

House Bill 106 (AS PASSED HOUSE AND SENATE)

By: Representative Spencer of the 180<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for a new charter for the City of St. Marys, Georgia, approved  
2 April 9, 1981 (Ga. L. 1981, p. 4763), as amended, particularly by an Act approved April 4,  
3 1996 (Ga. L. 1996, p. 4100), and a home rule amendment filed in the Office of the Secretary  
4 of State on February 28, 2005 (Ga. L. 2005, p. 4277), so as to provide for the election of the  
5 mayor and councilmembers by a simple majority by the voters of the entire city; to provide  
6 for related matters; to provide for a referendum; to provide for effective dates; to repeal  
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act providing for a new charter for the City of St. Marys, Georgia, approved April 9,  
11 1981 (Ga. L. 1981, p. 4763), as amended, particularly by an Act approved April 4, 1996  
12 (Ga. L. 1996, p. 4100), and a home rule amendment filed in the Office of the Secretary of  
13 State on February 28, 2005 (Ga. L. 2005, p. 4277), is amended by revising subsection (a) of  
14 Section 3-102 as follows:

15 "(a) For the purpose of electing councilmembers, the City of St. Marys shall consist of one  
16 election district with six numbered posts. Each person seeking election as a  
17 councilmember shall designate the post for which he or she seeks election. The candidate  
18 receiving a simple majority of the votes cast for the designated city council post shall be  
19 elected. All councilmembers shall be elected for terms of four years and until their  
20 respective successors are elected and qualified."

21 **SECTION 2.**

22 Said Act is further amended by revising subsection (b) of Section 3-102 as follows:

23 "(b) The mayor shall be elected from the city at large by a simple majority of the votes cast  
24 to fill such office for a term of four years and until his or her successor is elected and  
25 qualified."

26

**SECTION 3.**

27 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal  
 28 election superintendent of the City of St. Marys shall call and conduct an election as provided  
 29 in this section for the purpose of submitting this Act to the electors of the City of St. Marys  
 30 for approval or rejection. The election superintendent of the City of St. Marys shall call and  
 31 conduct that election on the earliest date permitted for a special election following approval  
 32 of this Act by the Governor or it becoming law without such approval and preclearance  
 33 pursuant to Section 5 of the Voting Rights Act of 1965, as amended, as certified by the city  
 34 attorney. The election superintendent shall issue the call and conduct that election as  
 35 provided by general law. The election superintendent shall cause the date and purpose of the  
 36 election to be published once a week for two weeks immediately preceding the date thereof  
 37 in the official organ of Camden County. The ballot shall have written or printed thereon the  
 38 words:

39 "( ) YES Shall the charter of the City of St. Marys, Georgia, be amended so as to  
 40 require that a candidate for city council or mayor must receive at least a  
 41 ( ) NO simple majority of all votes cast for such office to be elected?"

42 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 43 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 44 such question are for approval of the Act, Sections 1 and 2 of this Act shall become of full  
 45 force and effect and shall apply to the next and all subsequent municipal elections in the City  
 46 of St. Marys following approval by the electors unless prohibited by the federal Voting  
 47 Rights Act of 1965, as amended. The expense of such election shall be borne by the City of  
 48 St. Marys. It shall be the municipal election superintendent's duty to certify the result thereof  
 49 to the Secretary of State. These amendments shall not be effective until approved by a  
 50 majority of the electors of the City of St. Marys voting in the referendum and any necessary  
 51 approval or preclearance pursuant to the federal Voting Rights Act of 1965, as amended, has  
 52 been obtained by the city attorney of the City of St. Marys.

53

**SECTION 4.**

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

56

**SECTION 5.**

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