



AGENDA REPORT

MEETING DATE:	October 5, 2026	Regular
DEPARTMENT:	City Manager	Stacey Inglis
SECTION OF AGENDA:	First Presentation	October 5, 2026
	Unfinished Business	October 19, 2026
AGENDA ITEM TITLE:	Consideration of an Ordinance to Amend Chapter 16 of the Milton Code of Ordinances (Elections) to Make Certain Clerical, Technical, and Nonsubstantive Corrections; to Clarify Existing Provisions; and For Other Purposes	
STATEMENT OF PURPOSE:	To obtain City Council approval of limited housekeeping amendments to Chapter 16 of the Milton Code of Ordinances relating to municipal elections.	
FINANCIAL IMPACT:	No financial impact is anticipated.	
RECOMMENDED ACTION:	Approve the ordinance amending Chapter 16 of the Milton Code of Ordinances.	

EXECUTIVE SUMMARY:

The proposed ordinance makes clerical, technical, and clarifying corrections to Chapter 16 of the Milton Code of Ordinances, which governs municipal elections. The revisions address outdated references, internal inconsistencies, and wording that should be clarified to more accurately reflect applicable state law and the City's existing election-administration practices. The amendments are intended as housekeeping revisions only. They do not establish new municipal election policy, alter substantive rights or obligations, or materially change the manner in which the City administers municipal elections.

PURPOSE/BACKGROUND:

During a review of Chapter 16, staff and the City Attorney's Office identified provisions that could be updated for accuracy, readability, and internal consistency. The proposed revisions clarify references to the Georgia Election Code, Fulton County's role in conducting municipal elections, and the respective administrative responsibilities of the county election superintendent and the City Clerk. The revisions also clean up terminology and cross-references relating to election administration. These edits are not intended to change existing City policy or election procedures.

STAFF ANALYSIS:

Staff reviewed the proposed changes with the City Attorney's Office. The review was prompted by language in Section 16-5 concerning the City's coordination of municipal elections with the Fulton County Board of Elections and Registration. As currently written, Section 16-5 combines the City Council's authority to allow Fulton County to conduct municipal elections with the separate agreement needed to implement that arrangement. This wording created uncertainty as to whether the implementing intergovernmental agreement itself was required to be adopted by ordinance. The revisions clarify that Chapter 16 provides the legislative authorization for the City to contract with Fulton County for election services, while a separate intergovernmental agreement establishes the



specific terms of those services and may be approved by resolution or Council motion.

Related edits update terminology, references, and internal provisions so the chapter more accurately reflects the Georgia Election Code and the existing responsibilities of Fulton County and the City Clerk. These changes resolve the ambiguity identified in Section 16-5 and improve the overall clarity and consistency of Chapter 16. They are clerical, technical, and clarifying in nature and are not intended to establish new policy, alter substantive rights or obligations, or materially change the manner in which the City administers municipal elections.

FINANCIAL IMPACT:

No financial impact is anticipated from adoption of the ordinance.

ALTERNATIVES CONSIDERED:

The City Council could retain the existing language. Staff does not recommend this alternative because the proposed amendments correct outdated references and internal inconsistencies and provide clearer language without making a substantive policy change.

LEGAL AND REGULATORY CONSIDERATIONS:

The proposed ordinance and accompanying revisions to Chapter 16 were prepared by the City Attorney's Office. The amendments update outdated references to state law, address internal inconsistencies, and clarify existing provisions so that Chapter 16 more accurately reflects Georgia's Election Code, Title 21 of the Official Code of Georgia Annotated, and the City's existing election-administration practices. The amendments are clerical, technical, clarifying, and nonsubstantive.

OPERATIONAL IMPACT

No material operational impact is anticipated. The revisions are intended to more clearly document existing election-administration responsibilities and practices.

COMMUNITY/STAKEHOLDER IMPACT:

The proposed amendments improve the clarity and accuracy of the City Code for candidates, voters, election officials, and the public. They do not change voter eligibility, candidate rights or obligations, or the City's substantive election policies.

STRATEGIC ALIGNMENT:

The amendments support transparent, accurate, and effective local government by keeping the City Code current, internally consistent, and aligned with applicable law and existing administrative practices.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance amending Chapter 16 of the Milton Code of Ordinances to make clerical, technical, and clarifying corrections.

