

Waldon, Vanessa

From: Waldon, Vanessa
Sent: Wednesday, June 21, 2023 12:51 PM
To: Wingo Smith
Cc: aoredeko@naacpldf.org; mariahparkerphd@gmail.com
Subject: RE: Referendum Petition
Attachments: 2023-06-20 Revised Referendum Petition.pdf

Good Afternoon,

We have reviewed the revised version of the petition you submitted via email at 4:32 on Tuesday, June 20, 2023 a copy of which is attached hereto. Without comment on or agreement with the various characterizations and allegations in your email, the revised petition now sufficiently reflects applicable legal requirements that I may approve it as to form. As previously stated, this approval as to form does not reflect any judgment or agreement by anyone at the City as to the lawfulness or substantive validity of the petition itself.

Per state law and the City's Code of Ordinances, my office will now prepare official copies of the petition to be used by your client. For your convenience the official copies shall be provided to you in electronic form, though our office will also provide you with hard copies upon your request. We estimate that we will provide those copies to you by no later than 2:00 pm tomorrow, June 22, 2023.

Thank you and stay safe,



A. Vanessa Waldon

Interim Municipal Clerk
Atlanta City Council | Office of Municipal Clerk
55 Trinity Avenue, Suite 2700 | Atlanta, GA 30303
(404) 330-6771 office | (404) 719-7409 cell | (404) 546-9658 fax
vawaldon@atlantaga.gov

STATEMENT OF CONFIDENTIALITY: The information contained in this electronic message and any attachments are intended for the exclusive use of the addressee(s) and may be confidential or privileged. If you are not the intended recipient, you do not have permission to read, print, copy or distribute this message or any attachments. If you have received this communication in error, please notify the sender by return e-mail or contact the sender if a phone number was provided and permanently delete this message and any attachments from your system.

From: Wingo Smith <wingo@civil-rights.law>
Sent: Tuesday, June 20, 2023 4:32 PM
To: Waldon, Vanessa <VAWaldon@AtlantaGa.Gov>
Cc: aoredeko@naacpldf.org; mariahparkerphd@gmail.com
Subject: [EXTERNAL] Re: Referendum Petition

Good afternoon, Ms. Waldon.

Thank you for your email this morning. We have reviewed your response and are disappointed by your unwillingness to approve the petition for reasons that transcend form. Your responses include requirements not found in our state's law or the city's ordinance and ultimately shirk your responsibility to reduce the petition to its final form. Nevertheless, in an effort to resolve these issues in good faith, we have decided to provide you with a revised referendum petition that addresses your newfound concerns.

Your email first states that the petition affirmatively misstates the legal authority. While we disagree, we have reformatted the citation as "City of Atlanta Charter § 2-501, City of Atlanta Code of Ordinances § 66-37, and O.C.G.A. § 36-35-3(b)." Please confirm that these meet your approval. If not, please format the citations in the style you consider appropriate.

Second, you asked that the petition include information informing signers that they must have been an elector of the City registered to vote in the City's last general municipal election. We see no requirement in the law that this information be included on the petition. Please cite your legal authority for adding it. Regardless, although you are responsible for reducing the petition to form, we have included the requested information in the attached.

Third, you request that a place to provide birthdates be added to the referendum petition. That requirement does not exist in either the city ordinance, Sec. 66-37, or its enabling statute, O.C.G.A. § 36-35-3(b). The only law we have encountered that references a similar request is O.C.G.A. § 21-2-170(c), which governs petitions for candidacy. Under O.C.G.A. § 21-2-170(c), electors are "urged" to provide their date of birth; however, it is not a requirement. If there is another statute that specifically addresses this issue and is the basis for your denial, please cite and provide the legal authority.

While it is our position that you have exceeded any authority given you in this process by mandating information be added that is not within the information required by law, as a courtesy to City Council, we have included an optional space for signers to write their date of birth on the form. But at no point does the Cop City Vote coalition waive its objections to future challenges based on the failure to provide this information or incorrectly complete this information because, by law, it is not required to be collected.

Should you have any questions or concerns, please call me at (404) 407-5418.

Sincerely yours,
Wingo Smith

Wingo F. Smith (he/him)
SPEARS & FILIPOVITS, LLC
Tel. (404) 407-5418
Fax (404) 880-3461
wingo@civil-rights.law

315 W. Ponce de Leon Ave., Ste. 865
Decatur, GA 30030

Schedule our next meeting or consultation at <https://calendly.com/wingo-smith>.

From: Waldon, Vanessa <VAWaldon@AtlantaGa.Gov>

Date: Tuesday, June 20, 2023 at 10:50 AM

PETITION TO REPEAL CITY OF ATLANTA ORDINANCE 21-O-0367

WHEREAS, the Atlanta City Council adopted an ordinance authorizing the City to enter into an agreement leasing 381 acres of forest land to the Atlanta Police Foundation for the construction of a \$90 million police training facility;

WHEREAS, the registered electors signing this petition desire to compel the City Council to submit to the qualified voters of the City of Atlanta at the next regularly scheduled election the repeal of the ordinance authorizing the ground lease of land to the Atlanta Police Foundation for approval or rejection in accordance with City of Atlanta Charter § 2-501, City of Atlanta Code of Ordinances § 66-37, and O.C.G.A. § 36-35-3(b);

NOW, THEREFORE, the undersigned electors hereby petition the City Council to submit the following question concerning the repeal of the ordinance authorizing the ground lease of land to the Atlanta Police Foundation to an election of the qualified voters of the City of Atlanta for approval or rejection:

“Shall the City of Atlanta Ordinance 21-O-0367 authorizing the ground lease of 381 acres of forested land to the Atlanta Police Foundation for the construction of a \$90 million police training facility be repealed.”

IN WITNESS WHEREOF, the undersigned swears that on ____ day of _____ 2023, I, a registered elector in the City of Atlanta, Georgia, have collected these signatures for this Petition within the City of Atlanta:

Signature: _____ Printed Name: _____ Phone: _____
 Address: _____

IN WITNESS WHEREOF, the undersigned, Atlanta residents and registered voters in the last general municipal election of the City of Atlanta, Georgia, swear that they have signed this Petition within the City of Atlanta:

Signature	Printed Name	Date	Address	Telephone	Birth Date (optional)