

FIRST READING _____

ADVERTISED _____

PASSED _____

AN ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE 2021 GENERAL ELECTION FOR THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR A TITLE FOR SAID ORDINANCE; TO ESTABLISH AND SET THE DATE AND TIME OF THE 2021 GENERAL ELECTION FOR ALL COUNCIL SEATS AND THE SEAT OF MAYOR UPON THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; TO PROVIDE FOR THE OPENING AND CLOSING OF THE QUALIFYING PERIOD FOR SAID POSITIONS; TO PROVIDE FOR THE APPOINTMENT OF ELECTION OFFICIALS, INCLUDING THE ELECTION SUPERINTENDENT, THE CHIEF REGISTRAR, THE ABSENTEE BALLOT CLERK, THE CUSTODIAN OF VOTING MACHINES, THE CHIEF POLL MANAGER, THE ASSISTANT POLL MANAGERS, AND THE DEPUTY REGISTRAR; TO PROVIDE FOR THE LAST DATE OF VOTER REGISTRATION; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia is authorized by Art. IX, § II, ¶ II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. § 21-2-131 et seq., to enact ordinances for the holding of elections of public officials of the municipality;

WHEREAS, the City of Blue Ridge, Georgia desires to conduct its elections, openly and fairly for all duly qualified and registered electors of the City of Blue Ridge, Georgia; and

WHEREAS, the City of Blue Ridge, Georgia previously adopted its 2021 Election Ordinance and properly published notice as required by law and further provided notice that the General Assembly may adopt a Charter change providing for staggered terms; and

WHEREAS, the General Assembly enacted HB 739 changing the terms of Posts 1, 3 and

5 to initial two year terms (see attached) and the City wishes to amend the 2021 Election Ordinance only to reflect that change and the remainder of the adopted Ordinance shall stay the same;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Blue Ridge, Georgia, and it is hereby ordained by authority of same, as follows:

Section 1. TITLE.

This Ordinance shall be known as the "2021 General Election Ordinance for the City of Blue Ridge, Georgia."

Section 2. GENERAL ELECTION.

The City of Blue Ridge, Georgia will conduct a General Election on Tuesday, November 2, 2021, from 7:00 a.m. until 7:00 p.m., with the place of said election being in the City Hall, 480 West First Street, Blue Ridge, Georgia 30513 for the public positions as indicated in Section 4 of this Ordinance.

Section 3. EACH CANDIDATE SHALL DESIGNATE THE SPECIFIC OFFICE BY POST AND INCUMBENT THAT THE CANDIDATE IS SEEKING.

(A) O.C.G.A. § 21-2-135 allows the governing authority of a municipality by ordinance to require, regarding elections involving two or more public offices, each having the same title and to be filled at the same election by the vote of the same electors, candidates to designate the specific office the candidate is seeking by incumbent or post, or both. The City Council of the City of Blue Ridge, Georgia, by prior ordinance duly passed in 2004-2005, and approved by the U.S. Department of Justice pursuant to the Voting Rights Act (42 U.S.C. § 1973c), found that it is in the best interests of the citizens and electors of the City of Blue Ridge, for candidates to designate the specific office the candidate is seeking.

(B) In order to facilitate the procedure by which each candidate shall designate the specific office the candidate is seeking, each seat of a general City Councilmember shall be designated by a specific post number, which will create five specific posts for each of the seats of the general City Councilmembers, and held by the following incumbents:

1. The office of Mayor upon the City Council of the City of Blue Ridge, Georgia, which will be elected at large for a four (4) year term beginning on approximately January 1, 2022 and ending December 31, 2025, with said seat currently being held by Donna Whitener.

2. The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 1, which will be elected at large for a two (2) year term beginning on approximately January 1, 2022 and ending December 31, 2023, with said seat currently being held by Harold Herndon.

3. The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 2, which will be elected at large for a four (4) year term beginning on approximately January 1, 2022 and ending December 31, 2025, with said seat currently being held by Rhonda Thomas.

4. The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 3, which will be elected at large for a two (2) year term beginning on approximately January 1, 2022 and ending December 31, 2023, with said seat currently being held by Mike Panter.