REVIEWS & APPROVALS:

Financial Review: N/A

Legal Review: Karen Pachuta, 8/24/26

Concurrent Review: Steven Krokoff

ATTACHMENTS:

Ordinance Amending Chapter 16 (Elections), including Exhibit A - Redlined Chapter 16 Revisions

**AN ORDINANCE TO AMEND CHAPTER 16 OF THE MILTON CODE OF
ORDINANCES (ELECTIONS) TO MAKE CERTAIN CLERICAL, TECHNICAL, AND
NONSUBSTANTIVE CORRECTIONS; TO CLARIFY EXISTING PROVISIONS; AND
FOR OTHER PURPOSES**

WHEREAS, Chapter 16 of the Code of the City of Milton, Georgia, establishes requirements for the administration and conduct of municipal elections as reflected and permitted in Georgia's Election Code, Title 21 of the Official Code of Georgia Annotated; and

WHEREAS, a review of Chapter 16 identified certain outdated references to state law, internal inconsistencies, and sections in need of clarification so that the chapter more accurately reflects Georgia's Election Code and the City's existing election-administration practices; and

WHEREAS, the proposed amendments consist of clerical, technical, and clarifying revisions intended to improve the accuracy, readability, and internal consistency of Chapter 16; and

WHEREAS, these amendments are not intended to establish new municipal election policy, alter substantive rights or obligations, or materially change the manner in which the City administers municipal elections; and

WHEREAS, the City Council finds that adoption of these housekeeping amendments is in the best interest of the City;

NOW THEREFORE, THE COUNCIL OF THE CITY OF MILTON HEREBY ORDAINS as follows:

SECTION 1. Chapter 16 of the Code of the City of Milton, Georgia, is hereby amended for clerical, technical, and clarifying purposes as shown by the redlined edits in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed to the extent of such conflict.

SECTION 3. This Ordinance shall become effective upon its adoption.

ORDAINED this the ____ day of _____, 2026.

Peyton Jamison, Mayor

Attest:

Tammy Lowit, City Clerk

Exhibit A

Amendments to Chapter 16 (Elections)

ARTICLE I. IN GENERAL

Sec. 16-1. Compliance with state law required.

All elections and challenges thereto shall be in compliance with the Georgia Election Code codified at O.C.G.A. § 21-2-1 et seq.

(Ord. No. 06-11-09, § 1(ch. 3, art. 1, § 1), 11-21-2006)

Sec. 16-2. General elections held on first Tuesday in November.

In accordance with article II, government structure, elections, and removal, section 2.11, elections, of the Charter, general municipal elections shall be held on the Tuesday next following the first Monday in November in odd-numbered years-

(Ord. No. 06-11-09, § 1(ch. 3, art. 1, § 2), 11-21-2006)

State law reference(s)—Elections and primaries generally, O.C.G.A. § 21-2-1 et seq.; November election, O.C.G.A. § 21-2-9.

Sec. 16-3. Special elections governed by Charter.

Special elections shall be held as needed according to the city Charter, article II, government structure, elections, and removal, section 2.11, elections, section 2.12, vacancies, and O.C.G.A. title 21.

(Ord. No. 06-11-09, § 1(ch. 3, art. 1, § 3), 11-21-2006)

Sec. 16-4. Appointment of superintendents.

The council shall appoint and provide for the municipal superintendent in accordance with O.C.G.A. § 21-2-70.1. Such appointment shall be made in a public meeting and recorded in the official minutes. If no appointment is made by the council, the city clerk shall serve as municipal superintendent.

(Ord. No. 06-11-09, § 1(ch. 3, art. 1, § 4), 11-21-2006; Ord. No. 23-02-529, § 1, 2-22-2023)

Sec. 16-5. Conducting elections.

- (a) The city shall coordinate, to the extent necessary, all elections with the county election superintendent, the Fulton County Board of Registration and Elections and Registration. Under the provisions of Georgia Municipal Election Code, particularly Pursuant to O.C.G.A. § 21-2-45(c), the city may by ordinance is authorized to contract or otherwise decide by agreement with the Fulton County Board of Elections and Registration county election superintendent for that board to coordinate and conduct all elections in the city.
- (b) In situations where the city has contracted and authorized the county election superintendent to conduct such an election, the Fulton County Board of Registration and Elections county election superintendent shall operate as the "municipal superintendent" of the election and shall perform any and all functions of the city or any of its officials in connection with the conduct of such election or runoff thereof, except as hereinafter

~~provided that all decisions concerning the qualifications of municipal candidates shall be determined by the city clerk in accordance with the provisions of the Georgia Election Code and the City Charter.~~

- (c) All other terms of the contract for conducting the election shall be governed by the contract entered into between the city and the Fulton County Board of Registration and Elections. Such terms ~~to shall~~ include, but not be limited to:
- (1) Payment of the election costs; and
 - (2) The county's financial liability for any litigation arising by reason of the election, if any.
- (d) ~~All decisions concerning the qualifications of the candidates shall be determined by the city clerk in accordance with the provisions of the Municipal Election Code and the City Code.~~

(Ord. No. 06-11-09, § 1(ch. 3, art. 1, § 5), 11-21-2006; Ord. No. 09-06-42, §§ 1—5, 6-1-2009)

Secs. 16-6—16-24. Reserved.

ARTICLE II. CANDIDATE QUALIFICATIONS¹

Sec. 16-25. Requirements.

