

House Bill 1434 (AS PASSED HOUSE AND SENATE)

By: Representatives Marin of the 96th and Rice of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Norcross, approved March 28, 1990
2 (Ga. L. 1990, p. 4934), as amended, so as to provide to provide that the mayor and
3 councilmembers shall be elected by a plurality; to provide for a referendum; to provide for
4 submission of this Act for preclearance under the federal Voting Rights Act of 1965, as
5 amended; to provide for an effective date; to provide for automatic repeal under certain
6 circumstances; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 To amend an Act providing a new charter for the City of Norcross, approved March 28, 1990
10 (Ga. L. 1990, p. 4934), as amended, is amended by revising Section 5.13 as follows:

11 "SECTION 5.13.

12 Election by plurality.

13 The candidate for mayor who received the largest number of votes cast in each election and
14 the candidates receiving the largest number of votes cast for the position of
15 councilmember, be it two or three dependent upon the election cycle, in each election shall
16 be elected for terms of office as provided for in Section 5.11."

17 **SECTION 2.**

18 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
19 election superintendent of the City of Norcross shall call and conduct an election as provided
20 in this section for the purpose of submitting this Act to the electors of the City of Norcross
21 for approval or rejection. The municipal election superintendent shall conduct that election
22 on the Tuesday after the first Monday in November, 2010, and shall issue the call and
23 conduct that election as provided by general law. The municipal election superintendent

24 shall cause the date and purpose of the election to be published once a week for two weeks
 25 immediately preceding the date thereof in the official organ of Gwinnett County. The ballot
 26 shall have written or printed thereon the words:

27 "() YES Shall the Act be approved which provides that the mayor and city
 28 () NO councilmembers shall be elected by a plurality?"

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

38 **SECTION 3.**

39 The governing authority of the City of Norcross shall through its legal counsel cause this Act
 40 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended;
 41 and such submission shall be made to the United States Department of Justice or filed with
 42 the appropriate court no later than 45 days after the date on which this Act is approved by the
 43 Governor or otherwise becomes law without such approval.

44 **SECTION 4.**

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

47 **SECTION 5.**

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