

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 787:

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Pelham, approved March 11, 1977
2 (Ga. L. 1977, p. 3034), as amended, particularly by an Act approved March 10, 1988 (Ga.
3 L. 1988, p. 3787), an Act approved March 30, 1989 (Ga. L. 1989, p. 4407), and an Act
4 approved February 26, 1999 (Ga. L. 1999, p. 3513), so as to change the municipal election
5 dates and terms of municipal officers and members of the board of education; to provide for
6 numbered posts; to provide for submissions and an effective date; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 An Act providing a new charter for the City of Pelham, approved March 11, 1977 (Ga. L.
10 1977, p. 3034), as amended, particularly by an Act approved March 10, 1988 (Ga. L. 1988,
11 p. 3787), an Act approved March 30, 1989 (Ga. L. 1989, p. 4407), and an Act approved
12 February 26, 1999 (Ga. L. 1999, p. 3513), is amended by striking subsection (c) of Section
13 5.10 and inserting in its place a new subsection to read as follows:
14

15 "(c) Commencing with the election in 1987 and thereafter, the council shall be composed
16 of seven members. Three councilmembers shall be elected from District 1 and four
17 councilmembers shall be elected from District 2. After the municipal general election in
18 2003, councilmembers elected from District 1 shall be elected from numbered posts, Post
19 1, Post 2, and Post 3, and councilmembers elected from District 2 shall be elected from
20 numbered posts, Post 1, Post 2, Post 3, and Post 4. Only those persons residing within a
21 district shall be qualified to vote for candidates for the city council from such district."

SECTION 2.

22 Said Act is further amended by striking subsections (e) and (f) of Section 5.10 and inserting
23 in their place the following:
24

1 1 shall be elected from numbered posts, Post 1, Post 2, and Post 3 and members of the
 2 board elected from Education District 2 shall be elected from numbered Posts, Post 1, Post
 3 2, Post 3, and Post 4. Only those persons residing within a district shall be qualified to vote
 4 for members of the board of education from that district. All elections for members of the
 5 board shall be by plurality vote and shall be nonpartisan and without any primary."

6 "(e) Members of the board in office January 1, 2003, and any person selected to fill a
 7 vacancy in such office, shall continue to serve out their terms of office, which shall expire
 8 December 31, 2003, and upon the election and qualification of their respective successors.

9 (f)(1) At the municipal general election in 2003, three members of the board shall be
 10 elected from Education District 1, with the person receiving the highest number of votes
 11 serving in Post 1, the person receiving the second highest number of votes serving in Post
 12 2, and the person receiving the third highest number of votes serving in Post 3. At the
 13 municipal general election in 2003, four members of the board shall be elected from
 14 Education District 2, with the person receiving the highest number of votes serving in
 15 Post 1, the person receiving the second highest number of votes serving in Post 2, the
 16 person receiving the third highest number of votes serving in Post 3, and the person
 17 receiving the fourth highest number of votes serving in Post 4. Persons first elected to
 18 Education District 1, Post 1 and Post 2 and Education District 2, Post 1 and Post 2 shall
 19 take office the first day of January, 2004, and serve for initial terms of office of four years
 20 each and until their respective successors are elected and qualified. Persons first elected
 21 to Education District 1, Post 3 and Education District 2, Post 3 and Post 4 shall take
 22 office the first day of January, 2004, and serve for initial terms of office of two years each
 23 and until their respective successors are elected and qualified.

24 (2) Successors to members of the board whose terms of office are to expire shall be
 25 elected at the municipal general election immediately preceding the expiration of such
 26 terms, shall take office the first day of January immediately following that election, and,
 27 except as established under paragraph (1) of this subsection, shall serve for terms of four
 28 years each and until their respective successors are elected and qualified. Each person
 29 seeking election from an education district after the municipal general election in 2003
 30 shall designate the current education district and post for which that person seeks
 31 election."

32 33 **SECTION 4.**

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

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

3 **SECTION 5.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law
5 without such approval.

6 **SECTION 6.**

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