

House Bill 355 (AS PASSED HOUSE AND SENATE)

By: Representative Tran of the 80<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to reincorporate the City of Doraville in the County of DeKalb, approved  
2 October 13, 1971 (Ga. L. 1971, Ex. Sess. p. 2154), as amended, so as to provide for the  
3 filling of vacancies in the office of councilmember or mayor; to provide for related matters;  
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act to reincorporate the City of Doraville in the County of DeKalb, approved October 13,  
8 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, is amended by revising Section 2.05 as  
9 follows:

10 "Section 2.05.

11 Vacancy in the office of councilmember or mayor.

12 (a) Be it further enacted, that a vacancy shall exist if a councilmember or the mayor  
13 resigns, dies, moves his or her residence from the city, or is absent from four consecutive  
14 regular meetings of the governing authority, except if granted a leave of absence by the

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15 council, which leave shall be entered upon the minute books; or if he or she is adjudged  
16 incompetent or is convicted of malfeasance in office, or of a felony, or any violation of  
17 election laws.

18 (b) If fewer than 12 months remain in the unexpired term of the vacated council seat, the  
19 mayor shall appoint a successor to serve for the remainder of such term subject to the  
20 approval of the majority of the remaining councilmembers. If more than 12 months remain  
21 in the unexpired term of the vacated council seat, the vacated seat shall be filled for the  
22 unexpired term at the next available special election date. Such special election shall be  
23 called and held in the manner prescribed by Chapter 2 of Title 21 of the O.C.G.A., the  
24 'Georgia Election Code,' as it now exists or may hereafter be amended.

25 (c) In the event a vacancy should occur in the office of the mayor, the vacancy shall be  
26 filled at the next available special election date. Such special election shall be called and  
27 held in the manner prescribed by Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia  
28 Election Code,' as it now exists or may hereafter be amended."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.