IN THE SUPREME COURT OF GEORGIA

CASE NO. S24A1273
(Superior Court Case No. 23103734)

DEIDRE WHITE, et al.,

Appellants,

v.

CITY OF MABLETON,

Appellee.

BRIEF OF APPELLEE

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I. INTRODUCTION

The Georgia Constitution allows the General Assembly to provide for the self-government of municipalities by delegating its power to the municipality. Ga. Const. of 1983, Art. IX, Sec. II, Par. II. The Georgia Constitution also allows the General Assembly to provide for the creation of one or more community improvement districts ("CIDs") by any county or municipality. Ga. Const. of 1983, Art. IX, Sec. VII, Par. I. In 2022, the General Assembly passed House Bill 839 ("the Charter"), and thereby incorporated the City of Mableton. Among the powers vested with the city, the Charter empowered Mableton with the power and authority to create CIDs if, and only if, the city chooses to meet specific statutory criteria. This was a valid exercise of the General Assembly's constitutional power in shaping and forming the City of Mableton.

Appellants are residents of Cobb County seeking to invalidate the Charter's creation and incorporation of Mableton as a new city. They attempt to do so by attacking the provision of the Charter addressing the creation of CIDs, alleging that a CID is a body politic separate from the city itself, and that this separation requires the creation of any CID to be addressed in separate legislation, voted on in a separate referendum, and otherwise handled outside of the Charter. They improperly challenge the Charter as an unconstitutional exercise of legislative power, in violation of the "Single Subject Rule" because, in their minds, it attempts to create two entities in one

bill. They additionally claim that the referendum creating Mableton is unlawful under *Rea v. City of LaFayette*, 130 Ga. 771 (61 SE 707) (1908).

Appellants sought below to establish a new, bright-line rule in the trial court. Any bill that creates more than one unit of government, they argue, is a violation of Georgia's Single Subject Rule. R. 138. This Court's precedent, including cases cited by the Appellants, clearly establishes a different, more straightforward test. Rather than the "multiple unit" test proposed by the Appellants, the standard set by the single-subject rule requires courts to determine whether all of the parts of a piece of legislation are "germane to the accomplishment of a single objective." *Fulton County v. City of Atlanta*, 305 Ga. 342, 346 (2) (825 SE2d 142) (2019) (citation and punctuation omitted). Thus, the relevant question is not how many units of government are affected by a legislative act, but whether all of the legislative act's provisions comprise a "subject matter"; whether they are all germane to the legislative act's overall objective.

The trial court properly identified this test, applied it in Mableton's case, and appropriately ruled in Mableton's favor, finding that CIDs are germane to the creation of a city, and therefore the Charter was constitutional. R. 263–67. In turn, the trial court correctly found that CIDs and cities are "not two separate and distinct propositions that would invoke *Rea*'s rule, let alone

violate it." R. 267 (punctuation omitted). This Court should affirm the trial court's ruling.

II. STATEMENT OF THE CASE

The basic facts of this case are not in dispute. The Charter is a bill that incorporated the City of Mableton and gave Mableton the duties and powers typically associated with a city. R. 177. The Charter was signed by the Governor on May 9, 2022, and later approved by referendum in the November 2022 general election by eligible voters of Cobb County. The City of Mableton has been fully operational since the Charter's effective date, January 1, 2023. *See* R. 226 (Charter, lines 1145–1151).

On May 15, 2023, Appellants filed a complaint seeking to have the Charter declared unconstitutional and eliminate the legislative foundation for the city's existence. R. 3–94. Mableton waived service on July 10, 2023. R. 98–99. On September 8, 2023, Mableton filed its answer and defenses (R. 121–127), motion to dismiss (R. 102–104), and brief in support of its motion to dismiss (R. 105–120). Appellants filed their brief in response to Mableton's motion to dismiss on October 20, 2023.[1] R. 132–151. Mableton filed a reply and brief in support on November 20, 2023. R. 152–162.

