House Bill 380 (AS PASSED HOUSE AND SENATE)
By: Representative Tanner of the 9th

A BILL TO BE ENTITLED
AN ACT

To amend an Act granting a new charter to the City of Dawsonville, approved April 6, 1967 (Ga. L. 1967, p. 2748), as amended, particularly by an Act approved April 4, 1996 (Ga. L. 1996, p. 4135), so as to provide for the election of members of the city council by district; to provide for the description of the election districts; to provide for definitions and inclusions; to provide for manner of election; to provide for the continuation in office of current members; to provide for the application of general law; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
An Act granting a new charter to the City of Dawsonville, approved April 6, 1967 (Ga. L. 1967, p. 2748), as amended, particularly by an Act approved April 4, 1996 (Ga. L. 1996, p. 4135), is amended by revising Section 2.11 as follows:

"SECTION 2.11.
Terms and qualifications of office.

(a) The members of the council shall serve for terms of four years and until their respective successors are elected and qualified. The mayor shall serve for a term of four years and until his or her successor is elected and qualified.
(b) No person shall be eligible to serve as mayor unless he or she:
(1) Has been a resident of the city for a period of one year immediately prior to the date of his or her election;
(2) Continues to reside within the city during his or her period of service;
(3) Is registered and qualified to vote in municipal elections of the City of Dawsonville; and

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(4) Meets any requirements imposed under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code' or other general laws of this state.

(c) No person shall be eligible to serve as a councilmember unless he or she:

(1) Has been a resident of the city for a period of one year immediately prior to the date of his or her election;

(2) Continues to reside within the city during his or her period of service;

(3) Except as otherwise provided in subsection (f) of Section 5.10 of this charter, is a resident of the district from which he or she is elected and continues to reside in such district during his or her period of service;

(4) Is registered and qualified to vote in municipal elections of the City of Dawsonville; and

(5) Meets any requirements imposed under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code' or other general laws of this state."

SECTION 2.

Said Act is further amended by revising Section 5.10 as follows:

"SECTION 5.10.

Application of general law; manner of election.

(a) All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(b) The mayor shall be elected by the electors voting in the entire city at large. The four councilmembers shall be elected by the electors of their respective districts voting in the election. For the purpose of electing councilmembers, the City of Dawsonville shall be divided into four districts. Those districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: dawsonvillecc-2019 Plan Type: Local  Administrator: Dawsonville  User: Gina'.

(c) For the purposes of such plan:

(1) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

(2) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical
boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(d) Any part of the City of Dawsonville which is not included in any district described in subsection (b) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(e) Any part of the City of Dawsonville which is described in subsection (b) of this section as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(f) The councilmembers in office on the effective date of this section shall serve out the terms to which they were elected and until their respective successors are elected and qualified. On the effective date of this section and until district elections are held, Councilmember Caleb Phillips shall be deemed to represent Council District 1, Councilmember Stephen Tolson shall be deemed to represent Council District 2, Councilmember Jason Power shall be deemed to represent Council District 3, and Councilmember Mark French shall be deemed to represent Council District 4, notwithstanding the fact that such individuals may not reside in such districts.

SECTION 3.

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

"SECTION 5.11.

Regular elections.

(a) The general municipal election for the city shall be conducted on the Tuesday next following the first Monday in November in odd-numbered years.

(b) At the 2019 November general election, successors to the mayor and councilmembers from Districts 1 and 3 shall be elected. At the 2021 general election, successors to the councilmembers from Districts 2 and 4 shall be elected. The candidate for each office receiving the highest number of votes shall be the person elected to such office. Thereafter, successors shall be elected at the November general election immediately preceding the end of their respective terms of office.

(c) The persons elected to office at each general election shall take the oath of office on the first Tuesday in December immediately following such election as provided in Section 2.19 of this charter. Such persons shall then take office on the first day of January
immediately following such election for terms of four years and until their respective successors are elected and qualified.
(d) Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party labels."

SECTION 4.

Said Act is further amended by revising Section 5.12 as follows:

"SECTION 5.12.
Applicability of general laws.

The procedures and requirements for election of all elected officials of the City of Dawsonville as to special and general elections shall be in conformity with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

SECTION 5.

Said Act is further amended by revising Section 5.13 as follows:

"SECTION 5.13.
Special elections; vacancies.

In the event of a vacancy in office of the mayor or councilmember, the council shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term. If a tie vote by the council to fill a vacancy is unbroken for 15 days, the mayor, or mayor pro tempore in case of a vacancy in the office of mayor, shall appoint a qualified person to fill the vacancy. At no time shall there be more than two members, including the mayor, so appointed holding office; and if a vacancy occurs with two members so appointed on the council, a special election shall be held in accordance with the applicable provisions of this charter and Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"
SECTION 6.
Said Act is further amended by revising Section 5.14 as follows:

"SECTION 5.14.
Rules and regulations for elections.

Except as otherwise provided by this charter, the city council shall by ordinance prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

SECTION 7.
All laws and parts of laws in conflict with this Act are repealed.