House Bill 15EX2

By: Representative Lord of the 121st

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a new charter for the City of Stapleton, approved March 30, 2000 (Ga. L. 2000, p. 3543), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3702), so as to change the terms of office of the mayor and councilmembers; to provide for at-large elections; to authorize election by plurality vote; to provide for the manner of election of the mayor and councilmembers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act creating a new charter for the City of Stapleton, approved March 30, 2000 (Ga. L. 2000, p. 3543), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3702), is amended by striking Section 2.05 in its entirety and inserting in lieu thereof a new Section 2.05 to read as follows:

"SECTION 2.05.

Election of the city council and mayor.

(a) On the Tuesday following the first Monday in November 2000 an election shall be conducted by the city election manager at the same hours and places for general elections to elect three councilmembers. The three candidates for city council elected at that time to the councilmember positions held on January 1, 2000, by Kevin Prescott (Seat No. 1), Barbara Heckard (Seat No. 2), and Carol Smith (Seat No. 3) shall take office on January 1, 2001, and serve for terms expiring December 31, 2002, and until such city councilmembers´ successors are elected and qualified as provided in subsection (c) of this section.

(b) On the Tuesday following the first Monday in November 2001 an election shall be conducted by the city election manager at the same hours and places for general elections

to elect a mayor and two councilmembers. The mayor elected at that time shall take office on January 1, 2002, at the expiration of the term of office of the person serving as mayor on January 1, 2000, June Rooks. The two candidates for city council elected at that time to the councilmember positions held on January 1, 2000, by James Sheppard (Seat No. 4) and George Stapleton (Seat No. 5) shall take office on January 1, 2002. The mayor and city councilmembers elected in November 2001 shall serve for terms expiring December 31, 2003, and until such mayor´s and city councilmembers´ successors are elected and qualified as provided in subsection (c) of this section.

(c) Thereafter, the successors to the positions held by Prescott (Seat No. 1), Heckard (Seat No. 2), and Smith (Seat No. 3) shall be elected on the Tuesday following the first Monday in November 2002 and continuing biennially in even-numbered years thereafter. Said successors shall take office on January 1 of the following year at the expiration of the then current terms of office. The successors to the positions held by Rooks (Mayor), Sheppard (Seat No. 4), and Stapleton (Seat No. 5) shall be elected on the Tuesday following the first Monday in November 2003 and continuing biennially in odd-numbered years thereafter. Said successors shall take office on January 1 of the following year at the expiration of the then current terms of office. The mayor and all councilmembers elected as provided in this subsection shall serve for terms of office of two years each so that a continuing body is created.

(d) Each councilmember and mayor shall be elected at large by the voters of the entire municipality.″

**SECTION 2.**

Said Act is further amended by striking Section 2.09 in its entirety and inserting in lieu thereof a new Section 2.09 to read as follows:

″SECTION 2.09

Election.

(a) There shall be no election by majority vote. Only qualified electors of the city shall be entitled to vote in elections for mayor and councilmembers.

(b) In the years in which three councilmembers are elected for Seat Nos. 1, 2, and 3, the candidate receiving a plurality of the votes cast for all candidates shall be elected to Seat No. 1. Of the remaining candidates, the candidate receiving a plurality of the votes cast for those remaining candidates shall be elected to Seat No. 2. Of the remaining candidates, the candidate receiving a plurality of the votes cast for those remaining candidates shall be elected to Seat No. 3.

(c) In the years in which the mayor and two councilmembers for Seat Nos. 4 and 5 are elected, the candidate for city councilmember receiving a plurality of the votes cast for all candidates shall be elected to Seat No. 4. Of the remaining candidates for city councilmember, the candidate receiving a plurality of the votes cast for those remaining candidates shall be elected to Seat No. 5. The candidate for mayor receiving a plurality of the votes cast for that position shall be elected mayor.″

**SECTION 3.**

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