[1] Appellants sought an extension to file its response on October 3, 2023. R. 128–129. On October 5, 2023, the trial court granted an extension to file a response until October 20, 2023.

The trial court held a hearing on Mableton's motion to dismiss on March 6, 2024. T. 1. The trial court granted Mableton's motion to dismiss on April 19, 2024. R. 261–269. Appellants filed a notice of appeal on May 10, 2024. R. 1–2. Appellants filed their brief in this Court on August 12, 2024 (Appellants' Brief at 31), and Mableton now submits this Appellee's Brief in response.[2]

III. STATEMENT OF JURISDICTION

The Supreme Court of Georgia has jurisdiction to hear this appeal by its exclusive appellate jurisdiction over constitutional questions pursuant to Article VI, Section VI, Paragraph II of the Georgia Constitution of 1983.

IV. SUMMARY OF ARGUMENT

The trial court correctly dismissed Appellants' challenge to the Charter because the Charter does not violate Georgia's Single Subject Rule. Under this Court's Single Subject Rule precedent, the test for a Single Subject Rule violation is to determine whether a legislative provision is germane to the legislative act's overall objective. *See Fulton County*, 305 Ga. at 346 (2). The CID provision here is germane to the Charter's overall objective and is a constitutional exercise of the General Assembly's power to delegate and vest powers to a municipal unit. Nevertheless, Appellants seek to create a bright-

[2] Mableton sought an extension of time to file its Appellee's Brief, which this Court granted. A copy of the order granting this extension of time is attached hereto as Exhibit A.

line rule overturning any statute that touches on more than one unit of government. This proposed rule is unsupported by Georgia's Constitution or this Court's precedent and would lead to absurd results. Under the applicable "germaneness" standard, the Charter easily passes constitutional muster.

Further, the trial court did not err when it dismissed Appellants' challenge to the ballot referendum question associated with the Charter. For the same reasons that the Charter is not unconstitutional, the ballot question was not defective. The legal rule in *Rea*, 130 Ga. 771, was never invoked, let alone violated. Therefore, the trial court did not err when it dismissed Appellants' challenge to the ballot referendum question. Accordingly, this Court should affirm the trial court's ruling in its entirety.

V. ARGUMENT

This Court should affirm the trial court's ruling because the Charter is constitutional as a matter of law. Appellants claim that the trial court erred for two main reasons. First, they allege that the Charter violates the Single Subject Rule by creating the City of Mableton and a CID in the same act. Appellants' Brief at 14–27. In so arguing, Appellants urge this Court to create a new bright-line rule and hold that the "creation of two independent units of local government" is per se a violation of the Single Subject Rule. Appellants' Brief at 19–27. Second, they allege that the ballot question used in the referendum approving the Charter puts two distinct subjects to a single vote,

without the opportunity for voters to vote for either subject separately. Appellants' Brief at 27–31. As demonstrated herein, these claims must fail, and this Court should affirm the trial court's dismissal of the case.

A. The trial court correctly dismissed Appellants' challenge to the Charter.

Mableton does not dispute the fact that the Charter seeks to create the City of Mableton as well as at least one CID within the boundaries of the city. Nor does Mableton dispute that the text of the ballot question adopting the Charter references the creation of CIDs in addition to the incorporation of Mableton. Even so, the Charter and the ballot question are constitutional because the subject matter addressed in the Charter is logically related and germane to the Charter's overarching goal and purpose.

1. The Single Subject Rule examines whether a legislative provision is germane to the legislative act's overall objective.

