

Senate Bill 462

By: Senator Schaefer of the 50th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To provide for an advisory referendum election to be held in Banks County for the purpose  
2 of ascertaining whether the form of government in Banks County should be changed from  
3 a three member commission to a five member commission and, if so, how such commission  
4 should be elected; to provide for procedures, requirements, and other matters relative thereto;  
5 to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 It is the purpose of this Act to provide for an advisory referendum within Banks County to  
9 determine if the voters of said county desire to change the form of government in Banks  
10 County from a three member commission to a five member commission and, if so, how such  
11 commission should be elected.

12 **SECTION 2.**

13 (a) It shall be the duty of the election superintendent of Banks County to issue the call for  
14 an advisory referendum election for the purpose of submitting the following questions to the  
15 voters of said county to determine whether the majority of electors voting at said election  
16 prefer that the form of government in Banks County be changed from a three member  
17 commission to a five member commission and, if so, how such commission should be  
18 elected. The superintendent shall set the date of such election for the date of the November,  
19 2008, general election. The superintendent shall issue the call for such election at least 60  
20 days prior to the date thereof. The superintendent shall cause the date and purpose of the  
21 election to be published once a week for two weeks immediately preceding the date thereof  
22 in the official organ of Banks County. The ballot shall have printed thereon the following:

1 "Advisory Referendum Election

2 Question No. 1

- 3 ( ) YES Should the form of government in Banks County be changed from a three  
4 ( ) NO member commission to a five member commission?

5 Question No. 2

- 6 ( ) YES If the form of government in Banks County were changed from a three  
7 member commission to a five member commission, should there be a  
8 ( ) NO chairperson elected from the county at-large and four commissioners elected  
9 from their individual districts?

10 Question No. 3

- 11 ( ) YES If the form of government in Banks County were changed from a three  
12 member commission to a five member commission, should there be a  
13 ( ) NO chairperson be elected from the county at-large and four commissioners  
14 who would be required to reside in their individual districts but be elected  
15 by the county at-large?"

16 (b) It shall be the duty of the election superintendent of Banks County to hold and conduct  
17 the advisory election provided for in this section and to tabulate the results of such election.  
18 It shall be the further duty of said superintendent to certify the results of said election to the  
19 Secretary of State and to each member of the General Assembly whose Senatorial or  
20 Representative district lies wholly or partially within Banks County. The expense of such  
21 election shall be borne by Banks County.

22 (c) It is found, determined, and declared that the holding of an advisory referendum election  
23 as provided for in this section is in all respects for the benefit of the people of Banks County  
24 and is for a public purpose and is an essential governmental function for which public funds  
25 may be expended.

26 **SECTION 3.**

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