

House Bill 909

By: Representative Byrd of the 170<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act incorporating and providing a new charter for the City of Graham,  
2 approved April 17, 1991 (Ga. L. 1991, p. 4770), so as to change the provisions relating to  
3 municipal elections; to change the provisions relating to the terms of office and the election  
4 of the mayor and councilmembers; to correct cross-references; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act incorporating and providing a new charter for the City of Graham, approved April  
9 17, 1991 (Ga. L. 1991, p. 4770), is amended by striking subsection (b) of Section 2.10 and  
10 inserting in its place the following:

11 "(b) The mayor and councilmembers shall serve for terms of four years each and until their  
12 respective successors are elected and qualified. No person shall be eligible to serve as  
13 mayor or councilmember unless he or she shall have been a resident of the city, or territory  
14 included in the initial corporate limits of the city, for 12 months immediately preceding the  
15 municipal election. Each person shall continue to reside within the city during said period  
16 of service and shall be registered and qualified to vote in municipal elections of the city.  
17 No person's name shall be listed as a candidate on the ballot for election for either mayor  
18 or councilmember unless such person shall file a written notice with the clerk of said city  
19 that he or she desires his or her name to be placed on said ballot as a candidate either for  
20 mayor or councilmember. No person shall be eligible for the office of mayor or  
21 councilmember unless such person shall file such notice within the time provided for in  
22 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the 'Georgia Election  
23 Code."

**SECTION 2.**

Said Act is further amended by striking subsection (b) of Section 2.11 and inserting in its place the following:

"(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the 'Georgia Election Code.' Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the 'Georgia Election Code.' Any reference in this Act to Chapter 3 of Title 21 of the Official Code of Georgia Annotated, formerly known as the 'Georgia Municipal Election Code,' shall be deemed to mean and refer to the applicable provisions of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the 'Georgia Election Code.'"

**SECTION 3.**

Said Act is further amended by striking subsection (d) of Section 2.11 and inserting in its place the following:

"(d) The mayor and councilmembers in office on March 1, 2001, shall continue in office for the remainder of the terms to which they were elected, unless otherwise removed as provided by law. On the Tuesday next following the first Monday in November, 2001, and on that day every four years thereafter, there shall be an election for two councilmembers whose terms are expiring. On the Tuesday next following the first Monday in November, 2003, and on that day every four years thereafter, there shall be an election for the mayor and two councilmembers whose terms are expiring. The terms of the offices shall begin on January 1 following the date of the election."

**SECTION 4.**

Said Act is further amended by striking Section 2.14 and inserting in its place the following:

"SECTION 2.14.  
Election by plurality.

The candidate for mayor receiving the highest number of votes cast for such office shall be elected. The two candidates for councilmembers receiving the highest number of votes cast for councilmembers in any such election shall be elected."

**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.