The Single Subject Rule[3] is laid out in Article III, Section V, Paragraph III of the Georgia Constitution of 1983. That provision states, "No bill shall

[3] Cases also refer to this same principle as the "multiple subject rule" or "multiple subject matter rule" *See, e.g.*, *Carter v. Burson*, 230 Ga. 511, 519 (3) (198 SE2d 151) (1973) ("The test of whether an Act or a constitutional amendment violates the multiple subject matter rule is whether all of the parts of the Act or of the constitutional amendment are germane to the accomplishment of a single objective."). For the purposes of this brief, Mableton refers to the concept as the "Single Subject Rule."

pass which refers to more than one subject matter or contains matter different from what is expressed in the title thereof." *Id.* The Single Subject Rule is "understood to prohibit the combination of provisions concerning incongruous or unrelated subject matters in a single legislative act or constitutional amendment." *Fulton County*, 305 Ga. at 346 (2). This prevents "surprise legislation," and ensures that an act's title properly alerts readers to the matters contained in the act's body. *See Mead Corp. v. Collins*, 258 Ga. 239, 239 (1) (367 SE2d 790) (1988).

The standard set by case law governing the single-subject rule requires courts to determine whether all of the parts of the Charter are "germane to the accomplishment of a single objective." *Fulton County*, 305 Ga. at 346 (2). However, "it is permissible for the objective, or subject matter, of an act or constitutional amendment to be broad, and the General Assembly may include in a single act or constitutional amendment *all matters having a logical or natural connection*." *Id.* (emphasis supplied, citation and punctuation omitted). "Nevertheless, application of this 'germaneness test' requires identification of the subject-matter or objective of the [legislation], regardless of whether that objective be broad or narrow." *Id.* (citation and punctuation omitted). "The word 'subject matter' as used in the Constitution is to be given a broad and extended meaning so as to allow the legislature authority to include in one act all matters having a logical or natural connection." *Wall v. Bd. of Elections of*

Chatham County, 242 Ga. 566, 570 (3) (250 SE2d 408) (1978) (punctuation omitted). And to constitute distinct subject matters that would violate the Single Subject Rule, a piece of legislation "must embrace two or more dissimilar and discordant subjects that by no fair intendment can be considered as having any logical connection with or relation to each other." *Id*. (quoting *Crews v. Cook*, 220 Ga. 479, 481 (139 SE2d 490) (1964)).

Appellants instead argue for a different rule: any legislation that attempts to regulate or act on more than one unit of local government cannot ever be a "single purpose" under the Single Subject Rule. *See* Appellants' Brief at 1. They claim that the reference to distinct local units of government within the Georgia Constitution creates the Single Subject Rule violation. *See* Appellants' Brief at 19–20. In sum, they propose a "single unit test" whereby *any* statute that touches on more than one unit of local government, including any city charter that creates more than one department, would violate the Single Subject Rule. *See* Appellants' Brief at 19–27.

Thankfully, this "single unit test" is not the rule to determine whether the Single Subject Rule is violated. This Court's precedent, as laid out in *Fulton County, Wall,* and numerous other cases (including cases cited by Appellants), establishes the "germaneness" test as the appropriate standard for a Single Subject Rule violation. Thus, the relevant question here is whether the Charter's CID provisions is a "subject matter" that is germane to the

Charter's overall objective of incorporating Mableton, or whether it is so "dissimilar and discordant" that CIDs have "no logical connection with or relation to" the incorporation of Mableton. *Wall*, 242 Ga. at 570 (3).

2. The CID provision is germane to the Charter's overall objective.

The subject of the Charter is clear: to define the powers and responsibilities that are necessary and appropriate for the newly created City of Mableton to possess. *See* R. 177. To prevail on a claim that the provision violates the Single Subject Rule, Appellants must successfully convince this Court that the CID provision is so "dissimilar and discordant" with all the other provisions in the Charter that it is constitutionally required to be provided for via separate legislation. *Wall*, 242 Ga. at 570 (3). This is simply not the case.

a. The incorporation of Mableton and the creation of CIDs are both valid delegations of the General Assembly's power.

The General Assembly "may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power . . . ." Ga. Const. of 1983, Art. IX, Section II, Par. II. Further, "[t]he General Assembly may by local law create one or more community improvement districts for any county or municipality or provide for the creation of one or more community improvement districts by any county or municipality." Ga. Const. of 1983, Art. IX, Sec. VII, Par. I. Thus, the General

Assembly is constitutionally authorized to create the City of Mableton as well as a CID for Mableton, and Appellants readily admit these facts. *See* Appellants' Brief at 11–12, 19.

