

House Bill 22EX1

By: Representatives Purcell of the 147<sup>th</sup> and Barnard of the 154<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for the election of members of the Board of Commissioners of  
2 Bryan County, approved April 12, 1982 (Ga. L. 1982, p. 4270), as amended, so as to  
3 reconstitute the board of commissioners; to add a new member to the board; to change the  
4 description of the commissioner districts; to provide for definitions and inclusions; to provide  
5 for continuation in office of current members; to provide for election and terms of office of  
6 subsequent members; to provide for vacancies; to provide for officers; to provide for  
7 submission of this Act for approval under the federal Voting Rights Act of 1965, as  
8 amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act providing for the election of members of the Board of Commissioners of Bryan  
12 County, approved April 12, 1982 (Ga. L. 1982, p. 4270), as amended, is amended by striking  
13 Section 1 of said Act and inserting in its place the following:

14 "SECTION 1.

15 (a) The five-member Board of Commissioners of Bryan County which existed on  
16 December 31, 2001, is continued in existence but shall be constituted as provided in this  
17 Act. Those members of the Board of Commissioners of Bryan County who were serving  
18 as such on December 31, 2001, and any person selected to fill a vacancy in any such office  
19 shall continue to serve as such members until the expiration of the respective terms to  
20 which they were elected and until the election and qualification of their respective  
21 successors, unless otherwise removed from office as provided by the Constitution or laws  
22 of this state. The Board of Commissioners of Bryan County so continued and constituted,  
23 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,  
24 rights, obligations, and liabilities of that board as they existed immediately prior to January

1 1, 2002. On and after January 1, 2003, the Board of Commissioners of Bryan County shall  
2 consist of six members who shall be elected in the manner described in this section.

3 (b) For purposes of electing members of the board of commissioners, other than the  
4 chairperson, Bryan County is divided into five commissioner districts. One member of the  
5 board shall be elected from each such district. The five commissioner districts shall be and  
6 correspond to those five numbered districts described in and attached to and made a part  
7 of this Act and further identified as Plan Name: bryanccsbwk6 Plan Type: LOCAL User:  
8 PaulH Administrator: Bryan.

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

27 (d) In order to be elected as a member of the board from a commissioner district, a person  
28 must receive the number of votes cast as required by general law for that office in that  
29 district only. Only electors who are residents of that commissioner district may vote for  
30 a member of the board for that district. At the time of qualifying for election as a member  
31 of the board from a commissioner district, each candidate for such office shall specify the  
32 commissioner district for which that person is a candidate. A person elected or appointed  
33 as a member of the board from a commissioner district must continue to reside in that  
34 district during that person's term of office or that office shall become vacant.

35 (e) In addition to the commissioner districts as specified in this section, there shall be one  
36 commissioner post on the board, to be designated as Commissioner Post 1. The member  
37 elected to Commissioner Post 1 shall be the chairperson of the board, may reside anywhere

1 within Bryan County, and, if elected, must receive the number of votes cast for that office  
2 as required by general law in the entire county. The chairperson must continue to reside  
3 within the county during that person's term of office or that office shall become vacant.

4 (f) Commissioner Districts 1, 2, 3, and 4, as they exist on December 31, 2001, shall  
5 continue to be designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as  
6 newly described under this Act, and on and after January 1, 2003, such members of the  
7 board serving from those former commissioner districts shall be deemed to be serving from  
8 and representing their respective districts as newly described under this section. The  
9 members serving from Commissioner Districts 2 and 4 on December 31, 2001, shall serve  
10 the remainder of their respective terms which shall expire December 31, 2002, and until  
11 their respective successors are duly elected and qualified. The members serving from  
12 Commissioner Post 1 and Commissioner Districts 1 and 3 on December 31, 2001, shall  
13 serve the remainder of their respective terms which shall expire December 31, 2004, and  
14 until their respective successors are duly elected and qualified. The new sixth member to  
15 be elected from Commissioner District 5 shall be elected at the November general election  
16 of 2002 for a term of four years and until such member's successor is duly elected and  
17 qualified. Thereafter, all members shall be elected in the November general election  
18 immediately preceding the expiration of their respective terms of office and shall take  
19 office on the first day of January following their election for a term of office of four years  
20 each and until their respective successors are duly elected and qualified. All members of  
21 the board who are elected thereto shall be nominated and elected in accordance with  
22 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

23 (g) Vacancies which occur on the board during the first year and nine months of a term of  
24 office shall be filled by the remaining members of the board electing a successor to serve  
25 until the next general election. In any such event, a successor shall be elected in a special  
26 election to be held at the same time as such general election and the person so elected shall  
27 serve for the remainder of the unexpired term of office. Vacancies occurring during the  
28 last two years and three months of a term of office shall be filled by the remaining  
29 members of the board electing a successor to serve out the unexpired term of office.

30 (h) The Board of Commissioners of Bryan County provided for by this Act shall be the  
31 governing authority of Bryan County and shall exercise all powers vested in the Board of  
32 Commissioners of Bryan County by local or general law or by the Constitution of the State  
33 of Georgia.

34 (i) At a regular January meeting of the board in each year, the board shall name a vice  
35 chairperson from among the members of the board. The vice chairperson shall carry out  
36 the duties of said vice chairperson as provided by law from the date of his or her  
37 appointment until the next January or until his or her successor is appointed."

**SECTION 2.**

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

**SECTION 3.**

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6 This section and Section 2 of this Act and those provisions of this Act necessary for the  
7 election of members of the Board of Commissioners of Bryan County in 2002 shall become  
8 effective upon the approval of this Act by the Governor or upon its becoming law without  
9 such approval. The remaining provisions of this Act shall become effective January 1, 2003.

**SECTION 4.**

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