

House Bill 380 (AS PASSED HOUSE AND SENATE)

By: Representative Tanner of the 9th

A BILL TO BE ENTITLED
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

13 "SECTION 2.11.

14 Terms and qualifications of office.

15 (a) The members of the council shall serve for terms of four years and until their respective
16 successors are elected and qualified. The mayor shall serve for a term of four years and
17 until his or her successor is elected and qualified.

18 (b) No person shall be eligible to serve as mayor unless he or she:

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

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

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

23 and

- 24 (4) Meets any requirements imposed under Chapter 2 of Title 21 of the O.C.G.A., the
 25 'Georgia Election Code' or other general laws of this state.
- 26 (c) No person shall be eligible to serve as a councilmember unless he or she:
- 27 (1) Has been a resident of the city for a period of one year immediately prior to the date
 28 of his or her election;
- 29 (2) Continues to reside within the city during his or her period of service;
- 30 (3) Except as otherwise provided in subsection (f) of Section 5.10 of this charter, is a
 31 resident of the district from which he or she is elected and continues to reside in such
 32 district during his or her period of service;
- 33 (4) Is registered and qualified to vote in municipal elections of the City of Dawsonville;
 34 and
- 35 (5) Meets any requirements imposed under Chapter 2 of Title 21 of the O.C.G.A., the
 36 'Georgia Election Code' or other general laws of this state."

37 SECTION 2.

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

39 "SECTION 5.10.

40 Application of general law; manner of election.

- 41 (a) All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of
 42 the O.C.G.A., the 'Georgia Election Code.'
- 43 (b) The mayor shall be elected by the electors voting in the entire city at large. The four
 44 councilmembers shall be elected by the electors of their respective districts voting in the
 45 election. For the purpose of electing councilmembers, the City of Dawsonville shall be
 46 divided into four districts. Those districts shall be and correspond to those four numbered
 47 districts described in and attached to and made a part of this Act and further identified as
 48 'Plan: dawsonvillecc-2019 Plan Type: Local Administrator: Dawsonville User: Gina'.
- 49 (c) For the purposes of such plan:
- 50 (1) The term 'VTD' shall mean and describe the same geographical boundaries as
 51 provided in the report of the Bureau of the Census for the United States decennial census
 52 of 2010 for the State of Georgia. The separate numeric designations in a district
 53 description which are underneath a VTD heading shall mean and describe individual
 54 Blocks within a VTD as provided in the report of the Bureau of the Census for the United
 55 States decennial census of 2010 for the State of Georgia; and
- 56 (2) Except as otherwise provided in the description of any district, whenever the
 57 description of any district refers to a named city, it shall mean the geographical

58 boundaries of that city as shown on the census maps for the United States decennial
59 census of 2010 for the State of Georgia.

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

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

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

77 **SECTION 3.**

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

79 "SECTION 5.11.

80 Regular elections.

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

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

89 (c) The persons elected to office at each general election shall take the oath of office on
90 the first Tuesday in December immediately following such election as provided in
91 Section 2.19 of this charter. Such persons shall then take office on the first day of January

92 immediately following such election for terms of four years and until their respective
93 successors are elected and qualified.

94 (d) Political parties shall not conduct primaries for city offices and all names of candidates
95 for city offices shall be listed without party labels."

96 **SECTION 4.**

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

98 "SECTION 5.12.

99 Applicability of general laws.

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

103 **SECTION 5.**

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

105 "SECTION 5.13.

106 Special elections; vacancies.

107 In the event of a vacancy in office of the mayor or councilmember, the council shall
108 appoint a qualified person to fill such vacancy for the remainder of the unexpired term. If
109 a tie vote by the council to fill a vacancy is unbroken for 15 days, the mayor, or mayor pro
110 tempore in case of a vacancy in the office of mayor, shall appoint a qualified person to fill
111 the vacancy. At no time shall there be more than two members, including the mayor, so
112 appointed holding office; and if a vacancy occurs with two members so appointed on the
113 council, a special election shall be held in accordance with the applicable provisions of this
114 charter and Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

115 **SECTION 6.**

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

117 "SECTION 5.14.

118 Rules and regulations for elections.

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

122 **SECTION 7.**

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