

House Bill 1159

By: Representatives Lunsford of the 109<sup>th</sup> and Cash of the 108<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Board of Commissioners of Butts County, approved February  
2 24, 1941 (Ga. L. 1941, p. 793), as amended, so as to reconstitute the board of commissioners;  
3 to change the description of the commissioner districts; to provide for definitions and  
4 inclusions; to provide for continuation in office of current members; to provide for election  
5 and terms of office of subsequent members; to provide for submission of this Act for  
6 approval under the federal Voting Rights Act of 1965, as amended; to provide for effective  
7 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 creating the Board of Commissioners of Butts County, approved February 24, 1941  
11 (Ga. L. 1941, p. 793), as amended, is amended by striking Section 3A of said Act and  
12 inserting in its place the following:

13 "SECTION 3A.

14 (a) The Board of Commissioners of Butts County which existed on December 31, 2002,  
15 is continued in existence but on and after the first Monday in January, 2003, shall be  
16 constituted as provided in this Act. The Board of Commissioners of Butts County so  
17 continued and constituted, sometimes referred to in this Act as the 'board,' shall continue  
18 to have the powers, duties, rights, obligations, and liabilities of that board as existed  
19 immediately prior to the first Monday in January, 2003.

20 (b) The Board of Commissioners of Butts County shall consist of five members to be  
21 elected from single member districts as provided in this section. Those members of the  
22 Board of Commissioners of Butts County who are serving as such on December 31, 2002,  
23 and any person selected to fill a vacancy in any such office shall continue to serve as such  
24 members until the regular expiration of their respective terms of office and upon the  
25 election and qualification of their respective successors.

1 (c) For purposes of electing members of the board of commissioners, Butts County is  
2 divided into five commissioner districts. One member of the board shall be elected from  
3 each such district. The five commissioner districts shall be and correspond to those five  
4 numbered districts described in and attached to and made a part of this Act and further  
5 identified as Plan Name: buttscsbwk1 Plan Type: Local User: Tara Administrator: Butts  
6 Co.

7 (d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean  
8 and describe the same geographical boundaries as provided in the report of the Bureau of  
9 the Census for the United States decennial census of 2000 for the State of Georgia. The  
10 separate numeric designations in a Tract description which are underneath a 'BG' heading  
11 shall mean and describe individual Blocks within a Block Group as provided in the report  
12 of the Bureau of the Census for the United States decennial census of 2000 for the State of  
13 Georgia. Any part of Butts County which is not included in any such district described in  
14 that attachment shall be included within that district contiguous to such part which contains  
15 the least population according to the United States decennial census of 2000 for the State  
16 of Georgia. Any part of Butts County which is described in that attachment as being in a  
17 particular district shall nevertheless not be included within such district if such part is not  
18 contiguous to such district. Such noncontiguous part shall instead be included within that  
19 district contiguous to such part which contains the least population according to the United  
20 States decennial census of 2000 for the State of Georgia. Except as otherwise provided in  
21 the description of any commissioner district, whenever the description of such district  
22 refers to a named city, it shall mean the geographical boundaries of that city as shown on  
23 the census map for the United States decennial census of 2000 for the State of Georgia.

24 (e) No person shall be a member of the board if that person is ineligible for such office  
25 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that  
26 office.

27 (f) In order to be elected as a member of the board from a commissioner district, a person  
28 must receive the number of votes cast as required by general law for that office in that  
29 district only. Only electors who are residents of that commissioner district may vote for  
30 a member of the board for that district. At the time of qualifying for election as a member  
31 of the board from a commissioner district, each candidate for such office shall specify the  
32 commissioner district for which that person is a candidate. A person elected or appointed  
33 as a member of the board from a commissioner district must continue to reside in that  
34 district during that person's term of office or that office shall become vacant.

35 (g) At the general election on the Tuesday next following the first Monday in November  
36 2002, members of the board shall be elected from Commissioner Districts 3 and 4, shall  
37 take office the first Monday of January immediately following that election, and shall serve

1 for initial terms of office which expire on the day immediately prior to the first Monday in  
2 January, 2007, and upon the election and qualification of their respective successors. At  
3 the general election on the Tuesday next following the first Monday in November 2004,  
4 members of the board shall be elected from Commissioner Districts 1, 2, and 5, shall take  
5 office the first Monday of January immediately following that election, and shall serve for  
6 initial terms of office which expire on the day immediately prior to the first Monday in  
7 January, 2009, and upon the election and qualification of their respective successors.  
8 Those and all future successors to members of the board whose terms of office are to expire  
9 shall be elected at the time of the state-wide general election immediately preceding the  
10 expiration of such terms, shall take office the first Monday of January immediately  
11 following that election, and shall serve for terms of office of four years each. Members of  
12 the board shall serve for the terms of office specified therefor in this subsection and until  
13 their respective successors are elected and qualified. Commissioner Districts 1, 2, 3, 4, and  
14 5, as they exist immediately prior to the first Monday in January, 2003, shall continue to  
15 be designated as Commissioner Districts 1, 2, 3, 4, and 5, respectively, but as newly  
16 described under this Act, and on and after such date, such members of the board serving  
17 from those former commissioner districts shall be deemed to be serving from and  
18 representing their respective districts as newly described under this Act.

19 (h) All members of the board who are elected thereto shall be nominated and elected in  
20 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

21 (i) In the event a vacancy occurs on the Board of Commissioners of Butts County for any  
22 reason other than the expiration of a term of office, the vacancy shall be filled in  
23 accordance with the provisions of Article 14 of Chapter 2 of Title 21 and Code Section  
24 36-5-21 of the O.C.G.A. and the residency requirements set out in this section. In the event  
25 a member moves his or her residence from the commissioner district he or she represents,  
26 a vacancy shall exist from such district and shall be filled in the same manner as other  
27 vacancies are filled.

28 (j) At the first regular meeting of the board of commissioners in January of each year, the  
29 members of the board shall select, by majority vote, one of their number to serve as  
30 chairperson of the board.

31 (k) Three members of the board of commissioners shall constitute a quorum to conduct  
32 and transact business as a board.

33 (l) Each person elected and qualified to hold office as a member of the board of  
34 commissioners elected from a district shall receive the same annual compensation and  
35 allowances as are now or shall hereafter be allotted for each member of the board of  
36 commissioners. The chairperson of the board of commissioners shall continue to receive  
37 such compensation and allowances as are now or shall hereafter be allotted by law."

**SECTION 2.**

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2 It shall be the duty of the attorney of the Board of Commissioners of Butts County to submit  
3 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as  
4 amended.

**SECTION 3.**

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6 This section and Section 2 of this Act and those provisions of this Act necessary for the  
7 election of members of the Board of Commissioners of Butts County in 2002 shall become  
8 effective upon the approval of this Act by the Governor or upon its becoming law without  
9 such approval. The remaining provisions of this Act shall become effective January 1, 2003.

**SECTION 4.**

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