

House Bill 114 (AS PASSED HOUSE AND SENATE)

By: Representative Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the Town of Newborn, approved June 3, 2003
2 (Ga. L. 2003, p. 4397), so as to change the terms of office of the members of the town
3 council from concurrent to staggered terms of office; to provide for continuation in office of
4 certain current councilmembers; to provide for election and terms of office of subsequent
5 councilmembers; to clarify certain requirements regarding the election of the mayor and
6 members of the town council; to provide for submission of this Act for preclearance under
7 the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act providing a new charter for the Town of Newborn, approved June 3, 2003 (Ga. L.
12 2003, p. 4397), is amended by revising Section 2.11 as follows:

13 style="text-align:center">"SECTION 2.11.

14 style="text-align:center">Town council terms and qualification for office.

15 Except for initial two-year terms of office for Posts 1 and 2 from January 1, 2010 through
16 December 31, 2011, in order to implement staggered terms of office, the members of the
17 town council shall serve for terms of four years and until their respective successors are
18 elected and sworn in. No person shall be eligible to serve as mayor or councilmember
19 unless he or she shall have been a resident of the town for 12 months prior to the date of
20 qualification for the election or mayor or councilmember, as the case may be. Each such
21 official shall continue to reside in the town during his or her period of service and continue
22 to be registered and qualified to vote in municipal elections of the town."

23 **SECTION 2.**

24 Said Act is further amended by revising Section 2.27 as follows:

25 "SECTION 2.27.

26 Election of mayor; forfeiture; compensation.

27 The mayor must receive a plurality of votes cast for that office in the entire town and shall
 28 serve for a term of four years and until his or her successor is elected and qualified. The
 29 mayor shall be a qualified elector of the town and shall have been a resident of the town
 30 of 12 months prior to his or her qualification for his or her election. The mayor shall
 31 continue to reside in this town during the period of his or her service. He or she shall
 32 forfeit his or her office on the same grounds and under the same procedure as for
 33 councilmembers. The compensation of the mayor shall be established in the same manner
 34 as for councilmembers."

35 **SECTION 3.**

36 Said Act is further amended by revising Section 5.11 as follows:

37 "SECTION 5.11.

38 Election of mayor and councilmembers.

39 (a) There shall be a municipal general election on the Tuesday following the first Monday
 40 in November, 2009, and every two years thereafter.

41 (b) The mayor and those members of the town council who are serving as such on
 42 December 31, 2008, and any person selected to fill a vacancy in any such office shall
 43 continue to serve as such members until the regular expiration of their respective terms of
 44 office.

45 (c) For purposes of electing members of the town council, other than the mayor, the Town
 46 of Newborn is divided into four posts to be designated Post No. 1, Post No. 2, Post No. 3,
 47 and Post No. 4. Any person seeking election to the town council shall designate the town
 48 council post to which he or she seeks election and shall seek election only to the post so
 49 designated. The provisions of this section shall not be construed as requiring the division
 50 of the territory of the town into council districts or the establishment of council districts.
 51 Any person seeking election as a member of the town council must receive a plurality of
 52 votes cast for that office in the entire town.

53 (d) The mayor and the members of the town council shall be elected as provided in this
 54 subsection. The first members from Post No. 1 and Post No. 2 under the staggered election

55 system shall be elected at the general election on the Tuesday next following the first
56 Monday in November, 2009. Those members of the town council elected thereto from Post
57 No. 1 and Post No. 2 in 2009 shall take office the first day of January immediately
58 following that election and shall serve for initial terms of office which expire December
59 31, 2011, and upon the election and qualification of their respective successors. The first
60 members from Post No. 3 and Post No. 4 under the staggered election system shall be
61 elected at the general election on the Tuesday next following the first Monday in
62 November, 2009. The mayor and those members of the town council elected thereto from
63 Post No. 3 and Post No. 4 in 2009 shall take office the first day of January immediately
64 following that election and shall serve for initial terms of office which expire December
65 31, 2013, and upon the election and qualification of their respective successors. Those and
66 all future successors to the mayor and to members of the town council whose terms of
67 office are to expire shall be elected at the time of the municipal general election provided
68 for in subsection (a) of this section immediately preceding the expiration of such terms,
69 shall take office the first day of January immediately following the election, and shall serve
70 for terms of office of four years each. The mayor and the members of the town council
71 shall serve for the terms of office specified therefor in this subsection and until their
72 respective successors are elected and qualified."

73 **SECTION 4.**

74 Said Act is further amended by revising Section 5.14 as follows:

75 "SECTION 5.14.

76 Reserved."

77 **SECTION 5.**

78 The governing authority of the Town of Newborn shall through its legal counsel cause this
79 Act to be submitted for preclearance under the federal Voting Right Act of 1965, as
80 amended; and such submission shall be made to the United States Department of Justice or
81 filed with the appropriate court no later than 45 days after the date on which this Act is
82 approved by the Governor or otherwise becomes law without such approval.

83 **SECTION 6.**

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