

House Bill 1295

By: Representatives Horne of the 71st and Epps of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Haralson, approved May 17, 2004
2 (Ga. L. 2004, p. 4349), so as to stagger the terms of office for the mayor and
3 councilmembers; to provide for a referendum; to provide for related matters; to provide for
4 an effective date and applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act creating a new charter for the City of Haralson, approved May 17, 2004 (Ga. L. 2004,
8 p. 4349), is amended by revising Section 2.11 as follows:

9 "SECTION 2.11.

10 Elections.

11 (a) At any election, all persons who are qualified under the Constitution and laws of
12 Georgia to vote for members of the General Assembly of Georgia and who are bona fide
13 residents of the city shall be eligible to qualify as voters in the election.

14 (b) All primaries and elections shall be held and conducted in accordance with Chapter 2
15 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' Except as otherwise provided by
16 this charter, the city council shall, by ordinance, prescribe such rules and regulations it
17 deems appropriate to fulfill any options and duties under the 'Georgia Election Code.'

18 (c) The municipal general election for the City of Haralson shall be conducted on Tuesday
19 next following the first Monday in November, 2010, and on such day in each
20 odd-numbered year thereafter.

21 (d) For the purpose of electing members of the council, the City of Haralson shall consist
22 of one election district with three numbered posts. Each person seeking election shall
23 designate the post for which he or she seeks election.

24 (e) The mayor and councilmember from Post 3 who are in office on the effective date of
 25 this Act, and any person selected to fill a vacancy in such office, shall serve out the
 26 remainder of their terms of office, which shall expire December 31, 2011, and upon the
 27 election and qualification of their respective successors. Those successors to
 28 councilmembers from Posts 1 and 2 shall be elected at the municipal general election in
 29 2010, shall take office the first day of January immediately following that election, and
 30 shall serve for initial terms of three years, which shall expire December 31, 2013, and until
 31 their respective successors are elected and qualified. Those and all future successors to
 32 councilmembers from Posts 1 and 2 whose terms of office are to expire shall be elected at
 33 the municipal general election immediately preceding the expiration of such terms, shall
 34 take office the first day of January immediately following that election, and shall serve for
 35 terms of four years and until their respective successors are elected and qualified. Those
 36 successors to the mayor and councilmember from Post 3 whose terms of office are to
 37 expire in 2011, and all future successors to such offices, shall be elected at the municipal
 38 general election immediately preceding the expiration of such terms, shall take office the
 39 first day of January immediately following that election, and shall serve for terms of four
 40 years and until their respective successors are elected and qualified."

41

SECTION 2.

42 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 43 superintendent of Coweta County shall call and conduct an election as provided in this
 44 section for the purpose of submitting this Act to the electors of the City of Haralson for
 45 approval or rejection. The election superintendent shall conduct that election on the date and
 46 in conjunction with the general election in 2010 and shall issue the call therefor not less than
 47 30 days prior to that date. The superintendent shall cause the date and purpose of the election
 48 to be published once a week for two weeks immediately preceding the date thereof in the
 49 official organ of Coweta County. The ballot shall have written or printed thereon the words:

50 "() YES Shall the Act be approved which provides for four-year staggered terms of
 51 office for the mayor and councilmembers of the City of Haralson and to
 52 () NO reduce the current term of office for the mayor and the Post 3
 53 councilmember from four years to three years?"

54 All persons desiring to vote for approval of this Act shall vote "Yes," and those persons
 55 desiring to vote for rejection of this Act shall vote "No." If more than one-half of the votes
 56 cast on such question are for approval of this Act, this Act shall become of full force and
 57 effect on December 1, 2010. If this Act is not so approved or if the election is not conducted
 58 as provided in this section, the remaining sections of this Act shall not become effective and
 59 this Act shall be automatically repealed on the first day of January immediately following

60 that election date. The expense of such election shall be borne by the City of Haralson. It
61 shall be the election superintendent's duty to certify the result thereof to the Secretary of
62 State.

63 **SECTION 3.**

64 Except as provided in Section 2 of this Act, this Act shall become effective upon its approval
65 by the Governor or upon its becoming law without such approval. If this Act becomes
66 effective, the clerk for the City of Haralson shall immediately notify the Secretary of State's
67 office of this Act's effectiveness. If this Act does not become effective, this Act shall
68 automatically be repealed.

69 **SECTION 4.**

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