

House Bill 12EX2

By: Representative Sholar of the 179th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners for the County of Grady, approved
2 December 22, 1937 (Ga. L. 1937-38, Ex. Sess. p. 837), as amended, so as to reconstitute the
3 board of commissioners; to change the description of the commissioner districts; to provide
4 for definitions and inclusions; to provide for continuation in office of current members; to
5 provide for election and terms of office of subsequent members; to provide for submission
6 of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide
7 for effective dates; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act creating a board of commissioners for the County of Grady, approved December 22,
11 1937 (Ga. L. 1937-38, Ex. Sess. p. 837), as amended, is amended by striking Sections 1 and
12 2 and inserting in lieu thereof the following:

13

14 **"SECTION 1.**

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

21 **SECTION 2.**

22 (a) Those members of the Board of Commissioners of Grady County who are serving as
23 such on December 31, 2001, and any person selected to fill a vacancy in any such office
24 shall continue to serve as such members until the regular expiration of their respective
25 terms of office and upon the election and qualification of their respective successors. On

1 and after January 1, 2002, the Board of Commissioners of Grady County shall consist of
2 five members all of whom shall be elected from commissioner districts described in
3 subsection (b) of this section.

4 (b) For purposes of electing members of the board of commissioners, Grady County is
5 divided into five commissioner districts. One member of the board shall be elected from
6 each such district. The five commissioner districts shall be and correspond to those five
7 numbered districts described in and attached to and made a part of this Act and further
8 identified as Exhibit 'A.'

9 (c) Any part of Grady County which is not included in any such district described in that
10 attachment shall be included within that district contiguous to such part which contains the
11 least population according to the United States decennial census of 2000 for the State of
12 Georgia. Any part of Grady County which is described in that attachment as being in a
13 particular district shall nevertheless not be included within such district if such part is not
14 contiguous to such district. Such noncontiguous part shall instead be included within that
15 district contiguous to such part which contains the least population according to the United
16 States decennial census of 2000 for the State of Georgia. Except as otherwise provided in
17 the description of any commissioner district, whenever the description of such district
18 refers to a named city, it shall mean the geographical boundaries of that city as shown on
19 the census map for the United States decennial census of 2000 for the State of Georgia.

20 SECTION 2A.

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

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

32 SECTION 2B.

33 (a) The first members of the reconstituted Board of Commissioners of Grady County shall
34 be elected at the general election on the Tuesday next following the first Monday in
35 November, 2002. Those members of the board elected thereto from Commissioner
36

1 Districts 2 and 5 in November, 2002, shall take office the first day of January immediately
2 following that election and shall serve for initial terms of office which expire December
3 31, 2006, and upon the election and qualification of their respective successors. Those
4 members of the board elected thereto from Commissioner Districts 1, 3, and 4 in
5 November, 2004, shall take office the first day of January immediately following that
6 election and shall serve for initial terms of office which expire December 31, 2008, and
7 upon the election and qualification of their respective successors. Those and all future
8 successors to members of the board whose terms of office are to expire shall be elected at
9 the time of the state-wide general election immediately preceding the expiration of such
10 terms, shall take office the first day of January immediately following that election, and
11 shall serve for terms of office of four years each. Members of the board shall serve for the
12 terms of office specified therefor in this subsection and until their respective successors are
13 elected and qualified.

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

16 (c) Commissioner Districts 1 through 5, as they exist on December 31, 2001, shall
17 continue to be designated as Commissioner Districts 1 through 5, respectively, but as newly
18 described under this Act, and on and after January 1, 2002, such members of the board
19 serving from those former commissioner districts shall be deemed to be serving from and
20 representing their respective districts as newly described under this section."

21 SECTION 2.

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

25 SECTION 3.

26 This section and Section 2 of this Act and those provisions of this Act necessary for the
27 election of members of the Board of Commissioners of Grady County in 2002 shall become
28 effective upon the approval of this Act by the Governor or upon its becoming law without
29 such approval. The remaining provisions of this Act shall become effective January 1, 2002.

30 SECTION 4.

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