House Bill 1485 (AS PASSED HOUSE AND SENATE)

By: Representative Houston of the 170th

A BILL TO BE ENTITLED

AN ACT

To amend an Act establishing a new charter for the City of Nashville, approved March 17, 1978 (Ga. L. 1978, p. 4017), as amended, particularly by an Act approved March 22, 1990 (Ga. L. 1990, p. 4430), so as to provide new terms of office for the mayor and members of the city council; to provide for related matters; to provide for a referendum; to provide for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act establishing a new charter for the City of Nashville, approved March 17, 1978 (Ga. L. 1978, p. 4017), as amended, particularly by an Act approved March 22, 1990 (Ga. L. 1990, p. 4430), is amended by revising Section 3-3 as follows:

"SECTION 3-3.

Councilmembers.

(a) The city council is divided into six posts to be designated Post No. 1, Post No. 2, Post No. 3, Post No. 4, Post No. 5, and Post No. 6. Any person seeking election to the city council shall designate the city council post to which he or she seeks election and shall seek election only to the post so designated. The provisions of this section shall not be construed as requiring the division of the territory of the city into council districts or the establishment of council districts.

(b) The councilmembers in office on the effective date of this Act shall serve out the terms to which they were elected.

(c) Successors to the three councilmembers elected in November, 2008, whose terms will expire on December 31, 2010, shall be elected in the 2010 November general election for terms of office of five years beginning on January 1, 2011, and ending on December 31,

2015, and until their successors are elected and qualified. At the 2015 November general election, successors to such councilmembers shall be elected to serve a term of office of four years beginning on January 1, 2016, and ending on December 31, 2019, and until their successors are elected and qualified. Thereafter, successors to such councilmembers shall be elected at the November general election immediately preceding the end of their respective terms of office and shall take office on January 1 immediately following such election for a term of four years and until their successors are elected and qualified.

(d) Successors to the three councilmembers elected in November, 2007, whose terms will expire on December 31, 2009, shall be elected in the 2009 November general election for terms of office of four years beginning on January 1, 2010, and ending on December 31, 2013, and until their successors are elected and qualified. Thereafter, successors to such councilmembers shall be elected at the November general election immediately preceding the end of their respective terms of office and shall take office on January 1 immediately following such election for a term of four years and until their successors are elected and qualified.″

SECTION 2.

Said Act is further amended by revising Section 3-4 as follows:

″SECTION 3-4.

Mayor.

The mayor in office on the effective date of this Act shall serve out the term to which he or she was elected. A successor to the mayor shall be elected in the 2010 November general election for a term of office of five years beginning on January 1, 2011, and ending on December 31, 2015, and until his or her successor is elected and qualified. At the 2015 November general election, a successor to such mayor shall be elected to serve a term of office of four years beginning on January 1, 2016, and ending on December 31, 2019, and until his or her successor is elected and qualified. Thereafter, successors to such mayor shall be elected at the November general election immediately preceding the end of the mayor´s term of office and shall take office on January 1 immediately following such election for a term of four years and until a successor is elected and qualified.″

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of the City of Nashville shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Nashville for

approval or rejection. The election superintendent shall conduct that election in conjunction with the 2008 November general election and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Berrien County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides for staggered, four-year terms of office for the mayor and city council of the City of Nashville as provided in
( ) NO such Act?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Sections 1 and 2 of this Act shall become of full force and effect on January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1 and 2 of this Act shall not become effective, and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Nashville. It shall be the election superintendent´s duty to certify the result thereof to the Secretary of State.

SECTION 4.

The governing authority of the City of Nashville shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 5.

Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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