

House Bill 629

By: Representative Day of the 163<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the City of Tybee Island, approved April 20,  
2 1995 (Ga. L. 1995, p. 4462), so as to provide for four-year, staggered terms of office for the  
3 mayor and councilmembers; to provide for a referendum; to provide for submission of this  
4 Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide  
5 an 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 providing a new charter for the City of Tybee Island, approved April 20, 1995  
9 (Ga. L. 1995, p. 4462), is amended by revising Section 2.11 to read as follows:

10 "SECTION 2.11.

11 Council Terms and Qualifications for Office.

12 The members of the city council shall serve for terms of four years and until their respective  
13 successors are elected and qualified, except as otherwise provided by Section 5.12 of this  
14 charter. No person shall be eligible to serve as mayor or councilmember unless that person  
15 shall have been a resident of the city for 12 months prior to the date of election of the mayor  
16 and members of the council and each shall continue to reside therein during that period of  
17 service and to be registered and qualified to vote in municipal elections of this city."

18 **SECTION 2.**

19 Said Act is further amended by revising Section 5.12 to read as follows:

20 "SECTION 5.12.

21 Continuation in Office of Mayor and Councilmembers; Commencing Terms.

22 The mayor and six councilmembers elected at the general municipal election in November,  
23 2009, shall serve for and during the two-year terms for which they were elected and until  
24 their successors are elected and qualified. Of those six persons elected as councilmembers  
25 at the general municipal election in 2011, the three elected councilmembers who received the

26 least number of votes shall serve for terms of two years each and until their successors are  
 27 elected and qualified; and the three other councilmembers and mayor elected at the general  
 28 municipal election in 2011 shall serve for terms of four years each and until their successors  
 29 are elected and qualified; and all shall take office on the first day of January following their  
 30 elections. Thereafter, all successors to the mayor and six councilmembers shall serve for  
 31 terms of four years each and until their successors are elected and qualified, and all shall take  
 32 office on the first day of January following their elections."

33 **SECTION 3.**

34 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal  
 35 election superintendent of the City of Tybee Island shall call and conduct an election as  
 36 provided in this section for the purpose of submitting this Act to the electors of the City of  
 37 Tybee Island for approval or rejection. The municipal election superintendent shall conduct  
 38 that election on the date of the general election in November, 2010, and shall issue the call  
 39 and conduct that election as provided by general law. The municipal election superintendent  
 40 shall cause the date and purpose of the election to be published once a week for two weeks  
 41 immediately preceding the date thereof in the official organ of Chatham County. The ballot  
 42 shall have written or printed thereon the words:

43 " YES Shall the Act be approved which amends the charter of the City of Tybee  
 44 Island so as to provide for staggered, four-year terms of office for the mayor  
 45  NO and councilmembers?"

46 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 47 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 48 such question are for approval of the Act, then Sections 1 and 2 of this Act shall become of  
 49 full force and effect on January 1, 2011. If Sections 1 and 2 of this Act are not so approved  
 50 or if the election is not conducted as provided in this section, Sections 1 and 2 of this Act  
 51 shall not become effective and this Act shall be automatically repealed on the first day of  
 52 January immediately following that election date. The expense of such election shall be  
 53 borne by the City of Tybee Island. It shall be the municipal election superintendent's duty  
 54 to certify the result thereof to the Secretary of State.

55 **SECTION 4.**

56 The governing authority of the City of Tybee Island shall through its legal counsel cause this  
 57 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as  
 58 amended; and such submission shall be made to the United States Department of Justice or  
 59 filed with the appropriate court no later than 30 days after the date on which this Act is  
 60 approved by the Governor or otherwise becomes law without such approval.

61 **SECTION 5.**

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

64 **SECTION 6.**

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