

House Bill 1485

By: Representative Houston of the 170<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act establishing a new charter for the City of Nashville, approved March 17,  
2 1978 (Ga. L. 1978, p. 4017), as amended, particularly by an Act approved March 22, 1990  
3 (Ga. L. 1990, p. 4430), so as to provide new terms of office for the mayor and members of  
4 the city council; to provide for related matters; to provide for a referendum; to provide for  
5 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for  
6 effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act establishing a new charter for the City of Nashville, approved March 17, 1978  
10 (Ga. L. 1978, p. 4017), as amended, particularly by an Act approved March 22, 1990  
11 (Ga. L. 1990, p. 4430), is amended by revising Section 3-3 as follows:

12 "SECTION 3-3.  
13 Councilmembers.

14 (a) The city council is divided into six posts to be designated Post No. 1, Post No. 2, Post  
15 No. 3, Post No. 4, Post No. 5, and Post No. 6. Any person seeking election to the city  
16 council shall designate the city council post to which he or she seeks election and shall seek  
17 election only to the post so designated. The provisions of this section shall not be  
18 construed as requiring the division of the territory of the city into council districts or the  
19 establishment of council districts.

20 (b) The councilmembers in office on the effective date of this Act shall serve out the terms  
21 to which they were elected.

22 (c) Successors to the three councilmembers elected in November, 2008, whose terms will  
23 expire on December 31, 2010, shall be elected in the 2010 November general election for  
24 terms of office of five years beginning on January 1, 2011, and ending on December 31,

1 2015, and until their successors are elected and qualified. At the 2015 November general  
 2 election, successors to such councilmembers shall be elected to serve a term of office of  
 3 four years beginning on January 1, 2016, and ending on December 31, 2019, and until their  
 4 successors are elected and qualified. Thereafter, successors to such councilmembers shall  
 5 be elected at the November general election immediately preceding the end of their  
 6 respective terms of office and shall take office on January 1 immediately following such  
 7 election for a term of four years and until their successors are elected and qualified.

8 (d) Successors to the three councilmembers elected in November, 2007, whose terms will  
 9 expire on December 31, 2009, shall be elected in the 2009 November general election for  
 10 terms of office of four years beginning on January 1, 2010, and ending on December 31,  
 11 2013, and until their successors are elected and qualified. Thereafter, successors to such  
 12 councilmembers shall be elected at the November general election immediately preceding  
 13 the end of their respective terms of office and shall take office on January 1 immediately  
 14 following such election for a term of four years and until their successors are elected and  
 15 qualified."

## 16 SECTION 2.

17 Said Act is further amended by revising Section 3-4 as follows:

### 18 "SECTION 3-4.

19 Mayor.

20 The mayor in office on the effective date of this Act shall serve out the term to which he  
 21 or she was elected. A successor to the mayor shall be elected in the 2010 November  
 22 general election for a term of office of five years beginning on January 1, 2011, and ending  
 23 on December 31, 2015, and until his or her successor is elected and qualified. At the 2015  
 24 November general election, a successor to such mayor shall be elected to serve a term of  
 25 office of four years beginning on January 1, 2016, and ending on December 31, 2019, and  
 26 until his or her successor is elected and qualified. Thereafter, successors to such mayor  
 27 shall be elected at the November general election immediately preceding the end of the  
 28 mayor's term of office and shall take office on January 1 immediately following such  
 29 election for a term of four years and until a successor is elected and qualified."

## 30 SECTION 3.

31 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
 32 superintendent of the City of Nashville shall call and conduct an election as provided in this  
 33 section for the purpose of submitting this Act to the electors of the City of Nashville for

1 approval or rejection. The election superintendent shall conduct that election in conjunction  
 2 with the 2008 November general election and shall issue the call and conduct that election  
 3 as provided by general law. The election superintendent shall cause the date and purpose of  
 4 the election to be published once a week for two weeks immediately preceding the date  
 5 thereof in the official organ of Berrien County. The ballot shall have written or printed  
 6 thereon the words:

7 " YES Shall the Act be approved which provides for staggered, four-year terms of  
 8 office for the mayor and city council of the City of Nashville as provided in  
 9  NO such Act?"

10 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 11 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 12 such question are for approval of the Act, Sections 1 and 2 of this Act shall become of full  
 13 force and effect on January 1, 2009. If the Act is not so approved or if the election is not  
 14 conducted as provided in this section, Sections 1 and 2 of this Act shall not become effective,  
 15 and this Act shall be automatically repealed on the first day of January immediately  
 16 following that election date. The expense of such election shall be borne by the City of  
 17 Nashville. It shall be the election superintendent's duty to certify the result thereof to the  
 18 Secretary of State.

19 **SECTION 4.**

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

24 **SECTION 5.**

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

27 **SECTION 6.**

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