

House Bill 1120 (AS PASSED HOUSE AND SENATE)

By: Representative Parrish of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act relating to the board of commissioners of Johnson County, approved March
2 27, 1941 (Ga. L. 1941, p. 887), as amended, particularly by an Act approved June 3, 2003
3 (Ga. L. 2003, p. 4677), so as to provide for reapportionment or redistricting of the districts
4 from and by which members of the board of commissioners are elected; to revise and
5 modernize certain existing provisions of law; to provide for intent, history, procedures, terms,
6 and other matters relative to the foregoing; to provide for submission under the federal
7 Voting Rights Act; to provide an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 It is the purpose of this Act to reapportion the districts from which members of the board of
12 commissioners of Johnson County are to be elected in the November, 2004, general election
13 and in subsequent general elections, and this Act results from changes in population based
14 on the United States decennial census of 2000. It is not the intention of the General Assembly
15 to affect the membership of current members of the board, their terms of office, or the
16 manner in which their successors shall be elected, and such matters shall remain as provided
17 by law immediately prior to this Act until otherwise amended by law, except to the extent
18 of reapportioning the districts represented by such members.

19 **SECTION 2.**

20 As an aid to the interpretation of this Act and the research of the laws relating to the board
21 of commissioners of Johnson County, it should be noted that the membership of the board
22 of commissioners was last reconstituted pursuant to an order of the United States District
23 Court for the Southern District of Georgia, Dublin Division, entered on September 16, 1992,
24 in Civil Action File No. CV 392-026.

SECTION 3.

An Act relating to board of commissioners of Johnson County, approved March 27, 1941 (Ga. L. 1941, p. 887), as amended, particularly by an Act approved June 3, 2003 (Ga. L. 2003, p. 4677), is amended by striking Sections 1, 2, 3, 4, 5, 5.1, and 6 and inserting in place thereof the following:

"SECTION 1.

The existing board of commissioners of Johnson County is continued in existence but shall be constituted in the future as provided in Sections 1 through 6 of this Act.

SECTION 2.

As used in this Act, the term 'board,' means the board of commissioners of Johnson County, including the chairperson and all members.

SECTION 3.

(a) Those members of the board of commissioners of Johnson County who are serving as such immediately prior to the effective date of this section shall continue to serve as such members until the regular expiration of their respective terms of office and the election and qualification of their respective successors. On and after January 1, 2005, the board of commissioners of Johnson County shall consist of five members who shall be elected as described in subsection (b) of this section.

(b) For purposes of electing members of the board of commissioners, Johnson County is divided into five commissioner districts. One member of the board shall be elected from each such district. The five commissioner districts shall be and correspond to those five numbered districts described in the Redistricting Plan Components Report attached to and made a part of this Act and further identified as Plan Name: johnson3 Plan Type: Local User: staff Administrator: Johnson Co.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Johnson County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Johnson County which is described in that attachment

1 as being in a particular district shall nevertheless not be included within such district if such
2 part is not contiguous to such district. Such noncontiguous part shall instead be included
3 within that district contiguous to such part which contains the least population according
4 to the United States decennial census of 2000 for the State of Georgia.

5 SECTION 4.

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

9 (b) In order to be elected as a member of the board from a commissioner district, a person
10 must receive the number of votes cast as required by general law for that office in that
11 district only. Only electors who are residents of that commissioner district may vote for
12 a member of the board for that district. At the time of qualifying for election as a member
13 of the board from a commissioner district, each candidate for such office shall specify the
14 commissioner district for which that person is a candidate. A person elected or appointed
15 as a member of the board from a commissioner district must attain residency in the district
16 the person seeks to represent at least by the time the person qualifies as a candidate for the
17 position and must continue to reside in that district during that person's term of office or
18 that office shall become vacant.

19 SECTION 5.

20 Members of the board representing Commission Districts 1 and 5 shall be elected at the
21 November general election in 2004, take office the first day of January immediately
22 following that election, and serve for initial terms of office of two years and until their
23 respective successors are elected and qualified. Members of the board representing
24 Commission Districts 2, 3, and 4 shall be elected at the November general election in 2004,
25 take office the first day of January immediately following that election, and serve for initial
26 terms of office of four years and until their respective successors are elected and qualified.
27 All future successors to members of the board whose terms of office are to expire shall be
28 elected at the November general election immediately preceding the expiration of such
29 terms, take office the first day of January immediately following that election, and serve
30 for terms of office of four years and until their respective successors are elected and
31 qualified.

32 SECTION 6.

33 All members of the board who are elected thereto shall be nominated and elected in
34 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

1 **SECTION 4.**

2 The governing authority of Johnson County shall through its legal counsel cause this Act to
3 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
4 such submission shall be made to the United States Department of Justice or filed with the
5 appropriate court no later than 20 days after the date on which this Act is approved by the
6 Governor or otherwise becomes law without such approval.

7 **SECTION 5.**

8 This Act shall become effective upon its approval by the Governor or upon its becoming law
9 without such approval.

10 **SECTION 6.**

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