

House Bill 780 (AS PASSED HOUSE AND SENATE)

By: Representative Morris of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Board of Commissioners of Toombs County, approved
2 February 13, 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved
3 March 23, 1977 (Ga. L. 1977, p. 3927), so as to reconstitute the board of commissioners; to
4 change the description of the commissioner districts; to provide for definitions and
5 inclusions; to provide for continuation in office of current members; to provide for election
6 and terms of office of subsequent members; to provide for submission of this Act for
7 preclearance under the federal Voting Rights Act of 1965, as amended; to provide an
8 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 the Board of Commissioners of Toombs County, approved February 13,
12 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved March 23, 1977
13 (Ga. L. 1977, p. 3927), is amended by striking Sections 1 through 3 and inserting in lieu
14 thereof the following:

15 "SECTION 1.

16 The Board of Commissioners of Toombs 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 Toombs 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 Toombs County who are serving
24 as 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 Toombs County shall consist of
4 four members who shall be elected from commissioner districts described in subsection (b)
5 of this section and a chairperson who is elected at large as provided in subsection (c) of
6 Section 3 of this Act.

7 (b) For purposes of electing members of the board of commissioners, other than the
8 chairperson, Toombs County is divided into four commissioner districts. One member of
9 the board shall be elected from each such district. The four commissioner districts shall
10 be and correspond to those four numbered districts described in and attached to and made
11 a part of this Act and further identified as Plan Name: toomccp1 Plan Type: Local User:
12 staff Administrator: Toombs.

13 (c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
14 and describe the same geographical boundaries as provided in the report of the Bureau of
15 the Census for the United States decennial census of 2000 for the State of Georgia. The
16 separate numeric designations in a Tract description which are underneath a 'BG' heading
17 shall mean and describe individual Blocks within a Block Group as provided in the report
18 of the Bureau of the Census for the United States decennial census of 2000 for the State of
19 Georgia. Any part of Toombs County which is not included in any such district described
20 in that attachment shall be included within that district contiguous to such part which
21 contains the least population according to the United States decennial census of 2000 for
22 the State of Georgia. Any part of Toombs County which is described in that attachment
23 as being in a particular district shall nevertheless not be included within such district if such
24 part is not contiguous to such district. Such noncontiguous part shall instead be included
25 within that district contiguous to such part which contains the least population according
26 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise
27 provided in the description of any commissioner district, whenever the description of such
28 district refers to a named city, it shall mean the geographical boundaries of that city as
29 shown on the census map for the United States decennial census of 2000 for the State of
30 Georgia.

31 SECTION 3.

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

35 (b) In order to be elected or appointed as a member of the board from a commissioner
36 district, a person must have that person's legal residence in that district at the time of

1 qualifying for election or at the time of appointment and, if elected, must receive the
2 number of votes cast as required by general law for that office in that district only and not
3 at large. Only electors who are residents of that commissioner district may vote for a
4 member of the board for that district. At the time of qualifying for election as a member of
5 the board from a commissioner district, each candidate for such office shall specify the
6 commissioner district for which that person is a candidate. A person elected or appointed
7 as a member of the board from a commissioner district must continue to reside in that
8 district during that person's term of office or that office shall become vacant.

9 (c) The member of the board who is chairperson of the board may reside anywhere within
10 Toombs County and, if elected, must receive the number of votes cast for that office as
11 required by general law in the entire county. The chairperson must continue to reside
12 within the county during that person's term of office or that office shall become vacant.

13 SECTION 3A.

14 (a) The members of the reconstituted Board of Commissioners of Toombs County shall
15 be elected as provided in this subsection. The first members from Commissioner Districts
16 1 and 4 shall be elected at the general election on the Tuesday next following the first
17 Monday in November, 2006. Those members of the board elected thereto from
18 Commissioner Districts 1 and 4 in 2006 shall take office the first day of January
19 immediately following that election and shall serve for initial terms of office which expire
20 December 31, 2010, and upon the election and qualification of their respective successors.
21 The first members from Commissioner Districts 2 and 3 shall be elected at the general
22 election on the Tuesday next following the first Monday in November, 2008. Those
23 members of the board elected thereto from Commissioner Districts 2 and 3 in 2008 shall
24 take office the first day of January immediately following that election and shall serve for
25 initial terms of office which expire December 31, 2012, and upon the election and
26 qualification of their respective successors. Those and all future successors to members
27 of the board whose terms of office are to expire shall be elected at the time of the
28 state-wide general election immediately preceding the expiration of such terms, shall take
29 office the first day of January immediately following that election, and shall serve for terms
30 of office of four years each. Members of the board shall serve for the terms of office
31 specified therefor in this subsection and until their respective successors are elected and
32 qualified.

33 (b) 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'.

35 (c) Commissioner Districts 1, 2, 3, and 4, as they exist on December 31, 2005, shall
36 continue to be designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as

1 newly described under this Act, and on and after January 1, 2006, such members of the
2 board serving from those former commissioner districts shall be deemed to be serving from
3 and representing their respective districts as newly described under this Act."

4 **SECTION 2.**

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

10 **SECTION 3.**

11 This Act shall become effective on January 1, 2006.

12 **SECTION 4.**

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