

**CITY COUNCIL  
ATLANTA, GEORGIA**

**24-O-1007**

**AN ORDINANCE BY COUNCILMEMBERS LILIANA BAKHTIARI, ANTONIO LEWIS AND KEISHA SEAN WAITES AS SUBSTITUTED BY COMMITTEE ON COUNCIL AS AMENDED BY ATLANTA CITY COUNCIL TO AMEND CHAPTER 66, ARTICLE II OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ADOPT ADDITIONAL PROCEDURES GOVERNING THE PETITION AND REFERENDUM PROCESS WHICH DO NOT CONFLICT WITH THE PROCEDURES PRESCRIBED BY THE HOME RULE ACT; AND FOR OTHER PURPOSES.► (HELD 1/22/24 AT THE REQUEST OF THE LAW DEPARTMENT)  
►SUBSTITUTE INTRODUCED AND PASSED AT COC ON 2/5/2024**

WHEREAS, direct public participation through a ballot referendum provides the opportunity to build consensus, to stem community divides, and identify a viable path forward over matters of great importance and sensitivity; and,

WHEREAS, Georgia's Home Rule Act at OCGA Sec. 36-35-3(b)(2), which is a general law of statewide application, authorizes the initiation of municipal referenda via petition; and

WHEREAS, the Home Rule Act also provides certain procedures which must be followed during the process of initiating a referendum via petition; and

WHEREAS, the procedures prescribed by the Home Rule Act at OCGA Secs. 36-35-3(b)(2)(A), (C) applicable to petition collection, receipt, and consideration are as follows:

1. *The petition must specifically set forth the exact language of the proposed amendment or repeal.*
2. *The sponsor of a petition must obtain copies of all official petitions from the clerk of the governing authority.*
3. *The clerk of the governing authority must approve all petitions as to form.*
4. *The clerk of the governing authority must provide a place on each form for the person collecting signatures to provide his or her name, street address, city, county, state, ZIP Code, and telephone number and to swear that he or she is a resident of the municipality affected by the petition and that the signatures were collected inside the boundaries of the affected municipality.*
5. *The collection of signatures for the petition must begin on the day the clerk of the governing authority provides official copies to the sponsor of the petition.*
6. *(In a municipality with a population of more than 100,000 persons) signatures of at least 15 percent of the electors registered to vote in the last general municipal election must be submitted to the governing authority of the municipality.*
7. *A petition must not be accepted by the governing authority for verification if more than 60 days have elapsed since the date the sponsor of the petition first obtained copies of the petition from the clerk of the governing authority.*
8. *The governing authority must determine the validity of such petition within 50 days of its filing with the governing authority*

2024-08 (24-O-1007)

PAGE 1 OF 5





; and

WHEREAS, the City of Atlanta Charter authorizes the Atlanta City Council to adopt further procedures applicable to the petition and referendum process authorized by the Home Rule Act at Section 2-501(a) which provides as follows:

*The council shall by ordinance prescribe procedures to govern the initiation, adoption, and repeal of ordinances by the electorate, and the council shall authorize an initiative or referendum election on petition of at least 15 percent of the registered voters qualified to vote in the preceding general municipal election*

; and

WHEREAS, in accordance with the authority granted by Section 2-501(a) of the City's Charter, the City Council prescribed the procedures governing the petition and referendum process; and

WHEREAS, these procedures are codified in Chapter 66, Article II, Section 66-37 of the City of Atlanta Code of Ordinances, and they mirror those described in the Home Rule Act, almost identically; and

WHEREAS, nevertheless, pursuant to Section 2-501(a) of the Charter, the City Council may adopt procedures governing the petition and referendum process in addition to those currently in City Code Sec. 66-37; and

WHEREAS, however, in accordance with the Georgia Constitution's Uniformity Clause, the City is preempted from adopting any procedures governing the referendum process which conflict with the procedures prescribed by the Home Rule Act; and

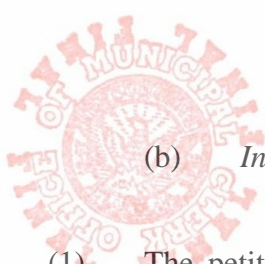
WHEREAS, it is the desire of the Atlanta City Council to amend Chapter 66, Article II of the City of Atlanta Code of Ordinances to adopt procedures governing the petition and referendum process, in addition to those currently in City Code Sec. 66-37, and which do not conflict with the procedures prescribed by the Home Rule Act.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HERBY ORDAINS, as follows:

SECTION 1: That Chapter 66 (Elections), Article II (Initiative, Referendum and Recall) of the City of Atlanta Code of Ordinances shall be amended to add a new Section 66-39 which shall read as follows:

Sec. 66-39. - Petition review process.

- (a) This section shall apply to the review of petitions submitted pursuant to sections 66-36 and 66-37 of this article.



(b) *Intake, delivery, receipt by clerk.*

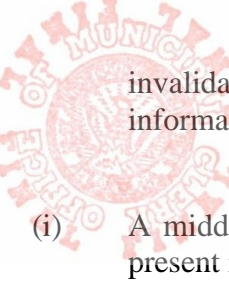
- (1) The petition sponsors shall give the municipal clerk at least 24 hours-notice before submitting the petition to provide for sufficient time for the municipal clerk to take action to prepare for receipt in accordance with this section.
- (2) The petition shall be delivered to the municipal clerk in boxes and each box must be numbered and include an attestation from the petition sponsor(s) of the number of pages included in that box.
- (3) Upon acceptance of the boxes, the municipal clerk shall verify the number of boxes and provide the petition sponsor(s) with an acknowledgement of receipt. The municipal clerk shall seal the boxes in view of the petition sponsor(s) present, and take the boxes to a secure vault in the municipal clerk's office, where they will be kept secure prior to scanning in accordance with this section.

