

Senate Bill 261

By: Senator Johnson of the 1st

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the City of Tybee Island, approved April 20,  
2 1995 (Ga. L. 1995, p. 4462), so as to provide council terms and qualifications for office; to  
3 provide for continuation in office of the mayor and councilmembers and commencing of  
4 terms; to provide for a referendum; to provide for submission of this Act for preclearance  
5 under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act providing a new charter for the City of Tybee Island, approved April 20, 1995 (Ga.  
10 L. 1995, p. 4462), is amended by revising Section 2.11 to read as follows:

11 "SECTION 2.11.

12 Council Terms and Qualifications for Office.

13 The members of the city council shall serve for terms of two years and until their respective  
14 successors are elected and qualified. No person shall be eligible to serve as mayor or  
15 councilmember unless that person shall have been a resident of the city for 12 months prior  
16 to the date of election of the mayor and members of the council and each shall continue to  
17 reside therein during that period of service and to be registered and qualified to vote in  
18 municipal elections of this city."

19 **SECTION 2.**

20 Said Act is further amended by revising Section 5.12 to read as follows:

21 "SECTION 5.12.

22 Continuation In Office of Mayor and Councilmembers; Commencing Terms.

23 The mayor and six councilmembers who are serving in these offices of the city at the time  
24 of the approval of this charter shall continue to serve in their respective offices for and during  
25 the full terms for which they were elected and until their successors are elected and qualified.  
26 Following each biennial election, the successors to the then existing mayor and six

1 councilmembers elected shall serve for terms of office of two years and until their successors  
 2 are elected and qualified and shall take office on the first day of January following their  
 3 elections."

4 **SECTION 3.**

5 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal  
 6 election superintendent of the City of Tybee Island shall call and conduct an election as  
 7 provided in this section for the purpose of submitting this Act to the electors of the City of  
 8 Tybee Island for approval or rejection. The municipal election superintendent shall conduct  
 9 that election on the third Tuesday in June, 2007, and shall issue the call and conduct that  
 10 election as provided by general law. The municipal election superintendent shall cause the  
 11 date and purpose of the election to be published once a week for two weeks immediately  
 12 preceding the date thereof in the official organ of Chatham County. The ballot shall have  
 13 written or printed thereon the words:

14 "( ) YES Shall the Act be approved which amends the charter of the City of Tybee  
 15 Island so as to provide for council terms and qualifications for office and for  
 16 ( ) NO continuation in office of the mayor and councilmembers and commencing  
 17 of terms?"

18 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 19 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 20 such question are for approval of the Act, then Sections 1 and 2 of this Act shall become of  
 21 full force and effect immediately. If Sections 1 and 2 of this Act are not so approved or if  
 22 the election is not conducted as provided in this section, Sections 1 and 2 of this Act shall not  
 23 become effective and this Act shall be automatically repealed on the first day of January  
 24 immediately following that election date. The expense of such election shall be borne by the  
 25 City of Tybee Island. It shall be the municipal election superintendent's duty to certify the  
 26 result thereof to the Secretary of State.

27 **SECTION 4.**

28 The governing authority of the City of Tybee Island shall through its legal counsel cause this  
 29 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as  
 30 amended; and such submission shall be made to the United States Department of Justice or  
 31 filed with the appropriate court no later than 30 days after the date on which this Act is  
 32 approved by the Governor or otherwise becomes law without such approval.

1 **SECTION 5.**

2 Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon  
3 its approval by the Governor or upon its becoming law without such approval.

4 **SECTION 6.**

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