The Charter provides Mableton with various powers and functions, such that it may govern itself without requiring the General Assembly's input on every single issue. Put another way, the General Assembly delegates and grants powers to the municipal corporation so that the municipality may govern itself. Likewise, the creation of CIDs is also a delegation of similar powers in furtherance of self-governing. The subject matter, powers, and areas covered between CIDs and cities are more than just closely related; they overlap significantly. Under the Georgia Constitution, the purposes of CIDs include the provision of:

> (1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads.
> (2) Parks and recreational areas and facilities.
> (3) Storm water and sewage collection and disposal systems.
> (4) Development, storage, treatment, purification, and distribution of water.
> (5) Public transportation.
> (6) Terminal and dock facilities and parking facilities.
> (7) Such other services and facilities as may be provided for by general law.

Georgia Const. of 1983, Art. IX, Sec. VII, Par. II.

Compare this to the supplementary powers that municipalities may exercise under Article IX, Section II, Paragraph III of the Constitution:

(1) Police and fire protection.
(2) Garbage and solid waste collection and disposal.
(3) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and animal control.
(4) **Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads** constructed by counties and municipalities or any combination thereof.
(5) **Parks, recreational areas**, programs, **and facilities.**
(6) **Storm water and sewage collection and disposal systems**.
(7) **Development, storage, treatment, purification, and distribution of water**.
(8) Public housing.
(9) Public transportation.
(10) Libraries, archives, and arts and sciences programs and facilities.
(11) **Terminal and dock facilities and parking facilities**.
[…]

(Emphasis supplied). In other words, every single purpose for which a CID can be constitutionally created is also covered under a municipality's supplementary powers, meaning the General Assembly is delegating similar, if not identical powers, to both CIDs and municipalities. CIDs are simply another channel through which the General Assembly can enable municipalities to exercise overlapping powers. This high degree of overlap demonstrates exactly why CIDs are so germane to a city—the General Assembly is delegating many of the same powers to the City of Mableton, or alternatively, to any CID created within Mableton.

b. The overlap of powers between CIDs and municipalities renders them germane to one another.

CIDs and municipalities are both recipients of the General Assembly's delegated powers. To say that the CIDs and cities are "two or more dissimilar and discordant subjects that by no fair intendment can be considered as having any logical connection with or relation to each other" is therefore patently wrong. *Wall*, 242 Ga. at 570 (3). Indeed, CIDs and cities have such a strong logical connection and relation to one another that their inclusion in the same legislative act—the same delegation of the General Assembly's authority—is logically compelling.

Including all matters related to Mableton in a single act aligns with the "very commendable policy or practice of incorporating the entire body of statutory law upon one general subject in a single Act." *Crews*, 220 Ga. at 482. To require the General Assembly to provide for CIDs in a separate piece of legislation would not only be contrary to the spirit of this policy but would also be "seriously embarrassing to honest legislation." *Id.* Thus, CIDs are germane to the creation of the city of Mableton, and should be included in the Charter, both as a matter of law and as a matter of sound policymaking. The trial court correctly found that the Charter and its CID provision do not violate the Single Subject Rule.

3. This Court should reject Appellants' attempt to create a brand new, bright-line rule.

To accomplish their goals, Appellants argue that the "separate nature of Mableton and CIDs" creates a Single Subject Rule violation, and that "[t]ime and time again, this Court has applied the Single Subject Rule to strike down legislation that purports to create or regulate two separate units of local government in the same local act." Appellants' Brief at 21. This is an abject mischaracterization of this Court's precedent.

a. The cases cited by Appellants support the Court's long-standing germaneness rule.

Appellants cite to *Board of Public Education v. Barlow*, 49 Ga. 232 (1873); *Christie v. Miller*, 128 Ga. 412 (57 SE 697) (1907); and *Schneider v. City of Folkston*, 207 Ga. 434 (62 SE2d 177) (1950) in support of their single unit test. In reality, these cases support the application of this Court's well-established germaneness test. The Court found violations of the Single Subject Rule in these cases, but not because the legislation in question touched on two units of local government. Rather, the legislation's provisions were wholly unrelated to any overarching objective—the legislation failed the germaneness test. In none of the cases did the Court articulate any other test.

