

House Bill 1019 (AS PASSED HOUSE AND SENATE)

By: Representatives Parent of the 81st, Taylor of the 79th, and Bell of the 58th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to reincorporate the City of Doraville in the County of DeKalb, approved
2 October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to provide for the
3 filling of vacancies in the offices of mayor and councilmember; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 An Act to reincorporate the City of Doraville in the County of DeKalb, approved October 13,
8 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, is amended by revising Section 2.05 as
9 follows:

10 style="text-align:center">"Section 2.05.

11 style="text-align:center">Vacancy in the office of Mayor or Councilmember.

12 (a) Be it further enacted, that a vacancy shall exist if the Mayor or a councilmember
13 resigns, dies, moves his or her residence from the City, or is absent from four consecutive
14 regular meetings of the governing authority, except if granted a leave of absence by the
15 Council, which leave shall be entered upon the minute books; or if he or she is adjudged
16 incompetent or is convicted of malfeasance in office, or of a felony, or any violation of
17 election laws.

18 (b) If less than six months remain in the unexpired term of the vacated council seat, that
19 seat shall remain open until it expires. If more than six months remain in the unexpired
20 term of the vacated council seat, the vacated seat shall be filled by the next available
21 special election ballot, so long as the appropriate statutory and reasonable period of time
22 remains between the vacating of the council seat and the conducting of the special election,
23 including the appropriate qualifying period and proper call of the election. If no such
24 appropriate time period is available until the next special election and the following

25 appropriate date of a special election is less than six months prior to the expiration of the
26 term of the vacated council seat, that seat may remain open until it expires.

27 (c) At no time shall there be more than one councilmember vacancy; and, if a second
28 vacancy occurs on the council, a special election shall be held within a period of 90 days
29 after the second vacancy occurs pursuant to a call of a special election as provided by this
30 charter for both vacancies, so long as the appropriate statutory and reasonable period of
31 time remains between the vacating of the council seat and the conducting of the special
32 election, including the appropriate qualifying period and proper call of the election. If no
33 such appropriate time period is available within 90 days, the special election for said seats
34 shall be conducted at the next available special or general election date.

35 (d) In the event a vacancy should occur in the office of the Mayor, a special election shall
36 be called and held in the manner prescribed by Chapter 2 of Title 21 of the O.C.G.A., the
37 'Georgia Election Code,' as it now exists or may hereafter be amended."

38 **SECTION 2.**

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