

House Bill 341

By: Representatives Wilson of the 80th, Oliver of the 82nd, and Holcomb of the 81st

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to incorporate the City of Brookhaven in DeKalb County, approved
2 April 16, 2012 (Ga. L. 2012, p. 5527), as amended, so as to provide for the filling of
3 vacancies in the offices of mayor and councilmembers of more than 12 months; to provide
4 for the filling of vacancies in the offices of mayor and councilmembers of less than 12
5 months; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012
9 (Ga. L. 2012, p. 5527), as amended, is amended by revising subsections (b) and (c) of
10 Section 2.03 as follows:

11 "(b) The office of mayor shall become vacant upon the incumbent's death, resignation,
12 forfeiture of office, or removal from office in any manner authorized by this charter or the
13 general laws of the State of Georgia. Unless otherwise provided herein, a vacancy in the
14 office of mayor shall be filled for the remainder of the unexpired term by the city council
15 or those members remaining who shall appoint a successor for the remainder of the term.
16 This provision shall also apply to a temporary vacancy created by the suspension from

17 office of the mayor. If more than 12 months remain in the unexpired term, a special
18 election shall be held on the Tuesday after the first Monday in November following the
19 creation of the vacancy. Any person appointed to the office of mayor shall not be entitled
20 to be shown on the ballot as the incumbent in such special election.

21 (c) The office of a councilmember shall become vacant upon the incumbent's death,
22 resignation, forfeiture of office, or removal from office in any manner authorized by this
23 charter or the general laws of the State of Georgia. Unless otherwise provided herein, a
24 vacancy in the office of a councilmember shall be filled for the remainder of the unexpired
25 term by the mayor who shall appoint a successor for the remainder of the term subject to
26 the approval of the city council or those members remaining. This provision shall also
27 apply to a temporary vacancy created by the suspension from office of a councilmember.
28 If more than 12 months remain in the unexpired term, a special election shall be held on
29 the Tuesday after the first Monday in November following the creation of the vacancy.
30 Any person appointed to the office of councilmember shall not be entitled to be shown on
31 the ballot as the incumbent."

32 **SECTION 2.**

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