For example, in *Barlow,* the subject matters involved giving the mayor and council the power to tax and issue city bonds while simultaneously creating an independent board of education and defining its relevant powers.

See Barlow, 49 Ga. at 239–40 (4). This Court ruled that these two particular objectives violated the Single Subject Rule because the mayor and council's power to levy a tax was completely unrelated from the overarching object of the act, which was to create a local board of education to supervise the city schools. *See id.* at 240 (4) ("With equal force may it be said that the power given to the Mayor and Council of Americus to levy a tax and issue bonds, and the exemption of the citizens of the city from county taxation, are *totally different things* from creating an independent Board of Education, and defining its powers as such a board." (Emphasis supplied)). This Court did not count how many "units" of government were involved; it instead assessed whether the actual substance of each legislative provision was related and found that a council's taxing power and the creation of a school district were too dissimilar. *See id*. at 239–40 (4). Thus, while the particular act at issue happened to address two units of local government—the mayor/council and the board of education—it violated the Single Subject Rule not because of this fact, but because it attempted to address those two units of local government *in ways that were completely unrelated to the act's overarching goal*. *See Barlow,* 49 Ga. at 240 (4). Thus, *Barlow* applied the germaneness test, not the bright line, multiple unit test that Appellants seek to employ.

Regarding *Christie*, Appellants state in their brief, "the Court held that 'we think that the act embraces two entirely different subject matters. […]

The county of Chatham and the city of Savannah are separate and distinct political entities.' It was as simple as that." Appellants' Brief at 22–23 (citation omitted). But it wasn't as simple as Appellants make it seem. Appellants' quotation of the case omits content indicated by the ellipses and glosses over critical aspects of the Court's reasoning. While the legislative act in *Christie* did touch on both a city and a county, this was just one factor in the Court's germaneness analysis. Like the *Barlow* court, the *Christie* Court also considered the substance of the two provisions at issue and determined that the act embraced "two entirely different subject-matters": the establishment of a fee bill in civil cases versus the provision for the payment of costs in criminal cases. 128 Ga. at 413. Further, when discussing the *Christie* decision in *Posey v. Dooly County School District*, this Court confirmed that the subject matters, not the units involved, were the heart of the Single Subject Rule violation. 215 Ga. 712, 714 (113 SE2d 120) (1960) ("That act [in *Christie*] stated in the caption two distinctly different subjects. One was to establish rates of fees of Magistrates and Constables in the city of Savannah, and the other was to provide for the payment of costs by the county of Chatham in criminal cases." (Citation and punctuation omitted)). This confirms that the Single Subject Rule has less to do with the number or even type of municipal units involved; instead, it assesses the substantive subject matter involved. The *Christie* court

applied the germaneness test, not a bright line rule based purely on whether two units of government were involved.

Finally, Appellants point to *Schneider*, which dealt with the charters of two *existing* cities—the Town of Homeland and the City of Folkston. *See* 207 Ga. at 434. The legislative act sought to merely amend the charter of Folkston on one hand, and amend or partially repeal and nullify the charter of Homeland on the other. *Id.* at 435. As explained by this Court in later cases, the legislation in *Schneider* proved fatal because it "involved attempts to amend the charters (laws) of two municipalities by the same annexation act, the title to which referred to the charter of only one municipality." *Upson Cty. Sch. Dist. v. City of Thomaston*, 248 Ga. 98, 100 (1) (281 SE2d 537) (1981). That act was deemed to be a Single Subject Rule violation because it clearly "undertook to deal with two distinctly different municipalities *having no relation whatever to each other*," in addition to posing a separate issue of having matter not contained in the bill's caption. *Posey*, 215 Ga. at 715 (emphasis supplied). The same cannot be said as here, where the CID and the city of Mableton have a significant relationship to each other, both in terms of geographic makeup, overlap of delegated powers, and population.

