

House Bill 787 (AS PASSED HOUSE AND SENATE)

By: Representative Royal of the 140th

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:**

9 **SECTION 1.**

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

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."

22 **SECTION 2.**

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

1 "(e) The mayor and seven councilmembers in office on January 1, 2003, and any person
 2 selected to fill a vacancy in such office, shall continue to serve out their terms of office,
 3 which shall expire December 31, 2003, and upon the election and qualification of their
 4 respective successors.

5 (f)(1) Municipal general elections for the City of Pelham shall be conducted on the
 6 Tuesday next following the first Monday in November of each odd-numbered year. At
 7 the municipal general election in 2003, three councilmembers shall be elected from
 8 District 1, with the person receiving the highest number of votes serving in Post 1, the
 9 person receiving the second highest number of votes serving in Post 2, and the person
 10 receiving the third highest number of votes serving in Post 3. At the municipal general
 11 election in 2003, four councilmembers shall be elected from District 2, with the person
 12 receiving the highest number of votes serving in Post 1, the person receiving the second
 13 highest number of votes serving in Post 2, the person receiving the third highest number
 14 of votes serving in Post 3, and the person receiving the fourth highest number of votes
 15 serving in Post 4. Persons first elected to District 1, Post 1 and Post 2 and District 2, Post
 16 1 and Post 2 shall take office the first day of January, 2004, and serve for initial terms of
 17 office of four years each and until their respective successors are elected and qualified.
 18 Persons first elected to District 1, Post 3 and District 2, Post 3 and Post 4 shall take office
 19 the first day of January, 2004, and serve for initial terms of office of two years each and
 20 until their respective successors are elected and qualified.

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

28 (3) At the municipal general election in 2003 and every four years thereafter, the mayor
 29 of the City of Pelham shall be elected to take office the first day of January immediately
 30 following such election and to serve for a term of office of four years and until a
 31 successor is elected and qualified."

32 SECTION 3.

33 Said Act is further amended by striking subsections (c), (e), and (f) of Section 6A.10 and
 34 inserting in their respective places the following:

35 "(c) Elections for members of the board shall be held at the time of the municipal general
 36 elections. After the election in 2003, members of the board elected from Education District

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.