

than a majority of those who vote on the question of incorporation cast their votes in favor thereof, the votes cast for election to the several offices shall be null and void and of no effect whatsoever.

(b) The board of supervisors of elections, and its clerks, judges of election and subordinates, shall tally the results of the votes cast for candidates for office, and shall certify them along with the tally on the question of incorporation, to the [board of county commissioners or county council] COUNTY GOVERNING BODY.

(c) Any person who receives a plurality of the votes cast for any particular office, whether or not he receives a majority of all the votes cast for that office, shall be publicly proclaimed by the [board or council] COUNTY GOVERNING BODY to have been elected thereto. The persons so named by proclamation shall at the effective time for the charter become the several respective officers of the municipal corporation. Each officer shall continue to hold such position until regularly superseded by a new elective officer, elected as may be provided in the charter of the municipal corporation; and during such period he shall be taken and accepted in all respects as the elected officer of the municipal corporation in his respective position, with the powers, authority and duties as set forth and prescribed in the charter.

(d) If no person is nominated for an office in the government of the municipal corporation, or if a person elected thereto is unable to assume his office, or if for any other reason no person is elected to fill an office, the [board of county commissioners or county council] COUNTY GOVERNING BODY shall name a resident of the particular area to the office, and upon assuming it he shall hold it in all respects as if regularly elected thereto as in this section provided.

(e) No person shall be either nominated or elected to any office in the government of the municipal corporation unless he qualifies under whatever requirements may be specified for that office according to the charter proposed for the municipal corporation.

[30.

The expenses of the original election for candidates for office shall be defrayed by the board of county commissioners or the county council, but if the referendum vote results in incorporation, the municipal corporation shall repay the total amount of such expenses to the board or council, within one year following the effective date of the incorporation.]

SECTION 2. AND BE IT FURTHER ENACTED, That a petition to incorporate under the provisions of Article 23A of the Code that is initiated before the effective date of this Act shall be null and void if the petition is not presented to the county governing body of the area proposed for incorporation before the effective date of this Act or within 18 months after the petition is initiated, whichever is later.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 21, 1998.