

The House Committee on State Planning and Community Affairs - Local Legislation offered the following substitute to SB 404:

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act amending, revising, superseding, and consolidating the laws pertaining to
2 the Board of Commissioners of Carroll County, approved February 28, 1989 (Ga. L. 1989,
3 p. 3546), as amended, so as to reconstitute the board of commissioners; to change the
4 descriptions of the commissioner districts; to provide for definitions and inclusions; to
5 provide for continuation in office of the current chairperson and members; to provide for the
6 election and terms of office of subsequent chairpersons and members; to provide for
7 eligibility and qualifications; to provide for submission of this Act for approval under the
8 federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act amending, revising, superseding, and consolidating the laws pertaining to the Board
13 of Commissioners of Carroll County, approved February 28, 1989 (Ga. L. 1989, p. 3546),
14 as amended, is amended by striking Sections 2, 3, and 4 and inserting in their places the
15 following:

16 "SECTION 2.

17 The Board of Commissioners of Carroll County which existed on December 31, 2001, is
18 continued in existence but on and after July 1, 2002, shall be constituted as provided in this
19 Act. The Board of Commissioners of Carroll County so continued and constituted,
20 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,
21 rights, obligations, and liabilities of that board as existed immediately prior to July 1, 2002.

22 SECTION 3.

23 (a) Those members of the Board of Commissioners of Carroll County who are serving as
24 such on June 30, 2002, and any person selected to fill a vacancy in any such office shall

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1 continue to serve as such members until the regular expiration of their respective terms of
2 office and upon the election and qualification of their respective successors. On and after
3 July 1, 2002, the Board of Commissioners of Carroll County shall consist of seven
4 members six of whom shall be elected from commissioner districts described in subsection
5 (b) of this section and the member who is chairperson and who is elected at large as
6 provided in Section 4 of this Act.

7 (b) For purposes of electing members of the board of commissioners, other than the
8 chairperson, Carroll County is divided into six commissioner districts. One member of the
9 board shall be elected from each such district. The six commissioner districts shall be and
10 correspond to those six numbered districts described in and attached to and made a part of
11 this Act and further identified as Plan Name: carrollccp5 Plan Type: LOCAL User: Gina
12 Administrator: Carroll CC.

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

31 SECTION 4.

32 (a) No person shall be a member of the board if that person is ineligible for such office
33 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that
34 office.

35 (b) In order to be elected as a member of the board from a commissioner district, a person
36 must receive the number of votes cast as required by general law for that office in that

1 district only. Only electors who are residents of that commissioner district may vote for
2 a member of the board for that district. At the time of qualifying for election as a member
3 of the board from a commissioner district, each candidate for such office shall specify the
4 commissioner district for which that person is a candidate. A person elected or appointed
5 as a member of the board from a commissioner district must continue to reside in that
6 district during that person's term of office or that office shall become vacant.

7 (c) The member of the board who is chairperson of the board may reside anywhere within
8 Carroll County and, if elected, must receive the number of votes cast for that office as
9 required by general law in the entire county. The chairperson must continue to reside
10 within the county during that person's term of office or that office shall become vacant.

11 (d) The first members of the reconstituted Board of Commissioners of Carroll County
12 from Commissioner Districts 2, 4, and 6 shall be elected at the general election on the
13 Tuesday next following the first Monday in November, 2002. Those members of the board
14 elected thereto from Commissioner Districts 2, 4, and 6 in 2002 shall take office the first
15 day of January immediately following that election and shall serve for initial terms of
16 office which expire December 31, 2006, and upon the election and qualification of their
17 respective successors. The first members of the reconstituted Board of Commissioners of
18 Carroll County from Commissioner Districts 1, 3, and 5 and the chairperson shall be
19 elected at the general election on the Tuesday next following the first Monday in
20 November 2004. The chairperson and those members of the board elected thereto from
21 Commissioner Districts 1, 3, and 5 in 2004 shall take office the first day of January
22 immediately following that election and shall serve for initial terms of office which expire
23 December 31, 2008, and upon the election and qualification of their respective successors.
24 Those and all future successors to the chairperson and the members of the board whose
25 terms of office are to expire shall be elected at the time of the state-wide general election
26 immediately preceding the expiration of such terms, shall take office the first day of
27 January immediately following that election, and shall serve for terms of office of four
28 years. The chairperson and members of the board shall serve for the terms of office
29 specified therefor in this subsection and until their respective successors are elected and
30 qualified.

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

33 (f) Commissioner Districts 1, 2, 3, 4, 5, and 6 as they exist on December 31, 2001, shall
34 continue to be designated as Commissioner Districts 1, 2, 3, 4, 5, and 6, respectively, but
35 as newly described under this Act, and on and after July 1, 2002, such members of the
36 board serving from those former commissioner districts shall be deemed to be serving from
37 and representing their respective districts as newly described under this section."

SECTION 2.

Said Act is further amended by striking Section 18 and inserting in its place a new Section 18 to read as follows:

"SECTION 18.

Reserved."

SECTION 3.

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

SECTION 4.

This Act shall become effective on July 1, 2002.

SECTION 5.

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