

Senate Bill 263

By: Senators Bulloch of the 11th and Tolleson of the 20th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated,
2 relating to soil and water conservation districts, so as to change certain provisions relating
3 to district supervisors and the chairperson, terms of elected offices, filling of vacancies,
4 quorum, compensation, and expenses thereof; to provide for submission; to provide for
5 contingent repeal; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil
10 and water conservation districts, is amended by revising subsections (b) and (c) of Code
11 Section 2-6-31, relating to district supervisors and the chairperson, terms of elected offices,
12 filling of vacancies, quorum, compensation, and expenses thereof, as follows:

13 "(b)(1) The term of office of each elected supervisor shall be four years, except as
14 otherwise provided by paragraph (2) of this subsection. An elected supervisor shall hold
15 office until his or her successor has been elected and has qualified. Successors to elected
16 supervisors shall be elected at the general election immediately preceding the expiration
17 of terms and shall take office the first day of January immediately following that election.

18 (2)(A) The terms of those persons elected as supervisors in 2003 and whose terms have
19 not expired as of the date that implementation of this paragraph is permissible under the
20 Voting Rights Act of 1965, as amended, shall expire on December 31, 2008.

21 (B) The terms of those persons elected as supervisors in 2004 and whose terms have
22 not expired as of the date that implementation of this paragraph is permissible under the
23 Voting Rights Act of 1965, as amended, shall expire on December 31, 2008.

24 (C) The terms of those persons elected as supervisors in 2005 shall expire on
25 December 31, 2010.

26 (D) The terms of those persons elected as supervisors in 2006 shall expire on
27 December 31, 2010.

1 (E) If any persons were elected as supervisors on or after January 1, 2007, but prior to
 2 the date that implementation of this paragraph is permissible under the Voting Rights
 3 Act of 1965, as amended, then the terms of such persons shall expire on December 31,
 4 2012.

5 (c) ~~Vacancies~~ (1) Any vacancy in the office an appointed supervisor shall be filled for
 6 the unexpired term. The selection of successors any person to fill an unexpired term ~~or~~
 7 ~~a full term~~ of an appointed supervisor shall be made in the same manner in which the
 8 ~~retiring supervisors were selected~~ original appointment was made.

9 (2) Any vacancy occurring in the office of an elected supervisor shall be filled as follows:

10 (A) If the vacancy occurs more than 90 days prior to the date of a general election
 11 preceding the general election at which a successor will be elected to a new full term
 12 of office, then such vacancy shall be filled for the unexpired term of office at a special
 13 election to be held on the same date as said general election preceding the general
 14 election at which a successor will be elected to a new full term of office; and in such
 15 case the Governor shall select a qualified person from among two persons nominated
 16 by the remaining supervisors of the district to fill the vacancy until the person elected
 17 at such special election takes office; and

18 (B) If the vacancy does not occur more than 90 days prior to the date of a general
 19 election preceding the general election at which a successor will be elected to a new full
 20 term of office, then the Governor shall select a qualified person from among two
 21 persons nominated by the remaining supervisors of the district to fill the vacancy for
 22 the unexpired term."

23 SECTION 2.

24 The Attorney General of Georgia shall cause this Act to be submitted for preclearance under
 25 the federal Voting Rights Act of 1965, as amended, and such submission shall be made to
 26 the United States Department of Justice or filed with the appropriate court no later than 45
 27 days after the date on which this Act is approved by the Governor or becomes law without
 28 such approval. If as of June 30, 2008, implementation of this Act is not permissible under
 29 the Voting Rights Act of 1965, as amended, then as of such date this Act shall be void and
 30 shall stand repealed in its entirety.

31 SECTION 3.

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

- 1 **SECTION 4.**
- 2 All laws and parts of laws in conflict with this Act are repealed.