

Representatives Wilson of the 80<sup>th</sup>, Evans of the 83<sup>rd</sup>, Oliver of the 82<sup>nd</sup>, and Holcomb of the 81<sup>st</sup> offer the following amendment:

1 *Amend the substitute to HB 695 (LC 44 1273S) by replacing lines 1 through 68 with the*  
 2 *following:*

3 To amend an Act to incorporate the City of Brookhaven in DeKalb County, approved  
 4 April 16, 2012 (Ga. L. 2012, p. 5527), as amended, so as to repeal the term limit of the  
 5 mayor; to repeal expired provisions related to election of mayor and councilmembers during  
 6 the first four years of the city's existence; to provide for the filling of vacancies in the offices  
 7 of mayor and councilmembers of more than 12 months; to provide for the filling of vacancies  
 8 in the offices of mayor and councilmembers of less than 12 months; to provide for related  
 9 matters; to provide for a referendum; to provide for contingent effective dates and automatic  
 10 repeal; to repeal conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 An Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012  
 14 (Ga. L. 2012, p. 5527), as amended, is amended by revising subsection (d) and repealing  
 15 subsection (f) of Section 2.02 as follows:

16 "(d) The number of consecutive terms an individual may hold in the position of mayor  
 17 shall not be limited. This section shall apply to any incumbent in office at the time the  
 18 section becomes effective and all prior service of any incumbent shall be counted toward  
 19 this term limit."

20 **SECTION 2.**

21 Said Act is further is amended by revising subsections (b) and (c) of Section 2.03 as follows:

22 "(b) The office of mayor shall become vacant upon the incumbent's death, resignation,  
 23 forfeiture of office, or removal from office in any manner authorized by this charter or the  
 24 general laws of the State of Georgia. Unless otherwise provided herein, a vacancy in the  
 25 office of mayor shall be filled for the remainder of the unexpired term by the city council  
 26 or those members remaining who shall appoint a successor for the remainder of the term.  
 27 This provision shall also apply to a temporary vacancy created by the suspension from  
 28 office of the mayor. If more than 12 months remain in the unexpired term, a special  
 29 election shall be held on the Tuesday after the first Monday in November following the

30 creation of the vacancy. Any person appointed to the office of mayor shall not be entitled  
31 to be shown on the ballot as the incumbent in such special election.

32 (c) The office of a councilmember shall become vacant upon the incumbent's death,  
33 resignation, forfeiture of office, or removal from office in any manner authorized by this  
34 charter or the general laws of the State of Georgia. Unless otherwise provided herein, a  
35 vacancy in the office of a councilmember shall be filled for the remainder of the unexpired  
36 term by the mayor who shall appoint a successor for the remainder of the term subject to  
37 the approval of the city council or those members remaining. This provision shall also  
38 apply to a temporary vacancy created by the suspension from office of a councilmember.  
39 If more than 12 months remain in the unexpired term, a special election shall be held on  
40 the Tuesday after the first Monday in November following the creation of the vacancy.  
41 Any person appointed to the office of councilmember shall not be entitled to be shown on  
42 the ballot as the incumbent."

### 43 SECTION 3.

44 The election superintendent of the City of Brookhaven shall call and conduct an election as  
45 provided in this section for the purpose of submitting Section 1 of this Act to the electors of  
46 the City of Brookhaven under this Act for approval or rejection. The election superintendent  
47 shall conduct such election on the Tuesday after the first Monday in November, 2020, and  
48 shall issue the call and conduct such election as provided by general law. The election  
49 superintendent shall cause the date and purpose of the election to be published once a week  
50 for two weeks immediately preceding the date thereof in the official organ of the City of  
51 Brookhaven. The ballot shall have written or printed thereon the words:

52 "( ) YES Shall the section of the Act be approved which repeals the provision that  
53 ( ) NO limits the terms of the mayor of the City of Brookhaven to allow the voters  
54 of Brookhaven to choose the mayor of their choice?"

55 All persons desiring to vote for approval of Section 1 of this Act shall vote "Yes," and all  
56 persons desiring to vote for rejection of Section 1 of this Act shall vote "No." If more than  
57 one-half of the votes cast on such question are for approval of Section 1 of this Act, then this  
58 Act shall become effective on January 1, 2021. If more than one-half of the votes cast on  
59 such question are for rejection of Section 1 of this Act or if the election is not held as  
60 provided in this section, then Section 1 of this Act shall not become effective and this Act  
61 shall be automatically repealed on January 1, 2021. The expense of such election shall be  
62 borne by the City of Brookhaven. It shall be the election superintendent's duty to certify the  
63 result thereof to the Secretary of State.

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**SECTION 4.**

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Except as provided in Section 3 of this Act, this Act shall become effective upon its approval

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by the Governor or upon its becoming law without such approval.

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**SECTION 5.**

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