

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Board of Commissioners of Cobb County, approved June 19,  
2 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, so as to reconstitute the board of  
3 commissioners; to change the description of the commissioner districts; to provide for  
4 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 preclearance under the federal Voting Rights Act of 1965, as amended; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 An Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga.  
11 L. 1964, Ex. Sess., p. 2075), as amended, is amended by striking Sections 1 through 4 and  
12 inserting in lieu thereof the following:

13 style="text-align:center">"SECTION 1.

14 The Board of Commissioners of Cobb County which exists on January 1, 2004, is  
15 continued in existence but on and after such date, shall be constituted as provided in this  
16 Act. The Board of Commissioners of Cobb County so continued and constituted,  
17 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,  
18 rights, obligations, and liabilities of that board as existed immediately prior to January 1,  
19 2004.

20 style="text-align:center">SECTION 2.

21 (a) Those members of the Board of Commissioners of Cobb County who are serving as  
22 such on immediately prior to January 1, 2004, and any person selected to fill a vacancy in  
23 any such office shall continue to serve as such members until the regular expiration of their  
24 respective terms of office and upon the election and qualification of their respective

1 successors. On and after January 1, 2004, the Board of Commissioners of Cobb County  
 2 shall consist of five members all of whom shall be elected from commissioner districts  
 3 described in subsection (b) of this section except for the member who is chairperson and  
 4 who is elected at large as provided in Section 3.

5 (b) For purposes of electing members of the board of commissioners, other than the  
 6 chairperson, Cobb County is divided into four commissioner districts. One member of the  
 7 board shall be elected from each such district. The four commissioner districts shall be and  
 8 correspond to those four numbered districts described in and attached to and made a part  
 9 of this Act and further identified as Plan Name: cobbcc2001 Plan Type: LOCAL  
 10 User: Gina Administrator: Cobb Co.

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 Cobb County which is not included in any such district described in  
 18 that attachment shall be included within that district contiguous to such part which contains  
 19 the least population according to the United States decennial census of 2000 for the State  
 20 of Georgia. Any part of Cobb County which is described in that attachment as being in a  
 21 particular district shall nevertheless not be included within such district if such part is not  
 22 contiguous to such district. Such noncontiguous part shall instead be included within that  
 23 district contiguous to such part which contains the least population according to the United  
 24 States decennial census of 2000 for the State of Georgia. Except as otherwise provided in  
 25 the description of any commissioner district, whenever the description of such district  
 26 refers to a named city, it shall mean the geographical boundaries of that city as shown on  
 27 the census map for the United States decennial census of 2000 for the State of Georgia.

### 28 SECTION 3.

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

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

1 commissioner district for which that person is a candidate. A person elected or appointed  
 2 as a member of the board from a commissioner district must continue to reside in that  
 3 district during that person's term of office or that office shall become vacant.

4 (c) The member of the board who is chairperson of the board may reside anywhere within  
 5 Cobb County and, if elected, must receive the number of votes cast for that office as  
 6 required by general law in the entire county. The chairperson must continue to reside  
 7 within the county during that person's term of office or that office shall become vacant.

#### 8 SECTION 4.

9 (a) The first members of the reconstituted Board of Commissioners of Cobb County shall  
 10 be elected as provided in the subsection. The chairperson and the first members from  
 11 Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday  
 12 next following the first Monday in November 2004. The chairperson and those members  
 13 of the board elected thereto from Commissioner Districts 2 and 4 in November 2004 shall  
 14 take office the first day of January immediately following that election and shall serve for  
 15 initial terms of office which expire December 31, 2008, and upon the election and  
 16 qualification of their respective successors. The first members from Commissioner  
 17 Districts 1 and 3 shall be elected at the general election on the Tuesday next following  
 18 the first Monday in November 2006. Those members of the board elected thereto from  
 19 Commissioner Districts 1 and 3 in November 2006 shall take office the first day of  
 20 January immediately following that election and shall serve for initial terms of office  
 21 which expire December 31, 2010, and upon the election and qualification of their  
 22 respective successors. Those and all future successors to members of the board whose  
 23 terms of office are to expire shall be elected at the time of the state-wide general election  
 24 immediately preceding the expiration of such terms, shall take office the first day of  
 25 January immediately following that election, and shall serve for terms of office of four  
 26 years each. Members of the board shall serve for the terms of office specified therefor  
 27 in this subsection and until their respective successors are elected and qualified.

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

30 (c) Commissioner Districts 1 through 4, as they exist immediately prior to January 1, 2004,  
 31 shall continue to be designated as Commissioner Districts 1 through 4, respectively, but as  
 32 newly described under this Act, and on and after January 1, 2004, such members of the  
 33 board serving from those former commissioner districts shall be deemed to be serving from  
 34 and representing their respective districts as newly described under this section."

**SECTION 2.**

The Board of Commissioners of Cobb County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

**SECTION 3.**

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