

House Bill 114 (AS PASSED HOUSE AND SENATE)

By: Representative Holt of the 112<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the Town of Newborn, approved June 3, 2003  
2 (Ga. L. 2003, p. 4397), so as to change the terms of office of the members of the town  
3 council from concurrent to staggered terms of office; to provide for continuation in office of  
4 certain current councilmembers; to provide for election and terms of office of subsequent  
5 councilmembers; to clarify certain requirements regarding the election of the mayor and  
6 members of the town council; to provide for submission of this Act for preclearance under  
7 the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act providing a new charter for the Town of Newborn, approved June 3, 2003 (Ga. L.  
12 2003, p. 4397), is amended by revising Section 2.11 as follows:

13 style="text-align:center">"SECTION 2.11.

14 style="text-align:center">Town council terms and qualification for office.

15 Except for initial two-year terms of office for Posts 1 and 2 from January 1, 2010 through  
16 December 31, 2011, in order to implement staggered terms of office, the members of the  
17 town council shall serve for terms of four years and until their respective successors are  
18 elected and sworn in. No person shall be eligible to serve as mayor or councilmember  
19 unless he or she shall have been a resident of the town for 12 months prior to the date of  
20 qualification for the election or mayor or councilmember, as the case may be. Each such  
21 official shall continue to reside in the town during his or her period of service and continue  
22 to be registered and qualified to vote in municipal elections of the town."

23 **SECTION 2.**

24 Said Act is further amended by revising Section 2.27 as follows:

25 "SECTION 2.27.

26 Election of mayor; forfeiture; compensation.

27 The mayor must receive a plurality of votes cast for that office in the entire town and shall  
28 serve for a term of four years and until his or her successor is elected and qualified. The  
29 mayor shall be a qualified elector of the town and shall have been a resident of the town  
30 of 12 months prior to his or her qualification for his or her election. The mayor shall  
31 continue to reside in this town during the period of his or her service. He or she shall  
32 forfeit his or her office on the same grounds and under the same procedure as for  
33 councilmembers. The compensation of the mayor shall be established in the same manner  
34 as for councilmembers."

35 **SECTION 3.**

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

37 "SECTION 5.11.

38 Election of mayor and councilmembers.

39 (a) There shall be a municipal general election on the Tuesday following the first Monday  
40 in November, 2009, and every two years thereafter.

41 (b) The mayor and those members of the town council who are serving as such on  
42 December 31, 2008, and any person selected to fill a vacancy in any such office shall  
43 continue to serve as such members until the regular expiration of their respective terms of  
44 office.

45 (c) For purposes of electing members of the town council, other than the mayor, the Town  
46 of Newborn is divided into four posts to be designated Post No. 1, Post No. 2, Post No. 3,  
47 and Post No. 4. Any person seeking election to the town council shall designate the town  
48 council post to which he or she seeks election and shall seek election only to the post so  
49 designated. The provisions of this section shall not be construed as requiring the division  
50 of the territory of the town into council districts or the establishment of council districts.  
51 Any person seeking election as a member of the town council must receive a plurality of  
52 votes cast for that office in the entire town.

53 (d) The mayor and the members of the town council shall be elected as provided in this  
54 subsection. The first members from Post No. 1 and Post No. 2 under the staggered election

55 system shall be elected at the general election on the Tuesday next following the first  
56 Monday in November, 2009. Those members of the town council elected thereto from Post  
57 No. 1 and Post No. 2 in 2009 shall take office the first day of January immediately  
58 following that election and shall serve for initial terms of office which expire December  
59 31, 2011, and upon the election and qualification of their respective successors. The first  
60 members from Post No. 3 and Post No. 4 under the staggered election system shall be  
61 elected at the general election on the Tuesday next following the first Monday in  
62 November, 2009. The mayor and those members of the town council elected thereto from  
63 Post No. 3 and Post No. 4 in 2009 shall take office the first day of January immediately  
64 following that election and shall serve for initial terms of office which expire December  
65 31, 2013, and upon the election and qualification of their respective successors. Those and  
66 all future successors to the mayor and to members of the town council whose terms of  
67 office are to expire shall be elected at the time of the municipal general election provided  
68 for in subsection (a) of this section immediately preceding the expiration of such terms,  
69 shall take office the first day of January immediately following the election, and shall serve  
70 for terms of office of four years each. The mayor and the members of the town council  
71 shall serve for the terms of office specified therefor in this subsection and until their  
72 respective successors are elected and qualified."

73 **SECTION 4.**

74 Said Act is further amended by revising Section 5.14 as follows:

75 "SECTION 5.14.

76 Reserved."

77 **SECTION 5.**

78 The governing authority of the Town of Newborn shall through its legal counsel cause this  
79 Act to be submitted for preclearance under the federal Voting Right Act of 1965, as  
80 amended; and such submission shall be made to the United States Department of Justice or  
81 filed with the appropriate court no later than 45 days after the date on which this Act is  
82 approved by the Governor or otherwise becomes law without such approval.

83 **SECTION 6.**

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