

House Bill 362

By: Representatives Welch of the 110th, Willard of the 51st, Rynders of the 152nd, Brockway of the 102nd, and Holmes of the 129th

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 and consolidated governments under certain
4 circumstances; to provide for limitations on actions by governing authorities and
5 consolidated governments under certain circumstances; to provide for exceptions; to amend
6 Chapter 20 of Title 36 of the Official Code of Georgia Annotated, relating to county
7 leadership training, so as to provide for the time period for conducting training classes for
8 members of county governing authorities; to provide for related matters; to provide an
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

15 "21-2-541.1.

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

18 ~~(b) Unless otherwise provided for by the municipal charter, municipal officeholders~~
19 Notwithstanding any other provision of law to the contrary, beginning with persons elected
20 on or after January 1, 2018, the term of office of a member of a municipal governing
21 authority, including the mayor, shall begin on the Monday following such person's election
22 which is at least five days following the certification of the results of such person's election
23 to such office unless a petition to contest the results of such person's election to such office
24 is filed pursuant to Article 13 of this chapter. If a petition to contest the election results is
25 filed, such person shall not be sworn in until a judgment has been entered pursuant to Code
26 Section 21-2-527 or such petition has been withdrawn or dismissed. In such case, the

27 person's term of office shall begin on the Monday following the entry of such judgment or
 28 the withdrawal or dismissal of such petition. Such officeholder shall be sworn in at their
 29 first organizational the next meeting of the new year governing authority, which shall be
 30 held not later than two weeks following the beginning of such person's term of office, and
 31 will shall hold office until their successors are duly elected and qualified and take said oath
 32 of office his or her successor's term begins in accordance with this subsection.

33 (c) Notwithstanding any other provision of law to the contrary, beginning with persons
 34 elected on or after January 1, 2017, the term of office of a member of a county governing
 35 authority, including the county commission chairperson or chief executive officer of such
 36 county, shall begin on the Monday following such person's election which is at least five
 37 days following the certification of the results of such person's election to such office unless
 38 a petition to contest the results of such person's election to such office is filed pursuant to
 39 Article 13 of this chapter. If a petition to contest the election results is filed, such person
 40 shall not be sworn in until a judgment has been entered pursuant to Code Section 21-2-527
 41 or such petition has been withdrawn or dismissed. In such case, the person's term of office
 42 shall begin on the Monday following the entry of such judgment or the withdrawal or
 43 dismissal of such petition. Such officeholder shall be sworn in at the next meeting of the
 44 governing authority, which shall be held not later than two weeks following the beginning
 45 of such person's term of office, and shall hold office until his or her successor's term begins
 46 in accordance with this subsection.

47 (d) Notwithstanding any other provision of law to the contrary, beginning with persons
 48 elected on or after January 1, 2017, the term of office of a member of a consolidated
 49 government, including the presiding officer whether denominated as the chairperson,
 50 mayor, or other title, shall begin on the Monday following such person's election which is
 51 at least five days following the certification of the results of such person's election to such
 52 office unless a petition to contest the results of such person's election to such office is filed
 53 pursuant to Article 13 of this chapter. If a petition to contest the election results is filed,
 54 such person shall not be sworn in until a judgment has been entered pursuant to Code
 55 Section 21-2-527 or such petition has been withdrawn or dismissed. In such case, the
 56 person's term of office shall begin on the Monday following the entry of such judgment or
 57 the withdrawal or dismissal of such petition. Such officeholder shall be sworn in at the
 58 next meeting of the consolidated government, which shall be held not later than two weeks
 59 following the beginning of such person's term of office, and shall hold office until his or
 60 her successor's term begins in accordance with this subsection.

61 (e)(1) Unless otherwise provided by a local Act enacted on or after January 1, 2017, any
 62 actions taken by a sole commissioner of a county during the period between the date of
 63 an election in which the incumbent sole commissioner of such county was defeated and

64 the date that a new sole commissioner elected in such election takes office shall be
65 voidable if such actions are rescinded by the new sole commissioner during the 30 day
66 period beginning on the date when the new sole commissioner elected in such election
67 takes office.

68 (2) Except as provided in paragraph (1) of this subsection, unless otherwise provided by
69 local Act enacted on or after January 1, 2017, all actions taken by a county or municipal
70 governing authority or consolidated government during the period between the date of
71 an election and the date that those members of the governing authority, including a
72 mayor, consolidated government chairperson, county commission chairperson, or chief
73 executive officer of a county, elected in such election take office shall require a
74 unanimous vote of the members of the governing authority or consolidated government.

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

77 (g)(1) Although disfavored by the General Assembly, a municipal or county governing
78 authority or consolidated government may choose to have the terms of office of members
79 of such governing authority begin on January 1 immediately following the date of such
80 member's election by adopting a resolution or ordinance in accordance with the
81 provisions of this subsection. In such event, the provisions of subsections (b), (c), and
82 (d) of this Code section shall not be applicable to such governing authority or
83 consolidated government and the terms of office of the members of such governing
84 authority or consolidated government shall begin on January 1 immediately following the
85 election of such members.

86 (2) In order to make the choice provided for in paragraph (1) of this subsection, the
87 governing authority or consolidated government shall give notice containing a synopsis
88 of the proposed resolution or ordinance by publishing such notice in the official organ of
89 the county or municipality once a week for three weeks within a period of 60 days
90 immediately preceding its final adoption. The notice shall state that a copy of the
91 proposed resolution or ordinance is on file in the office of the county clerk or the
92 recording officer of the municipal governing authority or consolidated government, as
93 appropriate, and in the office of the clerk of the superior court of the county for the
94 purpose of examination and inspection by the public. Such resolution or ordinance shall
95 not become effective unless a public hearing is conducted on the proposed resolution or
96 ordinance and such proposed resolution or ordinance is duly adopted at two regular
97 consecutive meetings of the governing authority or consolidated government, not less
98 than seven nor more than 60 days apart, and until a copy of the resolution or ordinance,
99 a copy of the required notice of publication, and an affidavit of a duly authorized
100 representative of the newspaper in which the notice was published, to the effect that the

101 notice has been published as provided in this subsection, has been filed with the Secretary
102 of State and in the office of the clerk of the superior court of the county."

103 **SECTION 2.**

104 Chapter 20 of Title 36 of the Official Code of Georgia Annotated, relating to county
105 leadership training, is amended by revising subsections (c) and (d) of Code Section 36-20-5,
106 relating to the Georgia County Leadership Academy, as follows:

107 "(c) The initial course of training and education required by Code Section 36-20-4 shall
108 be conducted by the academy on the Tuesday after the first Monday in November of 1990
109 and completed before January 1, 1991. Subsequent courses shall be conducted by the
110 academy biennially between the Tuesday after the first Monday in November and before
111 ~~January~~ July 1 of the following year or as otherwise changed by general law. The academy
112 shall have sole responsibility for determining the exact date or dates the course of training
113 and education shall be conducted.

114 (d) The academy shall establish guidelines and procedures to permit any person elected
115 or appointed as a member of a county governing authority after ~~January~~ July 1 of a
116 calendar year or any person who is unable to attend or complete the course of training and
117 education when offered by the academy due to medical disability, providential cause, or
118 any other reason deemed sufficient by the academy; to comply with the requirements of
119 Code Section 36-20-4."

120 **SECTION 3.**

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

123 **SECTION 4.**

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