

House Bill 153

By: Representatives Coleman of the 142nd, Dukes of the 161st and Smith of the 175th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
2 relating to elections and primaries in general, so as to change provisions relating to the effect
3 of changes in congressional districts on members of boards and bodies who are selected for
4 service on the basis of residency within a congressional district; to provide for the time and
5 manner of changes in boards and bodies resulting from changes in congressional districts;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
10 elections and primaries in general, is amended by striking Code Section 21-2-4.1, relating
11 to effect of changes in congressional districts on members of congressional and statutory
12 boards and bodies, and inserting in its place a new Code section to read as follows:

13 "21-2-4.1.

14 (a) Any member of any constitutional or statutory board or body who:

15 (1) Is in office on January 1 of the year following the year in which ~~members of~~
16 ~~Congress are first elected from Georgia under any congressional redistricting Act~~ a new
17 congressional districting plan becomes effective; and

18 (2) Was appointed or otherwise selected (other than by election by the people) on the
19 basis of residency within a congressional district

20 shall have his or her eligibility or ineligibility to continue to serve determined as provided
21 in this subsection. Such member shall serve out the term for which the member was
22 appointed and shall represent the new congressional district ~~created by this chapter~~ in
23 which the member resides unless more members of the board or body than authorized by
24 the applicable constitutional provision or statute reside within the same new congressional
25 district. In the event any new congressional district ~~created by this chapter~~ has residing
26 therein more members of any such board or body than the number of members specified

1 by the applicable constitutional provision or statute, the appointing authority shall
 2 designate which member or members representing the congressional district shall continue
 3 to serve as a member or members of the board or body. Any member not designated for
 4 continued membership shall cease to hold office as of the date of such designation by the
 5 appointing authority. If a new congressional district ~~created by this chapter~~ is not
 6 represented on a board or body as specified by the applicable constitutional provision or
 7 statute, a vacancy shall exist. Such vacancy shall be filled by the appointing authority
 8 appointing to the board or body a member or members from the congressional district
 9 which does not have sufficient representation. In the case of an appointment to fill a
 10 vacancy created by the displacement of a member from a congressional district on the basis
 11 of residency, the initial appointment shall be for a term ending on the date on which the
 12 term of the member removed by the appointing authority in accordance with the foregoing
 13 requirement would have ended. The initial term of all other appointments to fill a vacancy
 14 as provided for in this Code section shall be set by the appointing authority in accordance
 15 with the schedule of expiration dates established by law for the terms of members of the
 16 board or body.

17 (b) For purposes of this Code section, a new congressional districting plan shall be
 18 considered to become effective when:

19 (1) A congressional districting plan has been enacted as a law of the State of Georgia and
 20 such law has been precleared by the United States Department of Justice under the federal
 21 Voting Rights Acts of 1965, as amended, or it is otherwise permissible under the terms
 22 of federal Voting Rights Act of 1965, as amended, for the State of Georgia to implement
 23 such law; or

24 ~~(2)(b) The same rules provided for in subsection (a) of this Code section shall be applied~~
 25 ~~insofar as may be practicable in the event a A court of competent jurisdiction enters an~~
 26 ~~order changing the composition of Georgia's congressional districts. ~~In such event, such~~~~
 27 ~~rules shall be applied as of January 1 of the year following the year in which members~~
 28 ~~of Congress are first elected from Georgia under such court order. If such a court order~~
 29 ~~is stayed, the application of this subsection shall likewise be stayed. If such a court order~~
 30 ~~is subject to appeal but is not stayed and congressional elections are held under such court~~
 31 ~~order, the application of this subsection likewise shall not be stayed."~~

32 SECTION 2.

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