

House Bill 248 (AS PASSED HOUSE AND SENATE)

By: Representatives Channell of the 77th and Hudson of the 95th

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 style="text-align:center">**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 style="text-align:center">"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.

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

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

11 **SECTION 2.**

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

15 **SECTION 3.**

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

21 **SECTION 4.**

22 All laws and parts of laws in conflict with this Act are repealed.