

House Bill 1232

By: Representatives Holmes of the 53<sup>rd</sup> and Brooks of the 54<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Board of Commissioners of Fulton County, approved  
2 December 3, 1880 (Ga. L. 1880-81, p. 508), as amended, particularly by an Act approved  
3 April 9, 1993 (Ga. L. 1993, p. 5241), so as to revise the commissioner districts for the  
4 election of members of the board of commissioners; to provide for definitions and inclusions;  
5 to provide for submission of this Act for preclearance pursuant to Section 5 of the federal  
6 Voting Rights Act of 1965, as amended; to provide for related matters; to provide an  
7 effective date; 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 Fulton County, approved December 3, 1880  
11 (Ga. L. 1880-81, p. 508), as amended, particularly by an Act approved April 9, 1993 (Ga. L.  
12 1993, p. 5241), is amended by striking Section 2 of the Act and inserting in lieu thereof a  
13 new Section 2 to read as follows:

14 "SECTION 2.

15 (a) The Board of Commissioners of Fulton County which existed on December 31, 2001,  
16 is continued in existence but on and after January 1, 2003, shall be constituted as provided  
17 in this Act. The Board of Commissioners of Fulton County so continued and constituted,  
18 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,  
19 rights, obligations, and liabilities of that board as existed immediately prior to January 1,  
20 2003.

21 (b) Those members of the Board of Commissioners of Fulton County who are serving as  
22 such on December 31, 2001, and any person selected to fill a vacancy in any such office  
23 shall continue to serve as such members until the regular expiration of their respective  
24 terms of office and upon the election and qualification of their respective successors. On

1 and after January 1, 2003, the Board of Commissioners of Fulton County shall consist of  
2 seven members. For the purpose of electing the members of the board of commissioners,  
3 there shall be seven commissioner districts to be designated Commission Districts  
4 1 through 7, and one commissioner shall be elected from each of said districts. The  
5 commissioners from Districts 1 and 2 shall be elected at-large from the entire County of  
6 Fulton. The commissioners from Districts 3 through 7 shall be elected from districts which  
7 shall be and correspond to those five numbered districts described in and attached to and  
8 made a part of this Act and further identified as 'Plan Name: FULTONWK5 Plan Type:  
9 LOCAL User: staff Administrator: CNTY-FULTON'.

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

28 (d) All members of the board of commissioners shall be qualified electors of Fulton  
29 County and shall be at least 21 years of age as of the date of taking office. All of said  
30 members shall have been residents of their respective districts for at least one year as of the  
31 date of their taking office. The commissioner from Commissioner District 1 shall be the  
32 chairperson of the board of commissioners and shall be elected by the qualified voters of  
33 the entire County of Fulton voting at the elections provided for in this Act. The  
34 commissioner from Commissioner District 2 shall be elected by the qualified voters of the  
35 entire County of Fulton voting at the elections provided for in this Act. The members from  
36 Commissioner Districts 3 through 7 shall be residents of their respective commissioner

1 districts and shall be elected by the qualified electors voting within the member's  
 2 respective commissioner district at the elections provided for in this Act. Any person  
 3 offering as a candidate for commissioner shall designate the commission district for which  
 4 he or she is offering. All members of said board of commissioners shall be nominated and  
 5 elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election  
 6 Code.'

7 (e) The first members of the reconstituted Board of Commissioners of Fulton County shall  
 8 be elected at the general election on the Tuesday next following the first Monday in  
 9 November 2002. The members of the board elected thereto in 2002 shall take office the  
 10 first day of January immediately following that election and shall serve for initial terms of  
 11 office which expire December 31, 2006, and upon the election and qualification of their  
 12 respective successors. Those and all future successors to members of the board whose  
 13 terms of office are to expire shall be elected at the time of the state-wide general election  
 14 immediately preceding the expiration of such terms, shall take office the first day of  
 15 January immediately following that election, and shall serve for terms of office of four  
 16 years each. Members of the board shall serve for the terms of office specified therefor in  
 17 this subsection and until their respective successors are elected and qualified."

## 18 SECTION 2.

19 It shall be the duty of the attorney of the Board of Commissioners of Fulton County to submit  
 20 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as  
 21 amended.

## 22 SECTION 3.

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

## 27 SECTION 4.

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