

House Bill 1549

By: Representative Royal of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for a Board of Commissioners of Mitchell County, approved  
2 February 20, 1873 (Ga. L. 1873, p. 279), as amended, particularly by an Act approved March  
3 24, 1988 (Ga. L. 1988, p. 4190), and an Act approved February 17, 1993 (Ga. L. 1993, p.  
4 3784), so as to reconstitute the board of commissioners; to change the description of the  
5 commissioner districts; to provide for definitions and inclusions; to provide for continuation  
6 in office of current members; to provide for election and terms of office of subsequent  
7 members; to provide for submission of this Act for approval under the federal Voting Rights  
8 Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act providing for a Board of Commissioners of Mitchell County, approved February 20,  
12 1873 (Ga. L. 1873, p. 279), as amended, particularly by an Act approved March 24, 1988  
13 (Ga. L. 1988, p. 4190), and an Act approved February 17, 1993 (Ga. L. 1993, p. 3784), is  
14 amended by striking Section 1 and inserting in its place a new Section 1 to read as follows:

15 "SECTION 1.

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

22 (b) Those members of the Board of Commissioners of Mitchell County who are serving  
23 as such immediately prior to the effective date of this Act, and any person selected to fill  
24 a vacancy in any such office shall continue to serve as such members until the regular  
25 expiration of their respective terms of office and upon the election and qualification of their

1 respective successors. On and after the effective date of this Act, the Board of  
2 Commissioners of Mitchell County shall consist of five members all of whom shall be  
3 elected from commissioner districts described in subsection (c) of this section.

4 (c) For purposes of electing members of the board of commissioners, Mitchell County is  
5 divided into five commissioner districts. One member of the board shall be elected from  
6 each such district. The five commissioner districts shall be and correspond to those five  
7 numbered districts described in and attached to and made a part of this Act and further  
8 identified as Plan Name: MITCHCCP1R Plan Type: Local User: staff Administrator:  
9 Mitchell Co.

10 (d) 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 Mitchell 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 Mitchell County which is described in that attachment  
20 as 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 (e) No person shall be a member of the board if that person is ineligible for such office  
29 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that  
30 office.

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

1 as a member of the board from a commissioner district must continue to reside in that  
2 district during that person's term of office or that office shall become vacant."

3 **SECTION 2.**

4 Said Act is further amended by striking Section 6 as enacted by Section 2 of the 1988  
5 amendatory Act and as amended by Section 2 of the 1993 amendatory Act and inserting in  
6 its place a new Section 6 to read as follows:

7 "SECTION 6.

8 (a) The first members of the reconstituted Board of Commissioners of Mitchell County  
9 from Commissioner Districts 1 and 3 shall be elected at the general election on the Tuesday  
10 next following the first Monday in November 2002. Those members of the board elected  
11 thereto from Commissioner Districts 1 and 3 in 2002 shall take office the first day of  
12 January immediately following that election and shall serve for initial terms of office which  
13 expire December 31, 2006, and upon the election and qualification of their respective  
14 successors. The first members of the reconstituted Board of Commissioners of Mitchell  
15 County from Commissioners Districts 2, 4, and 5 shall be elected at the general election  
16 on the Tuesday next following the first Monday in November, 2004. Those members of the  
17 board elected thereto from Commissioner Districts 2, 4, and 5 in 2004 shall take office the  
18 first day of January immediately following that election and shall serve for initial terms of  
19 office which expire December 31, 2008, and upon the election and qualification of their  
20 respective successors. Those and all future successors to members of the board whose  
21 terms of office are to expire shall be elected at the time of the state-wide general election  
22 immediately preceding the expiration of such terms, shall take office the first day of  
23 January immediately following that election, and shall serve for terms of office of four  
24 years each. Members of the board shall serve for the terms of office specified therefor in  
25 this subsection and until their respective successors are elected and qualified.

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

28 (c) Commissioner Districts 1, 2, 3, 4, and 5, as they exist immediately prior to the effective  
29 date of this Act, shall continue to be designated as Commissioner Districts 1, 2, 3, 4, and 5,  
30 respectively, but as newly described under this Act, and on and after the effective date of  
31 this Act, such members of the board serving from those former commissioner districts shall  
32 be deemed to be serving from and representing their respective districts as newly described  
33 under this Act.

34 (d) Any vacancy in office upon the board which occurs for any reason shall be filled  
35 pursuant to Code Section 36-5-21 of the O.C.G.A."

1 **SECTION 3.**

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

5 **SECTION 4.**

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