

Senate Bill 560

By: Senator Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Fort Oglethorpe, approved April 1,
2 1996 (Ga. L. 1996, p. 3892), so as to provide for the election of the judge of the municipal
3 court; to provide for related matters; to provide for the submission for preclearance under
4 Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for a referendum;
5 to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to provide a new charter for the City of Fort Oglethorpe, approved April 1, 1996
9 (Ga. L. 1996, p. 3892), is amended by revising Section 4.11 as follows:

10 "SECTION 4.11.

11 Judges.

12 (a) The municipal court shall be presided over by a municipal court judge.

13 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
14 unless that person shall have attained the age of 21 years and shall possess all the
15 qualifications required by law. The judge of the municipal court shall be elected for a term
16 of four years and until his or her successor is elected and qualified.

17 (c) Compensation of the judge shall be fixed by ordinance.

18 (d) Vacancies in the office of municipal court judge shall be filled for the unexpired term
19 by the city council.

20 (e) The term of the municipal court judge in office on the effective date of this Act and any
21 successor to such judge shall end on December 31, 2009. At the 2009 general election, the
22 electors of the City of Fort Oglethorpe shall elect a municipal court judge who shall take
23 office on January 1, 2010, and shall serve for a term of four years and until his or her
24 successor is elected and qualified. Successors to such judge shall be elected at the
25 November general election immediately preceding the end of the incumbent's term of

1 office, and such successor shall take office on January 1 immediately following such
2 election for a term of four years and until their successors are elected and qualified.

3 (f) Before assuming office, each judge shall take an oath, given before an officer duly
4 authorized by law to administer oaths, that the judge will honestly and faithfully discharge
5 the duties of the office to the best of such judge's ability and without fear, favor, or
6 partiality. This oath shall be entered upon the minutes of the city council journal as
7 required in Section 2.20."

8 SECTION 2.

9 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
10 election superintendent of the City of Fort Oglethorpe shall call and conduct an election as
11 provided in this section for the purpose of submitting this Act to the electors of the City of
12 Fort Oglethorpe for approval or rejection. The municipal election superintendent shall
13 conduct that election on the Tuesday after the first Monday in November, 2009, and shall
14 issue the call and conduct that election as provided by general law. The municipal election
15 superintendent shall cause the date and purpose of the election to be published once a week
16 for two weeks immediately preceding the date thereof in the official organ of Catoosa
17 County. The ballot shall have written or printed thereon the words:

18 "() YES Shall the Act be approved which provides for the election of the judge of the
19 () NO municipal court of the City of Fort Oglethorpe?"

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

29 SECTION 3.

30 The governing authority of the City of Fort Oglethorpe shall through its legal counsel cause
31 this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act
32 of 1965, as amended, and such submission shall be made no later than 45 days after the date
33 on which this Act is approved by the Governor or otherwise becomes law without such
34 approval.

SECTION 4.

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

SECTION 5.

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