

House Bill 802

By: Representatives Rogers of the 26<sup>th</sup>, Mills of the 25<sup>th</sup>, Collins of the 27<sup>th</sup>, and Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a nonbinding, advisory referendum for the purpose of ascertaining whether  
2 the General Assembly should enact legislation authorizing the City of Gainesville to select  
3 its mayor by city-wide election; to provide for legislative purposes and findings; to provide  
4 for procedures and requirements relating thereto; to provide for a referendum and effective  
5 dates; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 (a) It is the purpose of this Act to provide for a nonbinding, advisory referendum for the  
9 purpose of ascertaining whether the General Assembly should enact legislation authorizing  
10 the City of Gainesville to select its mayor by city-wide election.

11 (b) It is found, determined, and declared that the holding of the nonbinding, advisory  
12 referendum provided for in this Act is:

13 (1) In all respects for the benefit of the people of the City of Gainesville;

14 (2) A public purpose; and

15 (3) An essential governmental function for which public funds may be expended.

16 **SECTION 2.**

17 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal  
18 election superintendent of the City of Gainesville shall call and conduct a nonbinding,  
19 advisory referendum election as provided in this section for the purpose of submitting a  
20 question to the electors of the City of Gainesville to determine whether a majority of said  
21 electors want the General Assembly to enact legislation authorizing the City of Gainesville  
22 to select its mayor by city-wide election. The municipal election superintendent shall  
23 conduct that election on the Tuesday after the first Monday in November, 2009, and shall  
24 issue the call and conduct that election as provided by general law. The municipal election  
25 superintendent shall cause the date and purpose of the election to be published once a week

26 for two weeks immediately preceding the date thereof in the official organ of Hall County.

27 The ballot shall have written or printed thereon the words:

28 "NONBINDING ADVISORY REFERENDUM

29 ( ) YES Should the General Assembly enact legislation authorizing the City of

30 ( ) NO Gainesville to select its mayor by city-wide election?"

31 All persons desiring to vote for approval of the question shall vote "Yes," and all persons  
32 desiring to vote for rejection of the question shall vote "No." The expense of such election  
33 shall be borne by the City of Gainesville. It shall be the election superintendent's duty to  
34 certify the result thereof to the Secretary of State and to each member of the General  
35 Assembly whose senatorial or representative district lies wholly or partially within the City  
36 of Gainesville.

37 **SECTION 3.**

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

40 **SECTION 4.**

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