

The House Committee on Governmental Affairs offers the following substitute to HB 699:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 elections and primaries generally, so as to provide for the beginning of the terms of office  
3 for county and municipal governing authorities; to amend Title 36 of the Official Code of  
4 Georgia Annotated, relating to local government, so as to provide for the filling of vacancies  
5 on county and municipal governing authorities; to provide for related matters; to provide an  
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
10 primaries generally, is amended by revising Code Section 21-2-541.1, relating to terms for  
11 all municipal offices elected at general municipal elections, as follows:

12 "21-2-541.1.

13 (a) All municipal offices elected at general municipal elections shall be for terms of four  
14 years unless otherwise provided by local law in accordance with Code Section 21-2-541.2.

15 (b) ~~Unless otherwise provided for by the municipal charter, municipal officeholders~~  
16 Notwithstanding any other provision of law to the contrary, beginning with persons elected  
17 on or after the effective date of this subsection, the term of office of a member of a  
18 municipal governing authority, including a mayor, shall begin on the Monday following  
19 such person's election which is at least five days following the certification of the results  
20 of such person's election to such office unless a petition to contest the results of such  
21 person's election to such office is filed pursuant to Article 13 of this chapter. If a petition  
22 to contest the election results is filed, such person shall not be sworn in until a judgment  
23 has been entered pursuant to Code Section 21-2-527 or such petition has been withdrawn  
24 or dismissed. In such case, the person's term of office shall begin on the Monday following  
25 the entry of such judgment or the withdrawal or dismissal of such petition. Such  
26 officeholder shall be sworn in at their first organizational the next meeting of the new year  
27 governing authority, which shall be held not later than two weeks following the beginning

28 ~~of such person's term of office, and will shall~~ hold office until ~~their successors are duly~~  
 29 ~~elected and qualified and take said oath of office~~ his or her successor's term begins in  
 30 accordance with this subsection.

31 (c) Notwithstanding any other provision of law to the contrary, beginning with persons  
 32 elected on or after the effective date of this subsection, the term of office of a member of  
 33 a county governing authority, including a county commission chairperson or chief  
 34 executive officer of a county, shall begin on the Monday following such person's election  
 35 which is at least five days following the certification of the results of such person's election  
 36 to such office unless a petition to contest the results of such person's election to such office  
 37 is filed pursuant to Article 13 of this chapter. If a petition to contest the election results is  
 38 filed, such person shall not be sworn in until a judgment has been entered pursuant to Code  
 39 Section 21-2-527 or such petition has been withdrawn or dismissed. In such case, the  
 40 person's term of office shall begin on the Monday following the entry of such judgment or  
 41 the withdrawal or dismissal of such petition. Such officeholder shall be sworn in at the  
 42 next meeting of the governing authority, which shall be held not later than two weeks  
 43 following the beginning of such person's term of office, and shall hold office until his or  
 44 her successor's term begins in accordance with this subsection.

45 (d) Any actions taken by a county or municipal governing authority during the period  
 46 between the date of an election in which an incumbent member of the governing authority  
 47 was defeated and the date that those members of the governing authority, including a  
 48 mayor, county commission chairperson, or chief executive officer of a county, elected in  
 49 such election take office shall be voidable if such actions are rescinded by the governing  
 50 authority during the 30 day period beginning on the date when the last member of the  
 51 governing authority elected in such election takes office.

52 (e) Nothing contained in subsection (b) or (c) of this Code section is intended to affect the  
 53 vesting of or eligibility for any pension benefits of a public officer."

54 **SECTION 2.**

55 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
 56 by repealing and reserving Code Section 36-5-21, relating to vacancy in office of county  
 57 commissioner or other governing authority.

58 **SECTION 3.**

59 Said title is further amended by adding a new Code section to read as follows:

60 "36-60-27.

61 (a) When a vacancy occurs in the office of a member of a county or municipal governing  
 62 authority, including a mayor, county commission chairperson, or chief executive officer

63 of a county, and the unexpired term for such office exceeds 180 days before the date of  
 64 election for such office, it shall be the duty of the judge of the probate court of the county  
 65 to call a special election to elect a successor and fill the vacancy in not less than 30 nor  
 66 more than 60 days. The election shall be held as provided by Chapter 2 of Title 21, and the  
 67 cost of the election shall be defrayed by the proper county or municipal governing  
 68 authority, as applicable. If the unexpired term to be filled is 180 days or less before the  
 69 date of election for such office, the chief judge of the superior court of the county shall  
 70 have the power to appoint a successor to fill the unexpired term.

71 (b) When the office of a member of a county or municipal governing authority is vacated  
 72 for any reason and a special election is required to be called pursuant to subsection (a) of  
 73 this Code section, the remaining members of such governing authority shall constitute the  
 74 county or municipal governing authority during the interim period between the creation of  
 75 the vacancy and the appointment or election and qualification of a successor to fill the  
 76 vacancy pursuant to subsection (a) of this Code section, except that if, as a result of such  
 77 vacancy or any combination of such vacancies, there is no longer any member of the  
 78 county or municipal governing authority remaining in office to constitute the county or  
 79 municipal governing authority, the judge of the probate court of the county shall serve as  
 80 the county or municipal governing authority until the election and qualification under  
 81 subsection (a) of this Code section of all successors to the vacated positions on the county  
 82 or municipal governing authority.

83 (c) A judge of the probate court serving as the county or municipal governing authority  
 84 pursuant to subsection (b) of this Code section shall receive for such service, in addition  
 85 to any other compensation that such judge is authorized by law to receive, an amount equal  
 86 to the amount that the chairperson of the board of commissioners, mayor, or sole  
 87 commissioner, as applicable, would have been authorized to receive for such period of  
 88 service."

89 **SECTION 4.**

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

92 **SECTION 5.**

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