House Bill 1490 (AS PASSED HOUSE AND SENATE)

By: Representative Carter of the 159th

A BILL TO BE ENTITLED

AN ACT

To amend an Act incorporating the City of Port Wentworth, approved February 6, 1957 (Ga. L. 1957, p. 2003), as amended, so as to reconstitute the governing authority of the city; to provide for council districts; to provide for definitions and inclusions; to provide for continuation in office of the mayor and current members; to change the provisions relating to the regular expiration of terms of office of certain council members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

SECTION 1.

An Act incorporating the City of Port Wentworth, approved February 6, 1957 (Ga. L. 1957, p. 2003), as amended, is amended by revising Sections 4 and 4A as follows:

"SECTION 4.

The mayor and city council of the City of Port Wentworth which existed immediately prior to the effective date of this Act, is continued in existence but on and after January 1, 2010, shall be constituted as provided in this Act. The mayor and city council of the City of Port Wentworth so continued and constituted shall continue to have the same powers, duties, rights, obligations, and liabilities as existed immediately prior to January 1, 2010.

SECTION 4A.

(a)(1) The mayor of the City of Port Wentworth whose term regularly expires on December 31, 2009, and any person selected to fill a vacancy in any such office shall continue to serve as such until the regular expiration of that term of office and upon the election and qualification of the mayor´s successor.

(2) Those members of the city council whose terms regularly expire on December 31, 2009, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors.

(3) On and after January 1, 2010, the city council of the City of Port Wentworth shall consist of six members. Four members shall be elected from council districts described in subsection (b) of this section. Two members shall be elected at large as provided in subsection (f) of this section. The mayor shall be elected at large as provided in subsection (g) of this section.

(b) For purposes of electing members of the city council, other than the mayor and the two at-large councilmembers, the City of Port Wentworth is divided into four council districts. One member of the council shall be elected from each such district. The four council districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: pwcc4dp2re Plan Type: Local User: staff Administrator: Port Wentworth.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Port Wentworth which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Port Wentworth which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia.

(d) No person shall be mayor or a member of the city council if that person is ineligible for such office pursuant to Code Section 43-2-1 of the Official Code of Georgia Annotated or any other general law applicable to that office.

(e) In order to be elected or appointed as a member of the city council from a district, a person must have resided in that council district for at least six months prior to the election or appointment thereto and, if elected, must receive a plurality of votes cast for that office in that district only and not at large. Only electors who are residents of the council district may vote for a member of the council for the district. At the time of qualifying for election

as a member of the city council for a council district, each candidate for such office shall specify the council district for which that person is a candidate. A person elected or appointed as member of the city council from a council district must continue to reside in that district during that person´s term of office or that office shall become vacant.

(f) In order to be elected or appointed as an at-large member of the city council, a person must have resided in the city for at least six months prior to election or appointment thereto and, if elected, must receive a plurality of votes cast for the office at large. Only electors who are residents of the city may vote for an at-large member of the council. A person elected or appointed as an at-large member of the city council must continue to reside in the city during that person´s term of office or that office shall become vacant.

(g) In order to be elected or appointed as mayor, a person must have resided in the City of Port Wentworth for at least six months prior to election or appointment thereto and, if elected, must receive a plurality of votes for that office in the entire city. The mayor must continue to reside within the city during that person´s term of office or that office shall become vacant.

(h)(1) The mayor and members of the reconstituted city council of the City of Port Wentworth shall be elected as provided in this subsection.

(2) The first members from Council Districts 1, 2, 3, and 4 shall be elected at the general election on the Tuesday following the first Monday in November, 2009. Those members of the city council elected thereto from Council Districts 2 and 4 in 2009 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2011, and upon the election and qualification of their respective successors. Those members of the city council elected thereto from Council Districts 1 and 3 in 2009 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2013, and upon the election and qualification of their respective successors.

(3) The first at-large members shall be elected at the general election on the Tuesday following the first Monday in November, 2009. The at-large members so elected shall take office the first day of January immediately following that election. The at-large member elected with the largest amount of votes shall serve for an initial term of office which expires December 31, 2013. The at-large member elected with the second largest amount of votes shall serve for an initial term of office which expires December 31, 2011.

(4) The mayor shall be elected at the general election on the Tuesday following the first Monday in November, 2009. The mayor shall take office on the first day of January immediately following that election and shall serve for an initial term of office which

expires on December 21, 2013, and upon the election and qualification of the mayor´s successor.

(5) Those and all future successors to the mayor and the members of the city council whose terms of office are to expire shall be elected at the time of the municipal general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. The mayor and members of the city council shall serve for the terms of office specified in this subsection and until their respective successors are elected and qualified.

(i) All members of the council who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the 'Georgia Election Code' in nonpartisan elections as provided in Code Section 21-2-139 of the Official Code of Georgia Annotated. Political parties shall not conduct primaries for city offices and all names of candidates shall be listed without party designations.″

SECTION 2.

The governing authority of the City of Port Wentworth shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; such submission shall be made to the United States Department of Justice or filed with the appropriate court 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 3.

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