

Senate Bill 327

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

**AS PASSED SENATE**

## 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 as 'councilmembers.'

24 **SECTION 2-3.1.**

1 (a) The mayor and those councilmembers of the City of Temple who are serving as such  
2 on December 31, 2003, and any person selected to fill a vacancy in any such office shall  
3 continue to serve as such mayor and councilmembers until the regular expiration of their  
4 respective terms of office and upon the election and qualification of their respective  
5 successors. Before assuming office, the mayor and each councilmember shall take an oath  
6 before a person duly authorized to administer oaths. On and after January 1, 2006, the city  
7 council of the City of Temple shall consist of five councilmembers each of whom shall be  
8 elected to represent one city council district described in subsection (b) of this section, and  
9 the mayor.

10 (b) For purposes of electing members of the city council, other than the mayor, the City  
11 of Temple is divided into five city council districts. One councilmember shall be elected  
12 to represent each such district. The five city council districts shall be and correspond to  
13 those five numbered districts described in and attached to and made a part of this Act and  
14 further identified as Plan Name: templecc2r Plan Type: Local User: Gina Administrator:  
15 Temple.

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

30 SECTION 2-3.2.

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

1 councilmember from a district must continue such residence in that district during that  
2 person's term of office or that office shall become vacant.

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

7 SECTION 2-3.3.

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

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

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

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

**SECTION 2.**

1  
2 The city council of the City of Temple shall through its legal counsel cause this Act to be  
3 submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and  
4 such submission shall be made to the United States Department of Justice or filed with the  
5 appropriate court no later than 45 days after the date on which this Act is approved by the  
6 Governor or otherwise becomes law without such approval.

**SECTION 3.**

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

**SECTION 4.**

12  
13 All laws and parts of laws in conflict with this Act are repealed.

1 Plan Name: templecc2r 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 2064 2065 2066 2067 2068 2069 2070

17 That part of Block 2071 which lies south of the right-of-way of

18 Rocking D Road

19 BG: 3

20 3004 3005 3006 3007 3008 3011 3012 3013 3014 3015 3018

21 District 003

22 Carroll County

23 Tract: 9902

24 BG: 2

25 2050 2062 2063 2073 2074 2075

26 That part of Block 2071 which lies within the right-of-way of

27 Rocking D Road

- 1 District 004
- 2 Carroll County
- 3 Tract: 9902
- 4 BG: 1
- 5 1019 1024 1999
- 6 BG: 2
- 7 2017 2018 2019 2026 2027 2028 2029 2030 2032 2033 2034 2035
- 8 2036 2039 2042 2051 2052 2053 2056 2995 2996

- 9 District 005
- 10 Carroll County
- 11 Tract: 9902
- 12 BG: 1
- 13 1020 1021 1022 1023 1028 1029 1030 1031 1032 1033 1034 1037
- 14 1045
- 15 BG: 2
- 16 2040 2041 2043 2044 2078 2079

- 17 Haralson County
- 18 Tract: 9803
- 19 BG: 1
- 20 1095