its long-standing commitment to free and fair elections and
48 decries any attempt to disenfranchise voters in these five counties; and

49 **BE IT FURTHER RESOLVED**, that the Fulton County Board of Commissioners
50 hereby expresses its opposition to the implementation of the legislation as currently
51 adopted and challenges its constitutionality; and

52 **BE IT FURTHER RESOLVED**, that the Fulton County Board of Commissioners
53 urges the Georgia General Assembly to reconsider and refrain from legislation that
54 selectively alters local election systems without statewide uniformity or local approval;
55 and

56 **BE IT FURTHER RESOLVED**, that the Fulton County Board of Commissioners
57 directs the County Attorney to research and provide the Board of Commissioners with
58 recommendations on all legal avenues to fight implementation of HB 369; and

59 **BE IT FURTHER RESOLVED**, that the Clerk to the Board of Commissioners is
60 directed to transmit a copy of this Resolution to each member of the Georgia General
61 Assembly and the Georgia Congressional Delegation; and

62 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon
63 adoption by the Fulton County Board of Commissioners and that all parts of resolutions
64 in conflict with this Resolution are hereby repealed to the extent of the conflict.

65 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
66 Georgia this _____ day of _____, 2026.

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

SPONSORED BY:

Marvin S. Arrington, Jr., Commissioner
(District 5)

ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney