

FACTS

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Let's Talk About the Legislature

On January 13 the General Assembly will convene for its second session of forty days. Atlanta and Fulton County will have four representatives in the Legislature, the Senator from the 52nd District (Fulton County) and three members in the House. Since part of Atlanta lies in DeKalb County, the Senator from the

34th District and the three members of the House from DeKalb County will be concerned with local legislation pertaining to Atlanta.

Looking forward to this coming session, the Fulton Delegation has this month held public hearings in order that they might hear from the citizens the special items of local legislation they

are interested in. The League was represented at the hearings and asked passage of several bills which are on the League program. But

before we talk about the coming session of the Legislature, let us look back at the accomplishments of the 1957 session.

THE 1957 SESSION

During the forty day session in January and February of this year, fifty-three bills pertaining to Fulton County, Atlanta, and other municipalities in the county were passed. This is in itself a tremendous task for the delegation, but in addition to these fifty-three local bills, there were 121 state-wide measures passed. And this does not take into account the bills, both local and state-wide, which were considered but failed to pass. The responsibility and burden this puts upon members of the Legislature is a strong argument for Home Rule, though not the only one.

Local bills are passed by "legislative courtesy." This means that any bill which is signed by all members of a local delegation passes without question. Any bill on which there is not agreement dies. Thus bills relating to Atlanta must be agreed to by both the Fulton and DeKalb delegations. For this reason the Late Primary bill did not pass, for one member of the Fulton Delegation refused to sign it and the DeKalb delegation would not sign until the Fulton legislators were in agreement.

Of the local bills passed in the last session, 19 were Atlanta bills, 18 Fulton County, 2 Atlanta-Fulton County, 6 East Point (including a new city charter), 4 College Park, 2 Hapeville, and 1 each Alpharetta and Roswell. These bills dealt with such matters as annexation, pensions, a budget bill for the Atlanta School System, allocation of city funds, and salary raises for city and county employees.

Some of these matters require action of the General Assembly, such as salary raises for

constitutional officers. But the salaries of numerous county officials were raised over the protests of the Fulton County Commissioners, who have to raise the money to meet the salary increases. Increases in salaries and pensions enacted by the Fulton County Delegation cost the county \$64,000 in 1957.

Salaries of certain employees of the city of Atlanta were also raised, although the Board of Aldermen could have raised these salaries if it had wished to do so. The League opposed these increases at the time they were given, not on the ground of the merit of the raises, but because we think that the city pay scale should be left to the Board of Aldermen, who are responsible for setting and financing the city budget. We also opposed earmarking an additional \$5,000 from the 1/2 mill Park Improvement Fund for promotion of such affairs as Havalanta—this because we are opposed to any allocation of tax money by legislative act. Raises in salaries added an annual \$24,000 to the city budget.

The Fulton County Delegation, commendably, did not pass an "Omnibus Bill" in the 1957 session. This is a bill introduced early in the session and advertised as a bill "To amend the Charter of the City of Atlanta and Other Purposes." In the past the "other purposes" have been a catch-all for last minute legislation, often tacked onto the bill as amendments in the closing day of the session. The public and the city and county officials often had no advance warning as to the contents of these amendments and thus could not express their views on them to the delegation.

THE 1958 SESSION

The League has asked the Fulton County Delegation to consider (1) revision of Atlanta's Election Laws; (2) putting the Atlanta Police Department under civil service; and (3) continuing their efforts to get neighborhood registration for Fulton County.¹

Atlanta's Election Laws

At present Atlanta has a May primary followed by a run-over if any candidate fails to get a majority vote. The primary and run-over are paid for by fees collected from the candidates by the City Executive Committee, which sets the fees and conducts the two elections. In December there is the general election, paid for by public funds, when those nominated in the primary run against candidates who have had their names placed on the ballot by petition of 2% of the registered voters. In case there is no opposition, the general election must still be held.

We have asked for a non-partisan election with a run-over if necessary, the election to be held late in the fall and financed from public funds. Fees would be set by law and returned to those candidates who receive a certain percentage of the vote.

WHY A NON-PARTISAN ELECTION? A municipal election, by whatever name it is called, primary or general election, should be non-partisan; that is, it should be open to all candidates and voters regardless of party affiliation. Issues in local elections are not related to national issues. Views on foreign policy, for example, have no bearing on the fitness of a candidate for a place on the Board of Education or Board

¹The Atlanta League acts on state-wide legislation only when requested to do so by the League of Women Voters of Georgia.

of Aldermen. Non-partisan elections are held in the majority of cities comparable in size to Atlanta: Houston, Dallas, San Antonio, Baton Rouge in the South, and Boston, Cleveland, Detroit, Los Angeles, Seattle, Columbus, San Diego all hold non-partisan city elections.

Cities in many states with the strongest two-party systems hold non-partisan municipal elections. It is a red herring to say that non-partisan city elections prevent the development of a two-party system.

While most lawyers agree that Atlanta has legally a party primary, it has always been in fact a non-partisan primary. This in the sense that no statement as to party affiliation has ever been required of candidates or voters. This has been true by whatever name the primary was called, "White Primary," "Democratic Primary," "City Primary." The rules of the Executive Committee have never mentioned party affiliation and under the Georgia Registration Laws the prospective voter is not asked to what party he belongs.

WHY FEWER ELECTIONS? It is good government to have candidates elected by the majority of the electorate. This can be accomplished most easily by having one election with a run-over for those who do not receive a majority. Some cities call the first election a "primary," but exempt candidates who receive a majority from running in the general election. It is obvious that there is no need for both a primary and a general election when the nominees of the primary run in the general election without opposition. This is a needless expense.

WHY AN ELECTION LATE IN THE YEAR? The election should come as near to the time the elected candidates take office as possible. This eliminates "lame ducks." Also new issues may develop between an early election and the

time the elected candidates are to take office. It has been argued that a September election is bad because of the difficulty of campaigning in the summer. But many city elections are held from late October to early December.

WHY PAY FOR THE ELECTION FROM PUBLIC FUNDS? The Atlanta general election is already paid for from public funds, but the primary, which has usually been the real election, has been paid for from fees collected from the candidates. It is difficult to set these fees because the Executive Committee cannot know in advance how many candidates will enter the races or if a run-over will have to be held. Unless the election (or primary) is non-partisan, it cannot be paid for from tax money.

If the elections were paid for by the city, fees for candidates high enough to keep off the ballot people running for frivolous reasons could be set by law. The fees should be fairly high for this season, but they should be refunded to candidates receiving a certain percentage of the vote.

WHEN CAN ATLANTA'S ELECTION LAWS BE CHANGED? The next city election in 1961 must be held under present laws because the City Executive Committee was elected in the May primary to conduct the next primary. But Atlanta's outmoded election laws should be revised before another City Executive Committee is elected.

In the meantime, the primary can be changed back to the autumn before the next election, and this should be done.

Civil Service for Police

We again recommend that the Atlanta Police Department be put under civil service. At present the Atlanta City Personnel Department gives

examinations to recruits for the force, but all promotions and dismissals are by the Police Committee of the Board of Aldermen on recommendation of the Chief of Police. This is the so-called "Police Civil Service."

The latest recommendations for putting the police under civil service are in this year's study of the Police Department made by Colonel Garrett of the Institute of Public Administration. The report, commissioned by the Board of Aldermen, recommends that the promotion of all ranks through captain be on the basis of competitive examination. Pointing out that police departments are seldom staffed to administer such examinations, it suggests that Atlanta needs to have all civil service regulated through a central personnel office. It further states that putting the police under civil service would raise the level of police morale.

The League position on this matter is of long standing and has been continuous. In 1941 we said in **FACTS** that the police should be put under civil service, noting that the "present Police Civil Service" is a "farce." The Reed Report in 1938 and the Arkwright Report in 1941 both recommended civil service for the police force. It is long overdue.

Neighborhood Registration

We again sponsor a bill to provide for neighborhood registration. One bill has passed the legislature, but was vetoed by the Governor. The bill introduced in 1957 is still in House Committee. Neighborhood registration is an encouragement to good government anywhere, but in Fulton County it is especially needed because of the size of the county. We commend the delegation for their efforts to pass such a bill in the past and hope that they persevere.