

House Bill 615 (AS PASSED HOUSE AND SENATE)

By: Representative McCall of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for a Board of Commissioners for the County of Elbert, approved
2 February 27, 1875 (Ga. L. 1875, p. 253), as amended, particularly by an Act approved
3 September 5, 1991 (Ga. L. 1991 Ex Sess., p. 370), so as to change provisions relating to the
4 election and powers of the chairperson of the board of commissioners; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing for a Board of Commissioners for the County of Elbert, approved February
9 27, 1875 (Ga. L. 1875, p. 253), as amended, particularly by an Act approved September 5,
10 1991 (Ga. L. 1991 Ex Sess., p. 370), is amended by striking subsections (a) and (b) of
11 Section 1 and inserting in lieu thereof new subsections (a) and (b) to read as follows:

12 "(a) The governing authority of Elbert County is vested in a board of commissioners,
13 sometimes referred to in this Act as the 'board,' to consist of five commissioners elected by
14 the qualified voters of their respective commissioner districts only, as defined in subsection
15 (c) of this section, and a chairperson to be elected by all the qualified voters of Elbert
16 County.

17 (b) All board members shall be electors of Elbert County and, except for the chairperson,
18 must be residents of the respective commissioner districts which they represent. If any
19 commissioner ceases to reside in that person's district, it shall be the duty of the board to
20 declare that office vacant. The chairperson shall be an elector and resident of Elbert
21 County, and if the chairperson ceases to be so, it shall be the duty of the board to declare
22 that office vacant."

23 **SECTION 2.**

24 Said Act is further amended by striking subsections (c) and (e) of Section 1A in their entirety
25 and inserting in lieu thereof new subsections (c) and (e), respectively, to read as follows:

1 "(c) The person serving as chairperson under the law in effect on the effective date of this
2 Act shall continue to serve the remainder of that person's term as chairperson, which term
3 shall expire on December 31, 2006, and until a chairperson is duly elected pursuant to
4 subsection (e) of this section."

5 "(e) Beginning at the 2006 November general election and quadrennially thereafter, the
6 chairperson of the board of commissioners shall be elected. The chairperson shall serve
7 for an initial term of four years and until his or her successor is elected and qualified."

SECTION 3.

9 Said Act is further amended by striking subsections (a) and (c) of Section 1B and inserting
10 in lieu thereof new subsections (a) and (c), respectively, to read as follows:

11 "(a) In case of a vacancy in the office of commissioner other than that of chairperson, other
12 than due to the expiration of a term of office, the board shall elect a qualified resident of
13 that commissioner district to serve the remainder of that commissioner's unexpired term
14 and until a successor is duly elected and qualified. In case of a vacancy in the office of
15 chairperson, other than due to the expiration of a term of office, the board shall elect a
16 qualified person to serve as chairperson for the remainder of the unexpired term and until
17 the successor is duly elected and qualified if said unexpired term is for six months or less.
18 If the unexpired term is greater than six months, it shall be the duty of the board to instruct
19 the superintendent of elections for Elbert County to call and conduct a special election, and
20 that special election shall be called and conducted for the county at large for the purpose
21 of electing a qualified person to serve as chairperson for the remainder of the unexpired
22 term and until the successor is duly elected and qualified."

23 "(c) The chairperson of the board shall preside at all meetings of the board, shall vote only
24 in case of a tie vote, shall have the power to veto any ordinance passed by the board, which
25 veto may be overridden by an affirmative vote of four members of the board, and shall
26 have such other powers as were heretofore provided by law therefor. The office of
27 chairperson of the board shall be deemed to be a part-time position."

SECTION 4.

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