

The House Committee on State Planning and Community Affairs - Local Legislation offers the following substitute to HB 856:

A BILL TO BE ENTITLED  
AN ACT

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

15 style="text-align:center">"SECTION 1.

16 The Board of Commissioners of Fayette County which existed on December 31, 2008, is  
17 continued in existence but on and after January 1, 2009, 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 2009.

22 style="text-align:center">SECTION 2.

23 (a) Those members of the Board of Commissioners of Fayette County who are serving as  
24 such on December 31, 2007, 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, 2009, the Board of Commissioners of Fayette County shall consist of  
4 five members. Three of such members shall be elected from commissioner districts  
5 described in subsection (b) of this section. Two of such members shall be elected  
6 county-wide as described in subsection (d) of this section.

7 (b) For purposes of electing members of the board of commissioners, Fayette County is  
8 divided into three commissioner districts. One member of the board shall be elected from  
9 each such district. The three commissioner districts shall be and correspond to those three  
10 numbered districts described in and attached to and made a part of this Act and further  
11 identified as Plan Name: fayccp1-3d Plan Type: Local User: Gina Administrator: Fayette.

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

30 (d) Two members of the board shall be at-large members and may reside anywhere within  
31 Fayette County. To be elected, each such member must receive the number of votes cast  
32 for that office as required by general law in the entire county. At the time of qualifying for  
33 election as an at-large member, each candidate for such office shall specify that he or she  
34 is a candidate for At-Large Member A or At-Large Member B. Each at-large member must  
35 continue to reside within the county during that person's term of office or that office shall  
36 become vacant.

## SECTION 3.

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

(b) In order to be elected or appointed as a member of the board from a commissioner district, a person must have that person's legal residence in that district at the time of qualifying for election or at the time of appointment and, if elected, must receive the number of votes cast as required by general law for that office in that district only and not at large. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.

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

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

(e) Road Districts 1, 2, and 3, as they exist on December 31, 2008, shall be designated as Commissioner Districts 1, 2, and 3, respectively, but as newly described under this Act, and on and after January 1, 2009, such members of the board serving from those former road districts shall be deemed to be serving from and representing their respective commissioner districts as newly described under this Act. On and after January 1, 2009, members of the board serving from former Road Districts 4 and 5 shall be deemed to be At-Large Member A and At-Large Member B, respectively, serving from and representing the entire county."

