

Senate Bill 289

By: Senator Blitch of the 7th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners of Clinch County, approved March 9,
2 1933 (Ga. L. 1933, p. 456), as amended, so as to change the manner of electing the
3 chairperson and other members of the board of commissioners; to provide for terms of office;
4 to provide that the members of the board elected from commissioner districts shall be elected
5 by a majority vote of the electors voting within their respective commissioner districts; to
6 provide that the chairperson shall be elected by a majority vote of the electors of the entire
7 county voting in an election for such office; to change the provisions relating to vacancies
8 in the membership of the board of commissioners; to provide for the duties and
9 responsibilities of the chairperson; to provide for related matters; to require submission of
10 this Act to the United States Attorney General for certain approval; to provide an effective
11 date; to repeal conflicting laws; and for other purposes.

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

13 **SECTION 1.**

14 An Act creating a board of commissioners of Clinch County, approved March 9, 1933 (Ga.
15 L. 1933, p. 456), as amended, is amended by striking Section 1 in its entirety and inserting
16 in lieu thereof a new Section 1 to read as follows:

17 **"SECTION 1.**

18 Beginning with the general election of 2004 and the taking of office on January 1, 2005,
19 by members elected at such election, the board of commissioners shall be composed of a
20 chairperson elected county wide and five commissioners elected from districts."

21 **SECTION 2.**

22 Said Act is further amended by striking Section 3 in its entirety and inserting in lieu thereof
23 a new Section 3 to read as follows:

1 "SECTION 6.

2 (a) In the event of a vacancy occurring in the membership of the board on or after January
3 1, 2005, whether the vacancy is in the office of chairperson or any other member, for any
4 reason other than expiration of term, that vacancy shall be filled as provided in this section.

5 (b) In the event a vacancy occurs on the board of commissioners when at least 180 days
6 remain in the unexpired term of office, the election superintendent of Clinch County,
7 within 15 days after the vacancy occurs, shall issue the call for a special election to fill the
8 vacancy for the remainder of the unexpired term. Such special election shall be called and
9 conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election
10 Code,' as now or hereafter amended. Any person elected in a special election to fill such
11 a vacancy shall take office immediately upon certification of the results of such special
12 election and qualification. If such vacancy is in the office of chairperson of the board of
13 commissioners, the vice chairperson of the board shall exercise the powers and duties of
14 the chairperson for the period beginning on the date the vacancy occurs and ending on the
15 date the successor chairperson takes office for the remainder of the unexpired term
16 following the special election provided for in this subsection.

17 (c) In the event a vacancy occurs on the board of commissioners when less than 180 days
18 remain in the unexpired term of office, the remaining members of the board of
19 commissioners shall appoint a qualified person to fill the vacancy for the remainder of the
20 unexpired term. Any person appointed by the board to fill a vacancy as provided in this
21 subsection shall possess the residency and other qualifications required for the office and
22 shall take office immediately upon appointment and qualification. If such vacancy is in the
23 office of chairperson of the board of commissioners, the vice chairperson of the board shall
24 exercise the powers and duties of the chairperson for the period beginning on the date the
25 vacancy occurs and ending on the date the successor chairperson takes office for the
26 remainder of the unexpired term following his or her appointment as provided for in this
27 subsection.

28 (d) A vice chairperson serving as chairperson shall not be authorized to vote as a member
29 of the board of commissioners during such service unless the vice chairperson's vote would
30 affect the outcome of any vote or issue before the board."

31 **SECTION 4.**

32 Said Act is further amended by striking Section 8 in its entirety and inserting in lieu thereof
33 a new Section 8 to read as follows:

