

House Bill 837

By: Representatives Ehrhart of the 28th, Manning of the 32nd, Wilkinson of the 41st, Hines of the 35th, Cooper of the 30th, and others

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 **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 **"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 **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: COBBCC03-2 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 next
12 following the first Monday in November 2004. The chairperson and those members of the
13 board elected thereto from Commissioner Districts 2 and 4 in November 2004 shall take
14 office the first day of January immediately following that election and shall serve for initial
15 terms of office which expire December 31, 2008, and upon the election and qualification
16 of their respective successors. The first members from Commissioner Districts 1 and 3
17 shall be elected at the general election on the Tuesday next following the first Monday in
18 November 2006. Those members of the board elected thereto from Commissioner Districts
19 1 and 3 in November 2006 shall take office the first day of January immediately following
20 that election and shall serve for initial terms of office which expire December 31, 2010, and
21 upon the election and qualification of their respective successors. Those and all future
22 successors to members of the board whose terms of office are to expire shall be elected at
23 the time of the state-wide general election immediately preceding the expiration of such
24 terms, shall take office the first day of January immediately following that election, and
25 shall serve for terms of office of four years each. Members of the board shall serve for the
26 terms of office specified therefor in this subsection and until their respective successors are
27 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."

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SECTION 2.

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

7

SECTION 3.

8 All laws and parts of laws in conflict with this Act are repealed.