

Bond Case Briefs

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Harris v. City of South Fulton

Court of Appeals of Georgia - March 8, 2021 - S.E.2d - 2021 WL 854888

Petitioners brought action for declaratory and injunctive relief, alleging their neighborhood was not included in the incorporation of city.

The trial court denied the petition, and petitioners appealed.

The Court of Appeals held that:

- Trial court did not retroactively redraw newly incorporated city's boundaries by including petitioner's neighborhood, and
- Trial court did not abuse its discretion by denying resident petitioners' voting rights and equal protection claims.

Trial court did not retroactively redraw newly incorporated city's boundaries by including petitioner's neighborhood, even though neighborhood had allegedly been annexed by another city, where the neighborhood was incorporated into the newly incorporated city before referendum, was included in the referendum vote, and could only have left the city if the referendum had failed.

District court did not abuse its discretion by denying resident petitioners' voting rights and equal protection claims, even assuming their rights were violated because they could not vote on referendum to incorporate city; the result of the election could only be contested when the challenge involved votes of a sufficient number to make a difference or cast doubt on the outcome, and even assuming that all of the 404 registered voters who were unable to cast ballots had voted against the referendum, the referendum would have still passed where it was carried by over 7,000 votes.