

House Bill 1468

By: Representative Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act incorporating the Town of Pendergrass, in the County of Jackson, approved
2 December 30, 1890 (Ga. L. 1890-91, Vol. II, p. 681), as amended, particularly by an Act
3 approved April 5, 1994 (Ga. L. 1994, p. 4755), so as to provide for the immediate
4 termination of the terms of office of the current mayor and councilmembers; to provide initial
5 terms for successors to the current mayor and councilmembers; to provide for a referendum,
6 effective dates, and automatic repeal; to provide for a special election to elect a new mayor
7 and councilmembers; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 An Act incorporating the Town of Pendergrass, in the County of Jackson, approved
12 December 30, 1890 (Ga. L. 1890-91, Vol. II, p. 681), as amended, particularly by an Act
13 approved April 5, 1994 (Ga. L. 1994, p. 4755), is amended by adding a new section to read
14 as follows:

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15 "Section 2-104.

16 (a) On the effective date of this section, the terms of office of the mayor and all
17 councilmembers in office on such date shall be immediately terminated.

18 (b) Notwithstanding any other provision of this charter to the contrary, as of the effective
19 date of this section, a new mayor and six new city councilmembers shall take office. Each
20 councilmember shall be elected to an individual post, with such posts being designated
21 Posts 1, 2, 3, 4, 5, and 6. The initial terms of the mayor and councilmembers elected
22 pursuant to this section shall be as follows:

23 (1) The mayor's term shall end on the Monday after the Tuesday after the first Monday
24 in November, 2023, and until his or her successor is duly elected and qualified;

25 (2) The terms for Posts 1, 3, and 5 shall end on the Monday after the Tuesday after the
26 first Monday in November, 2023, and until their respective successors are duly elected
27 and qualified; and

28 (3) The terms for Posts 2, 4, and 6 shall end on the Monday after the Tuesday after the
29 first Monday in November, 2025, and until their respective successors are duly elected
30 and qualified.

31 (c) The successors to the mayor and councilmembers elected pursuant to subsection (b)
32 of this section shall be elected and serve terms as provided for in Article III of this charter.

33 (d) The municipal election superintendent of the City of Pendergrass shall call and conduct
34 a special election as provided in this subsection for the purpose of submitting this section
35 to the qualified voters of the City of Pendergrass for approval or rejection. The
36 superintendent shall set the date of such election for the date of the 2022 general primary.
37 The superintendent shall issue the call for such election at least 30 days prior to the date
38 thereof. The superintendent shall cause the date and purpose of the election to be published
39 once a week for two weeks immediately preceding the date thereof in the official organ of
40 Jackson County. The ballot shall have written or printed thereon the words:

41 ' () YES Shall the charter amendment immediately ending the terms of office of the
42 () NO current mayor and city council of the City of Pendergrass be approved?'

43 All persons desiring to vote for approval of the charter amendment shall vote 'Yes,' and
44 those persons desiring to vote for rejection of the charter amendment shall vote 'No.' If
45 more than one-half of the votes cast on such question are for approval of the charter
46 amendment, subsections (a), (b), and (c) of this section shall become of full force and effect
47 upon the certification of such result by the municipal election superintendent of the City
48 of Pendergrass. If the charter amendment is not so approved or if the election is not
49 conducted as provided in this subsection, such subsections shall not become effective and
50 this section shall be automatically repealed on the first day of January immediately
51 following that election date.

52 (e) The municipal election superintendent of the City of Pendergrass shall call and conduct
53 a special election as provided in this subsection for the purpose of electing a new mayor
54 and new councilmembers for the terms provided for in subsection (b) of this section in the
55 event that the referendum provided for in subsection (d) of this section is approved by the
56 voters of the City of Pendergrass. The superintendent shall set the date of such election for
57 the date of the 2022 general primary, and such special election shall be held in conjunction
58 with the referendum special election provided for in subsection (d) of this section. The
59 superintendent shall issue the call for such election at least 30 days prior to the date thereof.
60 Such special election and qualifications for such offices shall be conducted as provided for
61 in Article III of this charter. In the event that the referendum provided for in subsection (d)
62 of this section is approved by the voters of the City of Pendergrass, the candidates certified
63 as winning each of the races in the special election provided for in this subsection shall take
64 office immediately upon the certification of such results. In the event that the referendum
65 provided for in subsection (d) of this section is rejected by the voters of the City of
66 Pendergrass, the results of the special election provided for in this subsection shall be null

67 and void, and the current mayor and councilmembers shall serve out the terms to which
68 they were elected.

69 (f) The cost of the special elections provided for in this section shall be borne by the City
70 of Pendergrass."

71 **SECTION 2.**

72 Except as provided for in Section 1 of this Act, this Act shall become effective immediately
73 upon its approval by the Governor or upon its becoming law without such approval.

74 **SECTION 3.**

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