

Legality of April 18 Johns Creek Election Call Challenged

ATLANTA GA – On February 27, Johns Creek Mayor Mike Bodker [submitted a resolution](#) to hold a special election for filling the Post 4 position vacated by Councilman Bob Gray who decided to run for the 6th District Congressional seat. [Resolution 2017-02-06](#) provided a qualifying period of March 6th-8th and called for the election to be **combined** with the April 18th 6th District Congressional Special Election. It was passed by the City Council based on a motion from Councilman Steve Broadbent and a second from Councilwoman Stephanie Endres. However, there was a problem. The resolution did **not** comply with federal or state law.

The resolution explained how its legality hinged on passage of [HB42](#) that was signed by Gov. Deal on Feb. 23 as Act 7 of 2017. Previous Georgia law stipulated that Special Elections for counties and municipalities can only be held in March, June, September or November. HB42 modified Georgia law O.C.G.A. § 21-2-540(c)(1) to allow local Special Elections to be combined with federal Special Elections *“provided all other provisions of law regarding such elections are met”*

A VoterGA [letter](#) to the mayor and council on behalf of its Johns Creek members explained how the resolution failed to comply. Federal elections require military ballots to be finalized and transmitted **45 days** in advance according to the Military Overseas Voting Empowerment Act. [52 USC § 20302 \(a\) \(8\)](#) Ballots for an **April 18th** combined election must have been completed and transmitted nearly a week before the Johns Creek qualifying concluded on **March 8th**. Johns Creek candidates were not known in time to combine the elections on one ballot. So **the resolution could not comply with federal MOVE laws or new state law for combining elections.**

The letter further explains to make the **election** lawful, Kennesaw State University created separate ballots for the elections and Fulton County was forced to conduct redundant elections on the same night. Johns Creek voters signed in twice and voted with two memory cards on separate machines. A similar situation occurred when the 6th District election was scheduled and ballots needed before Roswell Runoff candidates could be known. Fulton’s was forced to **triplicate election procedures** on April 18th leading to [reporting problems](#) and resurgence of national criticism that Georgia has received since [it installed unverifiable voting in 2002](#).

The VoterGA letter **challenged the resolution but not the election**. It proposed to adjust Georgia law with a 60 day advance requirement for candidate qualification prior to the election date so that localities always comply with federal MOVE laws.