

House Bill 856

By: Representatives Fludd of the 66th, Jordan of the 77th, and Abdul-Salaam of the 74th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a Board of Commissioners for Fayette County, approved March
2 9, 1959 (Ga. L. 1959, p. 2431), as amended, particularly by an Act approved March 13, 1978
3 (Ga. L. 1978, p. 3399), so as to reconstitute the board of commissioners; to change the
4 description of the commissioner districts; to provide for definitions and inclusions; to provide
5 for continuation in office of current members; to change the manner of electing members;
6 to provide for election and terms of office of subsequent members; to provide for submission
7 of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to
8 provide an effective date; to repeal conflicting 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 Fayette County, approved March 9, 1959 (Ga.
12 L. 1959, p. 2431), as amended, particularly by an Act approved March 13, 1978 (Ga. L.
13 1978, p. 3399), is amended by striking Sections 1 through 3 and inserting in lieu thereof the
14 following:

15 "SECTION 1.

16 The Board of Commissioners of Fayette County which existed on December 31, 2005, is
17 continued in existence but on and after January 1, 2006, shall be constituted as provided
18 in this Act. The Board of Commissioners of Fayette County so continued and constituted,
19 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,
20 rights, obligations, and liabilities of that board as existed immediately prior to January 1,
21 2006.

22 **SECTION 2.**

23 (a) Those members of the Board of Commissioners of Fayette County who are serving as
24 such on December 31, 2005, and any person selected to fill a vacancy in any such office

1 shall continue to serve as such members until the regular expiration of their respective
2 terms of office and upon the election and qualification of their respective successors. On
3 and after January 1, 2006, the Board of Commissioners of Fayette County shall consist of
4 five members all of whom shall be elected from commissioner districts described in
5 subsection (b) of this section.

6 (b) For purposes of electing members of the board of commissioners, Fayette County is
7 divided into five commissioner districts. One member of the board shall be elected from
8 each such district. The five commissioner districts shall be and correspond to those five
9 numbered districts described in and attached to and made a part of this Act and further
10 identified as Plan Name: faysb02cc Plan Type: Local User: Gina Administrator: Fayette.

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 Fayette County which is not included in any such district described
18 in that attachment shall be included within that district contiguous to such part which
19 contains the least population according to the United States decennial census of 2000 for
20 the State of Georgia. Any part of Fayette County which is described in that attachment as
21 being in a particular district shall nevertheless not be included within such district if such
22 part is not contiguous to such district. Such noncontiguous part shall instead be included
23 within that district contiguous to such part which contains the least population according
24 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise
25 provided in the description of any commissioner district, whenever the description of such
26 district refers to a named city, it shall mean the geographical boundaries of that city as
27 shown on the census map for the United States decennial census of 2000 for the State of
28 Georgia.

29 SECTION 3.

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

33 (b) In order to be elected or appointed as a member of the board from a commissioner
34 district, a person must have that person's legal residence in that district at the time of
35 qualifying for election or at the time of appointment and, if elected, must receive the
36 number of votes cast as required by general law for that office in that district only and not

1 at large. Only electors who are residents of that commissioner district may vote for a
 2 member of the board for that district. At the time of qualifying for election as a member
 3 of the board from a commissioner district, each candidate for such office shall specify the
 4 commissioner district for which that person is a candidate. A person elected or appointed
 5 as a member of the board from a commissioner district must continue to reside in that
 6 district during that person's term of office or that office shall become vacant.

7 (c) The first members of the reconstituted Board of Commissioners of Fayette County
 8 shall be elected at the general election on the Tuesday next following the first Monday in
 9 November, 2008. The members of the board elected thereto in 2008 shall take office the
 10 first day of January immediately following that election and shall serve for initial terms of
 11 office which expire December 31, 2012, and upon the election and qualification of their
 12 respective successors. Those and all future successors to members of the board whose
 13 terms of office are to expire shall be elected at the time of the state-wide general election
 14 immediately preceding the expiration of such terms, shall take office the first day of
 15 January immediately following that election, and shall serve for terms of office of four
 16 years each. Members of the board shall serve for the terms of office specified therefor in
 17 this subsection and until their respective successors are elected and qualified.

18 (d) All members of the board who are elected thereto shall be nominated and elected in
 19 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

20 (e) Road Districts 1, 2, 3, 4, and 5, as they exist on December 31, 2005, shall be designated
 21 as Commissioner Districts 1, 2, 3, 4, and 5, respectively, but as newly described under this
 22 Act, and on and after January 1, 2006, such members of the board serving from those
 23 former road districts shall be deemed to be serving from and representing their respective
 24 commissioner districts as newly described under this Act."

25 **SECTION 2.**

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

31 **SECTION 3.**

32 This Act shall become effective January 1, 2006.

33 **SECTION 4.**

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