

House Bill 1327

By: Representatives Lunsford of the 109<sup>th</sup>, Sanders of the 107<sup>th</sup>, Cash of the 108<sup>th</sup> and Maddox of the 72<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for a new Board of Commissioners of Henry County, approved  
2 March 28, 1974 (Ga. L. 1974, p. 3680), as amended, so as to reconstitute the board of  
3 commissioners; to change the description of the commissioner districts; to provide for  
4 definitions and inclusions; to provide for continuation in office of current members; to  
5 provide for election and terms of office of subsequent members; to provide for a statement  
6 of intent; to provide for submission of this Act for approval under the federal Voting Rights  
7 Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act providing for a new Board of Commissioners of Henry County, approved March 28,  
12 1974 (Ga. L. 1974, p. 3680), as amended, is amended by striking Section 2 of said Act and  
13 inserting in its place the following:

14 "SECTION 2.

15 (a) The Board of Commissioners of Henry County which existed on May 31, 2002, is  
16 continued in existence but on and after June 1, 2002, shall be constituted as provided in  
17 this Act. The Board of Commissioners of Henry 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 June 1, 2002.  
20 On and after June 1, 2002, the Board of Commissioners of Henry County shall consist of  
21 a chairperson who shall be elected at large as provided in subsection (d) of this section and  
22 five additional members each of whom shall be elected from commissioner districts  
23 described in subsection (b) of this section. Commissioner Districts 1, 2, 3, 4, and 5, as they  
24 exist on May 31, 2002, shall continue to be designated as Commissioner Districts 1, 2, 3,  
25 4, and 5, respectively, but as newly described under this Act, and on and after June 1, 2002,

1 such members of the board serving from those former commissioner districts shall be  
2 deemed to be serving from and representing their respective districts as newly described  
3 under this section. Those members of the Board of Commissioners of Henry County who  
4 are serving as such on May 31, 2002, and any person selected to fill a vacancy in any such  
5 office shall continue to serve as such members until the regular expiration of their  
6 respective terms of office and upon the election and qualification of their respective  
7 successors.

8 (b) For purposes of electing members of the board of commissioners, other than the  
9 chairperson, Henry County is divided into five commissioner districts. One member of the  
10 board shall be elected from each such district. The five commissioner districts shall be and  
11 correspond to those five numbered districts described in and attached to and made a part  
12 of this Act and further identified as Plan Name: henryp2 Plan Type: LOCAL User: PaulH  
13 Administrator: Henry County.

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

32 (d) The chairperson of the board of commissioners may reside anywhere within Henry  
33 County and must receive the number of votes cast for that office as required by general law  
34 in the entire county. In order to be eligible to qualify as a candidate for the office of  
35 chairperson of the board of commissioners, a person must have been a resident of Henry  
36 County for at least 12 months prior to that person's election, must be at least 25 years  
37 of age as of the date of qualifying as a candidate, and must possess a high school diploma

1 or its equivalent. The chairperson must continue to reside within the county during that  
2 person's term of office or that office shall become vacant.

3 (e) Each of the remaining five members of said board, other than the chairperson, must  
4 have been a resident of Henry County for at least 12 months prior to that person's election  
5 and must have been a resident of the commissioner district from which such person is  
6 elected for at least 12 months prior to such election. In order to be elected as a member of  
7 the board from a commissioner district, a person must receive the number of votes cast as  
8 required by general law for that office in that district only. Only electors who are residents  
9 of that commissioner district may vote for a member of the board for that district. At the  
10 time of qualifying for election as a member of the board from a commissioner district, each  
11 candidate for such office shall specify the commissioner district for which that person is  
12 a candidate. A person elected or appointed as a member of the board from a commissioner  
13 district must continue to reside in that district during that person's term of office or that  
14 office shall become vacant."

## 15 SECTION 2.

16 It is the purpose of this Act to reapportion the districts from which members of the Board of  
17 Commissioners of Henry County are to be elected in the November, 2002, general election  
18 and in subsequent general elections and results from changes in population based on the  
19 United States decennial census of 2000. Except as provided in this Act, it is not the intention  
20 of the General Assembly to affect the membership of current members of the board, their  
21 terms of office, or the manner in which their successors shall be elected and such matters  
22 shall remain as provided by law on the effective date of this Act until otherwise amended by  
23 law.

## 24 SECTION 3.

25 It shall be the duty of the attorney of the Board of Commissioners of Henry County to submit  
26 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as  
27 amended.

## 28 SECTION 4.

29 This section and Section 3 of this Act shall become effective upon the approval of this Act  
30 by the Governor or upon its becoming law without such approval. The remaining provisions  
31 of this Act shall become effective June 1, 2002.

## 32 SECTION 5.

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