

House Bill 692 (AS PASSED HOUSE AND SENATE)

By: Representatives Royal of the 140th and Rynders of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating and establishing a new charter for the City of Moultrie, approved
2 March 3, 1943 (Ga. L. 1943, p. 1458), as amended, so as to change the description of the
3 council districts; to provide for definitions and inclusions; to provide for continuation in
4 office of current members; to provide for election and terms of office of subsequent
5 members; to provide for submission of this Act for preclearance under the federal Voting
6 Rights Act of 1965, as amended; 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 and establishing a new charter for the City of Moultrie, approved March 3,
10 1943 (Ga. L. 1943, p. 1458), as amended, is amended by striking Section 4 and inserting in
11 its place a new Section 4 to read as follows:

12 "SECTION 4.

13 (a) The mayor and council members of the City of Moultrie who are serving as such on
14 the effective date of this Act and any person selected to fill a vacancy in any such office
15 shall continue to serve as such members until the regular expiration of their respective
16 terms of office and upon the election and qualification of their respective successors. On
17 and after the effective date of this Act, the city council shall consist of six members all of
18 whom shall be elected from council districts described in subsection (b) of this section
19 except for the mayor who is elected at large as provided in this section.

20 (b)(1) For purposes of electing members of the city council, the City of Moultrie is
21 divided into three council districts.

22 (2) One member of the city council shall be elected from Council District 3.

23 (3) Council District 1 shall consist of one election district with numbered posts 1 and 2.

24 Council District 2 shall consist of one election district with numbered posts 3, 4, and 5.

1 Each person seeking election from such district shall designate the post for which such
2 person seeks election.

3 (4) The three council districts shall be and correspond to those three numbered districts
4 described in and attached to and made a part of this Act and further identified as Plan
5 Name: moultrie5 Plan Type: Local User: staff Administrator: Moultrie.

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

20 (d) In order to be elected as a member of the city council from a council district, a person
21 must receive a plurality of votes cast for that office in that district only. Only electors who
22 are residents of that council district may vote for a member of the council for that district.
23 At the time of qualifying for election as a member of the board from a council district, each
24 candidate for such office shall specify the council district and post, as applicable, for which
25 that person is a candidate. A person elected or appointed as a member of the board from
26 a council district must continue to reside in that district during that person's term of office
27 or that office shall become vacant.

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

32 (f)(1) George Walker, the member of the council elected at the November, 1999, general
33 election, shall be designated to be serving from and representing Council District 1,
34 Post 1, but as newly described under this Act.

35 (2) Betty Haggins, the member of the council elected at the November, 2001, general
36 election, shall be designated to be serving from and representing Council District 1,
37 Post 2, but as newly described under this Act.

1 (3) Wayne Cooper, the member of the council elected at the November, 1999, general
 2 election, shall be designated to be serving from and representing Council District 2,
 3 Post 3, but as newly described under this Act.

4 (4) Cecil Barber, the member of the council elected at the November, 1999, general
 5 election, shall be designated to be serving from and representing Council District 2, Post
 6 4, but as newly described under this Act.

7 (5) Sherod McCall, Jr., the member of the council elected at the November, 2001,
 8 general election, shall be designated to be serving from and representing Council
 9 District 2, Post 5, but as newly described under this Act.

10 (6) Lewis Herndon, the member of the council elected at the November, 2001, general
 11 election, shall be designated to be serving from and representing Council District 3, but
 12 as newly described under this Act.

13 (7) The members of the council representing Council District 1, Post 2; Council
 14 District 2, Post 5; and Council District 3 shall be elected at the general election in 2005
 15 and quadrennially thereafter and shall take office on the first day of January immediately
 16 following their election for terms of four years and until their successors are elected and
 17 qualified.

18 (8) The mayor and members of the council representing Council District 1, Post 1;
 19 Council District 2, Post 3; and Council District 2, Post 4 shall be elected at the general
 20 election in 2003 and quadrennially thereafter and shall take office on the first day of
 21 January immediately following their election for terms of four years and until their
 22 successors are elected and qualified.

23 (g) Any vacancy in the office of mayor or council member which occurs for any reason
 24 shall be filled pursuant to Section 44 of this charter. Any person appointed to fill a vacancy
 25 in office pursuant to this subsection shall meet the same eligibility requirements specified
 26 for persons who are elected to such office."

27 **SECTION 2.**

28 Said Act is further amended by striking Section 5 and inserting in its place a new Section 5
 29 to read as follows:

30 "SECTION 5.
 31 Reserved."

32 **SECTION 3.**

33 The mayor and council of the City of Moultrie shall through its legal counsel cause this Act
 34 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended;
 35 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 the
- 2 Governor or otherwise becomes law without such approval.

3 **SECTION 4.**

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