

Senate Bill 327

By: Senators Hamrick of the 30th, Dean of the 31st and Lee of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Temple, approved March 28, 1974
2 (Ga. L. 1974, p. 3609), as amended, so as to change the description of the city council
3 districts; to provide for definitions and inclusions; to provide for continuation in office of the
4 current mayor and city councilmembers; to provide for election and terms of office of
5 subsequent mayors and councilmembers; to provide for submission of this Act for
6 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related
7 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act providing a new charter for the City of Temple, approved March 28, 1974 (Ga. L.
11 1974, p. 3609), as amended, is amended by striking Sections 2-2, 2-3, and 2-3.1 and inserting
12 in lieu thereof new Sections 2-2, 2-3, 2-3.1, 2-3.2, and 2-3.3 to read as follows:

13 **"SECTION 2-2.**

14 No person shall be eligible for the office of mayor or councilmember if that person is
15 ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other
16 general law applicable to that office.

17 **SECTION 2-3.**

18 The city council of the City of Temple which existed on December 31, 2003, is continued
19 in existence, but on and after January 1, 2004, shall be constituted as provided in this Act.
20 The city council of the City of Temple so continued and constituted, sometimes referred
21 to in this Act as the 'council,' shall continue to have the powers, duties, rights, obligations,
22 and liabilities of that council as existed immediately prior to January 1, 2004. The
23 members of the city council other than the mayor shall be referred to a 'councilmembers.'

SECTION 2-3.1.

(a) The mayor and those councilmembers of the City of Temple who are serving as such on December 31, 2003, and any person selected to fill a vacancy in any such office shall continue to serve as such mayor and councilmembers until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. Before assuming office, the mayor and each councilmember shall take an oath before a person duly authorized to administer oaths. On and after January 1, 2004, the city council of the City of Temple shall consist of five councilmembers all of whom shall be elected from city council districts described in subsection (b) of this section and the mayor.

(b) For purposes of electing members of the city council, other than the mayor, the City of Temple is divided into five city council districts. One councilmember shall be elected from each such district. The five city council districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: templecc2 Plan Type: Local User: Gina Administrator: Temple.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Temple which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Temple which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia.

SECTION 2-3.2.

(a) In order to be elected as a councilmember from a district, a person must have that person's legal residence in that district and must have received a majority of votes cast as required by general law for that office in the entire city. At the time of qualifying for election as a councilmember from a district, each candidate for such office shall specify the city council district for which that person is a candidate. A person elected as a councilmember from a district must continue such residence in that district during that person's term of office or that office shall become vacant.

1 (b) The mayor may reside anywhere within the City of Temple and must receive a
2 majority of votes cast for that office in the entire city. The mayor must continue to reside
3 within the City of Temple during that person's term of office or that office shall become
4 vacant.

5 **SECTION 2-3.3.**

6 (a) The municipal general election for the City of Temple shall be conducted on the
7 Tuesday next following the first Monday in November of each odd-numbered year.
8 Councilmembers from Council Districts 3, 4, and 5 shall be elected at the municipal
9 general election in 2003, shall take office the first day of January immediately following
10 that election, and shall serve for initial terms of office which expire December 31, 2007,
11 and upon the election and qualification of their respective successors. The mayor and
12 councilmembers from Council Districts 1 and 2 shall be elected at the general municipal
13 election in 2005, shall take office the first day of January immediately following that
14 election, and shall serve for initial terms of office which expire December 31, 2009, and
15 upon the election and qualification of their respective successors. Those and all future
16 successors to the mayor and councilmembers whose terms of office are to expire shall be
17 elected at the time of the municipal general election immediately preceding the expiration
18 of such terms, shall take office the first day of January immediately following that election,
19 and shall serve for terms of office of four years each and until their respective successors
20 are elected and qualified.

21 (b) The mayor and councilmembers who are elected thereto shall be elected in accordance
22 with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

23 (c) All elections shall be nonpartisan and no political party or body shall hold or conduct
24 primaries for the purpose of nominating candidates for mayor or councilmember. No
25 candidate's name shall appear on a general municipal election ballot with a political party
26 designation.

27 (d) Council Districts 1, 2, 3, 4, and 5, as they existed on January 1, 2003, shall continue
28 to be designated as Council Districts 1, 2, 3, 4, and 5, respectively, but as newly described
29 under this Act, and on and after January 1, 2004, such councilmembers serving from those
30 former city council districts shall be deemed to be serving from and representing their
31 respective districts as newly described under this Act."

32 **SECTION 2.**

33 The city council of the City of Temple shall through its legal counsel cause this Act to be
34 submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
35 such submission shall be made to the United States Department of Justice or filed with the

1 appropriate court no later than 45 days after the date on which this Act is approved by the
2 Governor or otherwise becomes law without such approval.

3 **SECTION 3.**

4 This section and Section 2 of this Act and those provisions of this Act necessary for the
5 election of the members of the city council of the City of Temple in 2003 shall become
6 effective upon the approval of this Act by the Governor or upon its becoming law without
7 such approval. The remaining provisions of this Act shall become effective January 1, 2004.

8 **SECTION 4.**

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

1 Plan Name: templecc2 Plan Type: Local User: Gina Administrator: Temple

2 Redistricting Plan Components Report

3 District 001

4 Carroll County

5 Tract: 9902

6 BG: 1

7 1035 1036 1038 1039 1040 1041 1042 1043 1044 1997 1998

8 BG: 2

9 2037 2038 2045 2046 2047 2048 2049 2076 2077

10 BG: 3

11 3009 3010

12 District 002

13 Carroll County

14 Tract: 9902

15 BG: 2

16 2050 2062 2063 2073 2074 2075 2064 2065 2066 2067 2068 2069

17 2070 2071

18 District 003

19 Carroll County

20 Tract: 9902

21 BG: 3

22 3004 3005 3006 3007 3008 3011 3012 3013 3014 3015 3018

23 District 004

24 Carroll County

25 Tract: 9902

26 BG: 1

27 1019 1024 1999

28 BG: 2

29 2017 2018 2019 2026 2027 2028 2029 2030 2032 2033 2034 2035

30 2036 2039 2042 2051 2052 2053 2056 2995 2996

1 District 005

2 Carroll County

3 Tract: 9902

4 BG: 1

5 1020 1021 1022 1023 1028 1029 1030 1031 1032 1033 1034 1037

6 1045

7 BG: 2

8 2040 2041 2043 2044 2078 2079

9 Haralson County

10 Tract: 9803

11 BG: 1

12 1095