(c) *Scanning and processing.*

- (1) Once received, the boxes will be individually opened, and their contents scanned to create an electronic image of every page. The municipal clerk will create individual designations for each page in each box, such that every page that is turned in will have a unique designation.
- (2) The municipal clerk will provide the petition sponsors with a copy of those electronic images within 3 business days after the petition is submitted. As soon as practicable thereafter, the municipal clerk shall create and shall publish online a searchable database of all the names on the petition. Once scanned, the originals will be returned to the secure vault.

(d) *Review and Verification.*

- (1) *Total number of signature lines.* Initially, the municipal clerk will count the number of total signature lines submitted to determine whether the petition contains at least the minimum number of signatures required for validation.
- (2) *Signature line verification.* If the petition contains at least the minimum number of signatures required for validation, each signature line will be reviewed to determine whether the name and other information present corresponds to a qualified Atlanta voter; and, if so, whether the signature is genuine. Voter information and signatures will be validated using an official state voter registration database.
- (A) The first stage of the verification shall be a determination of whether the information provided corresponds to that of an identifiable qualified elector, as defined in the Georgia Home rule Act provisions applicable to the petition and referendum process, currently at OCGA Sec. 36-35-3, or as it shall be amended. The name and other information present need not be an exact match so long as the information provided shall be sufficient to confirm the identity of the voter. Discrepancies that shall not



invalidate a signature line, so long as the voter can otherwise be identified from the available information include but shall not be limited to where:

- (i) A middle initial or middle name is present on the entry but not in the voter registration database, or present in the voter registration database but not on the entry;
  - (ii) A name suffix is present on the entry but not in the voter registration database, or present in the voter registration database but not on the entry;
  - (iii) The address on the entry is missing an apartment letter or number or a street direction, or the address entry contains an apartment letter or number or a street direction that is missing in the voter registration database record; or
    - (iv) The printed name is illegible, but the signature can be read.
- (B) During the second stage of the review, signatures shall be reviewed to eliminate obvious fraud, and every reasonable effort will be made to validate a signature. During signature review:
- (i) OCR (Optical Character Recognition) shall not be utilized for signature comparison.
  - (ii) Exact matches shall not be required. Signatures sharing similar characteristics shall be sufficient to determine that a signature is valid.
  - (iii) If a person reviewing signature lines finds that a signature differs significantly and obviously from the voter's record, the signature will be submitted to a second person reviewing signature lines, and the signature will be rejected only if the second reviewer also concludes that the signature differs in significant and obvious ways from the voter file. If the second reviewer determines the signatures are sufficiently similar, it will be accepted.
- (C) Explanations for discrepancies in signatures shall include but shall not be limited to:
- (i) Evidence of trembling or shaking in a signature could be health-related or the result of aging;
    - (ii) Where the voter's signature style may have changed over time;
    - (iii) Where the signature may have been written in haste; or
  - (iv) Where the surface of the location where the signature was made may have been hard, soft, uneven, or unstable.
- (e) *Curing rejected signatures.* The initial review shall be completed and all curative notices shall be mailed by the 40th day of the review process, in order to give individuals time to cure rejected signatures lines.
- (1) If a signature is rejected as not genuine, within three business days the municipal clerk will mail a notice and curative attestation to the individual at the address listed on the petition. If a telephone number is listed, the individual will also be called.
  - (2) The individual may cure the signature rejection by demonstrating, by affidavit or by personal appearance, that they are the individual listed and who signed the petition.

(3) The municipal clerk will accept such information by mail, electronically, or in person.

(4) Individuals shall have up to the 40th day of the review process, or 7 days from the mailing of the curative notice, whichever is longer, to submit evidence of their identity and eligibility in accordance with this section, in order to cure a rejected signature line.

(f) *Transparency.* Any petitions submitted to the municipal clerk in accordance with this section are public records, and electronic copies thereof shall be subject to redaction and production in accordance with the Georgia Open Records Act. At the end of each week during the review and verification process, the municipal clerk shall publish a line-by-line update on the results each petition page review, including the reasons for disqualification of any line. The municipal clerk will also publish a list of all Atlanta voters who are qualified electors under the applicable provisions of the Georgia Home Rule Act, so as to provide an opportunity for anyone who discovers that their signature has not been counted to contest their status through the presentation of evidence that they were in fact Atlanta electors at the relevant times and that they signed the petition during its circulation period.

**SECTION 2:** That the amendments reflected in this ordinance shall become effective immediately upon approval, except that no provision of this ordinance shall be applicable retroactively to any review or verification process which shall have commenced under City Code Section 66-36 or City Code Section 66-37 prior to the approval of this ordinance.

**SECTION 3:** All ordinances or parts thereof in conflict with this ordinance are hereby waived only to the extent of the conflict.

**SECTION 4:** That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 66, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,



Corrine A. Lindo

Municipal Clerk

**ADOPTED** as amended by the Atlanta City Council

**FEB 05, 2024**

**APPROVED** per City Charter Section 2-403

**FEB 14, 2024**