Candidates for mayor and city council shall meet the requirements as outlined in the city Charter, article II, government structure, election, and removal, section 2.10, city council creation, section 2.11, elections, and the Georgia Election Code.

(Ord. No. 06-11-09, § 1(ch. 3, art. 2, § 1), 11-21-2006)

Sec. 16-26. Filing notice.

- (a) *Governed by city and state law.* Filing of the notice of candidacy for municipal office shall be conducted in accordance with O.C.G.A. § 21-2-132, and the city's Charter, article II, government structure, election, and removal, section 2.11, elections.
- (b) *Qualifying period.* The qualifying period for general elections shall commence not earlier than 8:30 a.m. on ~~that the~~ date that is set forth at O.C.G.A. § 21-2-132(c)(3)(A), as may be amended from time to time, and shall end no later than the following Friday at 4:30 p.m. In special elections, the qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election.

(Ord. No. 06-11-09, § 1(ch. 3, art. 2, § 2), 11-21-2006; Ord. No. 23-03-530, 3-6-2023)

Sec. 16-27. Fees.

- (a) In any year in which a general election shall be held, the council shall, no later than February 1, fix and publish a qualifying fee for each municipal office to be filled in the election. For a special election, council shall fix and publish a qualifying fee at least 25 days before the election. Except as provided in subsection (b)

¹State law reference(s)—Selection and qualification of candidates, O.C.G.A. § 21-2-130; subversive persons not to be nominated or elected, O.C.G.A. § 21-2-7; persons convicted of certain crimes not to be eligible for nomination or election to public office or to serve as primary or election official, O.C.G.A. § 21-2-8.

of this section, each candidate shall pay a fee of three percent of the total gross salary of the office ~~sought~~
paid in the preceding calendar year. Such fee shall be deposited into the city treasury.

(b) A pauper's affidavit may be filed in lieu of the qualifying fee in accordance with O.C.G.A. § 21-2-132.

(Ord. No. 06-11-09, § 1(ch. 3, art. 2, § 3), 11-21-2006)

Sec. 16-28. Withdrawal.

Any candidate may withdraw his or her name as a candidate ~~prior to October 15 of the election year by filing a notarized affidavit of withdrawal with the city clerk. If the city has contracted with the county election superintendent to conduct elections, the city clerk shall transmit notice of candidate withdrawal to the county election superintendent within one business day of receipt.~~ No refund will be made to any candidate for the fee remitted to qualify for office. ~~If ballots have been printed, the election superintendent may opt to reprint ballots to omit the name of the withdrawn candidate. Any votes cast for a withdrawn candidate shall be void and shall not be counted.~~

(Ord. No. 06-11-09, § 1(ch. 3, art. 2, § 4), 11-21-2006)

Secs. 16-29—16-47. Reserved.

ARTICLE III. VOTING

DIVISION 1. GENERALLY

Sec. 16-48. Voter eligibility.

~~In accordance with O.C.G.A. § 21-2-227, the city council shall provide by contract for the use of the county voter registration list may request a list of electors qualified to vote in the city election from the county registrar.~~

To be eligible to vote in any municipal primary or election, ~~in accordance with O.C.G.A. § 21-2-227,~~ a person must be:

- (1) A resident of the city; and
- (2) Registered as an elector ~~with the county~~ within Fulton County on the list of registered electors as maintained by the Secretary of State.

(Ord. No. 06-11-09, § 1(ch. 3, art. 3, § 1), 11-21-2006)

State law reference(s)—Registration of voters, O.C.G.A. § 21-2-210 et seq.

Sec. 16-49. Absentee ~~ballots~~Voting.

~~Voting by absentee ballots~~ Absentee voting in a method consistent with ~~state law~~ the Georgia Election Code shall be permitted in municipal elections, ~~in accordance with O.C.G.A. § 21-2-380.~~

(Ord. No. 06-11-09, § 1(ch. 3, art. 3, § 3), 11-21-2006)

Secs. 16-50—16-78. Reserved.

PART II - CODE OF ORDINANCES
Chapter 16 - ELECTIONS
ARTICLE III. - VOTING
DIVISION 2. RECORDS

DIVISION 2. RECORDS

Sec. 16-79. Availability.

~~Voting records and documents~~Election records shall ~~be made available be open to the public~~ to the extent required by O.C.G.A. § 21-2-72 ~~and the Georgia Open Records Act, - O.C.G.A. § 50-18-70, et seq., unless such record is exempt by state or federal law.~~

(Ord. No. 06-11-09, § 1(ch. 3, art. 4), 11-21-2006)

Sec. 16-80. Maintenance.

The maintenance of voting records and documents shall be kept in compliance with O.C.G.A. § 21-2-73 ~~and O.C.G.A. § 21-2-500.~~

(Ord. No. 06-11-09, § 1(ch. 3, art. 4), 11-21-2006)