

MEMORANDUM

DATE: November 11, 2025
TO: Mayor, Clerk and City Council Members of the City of Reidsville, Georgia
FROM: DuAnn Cowart Davis
ISSUE: Whether council members must be elected by a plurality or majority of qualified voters?

The short answer is that council members must be elected by a plurality of qualified voters.

The City of Reidsville's Charter as evidenced in both Municode and our hard copy of the Charter indicate in Section 5.1 that "Each councilman shall be elected by a majority vote of the qualified voters voting in such election and residing in the ward in which such councilman offers as a candidate." There is no reference to any amendment or change in the Charter in our copies.

However, it appears that the Reidsville City Charter has been amended by the Georgia Legislature *without the same being reflected in the Charter itself*. Section 5.1 and section 2.8 relating to the election of the mayor were amended by House Bill 1580 in the Georgia General Assembly in the 2000 Regular Session. It provided as follows:

"SECTION

1.

An Act creating a new charter for the City of Reidsville, approved March 13, 1978 (Ga. L. 1978, p. 3273), as amended, particularly by an Act approved April 11, 1979 (Ga. L. 1979, p. 4388), and an Act approved March 19, 1987 (Ga. L. 1987, p. 4419), is amended by striking Section 2.8 in its entirety and inserting in its place the following:

“SECTION 2.8.

Election of Mayor; Term of Office; Vacancy.

The mayor shall be elected by a plurality vote of the registered voters of the City voting in the election for mayor for a term of office of four years. In case of a vacancy in the office of mayor, the remaining members of the city council shall elect from their members a successor for the unexpired term."

SECTION 2.

Said Act is further amended by striking in its entirety subsection (b) of Section 5.1 and inserting in lieu thereof the following:

"(b) The two offices of councilmen from Ward 1 shall be designated Post 1 and Post 2 and the three offices of councilmen from Ward 2 shall be designated Post 1, Post 2, and Post 3. Any person desiring to offer as a candidate for councilman shall designate the post for which such person is announcing. Such person shall be a bona fide resident of the ward in which such post is located immediately prior to such person's official qualification as a candidate for such office and shall continue to reside therein during such councilman's period of service. **Each councilman shall be elected by a plurality of the qualified voters voting in such election and residing in the ward in which such councilman offers as a candidate.**" (emphasis supplied).

SECTION 3.

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

Apparently the copies of the Charter were not updated in 2000 or any time afterwards to reflect this legislative amendment.

The question then becomes have there been any subsequent amendments to the Charter AFTER the 2000 Charter Amendment which would affect this change? The answer is NO. I have searched multiple resources to ascertain whether this was changed again and find nothing rescinding or modifying the 2000 Charter Amendment. I have searched the legislative history of the Georgia as follows¹:

- 1) By searching my online subscription legal resource Westlaw's Legislative History database. The only Georgia Bill referencing the City of Reidsville is the 2000 Charter Amendment relating to plurality instead of majority.
- 2) By searching the Georgia General Assembly's online legislation search archives. These go back to 2001 and while "Reidsville" is referenced 45 times, there is no reference to a Georgia Bill. Most references are either Senator Jack Hill taking action about the budget or recognitions and condolences for notable citizens. There is nothing amending or changing the 2000 Charter Amendment.
- 3) I contacted the Research Department at my alma mater Mercer Law School. They researched HeinOnline, a subscription-based resource containing thousands of academic and legal journals. The only thing they found was the 2000 Charter Amendment. There has been nothing since that time.

These resources together give a definitive answer that our Charter was amended effective April 18, 2000 to provide that "Each councilman shall be elected by a plurality of the qualified voters voting in such election and residing in the ward in which such

¹ Copies of this research will be emailed tomorrow when my office officially reopens and my staff is present to scan the documents.

councilman offers as a candidate." It has not been amended since then, so the 2000 Charter Amendment stands.

What does this mean in plain language? In terms of voting and elections, *majority* is defined as "a number of voters or votes, jurors or others in agreement, constituting more than half of the total number." *Plurality* is defined as "the excess of votes received by the leading candidate in an election in which there are three or more candidates, over those received by the next candidate."

This affects the City of Reidsville by requiring that we do not have a run off election between Councilmember Blackshear and Ms. Bea Griffin. Under the 2000 Charter Amendment, Councilmember Blackshear won the election. I am copying Barbie Mock at Tattnall Elections and Tom Peterson, Tattnall County attorney, with this Memo to advise the above.

It is *critical* that we amend Municode and our hard copies of the Charter to reflect this change and other code section changes as soon as possible.

We also need to advertise this fact in the local newspaper, our web site, the Mayor's Facebook page, and any other resources we have available to make citizens aware of this information.

Please feel free to contact me on my cell phone at 912-678-2829 if you have any questions.

DuAnn Davis