

Senators Thomas of the 10th, Polak of the 42nd, Ladd of the 41st, Butler of the 55th, Stokes of the 43rd and Burton of the 5th offered the following substitute to SB 400:

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act establishing the form of government of DeKalb County and fixing the
2 powers and duties of the officers constituting the governing authority of DeKalb County,
3 approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to change the description
4 of the commissioner districts; to provide for definitions and inclusions; to provide for
5 election and terms of office of subsequent members; to provide for related matters; to provide
6 for submission of this Act for approval under the federal Voting Rights Act of 1965, as
7 amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

9 An Act establishing the form of government of DeKalb County and fixing the powers and
10 duties of the officers constituting the governing authority of DeKalb County, approved
11 April 9, 1981 (Ga. L. 1981, p. 4304), as amended, is amended by striking subsections (c) and
12 (d) of Section 2 and inserting in their place new subsections (c) and (d) to read as follows:

13 "(c) For purposes of electing members of the board of commissioners, DeKalb County is
14 divided into seven commissioner districts. One member of the board shall be elected from
15 each such district. Commissioner Districts 1, 2, 3, 4, and 5 shall be and correspond to those
16 five numbered districts described in and attached to and made a part of this Act and further
17 identified as Plan Name: dekalbunited-1 Plan Type: local User: Linda Administrator:
18 Dekalb. Commissioner Districts 6 and 7 shall be and correspond to those two numbered
19 districts described in and attached to and made a part of this Act and further identified as
20 Plan Name: deksuperdist4 Plan Type: LOCAL User: Gina Administrator:
21 CNTY-DEKALB.
22

23 (d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
24 and describe the same geographical boundaries as provided in the report of the Bureau of
25 the Census for the United States decennial census of 2000 for the State of Georgia. The
26 separate numeric designations in a Tract description which are underneath a 'BG' heading

1 shall mean and describe individual Blocks within a Block Group as provided in the report
 2 of the Bureau of the Census for the United States decennial census of 2000 for the State of
 3 Georgia. Any part of DeKalb County which is not included in any such district described
 4 in that attachment shall be included within that district contiguous to such part which
 5 contains the least population according to the United States decennial census of 2000 for
 6 the State of Georgia. Any part of DeKalb County which is described in that attachment as
 7 being in a particular district shall nevertheless not be included within such district if such
 8 part is not contiguous to such district. Such noncontiguous part shall instead be included
 9 within that district contiguous to such part which contains the least population according
 10 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise
 11 provided in the description of any commissioner district, whenever the description of such
 12 district refers to a named city, it shall mean the geographical boundaries of that city as
 13 shown on the census map for the United States decennial census of 2000 for the State of
 14 Georgia."

15 SECTION 2.

16 Said Act is further amended by striking Section 3 and inserting in its place a new Section 3
 17 to read as follows:

18 "SECTION 3.

19 (a) Commissioner Districts 1, 2, 3, 4, 5, 6, and 7, as they exist on January 1, 2002, shall
 20 continue to be designated as Commissioner Districts 1, 2, 3, 4, 5, 6, and 7, respectively, but
 21 as newly described under this Act and such members of the board serving from those
 22 former commissioner districts shall be deemed to be serving from and representing their
 23 respective districts as newly described under this Act.

24 (b) Those members of the Board of Commissioners of DeKalb County who are serving as
 25 such on January 1, 2002, and any person selected to fill a vacancy in any such office shall
 26 continue to serve as such members until the regular expiration of their respective terms of
 27 office and until the election and qualification of their respective successors. The successor
 28 to each such member shall be elected as provided in this section.

29 (c) The first members for new Commissioner Districts 2, 3, and 7 shall be elected at the
 30 general election on the Tuesday next following the first Monday in November 2002. Those
 31 members of the board elected thereto from new Commissioner Districts 2, 3, and 7 in 2002
 32 shall take office the first day of January immediately following that election and shall serve
 33 for initial terms of office which expire December 31, 2006, and upon the election and
 34 qualification of their respective successors.

1 (d) The first members from new Commissioner Districts 1, 4, 5, and 6 shall be elected at
2 the general election on the Tuesday next following the first Monday in November 2004.
3 Those members of the board elected thereto from new Commissioner Districts 1, 4, 5, and
4 6 in 2004 shall take office the first day of January immediately following that election and
5 shall serve for initial terms of office which expire December 31, 2008, and upon the
6 election and qualification of their respective successors.

7 (e) Those and all future successors to members of the board whose terms of office are to
8 expire shall be elected at the time of the state-wide general election immediately preceding
9 the expiration of such terms, shall take office the first day of January immediately
10 following that election, and shall serve for terms of office of four years each. Members of
11 the board shall serve for the terms of office specified therefor in this subsection and until
12 their respective successors are elected and qualified."

13 SECTION 3.

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

22 SECTION 4.

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

26 SECTION 5.

27 The provisions of this Act relating to and necessary for the regular election in 2002 of
28 members of the Board of Commissioners of DeKalb County shall become effective upon its
29 approval by the Governor or upon its becoming effective without such approval; and this Act
30 shall otherwise become effective January 1, 2003.

31 SECTION 6.

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