5. The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 4, which will be elected at large for a four (4) year term beginning on approximately January 1, 2022 and ending December 31, 2025, with said seat currently being held by Robbie Cornelius.

6. The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 5, which will be elected at large for a two (2) year term beginning on approximately January 1, 2022 and ending December 31, 2023, with said seat currently being held by Nathan Fitts.

The terms for Posts 1, 3 and 5 shall thereafter be four year terms beginning in January of 2024.

Section 4. COUNCIL SEATS OPEN FOR ELECTION AND THE TERMS THEREOF.

The General Election to be held on the date established by Section 2 hereof this Ordinance is to fill the following offices:

(A) The office of Mayor upon the City Council of the City of Blue Ridge, Georgia, which will be elected at large for a four (4) year term beginning on approximately January 1, 2022 and ending December 31, 2025, with said seat currently being held by Donna Whitener.

(B) The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 1, which will be elected at large for a two (2) year term beginning on approximately January 1, 2022 and ending December 31, 2023 with said seat currently being held by Harold Herndon.

(C) The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 2, which will be elected at large for a four (4) year term beginning on approximately January 1, 2022 and ending December 31, 2025, with said seat currently being held by Rhonda Thomas.

(D) The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 3, which will be elected at large for a two (2) year term beginning on approximately January 1, 2022 and ending December 31, 2023, with said seat currently being

held by Mike Panter.

(E) The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 4, which will be elected at large for a four (4) year term beginning on approximately January 1, 2022 and ending December 31, 2025, with said seat currently being held by Robbie Cornelius.

(F) The office of a Councilmember upon the City Council of the City of Blue Ridge, Georgia, being Post 5, which will be elected at large for a two (2) year term beginning on approximately January 1, 2022 and ending December 31, 2023, with said seat currently being held by Nathan Fitts.

The terms for Posts 1, 3 and 5 shall thereafter be four year terms beginning in January of 2024.

Section 5. QUALIFYING PERIOD.

The qualifying period for the election set by Section 2 of this Ordinance to qualify for the offices set by Section 4 of this Ordinance, shall open on Monday, August 16, 2021, and will continue from day-to-day through Friday, August 20, 2021. The hours of qualifying each day shall be from 8:30 a.m. until 4:30 p.m. August 16-19, 2021 and 8:30 a.m. to 12:00 p.m. August 20, 2021 (except for a one hour lunch break beginning at 1:00 p.m. each day). The place of qualifying shall be the administrative office of the City of Blue Ridge, Georgia, being one of the offices of the Election Superintendent, and being located at the City Hall, 480 West First Street, Blue Ridge, Georgia 30513.

Section 6. QUALIFYING FEE.

(A) The qualifying fee for the positions open for election as provided by Section 4 of this Ordinance shall remain \$252.00 for the position of Mayor and shall remain \$180.00 for each

Council seat. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's application and notice of candidacy.

(B) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by this Ordinance in Section 6(A). A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony." The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

Section 7. ELECTION APPOINTMENTS.

(A) The following persons are hereby appointed to act as election officials for the 2021 General Election for terms of office beginning January 1, 2022:

Election Superintendent	As appointed by Council resolution.
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Chief Registrar	As appointed by Council resolution.
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Absentee Ballot Clerk	As appointed by Council resolution.
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Voting Machines Custodian	As appointed by Council resolution.
Chief Poll/Precinct Manager	As appointed by Council resolution.
Assistant Poll/Precinct Manager	As appointed by Council resolution.
Assistant Poll/Precinct Manager	As appointed by Council resolution.
Assistant Registrar	As appointed by Council resolution.

(B) The administrative office of the City of Blue Ridge, Georgia is hereby declared to be one of the offices of the Election Superintendent for the purpose of candidates qualifying for the offices open for election as provided by Section 4 of the Ordinance, and also as an office of the Absentee Ballot Clerk. The City Council of the City of Blue Ridge, Georgia, by proper resolution passed in a regularly scheduled public meeting of the City Council, is authorized to set the compensation that each election official shall receive.

Section 8. LAST DAY FOR VOTER REGISTRATION.

