

House Bill 391 (AS PASSED HOUSE AND SENATE)

By: Representative Holmes of the 125<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act repealing an Act incorporating the City of Monticello and granting a new  
2 charter to the City of Monticello, approved March 10, 1959 (Ga. L. 1959, p. 2683), as  
3 amended, particularly by an Act approved March 12, 1984 (Ga. L. 1984, p. 3779), so as to  
4 provide for municipal elections; to provide for terms for the mayor and council; to provide  
5 for staggering of such terms; to provide for related matters; to repeal conflicting laws; and  
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act repealing an Act incorporating the City of Monticello and granting a new charter to  
10 the City of Monticello, approved March 10, 1959 (Ga. L. 1959, p. 2683), as amended,  
11 particularly by an Act approved March 12, 1984 (Ga. L. 1984, p. 3779), is amended by  
12 revising Sections 5 through 13 as follows:

13 "SECTION 5.

14 The municipal general election for the City of Monticello shall be conducted in accordance  
15 with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter  
16 amended, on the Tuesday following the first Monday in November of each odd-numbered  
17 year. The city council may, by resolution, order a special election in accordance with law  
18 for the election of a councilmember or mayor when a vacancy has occurred for any reason.  
19 Such special election shall be for the purpose of filling the unexpired term of the  
20 councilmember or mayor, as the case may be.

21 SECTION 6.

22 (a) Any person who is a resident of the territory described as the corporate limits of the  
23 city and who has been a resident thereof for one continuous year immediately preceding  
24 the date of election, who is 21 years of age and a qualified elector of the city, and who is

25 otherwise qualified as provided in this section shall be eligible to be elected as mayor or  
26 councilmember. Should the mayor or councilmember elected from the city at large remove  
27 his or her residence from within the corporate limits of the city during his or her term of  
28 office, his or her office shall immediately become vacant. Should any councilmember  
29 elected from an election district remove his or her residence from the district from which  
30 he or she was elected during his or her term of office, his or her office shall immediately  
31 become vacant.

32 (b) The mayor and one councilmember may reside anywhere within the City of Monticello  
33 and shall be elected by a majority of the qualified electors of the entire city. The  
34 councilmember elected from the city at-large shall be the mayor pro tempore.

35 (c)(1) For purposes of electing the other four members of the city council, the City of  
36 Monticello is divided into two election districts by the following described line, to wit:

37 Beginning at the point where Forsyth Street (State Highway 83) intersects with the  
38 southwestern boundary of the Monticello city limits line; from that point northeast  
39 along the centerline of Forsyth Street until it intersects with Short Street; thence along  
40 the centerline of Short Street in a southerly direction until it intersects with the Southern  
41 Railroad track; thence along and with the centerline of the Southern Railroad track in  
42 a northeasterly direction until it intersects with Key Street; from that point southeast  
43 along the centerline of Key Street until it intersects with Blue Ruin Street; from that  
44 point northeast along the centerline of Blue Ruin Street until it intersects with the  
45 Monticello city limits line.

46 Election District No. 1 shall contain all that territory and area within the city limits of the  
47 City of Monticello which lies east and southeast of the above-described line. Election  
48 District No. 2 shall contain all that territory and area within the city limits of the City of  
49 Monticello which lies west and southwest of the above-described line.

50 (2) Two councilmembers shall be elected from Election District No. 1 and two  
51 councilmembers shall be elected from Election District No. 2. Each election district shall  
52 have two posts designated as Post 1 and Post 2. Candidates for the office of  
53 councilmember from each election district shall certify at the time of their qualification  
54 as candidates that they are residents of the election district from which they seek election.  
55 To be elected, a candidate shall receive a majority of the votes cast by the electors of the  
56 election district voting in the election. If no candidate receives a majority of the votes  
57 cast in the election district, a run-off election shall be held in accordance with Chapter 2  
58 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

## 59 SECTION 7.

60 (a) The mayor and members of the city council in office on January 1, 2011, and any  
61 persons filling vacancies in such offices shall serve until the first Tuesday in January, 2012.

62 (b) At the municipal general election in November, 2011, there shall be an election for the  
63 mayor and the councilmembers representing Post 1 in Election District No. 1 and Election  
64 District No. 2. Those persons elected in such election shall take office on the first Tuesday  
65 in January, 2012, and shall serve a term of office of two years and until their respective  
66 successors are elected and qualified. Thereafter, successors to such persons shall be elected

67 at the November municipal general election immediately prior to the end of their terms of  
68 office and they shall take office in January immediately following such election and shall  
69 serve for terms of four years and until their respective successors are elected and qualified.

70 (c) At the municipal general election in November, 2011, there shall be an election for the  
71 mayor pro tempore and the councilmembers representing Post 2 in Election District No. 1  
72 and Election District No. 2. Those persons elected in such election shall take office on the  
73 first Tuesday in January, 2012, and shall serve a term of office of four years and until their  
74 respective successors are elected and qualified. Thereafter, successors to such persons  
75 shall be elected at the November municipal general election immediately prior to the end  
76 of their terms of office and they shall take office in January immediately following such  
77 election and shall serve for terms of four years and until their respective successors are  
78 elected and qualified.

79 (d) On the first Tuesday in January immediately following their election, the mayor and  
80 councilmembers-elect shall meet in the city hall or council chamber and there severally  
81 take, before some officer authorized to administer oaths under the laws of this state, the  
82 following oath of office, to wit:

83 'I do solemnly swear that I will well and truly demean myself as (mayor or  
84 councilmember, as the case may be) of the City of Monticello for the ensuing term and  
85 that I will faithfully enforce the charter and ordinances of the city to the best of my skill  
86 and knowledge without fear or favor, so help me God.'

87 Should the mayor or any councilmember be absent from the meeting, he or she shall take  
88 the oath of office as soon as possible thereafter.

## 89 SECTION 8.

90 Reserved.

## 91 SECTION 9.

92 Reserved.

93 SECTION 10.

94 Reserved.

95 SECTION 11.

96 Reserved.

97 SECTION 12.

98 Reserved.

99 SECTION 13.

100 Reserved."

101 SECTION 2.

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