

House Bill 517

By: Representative Jasperse of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the Town of Talking Rock, approved April 21,
2 1997 (Ga. L. 1997, p. 4222), as amended by an Act approved May 4, 2006 (Ga. L. 2006,
3 p. 4130), so as to modify provisions relating to municipal elections and the terms of the
4 mayor and councilmembers; to provide for related matters; to repeal conflicting laws; and
5 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 Town of Talking Rock, approved April 21, 1997 (Ga.
9 L. 1997, p. 4222), as amended by an Act approved May 4, 2006 (Ga. L. 2006, p. 4130), is
10 amended by revising Section 2.10 as follows:

11 "SECTION 2.10.

12 Town council creation; number; election.

13 The legislative authority of the government of this town, except as otherwise specifically
14 provided in this charter, shall be vested in a town council to be composed of a mayor and
15 five councilmembers. The town council established in this charter shall in all respects be
16 a successor to and continuation of the town governing authority under prior law. All town
17 elections shall be nonpartisan. The mayor and councilmembers shall be elected in the
18 manner provided by this charter."

19 **SECTION 2.**

20 Said Act is further amended by revising Section 2.11 as follows:

21 "SECTION 2.11.

22 Mayor and town councilmembers; terms and qualifications for office.

23 (a) For the purpose of electing members of the town council, the Town of Talking Rock
24 shall consist of one election district with five numbered posts. Each person seeking
25 election shall designate the post for which he or she seeks election.

26 (b) The mayor and town councilmembers shall serve for terms of four years, subject to the
27 initial two-year term set forth herein below, and until their respective successors are elected
28 and qualified. No person shall be eligible to serve as mayor or councilmember unless that
29 person shall have been a resident of the town immediately prior to the date of the election
30 for a period of time as provided in Code Section 45-2-1 of the O.C.G.A.; each shall
31 continue to reside therein during that person's period of service and to be registered and
32 qualified to vote in municipal elections of this town.

33 (c) On the Tuesday next following the first Monday in November, 2013, and on such day
34 biennially thereafter, a general municipal election shall be conducted in the Town of
35 Talking Rock for the purpose of electing a mayor and councilmembers for Posts 1 through
36 5 to succeed those officials whose terms expire December 31 following the date of such
37 election. Officials elected in such elections shall be elected for terms of office of four years
38 beginning on January 1, except for mayor and councilmember Posts 2 and 4, which shall
39 be for an initial term of two years, following the date of their respective election and until
40 they are no longer qualified or their successors are elected and qualified, whichever shall
41 occur first.

42 (d) Elections shall be conducted in the Town of Talking Rock at the town hall or at such
43 place or places as may be designated by the mayor and town council.

44 (e) The candidate for each councilmember post receiving a plurality of votes cast for such
45 councilmember post shall be declared as councilmember for the respective post for which
46 he or she qualified as a candidate.

47 (f) Throughout this charter, the terms he, him, councilman, councilmen, councilmembers,
48 or the like shall refer to the feminine as well as the masculine."

49 **SECTION 3.**

50 Said Act is further amended by revising Section 2.12 as follows:

51 "SECTION 2.12.

52 Vacancy; filling of vacancies; suspensions.

53 (a) The office of mayor or councilmember shall become vacant upon the incumbent's
54 death, resignation, forfeiture of office, or removal from office or in any manner provided
55 by this charter or the general laws of the State of Georgia.

56 (b) In the event the office of mayor shall become vacant for any cause, the mayor pro
57 tempore shall fill and hold the office of mayor until the next regular biennial election at
58 which time an election shall be held to fill such office for either the remaining two years
59 of the unexpired term of the mayor vacating such office or the new term of office,
60 whichever shall apply.

61 (c) In the event the office of any councilmember shall become vacant for any cause, the
62 mayor and remaining councilmembers shall appoint a qualified person to fill and hold such
63 office for either the remaining two years of the term of office of the councilmember
64 vacating such office or for the new term of office, whichever shall apply.

65 (d) Upon the suspension from office of the mayor or a councilmember, in any manner
66 authorized by the general laws of the State of Georgia, the remaining councilmembers not
67 under suspension, and mayor where the mayor is not under suspension, shall appoint a
68 successor for the duration of the suspension. If the suspension becomes a permanent
69 suspension, then the office shall become vacant and shall be filled as provided by this
70 section."

71 **SECTION 4.**

72 Said Act is further amended by revising Section 2.26 as follows:

73 "SECTION 2.26.

74 Compensation of mayor.

75 The compensation of the mayor shall be established in the same manner as for
76 councilmembers."

77 **SECTION 5.**

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

79 "SECTION 2.27.

80 Mayor pro tempore.

81 By majority vote, the town council shall elect a councilmember to serve as mayor pro
82 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
83 the mayor's disability or absence as provided by this charter."

84 **SECTION 6.**

85 Said Act is further amended by revising Section 5.10 as follows:

86 "SECTION 5.10.

87 Applicability of general law.

88 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
89 Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

90 **SECTION 7.**

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

92 "SECTION 5.11.

93 Reserved."

94 **SECTION 8.**

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

96 "SECTION 5.14.

97 Reserved."

98 **SECTION 9.**

99 Said Act is further amended by revising Section 5.15 as follows:

100 "SECTION 5.15.

101 Reserved."

102 **SECTION 10.**

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