The last day that an elector/voter may register to vote in the 2021 General Election shall be Monday, October 4, 2021, by 5:00 p.m. at the Fannin County Board of Elections, Suite 301 400 West Main Street, Blue Ridge, GA 30513, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. QUALIFYING AFFIDAVIT AND FINANCIAL DISCLOSURE STATEMENT.

(A) Each candidate qualifying for the position of Mayor or for a Council seat of the City Council of the City of Blue Ridge, Georgia shall accompany the candidate's notice with an affidavit stating:

(1) The candidate's residence, with street and number, if any, and the candidate's post office address;

(2) The candidate's profession, business, or occupation, if any;

(3) The Post or seat of Mayor and incumbent of the office sought for election and precinct, if applicable;

(4) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;

(5) The name of the office that the candidate is seeking;

(6) That the candidate is eligible to hold such office;

(7) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude; and

(8) That the candidate will not knowingly violate any provisions of the "Georgia Election Code" or any rules and regulations adopted under the "Georgia Election Code".

(B) Each person qualifying as a candidate will file a financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the

fifteenth day following the last date of qualifying with the Election Superintendent of the City of Blue Ridge.

Section 10. WRITE-IN CANDIDATES.

(A) In the general municipal election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given no later than seven (7) days after the close of the municipal qualifying period in accordance with O.C.G.A. § 21-2-133(a) by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Election Superintendent and by publication in the official gazette of the City of Blue Ridge, Georgia (and currently being The News Observer).

(B) In addition to the requirements contained in subsection (A) of Section 10., the person or persons giving notice of intention of candidacy for a write-in candidate shall also file, with the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth day after the deadline for filing and publishing such notice. The affidavit may be made by the person giving notice of intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 11. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance should be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance is applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent

of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SO ORDAINED, this ____ day of _____, 2021.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Attest Amended Ordinance Passed: _____

Attest:

City Clerk

House Bill 739 (AS PASSED HOUSE AND SENATE)

By: Representative Ralston of the 7th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Blue Ridge in Fannin County,
2 approved March 21, 1989 (Ga. L. 1989, p. 3823), as amended, so as to provide for staggered
3 terms of the mayor and councilmembers; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act to provide a new charter for the City of Blue Ridge in Fannin County, approved
8 March 21, 1989 (Ga. L. 1989, p. 3823), as amended, is amended by revising subsection (b)
9 of Section 2.10 as follows:

10 "(b) The mayor and councilmembers shall serve for staggered terms of four years and until
11 their respective successors are elected and qualified. No person shall be eligible to serve
12 as mayor or councilmember unless he or she shall have been a resident of this city for 12
13 months immediately preceding the election of mayor or councilmember. Each such person
14 shall continue to reside within the city during said period of service and shall be registered
15 and qualified to vote in municipal elections of the city. No person's name shall be listed
16 as a candidate on the ballot for election for either mayor or councilmember unless such

17 person shall file a written notice with the clerk of said city that he or she desires his or her
18 name to be placed on said ballot as a candidate either for mayor or councilmember. No
19 person shall be eligible for the office of mayor or councilmember unless such person shall
20 file such notice within the time provided by Chapter 2 of Title 21 of the O.C.G.A, the
21 'Georgia Election Code.'"

22 **SECTION 2.**

23 Said Act is further amended by revising subsection (e) of Section 2.11 as follows:

24 "(e)(1) Except as provided in paragraph (2) of this subsection, the mayor and
25 councilmembers shall serve terms of four years. Municipal general elections for the city
26 shall be held on the Tuesday after the first Monday in November of odd-numbered years.
27 The terms of office for mayor and councilmembers shall begin at the time such individual
28 takes the oath of office provided for in Section 3.11 of this charter.

29 (2) The mayor and councilmembers for Posts 2 and 4 elected at the municipal general
30 election of 2021 shall serve a term of four years. The councilmembers for Posts 1, 3,
31 and 5 elected at the municipal general election of 2021 shall serve a term of two years.

32 (3) Nothing herein shall affect the term of office of the mayor and councilmembers
33 serving on the effective date of this Act."

34 **SECTION 3.**

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