



BOC Chair

Lisa Cupid, Chairwoman

Districts All

Cobb County...Expect the Best!

TO: Dr. Jackie R. McMorris, County Manager

FROM: Lisa Cupid, Chairwoman

DATE: August 27, 2024

PURPOSE

To acknowledge a finding in Cobb County Superior Court Civil Action File Number 24-10-2123, Order on Petition for Appeal and Judicial Review, dated July 25, 2024, that the Home Rule map was outside of the authority granted to the Board; adopt the map set out in Act 562 for all county purposes; and approve notice to the sitting District 2 Commissioner that the office is deemed vacant.

BACKGROUND

On March 22, 2024, Alicia Adams (“Adams”) brought suit against the Cobb County Board of Elections and Registration (“BOER”), its members, and Mindy Seger in Cobb County Superior Court after the BOER determined Adams was not qualified to run for Post 2 because she did not meet the residency requirements for that position under the Home Rule map. Cobb County was not a party to this suit. Following hearings on April 11, 2024 and June 20, 2024, the Court reversed the qualification decision of the BOER on July 25, 2024. To reach that decision, the Court made a finding that the Home Rule map was outside of the authority granted to this Board. In a companion case, Civil Action File Number 24-10-2122, the Court ordered BOER to cease using the Home Rule map for future elections and qualification purposes. To avoid ongoing confusion, the Board adopts the map set out in Act 562 for all county purposes.

Cobb’s enabling legislation states that “[a] person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person’s term of office or that office shall become vacant.” Part II, Section 2-23(b), Official Code of Cobb County, Georgia. Additionally, O.C.G.A. § 45-5-1(a)(5) provides that an office in this state is vacated “[b]y the incumbent ceasing to be a resident of the state or of the county, circuit, or district for which he or she was elected...” Following this Board’s adoption of the Act 562 map, the sitting district 2 commissioner will no longer reside in her district. The Board shall provide notice of at least ten days before proceeding to fill the vacancy. O.C.G.A. § 45-5-1(b).

IMPACT STATEMENT

N/A

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners acknowledges a finding in Cobb County Superior Court Civil Action File Number 24-10-2123, Order on Petition for Appeal and Judicial Review, dated July 25, 2024, that the Home Rule map was outside of the authority granted to the Board; adopts the maps set out in Act 562 for all county purposes; approves notice to the sitting District 2 Commissioner that the office is deemed vacant; and authorizes the Chairwoman to execute notice pursuant to O.C.G.A. § 45-5-1 and any other necessary documents for said purpose.

ATTACHMENTS

None