

House Bill 1689

By: Representatives Connell of the 115<sup>th</sup>, Anderson of the 116<sup>th</sup>, Allen of the 117<sup>th</sup>, Howard of the 118<sup>th</sup> and DeLoach of the 119<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for the consolidation of Richmond County and the City of  
2 Augusta, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to reapportion  
3 the districts for election of members of the Augusta-Richmond County Commission; to  
4 provide for elections pursuant to such reapportionment of districts; to provide for definitions  
5 and inclusions; to provide for continuation in office of current members; to provide for terms  
6 of office; to provide for procedures; to change the provisions relating to vacancies; to provide  
7 for submission of this Act for approval under the federal Voting Rights Act of 1965, as  
8 amended; to provide for the automatic repeal of this Act if its implementation is not  
9 permissible under the federal Voting Rights Acts of 1965, as amended, as of a certain date;  
10 to provide an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 An Act providing for the consolidation of Richmond County and the City of Augusta,  
14 approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, is amended by striking  
15 subsection (a) of Section 2 of said Act and inserting in lieu thereof the following:

16 "(a)(1) For the purpose of electing members of the Augusta-Richmond County  
17 Commission, Richmond County is divided into 10 commission districts. One member  
18 of the board shall be elected from each such district. Commission Districts 1, 2, 3, 4, 5,  
19 6, 7, and 8 shall be and correspond to those eight numbered districts described in and  
20 attached to and made a part of this Act and further identified as Plan Name: richrev3  
21 Plan Type: Local User: Gina Administrator: Richmond Co. Commission District 9 shall  
22 be composed of a combination of Commission Districts 1, 2, 4, and 5 as each is described  
23 in such plan. Commission District 10 shall be composed of a combination of  
24 Commission Districts 3, 6, 7, and 8 as each is described in such plan.

25 (2) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean  
26 and describe the same geographical boundaries as provided in the report of the Bureau

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

## 17 **SECTION 2.**

18 Said Act is further amended by striking subsections (a) and (b) of Section 3 of said Act and  
19 inserting in lieu thereof the following:

20 "(a) Those members of the commission who were serving as such on January 1, 2002, and  
21 any person selected to fill a vacancy in any such office shall continue to serve as such  
22 members until the regular expiration of their respective terms of office and upon the  
23 election and qualification of their respective successors. Commission Districts 1, 2, 3, 4,  
24 5, 6, 7, 8, 9, and 10, as they existed on January 1, 2002, shall continue to be designated as  
25 Commissioner Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively, but as newly described  
26 under this Act, and on and after May 1, 2002, such members of the board serving from  
27 those former commission districts shall be deemed to be serving from and representing  
28 their respective districts as newly described under this Act.

29 (b)(1) Those members of the commission who, under subsection (a) of this section, are  
30 deemed to be serving out their terms in Commission Districts 2, 4, 6, 8, and 10 shall serve  
31 until December 31, 2003, and their respective successors shall be elected from  
32 Commission Districts 2, 4, 6, 8, and 10 in the November, 2003, general election, shall  
33 take office on January 1, 2004, and shall have terms of office of four years each and until  
34 their respective successors are elected and qualified. Those members of the commission  
35 who, under subsection (a) of this section, are deemed to be serving out their terms in

1 Commission Districts 1, 3, 5, 7, and 9 shall serve until December 31, 2005, and until their  
2 respective successors are elected and qualified.

3 (2) At the November, 2005, general election, successors to those members of the  
4 commission from Commission Districts 1, 3, 5, 7, and 9, all of whose terms expire  
5 December 31, 2005, shall be elected to serve, beginning January 1, 2006, from  
6 Commission Districts 1, 3, 5, 7, and 9 for terms of four years each and until their  
7 respective successors are elected and qualified.

8 (3) Successors to members of the commission shall be elected at a general election to be  
9 held on the Tuesday following the first Monday in November immediately preceding the  
10 expiration of their respective terms of office, shall be nominated and elected by plurality  
11 vote as provided in this section, shall take office on the first day of January immediately  
12 following the date of their election, and shall have terms of office of four years and until  
13 their respective successors are elected and qualified. Each member of the commission  
14 shall be elected by the electors residing within such member's commission district.

15 (4) The mayor pro tempore shall be a member of the commission."

### 16 SECTION 3.

17 Said Act is further amended by striking subsection (a) of Section 5 of said Act and inserting  
18 in its place the following:

19 "(a) A vacancy which occurs in the office of the mayor or in the membership of the  
20 commission by death, resignation, removal from the commission district, or for any other  
21 reason shall be filled by the remaining members of the commission appointing a qualified  
22 person to serve for the unexpired term, unless the unexpired term exceeds 12 calendar  
23 months, in which event, the commission shall appoint a qualified person to serve until a  
24 successor is elected to serve for the unexpired terms as provided in this subsection. When  
25 the unexpired terms exceeds 12 calendar months, a special election shall be held in the  
26 county in the case of the mayor or in the commission district in which the vacancy occurred  
27 to elect a successor for the unexpired term. Any such special election shall be called, held,  
28 and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the  
29 O.C.G.A., the 'Georgia Election Code.' Any vacancy in the membership of the commission  
30 to be filled on or after the date this subsection becomes effective in 2002 shall be filled  
31 from the newly reapportioned commission district."

### 32 SECTION 4.

33 (a) It shall be the duty of the attorney for Augusta, Georgia, to submit this Act for approval  
34 pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; and it shall be  
35 the duty of the Augusta-Richmond County Commission to direct and ensure that such

1 submission is made by the commission's attorney or some other attorney if the commission's  
2 attorney fails to act. It shall be the duty of the commission and the commission's attorney  
3 to ensure that such submission has been completed not later than 30 days after the Governor  
4 approves this Act or it becomes law without such approval and to ensure that such  
5 submission contains all materials necessary or appropriate to a prompt and favorable ruling  
6 on this Act.

7 (b) If, as of the first day upon which candidates may begin qualifying for nomination as  
8 candidates for members of the commission for election in 2003, implementation of this Act  
9 is not permissible under the federal Voting Rights Act of 1965, as amended, then as of such  
10 date of this Act shall be void and stand repealed in its entirety.

11 **SECTION 5.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law  
13 without such approval.

14 **SECTION 6.**

15 All laws or parts of law in conflict with this Act are repealed.