House Bill 746 (AS PASSED HOUSE AND SENATE)

By: Representative Walker of the 107th

A BILL TO BE ENTITLED

AN ACT

To amend an Act to reincorporate and provide a new charter for the City of Loganville in the counties of Walton and Gwinnett, approved March 24, 1988 (Ga. L. 1988, p. 4827), as amended, particularly by an Act approved March 28, 1990 (Ga. L. 1990, p. 4657), so as to change the terms of the mayor and city councilmembers; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for a referendum; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act to reincorporate and provide a new charter for the City of Loganville in the counties of Walton and Gwinnett, approved March 24, 1988 (Ga. L. 1988, p. 4827), is amended by revising Section 2.11 to read as follows:

"Section 2.11. Mayor and city council terms and qualification for office. The mayor and city councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she is a qualified municipal voter. No person shall be eligible to serve as councilmember unless he or she is at least 18 years of age and has been a resident of the city for at least two years immediately prior to the date of his or her election. No person shall be eligible to serve as mayor unless he or she is at least 21 years of age and has been a resident of the city for at least two years immediately prior to his or her election. The mayor and each councilmember shall continue to reside in the city during their period of service."

**SECTION 2.**

Said Act is further amended by revising Section 5.11 to read as follows:

"Section 5.11. Regular elections; time for holding.

(a) The mayor and councilmembers serving on the effective date of this Act shall remain in office until the normal expiration of their terms of office and until their successors are elected and qualified.

(b) Successors to those three councilmembers whose terms expire December 31, 2009, shall be elected on the Tuesday next following the first Monday in November of 2009 for a term of two years and until their successors are elected and qualified.

(c) Successors to the mayor and those three councilmembers whose terms expire December 31, 2010, shall be elected on the Tuesday next following the first Monday in November of 2010 for a term of three years and until their successors are elected and qualified.

(d) Successors to those three councilmembers whose terms expire December 31, 2011, shall be elected on the Tuesday next following the first Monday in November of 2011 and every four years thereafter and shall serve for terms of office of four years and until their successors are elected and qualified.

(e) Successors to the mayor and those three councilmembers whose terms expire December 31, 2013, shall be elected on the Tuesday next following the first Monday in November of 2013 and every four years thereafter and shall serve for terms of office of four years and until their successors are elected and qualified.

(f) The candidate for mayor who receives the largest number of votes cast in each election and the three candidates receiving the largest number of votes cast for the position of councilmember in each election shall be elected for terms of office as provided herein."

**SECTION 3.**

The governing authority of the City of Loganville shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and 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 4.**

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of the City of Loganville shall call and conduct a special election as provided for in O.C.G.A. Section 21-2-540 and in this section for the purpose of submitting this Act to the electors of the City of Loganville for approval or rejection. The election

superintendent shall conduct that election on the Tuesday next following the first Monday in November of 2009, 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 the City of Loganville. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides for a change in the terms of office
( ) NO of the mayor and city councilmembers of the City of Loganville?"

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 immediately become of full force and effect. 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. The expense of such election shall be borne by the City of Loganville. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

**SECTION 5.**

Except as otherwise provided in Section 4 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.