In plain terms, the Single Subject Rule is not violated when a bill simply addresses two units of government. There must be a complete lack of connection—or germaneness—between the various legislative provisions and

the stated objective of the legislation. This Court's germaneness rule permeates not just *Barlow*, *Christie*, and *Schneider*, but all the cases cited by Appellants. Each of these cases, while touching on multiple government units, was not a Single Subject Rule violation due to that fact alone; each case involved a complete lack of connection in order to amount to a Single Subject Rule violation. *See Ex parte Conner*, 51 Ga. 571 (1874) (Single Subject Rule violation where statute chartered three military companies *and* exempted members of those three bodies from jury service); *King v. Banks,* 61 Ga. 20 (1878) (incorporation of two municipalities without any shared geographic similarities); *City of Chamblee v. Village of North Atlanta*, 217 Ga. 517 (123 SE2d 663) (1962) (applying *Schneider* and deeming amendment of charter of two separate municipalities was Single Subject Rule violation where the title referred to only one municipality); *Council v. Brown*, 151 Ga. 564 (107 SE 867) (1921) (attempting to incorporate one bank in Macon and separate bank in Americus—two distinct corporations in two completely distinct geographic regions).

Importantly, the trial court recognized this requirement and properly applied it when it granted Mableton's motion to dismiss. R. 264 ("At best, these cases demonstrate that, while the fact that legislation acts on two units of local government may be a relevant consideration when considering a Single Subject Rule violation, it is not a determinative one."). Appellants allege that "the trial

court fundamentally misconstrued the holdings of *Barlow*, *Christie*, and *Schneider* and other cases applying the Single Subject Rule," but in reality, Appellants have misconstrued this Court's test for germaneness. Appellants' Brief at 4.

This Court should decline to create a new rule and should instead affirm the use of the germaneness test, which the trial court correctly identified and applied in dismissing Appellants' challenge to the Charter.

b. Appellants' proposed rule would lead to absurd results.

Under Appellants' proposed single unit rule, separate legislation would be needed any time the General Assembly sought to pass legislation that impacts more than one unit government. Taken to its logical conclusion, the bright line rule Appellants propose would require a separate bill (and even possibly separate referenda) for everything needed for a city to function: from fire and police departments, to municipal courts, to city councils, planning commissions, zoning boards, utilities, and much more. Extended further, if true, legislation that imposed mandatory electronic filing in Georgia courts would have required separate legislation for every entity involved: one bill addressing superior courts; another bill addressing clerks, and another bill addressing the Judicial Council, and perhaps a few more. And each bill, as it matriculated separately through the legislative process, would need to

perfectly harmonize with its counterparts, and remain harmonized throughout.

This proposed rule would deem any provision of the Georgia Code that addresses two or more units of local government as unconstitutional, stripping countless pieces of critical legislation of their authority. *See, e.g.,* OCGA §§ 36-81-3 (requiring all local governments to, among other things, adopt and operate under an annual balanced budget); 36-80-12 (prescribing the manner and place of holding an election as "within the limits of the county, municipality, or political subdivision"); 36-80-3 (authorizing municipalities, counties, school districts, or "other local governmental unit[s] or political subdivision[s]" of Georgia to invest or reinvest money into federal bonds or deposits); and 6-3-20 (authorizing "counties, municipalities, and other political subdivisions" to jointly acquire and maintain property for airports). In fact, Appellants' bright line rule would render most, if not all, of Title 36 to be unconstitutional, as those provisions apply to every unit of local government in the State, from counties to municipal corporations to other governmental entities. This would be unworkable from both a legal and policy standpoint.

