

House Bill 695 (AS PASSED HOUSE AND SENATE)

By: Representatives Wilson of the 80th, Oliver of the 82nd, Davis of the 87th, Henson of the 86th, Bennett of the 94th, and others

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 repeal the term limit of the
3 mayor; to repeal expired provisions related to election of mayor and councilmembers during
4 the first four years of the city's existence; to provide for the filling of vacancies in the offices
5 of mayor and councilmembers of more than 12 months; to provide for the filling of vacancies
6 in the offices of mayor and councilmembers of less than 12 months; to provide for related
7 matters; to provide for a referendum; to provide for contingent effective dates and automatic
8 repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 An Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012
12 (Ga. L. 2012, p. 5527), as amended, is amended by revising subsection (d) and repealing
13 subsection (f) of Section 2.02 as follows:

14 "(d) The number of consecutive terms an individual may hold in the position of mayor
15 shall not be limited. This section shall apply to any incumbent in office at the time the
16 section becomes effective and all prior service of any incumbent shall be counted toward
17 this term limit."

18 style="text-align:center">**SECTION 2.**

19 Said Act is further is amended by revising subsections (b) and (c) of Section 2.03 as follows:

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

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

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

41 **SECTION 3.**

42 The election superintendent of the City of Brookhaven shall call and conduct an election as
 43 provided in this section for the purpose of submitting Section 1 of this Act to the electors of
 44 the City of Brookhaven under this Act for approval or rejection. The election superintendent
 45 shall conduct such election on the Tuesday after the first Monday in November, 2020, and
 46 shall issue the call and conduct such election as provided by general law. The election
 47 superintendent shall cause the date and purpose of the election to be published once a week
 48 for two weeks immediately preceding the date thereof in the official organ of the City of
 49 Brookhaven. The ballot shall have written or printed thereon the words:

50 "() YES Shall the section of the Act be approved which repeals the provision that
 51 () NO limits the terms of the mayor of the City of Brookhaven to allow the voters
 52 of Brookhaven to choose the mayor of their choice?"

53 All persons desiring to vote for approval of Section 1 of this Act shall vote "Yes," and all
 54 persons desiring to vote for rejection of Section 1 of this Act shall vote "No." If more than
 55 one-half of the votes cast on such question are for approval of Section 1 of this Act, then this
 56 Act shall become effective on January 1, 2021. If more than one-half of the votes cast on
 57 such question are for rejection of Section 1 of this Act or if the election is not held as
 58 provided in this section, then Section 1 of this Act shall not become effective and this Act
 59 shall be automatically repealed on January 1, 2021. The expense of such election shall be
 60 borne by the City of Brookhaven. It shall be the election superintendent's duty to certify the
 61 result thereof to the Secretary of State.

62 **SECTION 4.**

63 Except as provided in Section 3 of this Act, this Act shall become effective upon its approval
64 by the Governor or upon its becoming law without such approval.

65 **SECTION 5.**

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