

House Bill 637 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 128th and Keen of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Darien, approved March 10, 1964
2 (Ga. L. 1964, p. 2708), as amended, particularly by an Act approved April 23, 1969 (Ga. L.
3 1969, p. 3372), so as to change the provisions regarding the election of the mayor and
4 councilmembers; to provide for definitions; to provide for council districts and posts; to
5 provide for municipal general elections, qualifications, and terms of office; to change the
6 vacancy provisions; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating a new charter for the City of Darien, approved March 10, 1964 (Ga. L. 1964,
10 p. 2708), as amended, particularly by an Act approved April 23, 1969 (Ga. L. 1969, p. 3372),
11 is amended by striking Sections 3 and 4 thereof and inserting in their place the following:

12 "SECTION 3.

13 (a) The governing authority of the City of Darien shall be vested in a mayor and four
14 councilmembers, sometimes referred to in this charter as 'councilman' or 'councilmen,' to
15 be known as the mayor and council of the City of Darien.

16 (b) The mayor and councilmembers who were serving as such on December 31, 2002, and
17 any person selected to fill a vacancy in any such office, shall continue to serve in such
18 office until the regular expiration of their respective terms of office and upon the election
19 and qualification of their respective successors. Beginning with the municipal general
20 election in 2003, and continuing thereafter, the four councilmembers shall be elected from
21 council districts and numbered posts as provided in this section. For purposes of electing
22 such councilmembers, the City of Darien is divided into two council districts, District 1
23 (formerly South Ward) and District 2 (formerly North Ward), and each such district shall
24 have numbered Post 1 and Post 2. These districts shall be and correspond to those two

1 numbered districts described in and attached to and made a part of this Act and further
2 identified as Plan Name: darien1 Plan Type: Local User: staff Administrator: Darien.

3 (c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
4 and describe the same geographical boundaries as provided in the report of the Bureau of
5 the Census for the United States decennial census of 2000 for the State of Georgia. The
6 separate numeric designations in a Tract description which are underneath a 'BG' heading
7 shall mean and describe individual Blocks within a Block Group as provided in the report
8 of the Bureau of the Census for the United States decennial census of 2000 for the State of
9 Georgia. Any part of the City of Darien which is not included in any such district
10 described in that attachment shall be included within that district contiguous to such part
11 which contains the least population according to the United States decennial census of 2000
12 for the State of Georgia. Any part of the City of Darien which is described in that
13 attachment as being in a particular district shall nevertheless not be included within such
14 district if such part is not contiguous to such district. Such noncontiguous part shall instead
15 be included within that district contiguous to such part which contains the least population
16 according to the United States decennial census of 2000 for the State of Georgia. Except
17 as otherwise provided in the description of any council district, whenever the description
18 of such district refers to a named city, it shall mean the geographical boundaries of that city
19 as shown on the census map for the United States decennial census of 2000 for the State
20 of Georgia.

21 (d) Municipal general elections for the City of Darien shall be conducted on the Tuesday
22 next following the first Monday in November of each odd-numbered year. At the
23 municipal general election in 2003 two councilmembers shall be elected from Council
24 District 1, with the person receiving the highest number of votes serving in Post 1 and the
25 person receiving the second highest number of votes serving in Post 2. At the municipal
26 general election in 2003 two councilmembers shall be elected from Council District 2, with
27 the person receiving the highest number of votes serving in Post 1 and the person receiving
28 the second highest number of votes serving in Post 2. Persons first elected to Council
29 District 1, Post 1, and Council District 2, Post 1, shall take office the first Thursday
30 following the first Monday in January, 2004, and serve for initial terms of office of four
31 years each and until their respective successors are elected and qualified. Persons first
32 elected to Council District 1, Post 2, and Council District 2, Post 2, shall take office the
33 first Thursday following the first Monday in January, 2004, and serve for initial terms of
34 office of two years each and until their respective successors are elected and qualified.

35 (e) Except as established under subsection (d) of this section, successors to
36 councilmembers whose terms of office are to expire shall be elected at the municipal
37 general election immediately preceding the expiration of such terms, shall take office the

1 first Thursday following the first Monday in January immediately following that election,
2 and shall serve for terms of four years each and until their respective successors are elected
3 and qualified. Each person seeking election from a council district after the municipal
4 general election in 2003 shall designate the current district and post for which that person
5 seeks election.

6 (f) At the municipal general election in 2003 and every four years thereafter, the mayor
7 of the City of Darien shall be elected by majority vote, shall take office the first Thursday
8 following the first Monday in January immediately following such election, and shall serve
9 for a term of office of four years and until a successor is elected and qualified.

10 (g) The mayor and councilmembers shall be nominated and elected in accordance with
11 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

12 (h) A person shall take and subscribe an oath to faithfully perform the duties of such
13 person's office as mayor or councilmember before qualifying for such office.

14 SECTION 4.

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

18 (b) In order to be elected as a councilmember from a council district, a person must have
19 resided in that district at least six months prior to that election and, if elected as a
20 councilmember after the municipal general election in 2003, a person must receive a
21 majority of votes cast for that office in that district only. Only electors who are residents
22 of that council district may vote for a councilmember for that district. At the time of
23 qualifying for election as a councilmember, each candidate for such office shall specify the
24 council district and, after the 2003 municipal general election, the post for which that
25 person is a candidate. A person elected or appointed as a member of the board from a
26 council district must continue to reside in that district during that person's term of office
27 or that office shall become vacant.

28 (c) The mayor may reside anywhere within the City of Darien and, if elected, must receive
29 a majority of votes cast for that office in the entire city. The mayor must continue to reside
30 within the City of Darien during that person's term of office or that office shall become
31 vacant.

32 (d) No person shall be eligible to be elected or serve as mayor or councilmember unless
33 such person is a qualified elector of the City of Darien."

SECTION 2.

1
2 Said Act is further amended by striking Section 6 thereof and inserting in its place the
3 following:

"SECTION 6.

4
5 Any vacancy in the office of mayor or councilmember which occurs for any reason, other
6 than expiration of term, shall be filled by the election superintendent of the City of Darien
7 calling a special election to fill such vacancy, as soon as permissible under general law.
8 The person elected to fill such vacancy shall serve out the remainder of the unexpired term
9 and until a successor is elected and qualified."

SECTION 3.

10
11 All laws and parts of laws in conflict with this Act are repealed.