

House Bill 529 (AS PASSED HOUSE AND SENATE)

By: Representatives Moore of the 95th, Marin of the 96th, Lopez Romero of the 99th, and Holcomb of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Norcross, approved March 28, 1990
2 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 5, 1993 (Ga. L.
3 1993, p. 4727) and by an Act approved May 11, 2009 (Ga. L. 2009, p. 4365), so as to change
4 the terms of the mayor and city councilmembers; to provide for related matters; to provide
5 for a referendum; to provide for contingent effective dates and automatic repeal; to repeal a
6 specific Act; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act providing a new charter for the City of Norcross, approved March 28, 1990 (Ga. L.
10 1990, p. 4934), as amended, particularly by an Act approved April 5, 1993 (Ga. L. 1993, p.
11 4727) and by an Act approved May 11, 2009 (Ga. L. 2009, p. 4365), is amended by revising
12 Section 2.11 as follows:

13 "Section 2.11.

14 (a) The three members of the city council who were elected to such offices in 2018 and
15 any person selected to fill a vacancy in any such office shall serve out their initial terms of
16 office, which shall expire at the first organizational meeting of the governing authority held
17 in January of 2021, and upon the election and qualification of their respective successors.
18 Those successors shall be elected at the general municipal election in 2020, shall take
19 office at the first organizational meeting held in January of 2021, and shall serve for an
20 initial term of office of three years, which term shall expire at the first organizational
21 meeting of the governing authority held in January of 2024.

22 (b) The mayor and the two members of the city council who are elected to such offices in
23 2019 and any person selected to fill a vacancy in any such office shall serve for an initial
24 term of office of two years, which term shall expire at the first organizational meeting of
25 the governing authority held in January of 2022, and upon the election and qualification
26 of their respective successors. Those successors shall be elected at the general municipal

27 election in 2021, shall take office at the first organizational meeting held in January of
 28 2022 and shall serve for an initial term of office of four years, which shall expire at the first
 29 organizational meeting of the governing authority held in January of 2026.

30 (c) On and after January 1, 2021, the successor to the mayor or any member of the council
 31 whose term of office is to expire shall be elected, except in the event of a special election
 32 to fill a vacancy at the general municipal election immediately preceding the expiration of
 33 such term, shall take office at the first organizational meeting of the governing authority
 34 in January immediately following such election, and shall serve for a term of office of four
 35 years, except in the event of a special election to fill a vacancy. The mayor and members
 36 of the council shall serve for the terms of office specified in this section and until their
 37 respective successors are elected and qualified.

38 (d) No person shall be eligible to serve as mayor or councilmember unless he or she shall
 39 have been a resident of the city for a period of not less than one year immediately
 40 preceding the date of the election of mayor or member of the city council and shall
 41 continue to reside therein during such person's period of service, shall be registered and
 42 qualified to vote in municipal elections of the City of Norcross, and shall meet the
 43 qualification standards required for members of the House of Representatives of the
 44 General Assembly, as are now or may in the future be prescribed by the Georgia
 45 Constitution."

46 **SECTION 2.**

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

48 "Section 5.11. Regular elections; time for holding. The city council shall cause an election
 49 to be held at the city hall or such other place in the city as the city council shall direct and
 50 designate. All general municipal elections held prior to the election of 2023 shall be held
 51 on the Tuesday next following the first Monday in November of each year, except that no
 52 such election shall be held in 2022. The general municipal election of 2023 and all
 53 subsequent general municipal elections shall be held on the Tuesday next following the
 54 first Monday in November of each odd numbered year. The term of each elected officer
 55 shall begin on the day and hour of taking the oath of office as provided in Section 2.18 of
 56 this charter."

57 **SECTION 3.**

58 An Act amending an Act providing a new charter for the City of Norcross, approved May 11,
 59 2009 (Ga. L. 2009, p. 4365), is hereby repealed in its entirety.

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SECTION 4.

61 The election superintendent of the City of Norcross shall call and conduct an election as
 62 provided in this section for the purpose of submitting Sections 1 and 2 of this Act to the
 63 electors of the City of Norcross under this Act for approval or rejection. The election
 64 superintendent shall conduct such election on the Tuesday after the first Monday in
 65 November, 2019, and shall issue the call and conduct such election as provided by general
 66 law. The election superintendent shall cause the date and purpose of the election to be
 67 published once a week for two weeks immediately preceding the date thereof in the official
 68 organ of the City of Norcross. The ballot shall have written or printed thereon the words:

69 "() YES Shall the sections of the Act be approved which change the terms of the
 70 () NO members of the governing authority of the City of Norcross from two years
 71 to four years and stagger their terms?"

72 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 73 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 74 such question are for approval of the Act, then Sections 1 and 2 of this Act shall become
 75 effective on January 1, 2020. If more than one-half of the votes cast on such question are for
 76 rejection of the Act or if the election is not held as provided in this section, then Sections 1
 77 and 2 of this Act shall not become effective and this Act shall be automatically repealed on
 78 January 1, 2020. The expense of such election shall be borne by the City of Norcross. It
 79 shall be the election superintendent's duty to certify the result thereof to the Secretary of
 80 State.

81

SECTION 5.

82 Except as provided in Section 4 of this Act, this Act shall become effective upon its approval
 83 by the Governor or upon its becoming law without such approval.

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SECTION 6.

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