

House Bill 248

By: Representatives Channell of the 77<sup>th</sup> and Hudson of the 95<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the board of commissioners for Putnam County, approved  
2 September 8, 1879 (Ga. L. 1878-79, p. 334), as amended, particularly by an Act approved  
3 August 12, 1921 (Ga. L. 1921, p. 555), as amended, as so to change the description of the  
4 commissioner districts; to provide for definitions and inclusions; to provide for continuation  
5 in office of current members; to provide for election and terms of office of subsequent  
6 members; to provide for legislative intent; to provide for submission of this Act for  
7 preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating a board of commissioners for Putnam County, approved September 8, 1879  
12 (Ga. L. 1878-79, p. 334), as amended, particularly by an Act approved August 12, 1921  
13 (Ga. L. 1921, p. 555), as amended, is amended by striking Sections 2 and 3 of the 1921 Act  
14 and inserting in lieu thereof new Sections 2 and 3 to read as follows:

15 "SECTION 2.

16 (a) The board of commissioners of Putnam County shall be composed of five members.  
17 Except for the chairperson, the members of the board shall be residents of the  
18 commissioner districts they represent by at least the last date on which a candidate for  
19 nomination in a political party primary may qualify in the year of the election, shall  
20 continue to reside in their respective districts, and shall be elected by the qualified electors  
21 voting within their respective commissioner districts. The chairperson shall be a resident  
22 of Putnam County and shall be elected by the qualified voters of the entire county.

23 (b) For the purpose of electing the four members of the board from commissioner districts,  
24 Putnam County shall be divided into four commissioner districts. One member of the  
25 board shall be elected from each such district. Those districts shall be and correspond to

1 those four numbered districts described in and attached to and made a part of this Act and  
2 further identified as Plan Name: PUTNAM FEDCT Plan Type: Local User: Linda  
3 Administrator: Putnam.

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

### 21 SECTION 3.

22 (a) In the event that any member elected from a district ceases to be a resident of his or her  
23 respective commissioner district during his or her term of office, a vacancy shall be created  
24 and shall be filled as provided by law. All members shall be nominated and elected in  
25 accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia  
26 Election Code,' as now or hereafter amended.

27 (b) The members of the board holding office on the effective date of this section and any  
28 persons selected to fill vacancies in such offices shall serve out the terms of office to which  
29 they were elected and until their successors are elected and qualified.

30 (c) The first members of the board elected under this Act shall be elected in the general  
31 election in November, 2004. Such members shall take office on January 1 following their  
32 election for terms of four years and until their successors are elected and qualified.

33 (d) The first chairperson of the board elected under this Act shall be elected in the general  
34 election in November, 2004. Such chairperson shall take office on January 1 following his  
35 or her election for a term of four years and until his or her successor is elected and  
36 qualified.

(e) Successors to members and the chairperson elected under subsections (c) and (d) of this section shall be elected at the general election next preceding the expiration of such terms of office and shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

(f) Commissioner Districts 1, 2, 3, and 4 as they exist immediately prior to the effective date of this Act shall continue to be designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as newly described under this Act, and, on and after the effective date of this Act, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this section."

## **SECTION 2.**

It is the intent and purpose of the General Assembly in enacting this Act to implement the September 18, 2002, order of the United States District Court for the Middle District of Georgia, Macon Division, in *Clark v. Putnam County*, Civil Action No. 5:02-cv-262-4(HL).

## **SECTION 3.**

The Board of Commissioners of Putnam 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 4.**

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