

1 **A RESOLUTION TO EXERCISE FULTON COUNTY’S HOME RULE POWERS**
2 **TO AMEND LOCAL LAW 2019 Ga. L. 4181 TO CLARIFY THE PROCESS FOR**
3 **APPOINTING MEMBERS TO THE FULTON COUNTY BOARD OF**
4 **REGISTRATION AND ELECTIONS (BRE); AND FOR OTHER PURPOSES.**

5 **WHEREAS**, O.C.G.A. § 21-2-40 provides in pertinent part that the Georgia
6 General Assembly may by local act create a board of elections in any county of this state
7 and empower the board with the powers and duties of the election superintendent relating
8 to the conduct of primaries and elections, and such board shall consist of not fewer than
9 three members; and

10 **WHEREAS**, pursuant to O.C.G.A. § 21-2-40, the General Assembly enacted 1989
11 Ga. L. 4577, a local act (codified as Fulton County Code § 14-31 et seq.), which created
12 the Fulton County Board of Registration and Elections (“BRE”); and

13 **WHEREAS**, pursuant to Section 1 of 1989 Ga. L. 4577 and O.C.G.A. § 21-2-40,
14 the BRE “shall have the powers and duties of the election superintendent of Fulton
15 County relating to the conduct of elections and the powers and duties of the board of
16 registrars relating to the registration of voters and absentee balloting procedures;” and

17 **WHEREAS**, in 1989, the General Assembly enacted Section 2 of 1989 Ga. L.
18 4577, a local act governing the nomination and appointment of BRE members; and

19 **WHEREAS**, in 2013 and 2019 the General Assembly, enacted subsequent local
20 acts, to amend the process for nomination and appointment of BRE members; and

21 **WHEREAS**, 2019 Ga. L. 4181 is the current local act governing the process for
22 nomination and appointment of BRE members; and

23 **WHEREAS**, pursuant to 2019 Ga. L. 4181, two BRE members each, shall be
24 appointed by the Board of Commissioners from nominations made by the chairpersons
25 of the county executive committees of the two political parties whose candidates at the

1 last preceding regular general election held for the election of all members of the
2 General Assembly received the largest and second largest number of votes in this state
3 for members of the General Assembly; and

4 **WHEREAS**, also pursuant to 2019 Ga. L. 4181, all nominations for BRE
5 membership are subject to final appointment by the Board of Commissioners; and

6 **WHEREAS**, although 2019 Ga. L. 4181 does not expressly state that the Board
7 of Commissioners may reject nominations proffered by the above-mentioned
8 chairpersons, it is interpreted as such; and

9 **WHEREAS**, pursuant to the Constitution of the State of Georgia (Art. 9, § 2, ¶ 1(b)
10 (1)), the Board of Commissioners, incident to its Home Rule power, is authorized to
11 amend or repeal by resolution or ordinance, local acts applicable to its governing
12 authority, with certain exceptions not at issue herein; and

13 **WHEREAS**, the Board of Commissioners finds that it is in the best interest of its
14 citizens to exercise its Home Rule power to amend 2019 Ga. L. 4181, to clarify that the
15 Board of Commissioners is the only entity authorized to appoint or reject nominations
16 for appointments to the BRE.

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
18 amends 2019 Ga. L. 4181 as follows:

19 The board shall be composed of five members, each of whom shall be an
20 elector and resident of Fulton County, who shall be appointed in the
21 following manner:

- 22
23 (1) Two members shall be appointed by the governing authority
24 of Fulton County from nominations made by the chairperson
25 of the county executive committee of the political party
26 whose candidates at the last preceding regular general
27 election held for the election of all members of the General

1 Assembly received the largest number of votes in this state
2 for members of the General Assembly;

3
4 (2) Two members shall be appointed by the governing authority
5 of Fulton County from nominations made by the chairperson
6 of the county executive committee of the political party
7 whose candidates at the election described in paragraph (1)
8 of this section received the second largest number of such
9 votes; and

10
11 (3) One member shall be appointed by the governing authority
12 of Fulton County, which member shall be designated
13 permanent chairperson of the board.

14
15 The governing authority of Fulton County may reject any nominee for
16 appointment to the board and the chairperson of the county executive
17 committee of the political party who nominated such rejected nominee
18 shall nominate another qualified person.

19
20 **BE IT FINALLY RESOLVED**, that this Resolution will take effect upon its adoption,
21 and that all resolutions, ordinances and parts of resolutions and ordinances in conflict
22 with this Resolution are hereby repealed to the extent of such conflict.

23 **SO RESOLVED**, this 12th day of July 2023 and this 2nd day of August 2023.

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25
26
27 **FULTON COUNTY BOARD**
28 **OF COMMISSIONERS**

29
30 **SPONSORED BY:**

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32
33 _____
34 Marvin S. Arrington Jr., Commissioner
35 District 5

36 **ATTEST:**

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39 _____
40 Tonya R. Grier, Clerk to the Commission
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APPROVED AS TO FORM:

Y. Soo Jo

County Attorney

[https://fc0365.sharepoint.com/sites/CountyAttorney/CALegislation/Elections/Resolutions/7.12.23 Resolution Amending Appointment to the Board of Registration and Elections per 2019 Ga. L. 4181 and home rule.Arrington.docx](https://fc0365.sharepoint.com/sites/CountyAttorney/CALegislation/Elections/Resolutions/7.12.23%20Resolution%20Amending%20Appointment%20to%20the%20Board%20of%20Registration%20and%20Elections%20per%202019%20Ga.%20L.%204181%20and%20home%20rule.Arrington.docx)

House Bill 656 (AS PASSED HOUSE AND SENATE)

By: Representatives Jackson of the 64th, Beasley-Teague of the 65th, Gardner of the 57th, Dreyer of the 59th, McLaurin of the 51st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a board of elections and registration for Fulton County, Georgia,
2 approved March 30, 1989 (Ga. L. 1989, p. 4577), as amended, so as to revise the manner of
3 appointment of the chairperson of the board; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act to create a board of elections and registration for Fulton County, Georgia, approved
8 March 30, 1989 (Ga. L. 1989, p. 4577), is amended by revising Section 2 as follows:

9 "SECTION 2.

10 The board shall be composed of five members, each of whom shall be an elector and
11 resident of Fulton County, who shall be appointed in the following manner:

12 (1) Two members shall be appointed by the governing authority of Fulton County from
13 nominations made by the chairperson of the county executive committee of the political
14 party whose candidates at the last preceding regular general election held for the election
15 of all members of the General Assembly received the largest number of votes in this state
16 for members of the General Assembly;

17 (2) Two members shall be appointed by the governing authority of Fulton County from
18 nominations made by the chairperson of the county executive committee of the political
19 party whose candidates at the election described in paragraph (1) of this section received
20 the second largest number of such votes; and

21 (3) One member shall be appointed by the governing authority of Fulton County, which
22 member shall be designated permanent chairperson of the board."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.