

House Bill 1756

By: Representative Hanner of the 159th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the board of commissioners of Webster County, approved April
2 4, 1991 (Ga. L. 1991, p. 3559), as amended, so as to reconstitute the board of commissioners;
3 to change the description of the commissioner districts; to provide for definitions and
4 inclusions; to provide for continuation in office of current members; to provide for election
5 and terms of office of subsequent members; to provide for submission of this Act for
6 approval under the federal Voting Rights Act of 1965, as amended; to repeal conflicting
7 laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act creating the board of commissioners of Webster County, approved April 4, 1991 (Ga.
11 L. 1991, p. 3559), as amended, is amended by striking Sections 1 through 4 and inserting in
12 their place new Sections 1 through 4 to read as follows:

13 **"SECTION 1.**

14 The board of commissioners of Webster County which existed immediately prior to the
15 effective date of this Act is continued in existence but on and after the effective date of this
16 Act shall be constituted as provided in this Act. The board of commissioners of Webster
17 County so continued and constituted, sometimes referred to in this Act as the 'board,' shall
18 continue to have the powers, duties, rights, obligations, and liabilities of that board as
19 existed immediately prior to the effective date of this Act.

20 **SECTION 2.**

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

1 respective successors. On and after January 1, 2003, the board of commissioners of
2 Webster County shall consist of five members four of whom shall be elected from
3 commissioner districts described in subsection (b) of this section and one member who
4 shall be the chairperson and who shall be elected at large as provided in this Act.

5 (b) For purposes of electing members of the board of commissioners, other than the
6 chairperson, Webster County is divided into four commissioner districts. One member of
7 the board shall be elected from each such district. The four commissioner districts shall
8 be and correspond to those four numbered districts described in and attached to and made
9 a part of this Act and further identified as Plan Name: websterccsb1 Plan Type: Local
10 User: Angela Administrator: Webster.

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

29 SECTION 3.

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

33 (b) In order to be elected as a member of the board from a commissioner district, a person
34 must receive the number of votes cast as required by general law for that office in that
35 district only. Only electors who are residents of that commissioner district may vote for
36 a member of the board for that district. At the time of qualifying for election as a member

1 of the board from a commissioner district, each candidate for such office shall specify the
2 commissioner district for which that person is a candidate. Each candidate for such office
3 must have been a resident of the commissioner district from which such person is elected
4 at least 12 months prior to such election. A person elected or appointed as a member of the
5 board from a commissioner district must continue to reside in that district during that
6 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 Webster County and, if elected, must receive the number of votes cast for that office as
9 required by general law in the entire county. A candidate for the office of chairperson must
10 have been a resident of Webster County for at least 12 months prior to that person's
11 election. The chairperson must continue to reside within the county during that person's
12 term of office or that office shall become vacant.

13 (d) Candidates for the office of chairperson of the board of commissioners shall have a
14 high school diploma or its equivalent. Candidates for district positions on the board of
15 commissioners are not required to have a high school diploma; but, in the event that they
16 do not, they must present evidence at the time of qualifying that they are enrolled in a
17 program leading to the award of a degree that is the equivalent of a high school diploma.

18 SECTION 4.

19 (a)(1) The members of the reconstituted board of commissioners of Webster County
20 shall be elected as provided in this subsection.

21 (2) The first member from Commissioner District 1 shall be elected at the general
22 election on the Tuesday next following the first Monday in November, 2002. Such
23 member of the board elected thereto from Commissioner District 1 in 2002 shall take
24 office the first day of January immediately following that election and shall serve for an
25 initial term of office which expires December 31, 2004, and upon the election and
26 qualification of such person's successor.

27 (3) The first members from Commissioner Districts 2 and 3 shall be elected at the
28 general election on the Tuesday next following the first Monday in November, 2004.
29 Those members of the board elected thereto from Commissioner Districts 2 and 3 in 2004
30 shall take office the first day of January immediately following that election and shall
31 serve for initial terms of office which expire December 31, 2006, and upon the election
32 and qualification of their respective successors.

33 (4) The first chairperson and the first member from Commissioner District 4 shall be
34 elected at the general election on the Tuesday next following the first Monday in
35 November, 2004. The chairperson and such member of the board elected thereto from
36 Commissioner District 4 in 2004 shall take office the first day of January immediately

1 following that election and shall serve for initial terms of office which expire December
2 31, 2008, and upon the election and qualification of their respective successors.

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

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

11 (c) On and after the effective date of this Act, former Commissioner District 1 shall be
12 designated and redescribed as Commissioner District 2, former Commissioner District 2
13 shall be designated and redescribed as Commissioner District 3, and former Commissioner
14 District 3 shall be designated and redescribed as Commissioner District 4. Such members
15 of the board serving from those former commissioner districts shall be deemed to be
16 serving from and representing their respective districts as newly described under this Act.

17 (d)(1) Any vacancy in office upon the board which occurs for any reason other than
18 expiration of term shall be filled as follows:

19 (A) If the vacancy occurs during the final 27 months of a term of office, within 30 days
20 after such occurrence, the remaining members of the board shall appoint a person to fill
21 such vacancy; or

22 (B) If the vacancy occurs at any time prior to the time specified in subparagraph (A)
23 of this paragraph, within 30 days after such occurrence, the remaining members of the
24 board shall appoint a person to fill such vacancy until a successor is elected at a special
25 election and qualified, which special election shall be held on the same date as the
26 state-wide general election which is first held following the date of the vacancy.

27 (2) Any person appointed to fill a vacancy in office pursuant to paragraph (1) of this
28 subsection shall meet the same eligibility requirements specified for persons who are
29 elected to such office. Any person appointed to fill a vacancy under subparagraph (A)
30 of paragraph (1) of this subsection or elected to fill a vacancy under subparagraph (B) of
31 paragraph (1) of this subsection shall serve out the remainder of the unexpired term and
32 until a successor is elected and qualified."

33 SECTION 2.

34 Said Act is further amended by striking in its entirety the attachment thereto containing the
35 descriptions of commissioner districts which is identified as Operator: local Client: webster
36 Plan: webcc98.

1 **SECTION 3.**

2 It shall be the duty of the attorney of the Board of Commissioners of Webster 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.