

House Bill 1307

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 9,
2 1959 (Ga. L. 1959, p. 2431), as amended, particularly by an Act approved March 12, 1978
3 (Ga. L. 1978, p. 3399), so as to provide for the election of members of the board of
4 commissioners by the electors of their respective districts; to provide for election districts
5 and boundaries; to provide for the continuation in office of the present members until the
6 expiration of their respective terms of office; to provide for elections; to provide for
7 legislative intent; to provide for related matters; to repeal conflicting laws; and for other
8 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
12 (Ga. L. 1959, p. 2431), as amended, particularly by an Act approved March 12, 1978
13 (Ga. L. 1978, p. 3399), is amended by revising Section 2 as follows:

14 "SECTION 2.

15 (a) For purposes of electing members of the board of commissioners, Fayette County is
16 divided into five commissioner districts. One member of the board shall be elected from
17 each such district. Commissioner Districts 1, 2, 3, 4, and 5 shall be and correspond to those
18 five numbered districts described in and attached to and made a part of this Act and further
19 identified as Plan Name: 5faycom Plan Type: Local User: Gina Administrator: H066.

20 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
21 and describe the same geographical boundaries as provided in the report of the Bureau of
22 the Census for the United States decennial census of 2000 for the State of Georgia. The
23 separate numeric designations in a Tract description which are underneath a 'BG' heading
24 shall mean and describe individual Blocks within a Block Group as provided in the report
25 of the Bureau of the Census for the United States decennial census of 2000 for the State of
26 Georgia. Any part of Fayette County which is not included in any such district described

1 in that attachment shall be included within that district contiguous to such part which
2 contains the least population according to the United States decennial census of 2000 for
3 the State of Georgia. Any part of Fayette County which is described in that attachment as
4 being in a particular district shall nevertheless not be included within such district if such
5 part is not contiguous to such district. Such noncontiguous part shall instead be included
6 within that district contiguous to such part which contains the least population according
7 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise
8 provided in the description of any commissioner district, whenever the description of such
9 district refers to a named city, it shall mean the geographical boundaries of that city as
10 shown on the census map for the United States decennial census of 2000 for the State of
11 Georgia.

12 (c) Those members of the Board of Commissioners of Fayette County who are serving as
13 such on January 1, 2008, and any person selected to fill a vacancy in any such office shall
14 continue to serve as such members until the regular expiration of their respective terms of
15 office and until the election and qualification of their respective successors. The successor
16 to each such member shall be elected as provided in this section.

17 (d) The first members for new Commissioner Districts 1, 2, and 3 shall be elected by the
18 electors of their respective districts at the general election on the Tuesday next following
19 the first Monday in November, 2012. Those members of the board elected thereto from
20 new Commissioner Districts 1, 2, and 3 in 2012 shall take office the first day of January
21 immediately following that election and shall serve for initial terms of office which expire
22 December 31, 2014, and upon the election and qualification of their respective successors.

23 (e) The first members for new Commissioner Districts 4 and 5 shall be elected by the
24 electors of their respective districts at the general election on the Tuesday next following
25 the first Monday in November, 2010. Those members of the board elected thereto from
26 new Commissioner Districts 4 and 5 in 2010 shall take office the first day of January
27 immediately following that election and shall serve for initial terms of office which expire
28 December 31, 2012, and upon the election and qualification of their respective successors.

29 (f) Those and all future successors to members of the board whose terms of office are to
30 expire shall be elected by the electors of their respective districts at the time of the
31 state-wide general election immediately preceding the expiration of such terms, shall take
32 office the first day of January immediately following that election, and shall serve for terms
33 of office of four years each. Members of the board shall serve for the terms of office
34 specified therefor in this subsection and until their respective successors are elected and
35 qualified.

36 (g) Each commissioner shall be a resident of the geographic area encompassed by the
37 respective commissioner district which he or she represents. Each commissioner shall be

1 elected by a majority of the electors voting within the respective commissioner district.
2 Any commissioners who cease to be residents of their respective commissioner districts
3 during their terms of office shall thereby vacate their seats on the commission. All
4 members of the commission shall be nominated and elected pursuant to the provisions of
5 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter
6 amended."

7 **SECTION 2.**

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

13 **SECTION 3.**

14 It is the purpose of this Act to change the method of election of members of the Board of
15 Commissioners of Fayette County from at-large to district voting. It is not the intention of
16 the General Assembly to affect the membership of current members of the board or their
17 terms of office, and such matters shall remain as provided by law on the effective date of this
18 Act until otherwise amended by law.

19 **SECTION 4.**

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