

House Bill 1360

By: Representative Shaw of the 176th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners for Lanier County, approved March 7,
2 1933 (Ga. L. 1933, p. 602), as amended, particularly by an Act approved March 8, 1985
3 (Ga. L. 1985, p. 3820), so as to revise the districts for the election of members of the board
4 of commissioners; to provide for definitions and inclusions; to provide for the manner of
5 election; to provide for qualifications; to provide for submission of this Act for preclearance
6 pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for
7 related matters; 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 a board of commissioners for Lanier County, approved March 7, 1933 (Ga.
11 L. 1933, p. 602), as amended, particularly by an Act approved March 8, 1985 (Ga. L. 1985,
12 p. 3820), is amended by striking Section 1 in its entirety and inserting in lieu thereof a new
13 Section 1 to read as follows:

14 "SECTION 1.

15 (a) The board of commissioners of Lanier County shall be composed of five members.
16 Except for the chairperson, the members of the board shall be residents of the
17 commissioner districts they represent and shall be elected by the qualified electors voting
18 within their respective commissioner districts. The chairperson shall be a resident of
19 Lanier County and shall be elected by the qualified voters of the entire county.

20 (b) For the purpose of electing four members of the board from commissioner districts,
21 Lanier County shall be divided into four commissioner districts. One member of the board
22 shall be elected from each such district. Those districts shall be and correspond to those
23 four numbered districts described in and attached to and made a part of this Act and further
24 identified as Plan Name: lanierccsbp1 Plan Type: Local User: Tara Administrator: Lanier
25 Co.

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

18 **SECTION 2.**

19 Said Act is further amended by striking Section 3 in its entirety and inserting in lieu thereof
 20 a new Section 3 to read as follows:

21 "SECTION 3.

22 (a) In the event that any member elected from a district ceases to be a resident of his or her
 23 respective commissioner district during his or her term of office, a vacancy shall be created
 24 and shall be filled in the manner provided in Section 18 of this Act. In all elections
 25 conducted pursuant to this Act, each candidate shall designate, at the time of qualifying,
 26 the district or chairperson post for which he or she offers as a candidate. All members shall
 27 be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the
 28 O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

29 (b) The members of the board who were elected at the general election in November 1998
 30 shall continue in office for the terms to which they were elected and until successors are
 31 elected and qualified as provided in this section. The members of the board who were
 32 elected at the general election in November 2000 shall continue in office for the terms to
 33 which they were elected and until successors are elected and qualified as provided in this
 34 section.

1 (c) The first members of the reconstituted board of commissioners of Lanier County from
2 Commissioner Districts 1 and 2 shall be elected in the state-wide general election in
3 November 2002. Such members shall take office on January 1 following their election for
4 terms of four years and until their successors are elected and qualified.

5 (d) The first members of the reconstituted board of commissioners of Lanier County from
6 Commissioner Districts 3 and 4 shall be elected in the state-wide general election in
7 November 2004. Such members shall take office on January 1 following their election for
8 a term of four years and until their successors are elected and qualified.

9 (e) The first chairperson of the reconstituted board of commissioners of Lanier County
10 shall be elected by all of the qualified voters of Lanier County voting in the state-wide
11 general election in November 2004. Such chairperson shall take office on January 1
12 following his or her election for a term of four years and until his or her successor is
13 elected and qualified.

14 (f) Successors to members elected under subsections (c), (d), and (e) of this section shall
15 be elected at the state-wide general election next preceding the expiration of such terms of
16 office and shall take office on January 1 following their election for terms of four years and
17 until their successors are elected and qualified.

18 (g) Commissioner Districts 1, 2, 3, and 4 as they exist immediately prior to the effective
19 date of this Act shall continue to be designated as Commissioner Districts 1, 2, 3, and 4,
20 respectively, but as newly described under this Act, and, on and after the effective date of
21 this Act, such members of the board serving from those former commissioner districts shall
22 be deemed to be serving from and representing their respective districts as newly described
23 under this section."

24 **SECTION 3.**

25 It shall be the duty of the attorney of the governing authority of Lanier County to submit this
26 Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

27 **SECTION 4.**

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