

House Bill 714 (AS PASSED HOUSE AND SENATE)

By: Representatives Marin of the 96<sup>th</sup>, Rice of the 51<sup>st</sup>, and Floyd of the 99<sup>th</sup>

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, particularly by an Act approved April 5, 1993 (Ga. L.  
3 1993, p. 4727) and by an Act approved March 25, 1996 (Ga. L. 1996, p. 3666), so as to  
4 change the terms of the mayor and city councilmembers; to provide that the mayor and  
5 councilmembers shall be elected by a plurality; to provide for submission of this Act for  
6 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an  
7 effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act providing a new charter for the City of Norcross, approved March 28, 1990 (Ga. L.  
11 1990, p. 4934), as amended, particularly by an Act approved April 5, 1993 (Ga. L. 1993, p.  
12 4727) and by an Act approved March 25, 1996 (Ga. L. 1996, p. 3666), is amended by  
13 revising Section 2.11 as follows:

14 "Section 2.11. Mayor and city council terms and qualification for office. The mayor and  
15 city councilmembers shall serve for terms of four years and until their respective successors  
16 are elected and qualified. No person shall be eligible to serve as mayor or councilmember  
17 unless he or she is a qualified municipal voter. No person shall be eligible to serve as  
18 mayor or councilmember unless he or she is at least 18 years of age and has been a resident  
19 of the city for at least one year immediately prior to the date of his or her election. The  
20 mayor and each councilmember shall continue to reside in the city during their period of  
21 service."

22 **SECTION 2.**

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

24 "Section 5.11. Regular elections; time for holding.

25 (a) The mayor and councilmembers serving on the effective date of this Act shall remain in  
26 office until the normal expiration of their terms of office and until their successors are elected  
27 and qualified.

28 (b) Successors to David McLeroy, Andrew Hixson, and Ross Kaul whose terms expire  
29 December 31, 2010, shall be elected on the Tuesday next following the first Monday in  
30 November of 2010 for a term of two years and until their successors are elected and  
31 qualified.

32 (c) Successors to the mayor and those two councilmembers whose terms expire December  
33 31, 2011, shall be elected on the Tuesday next following the first Monday in November of  
34 2011 for a term of three years and until their successors are elected and qualified.

35 (d) Successors to those three councilmembers whose terms expire December 31, 2012, shall  
36 be elected on the Tuesday next following the first Monday in November of 2012 and every  
37 four years thereafter and shall serve for terms of office of four years and until their  
38 successors are elected and qualified.

39 (e) Successors to the mayor and those two councilmembers whose terms expire December  
40 31, 2014, shall be elected on the Tuesday next following the first Monday in November of  
41 2014 and every four years thereafter and shall serve for terms of office of four years and until  
42 their successors are elected and qualified."

43 **SECTION 3.**

44 Said act is further amended by revising Section 5.13 as follows:

45 "Section 5.13. Election by plurality.

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

50 **SECTION 4.**

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

56

**SECTION 5.**

57 This Act shall become effective upon its approval by the Governor or upon its becoming law  
58 without such approval.

59

**SECTION 6.**

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