Appellants also claim that CIDs and cities were made "meticulously separate" within the Georgia Constitution to support the notion that these two entities must be addressed in separate legislative acts. *See* Appellants' Brief at 12–13. Because CIDs and cities are in separate sections of the Georgia

Constitution, Appellants argue, they were kept separate by the Constitution's framers and should remain separate. This is utterly nonsensical. By this logic, any bill or statute that touches simultaneously on the Supreme Court of Georgia (Ga. Const. of 1983, Article VI, Section VI), the Court of Appeals of Georgia (Ga. Const. of 1983, Article VI, Section V), and any superior court in the state (Ga. Const. of 1983, Article VI, Section IV) would also suffer from a Single Subject Rule violation. Yet Mableton is confident that Appellants would be unlikely to argue that a statute emphasizing the binding nature of all Georgia courts (OCGA § 15-1-5) or a statute establishing the grounds for disqualification of all Georgia judges (OCGA § 15-1-8) would be violative of the Georgia Constitution. But under Appellants' single unit test, these provisions—along with countless others—would fall.

Thankfully, this Court need not wrestle with these absurdities, as they are addressed directly by the Single Subject Rule's germaneness test, and application of that relevant rule avoids the absurd results. The test is not whether one or more units of local government are involved; the test is whether the subject matter of the legislation is germane to the ultimate outcome. Under the latter, more sensible approach, the General Assembly can (and indeed, should) include all relevant actions needed to accomplish a singular objective. In this case, the singular objective of incorporating the City of Mableton involves many things, including the creation of numerous units of

local government. The General Assembly's inclusion of CIDs in achieving that objective is perfectly appropriate under the applicable germaneness test. This Court should affirm the trial court's ruling on this issue.

B. The trial court correctly dismissed Appellants' challenge to the Charter's ballot referendum question.

Appellants argue that the creation of Mableton and the creation of a CID are "two separate subjects for the Single Subject Rule," and that accordingly, "the two subjects must be separated in separate questions when submitted to the voters in a referendum." Appellants' Brief at 28. Citing *Rea*, 130 Ga. 771, they claim that this combination is "fatal to the bill because creating a city and creating a CID are two wholly different things under Georgia law . . . ." Appellants' Brief at 29.

Rea did establish a fundamental principle of Georgia law, stating that "two or more separate and distinct propositions cannot be combined into one and submitted to the voters of a county or a municipality as a single question, so as to have one expression of the voter answer all of them." 130 Ga. at 772. But as discussed above, the Charter's provision for the creation of CIDs is entirely germane to the objective of creating Mableton, and therefore not a proposition that is separate and distinct from the Charter's overarching goal. For the same reasons, the Charter's ballot question does not entail two "separate and distinct propositions." *Id.* In fact, as discussed above, including

the creation of a CID in Mableton with a bill creating Mableton makes logical sense. Therefore, the trial court correctly found that *Rea*'s rule against combining separate and distinct propositions into one ballot question is not invoked in this case, let alone violated. This Court should affirm.

VI. CONCLUSION

For the foregoing reasons, Appellees respectfully request that this Court **AFFIRM** the trial court's dismissal of the complaint.

The undersigned counsel certifies that this submission does not exceed the word count limit imposed by Rule 20.

Respectfully submitted, this 17th day of September, 2024.

/s/ Harold D. Melton
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Georgia Bar No. 501570
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Counsel for Appellee
City of Mableton, Georgia

Exhibit A

SUPREME COURT OF GEORGIA
Case No. S24A1273

August 22, 2024

DEIDRE WHITE et al. v. CITY OF MABLETON.

Your request for an extension of time to file the brief of appellee in the above case is granted until September 17, 2024.

A copy of this order **MUST** be attached as an exhibit to the document for which the appellee received this extension.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

, Clerk

CERTIFICATE OF SERVICE

I certify that there is a prior agreement with Mayer & Harper to allow documents in a PDF format sent via e-mail to suffice for service under Supreme Court Rule 14. I further certify that I have this day served a true and correct copy of the within and foregoing **BRIEF OF APPELLEE CITY OF MABLETON** upon Appellant's counsel of record prior to its filing with the Court by email as follows:

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(404) 584-9588
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Respectfully submitted, this 17th day of September, 2024.

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