

Senate Bill 261

By: Senator Johnson of the 1st

**AS PASSED SENATE**

**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 four years and until their respective  
14 successors are elected and qualified, except as otherwise provided by Section 5.12 of this  
15 charter. No person shall be eligible to serve as mayor or councilmember unless that person  
16 shall have been a resident of the city for 12 months prior to the date of election of the mayor  
17 and members of the council and each shall continue to reside therein during that period of  
18 service and to be registered and qualified to vote in 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 elected at the general municipal election in November,  
24 2007, shall serve for and during the two-year terms for which they were elected and until  
25 their successors are elected and qualified. Of those six persons elected as councilmembers

1 at the general municipal election in 2009, the three elected councilmembers who received the  
 2 least number of votes shall serve for terms of two years each and until their successors are  
 3 elected and qualified; and the three other councilmembers and mayor elected at the general  
 4 municipal election in 2009 shall serve for terms of four years each and until their successors  
 5 are elected and qualified; and all shall take office on the first day of January following their  
 6 elections. Thereafter, all successors to the mayor and six councilmembers shall serve for  
 7 terms of four years each and until their successors are elected and qualified, and all shall take  
 8 office on the first day of January following their elections."

9 **SECTION 3.**

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

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

23 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 24 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 25 such question are for approval of the Act, then Sections 1 and 2 of this Act shall become of  
 26 full force and effect on January 1, 2008. If Sections 1 and 2 of this Act are not so approved  
 27 or if the election is not conducted as provided in this section, Sections 1 and 2 of this Act  
 28 shall not become effective and this Act shall be automatically repealed on the first day of  
 29 January immediately following that election date. The expense of such election shall be  
 30 borne by the City of Tybee Island. It shall be the municipal election superintendent's duty  
 31 to certify the result thereof to the Secretary of State.

32 **SECTION 4.**

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

1 filed with the appropriate court no later than 30 days after the date on which this Act is  
2 approved by the Governor or otherwise becomes law without such approval.

3 **SECTION 5.**

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

6 **SECTION 6.**

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