

Representatives Wilson of the 80th, Evans of the 83rd, Oliver of the 82nd, and Holcomb of the 81st 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.