

Senate Bill 558

By: Senator Schaefer of the 50th

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a board of commissioners for Banks County, approved August 19,  
2 1916 (Ga. L. 1916, p. 349), as amended, particularly by an Act approved March 31, 1965  
3 (Ga. L. 1965, p. 3058), an Act approved March 21, 1970 (Ga. L. 1970, p. 3297), and an Act  
4 approved March 15, 1988 (Ga. L. 1988, p. 3999), so as to provide for an increase in the  
5 number of members of the board; to provide for the election of members of the board; to  
6 provide for related matters; to provide for a referendum; to provide for contingent effective  
7 dates; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act creating a board of commissioners for Banks County, approved August 19, 1916  
11 (Ga. L. 1916, p. 349), as amended, particularly by an Act approved March 31, 1965  
12 (Ga. L. 1965, p. 3058), an Act approved March 21, 1970 (Ga. L. 1970, p. 3297), and an Act  
13 approved March 15, 1988 (Ga. L. 1988, p. 3999), is amended by revising Section 1 as  
14 follows:

15 "Section 1. The board of commissioners of Banks County is hereby created. Until  
16 January 1, 2010, the board shall consist of a chairperson and two other members who shall  
17 be qualified voters and bona fide residents of Banks County for a period of not less than  
18 six months preceding the date of their election. On and after January 1, 2010, the board  
19 shall consist of a chairperson and four other members who shall be qualified voters and  
20 bona fide residents of Banks County for a period of not less than six months preceding the  
21 date of their election."

22 **SECTION 2.**

23 Said Act is further amended by revising Section 2 as follows:

24 "Section 2. (a) Until January 1, 2010, the chairperson and other members of the board may  
25 reside anywhere in Banks County and shall be nominated and elected by the qualified

1 voters of the entire county. For the purpose of electing the chairperson and other members  
2 of such board, there shall be three commissioner posts to be designated Commissioner  
3 Post 1, Commissioner Post 2, and Commissioner Post 3. The chairperson shall be elected  
4 from Commissioner Post 1 and all candidates for chairperson shall offer for Commissioner  
5 Post 1. Candidates for Commissioner Posts 2 and 3 shall designate the post for which they  
6 are offering. The chairperson and each member of the board of commissioners in office  
7 on the effective date of this Act shall serve until the expiration of his or her respective term  
8 of office and until his or her successor is elected and qualified.

9 (b)(1) On and after January 1, 2010, the chairperson may reside anywhere in Banks  
10 County and shall be nominated and elected by the qualified voters of the entire county.  
11 For the purpose of electing the remaining members of the board of commissioners, Banks  
12 County is divided into four commissioner districts. One member of the board shall be  
13 elected from each such district. Commissioner Districts 1, 2, 3, and 4 shall be and  
14 correspond to those four numbered districts described in and attached to and made a part  
15 of this Act and further identified as Plan Name: bankscc08p2 Plan Type: Local User:  
16 staff Administrator: Banks Co.

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

35 (3) On and after January 1, 2010, the commissioners holding Commissioner Post 2 and  
36 Commissioner Post 3 shall represent Commissioner District 1 and Commissioner  
37 District 3, respectively. Such commissioners shall serve out the terms to which they were

1 elected and until their successors are elected and qualified. Successors to such  
2 commissioners shall be elected by the electors of the entire county at the 2010 state-wide  
3 general election and shall take office on January 1, 2011, for a term of four years.  
4 Thereafter, successors shall be elected by the electors of the entire county at the  
5 November general election immediately preceding the end of their terms of office to take  
6 office on January 1 immediately following such election for four-year terms of office and  
7 until their successors are elected and qualified.

8 (4) On the Tuesday next following the first Monday in November, 2009, commissioners  
9 shall be elected from Commissioner Districts 2 and 4 by the electors of the entire county  
10 in special elections conducted in accordance with the provisions of Chapter 2 of Title 21  
11 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Those  
12 persons elected in such special elections shall take office on January 1, 2010, for a term  
13 of office to end on December 31, 2012, and until their successors are elected and  
14 qualified. At the 2012 state-wide November general election, successors to such  
15 commissioners shall be elected by the electors of the entire county and shall take office  
16 on January 1, 2013, for terms of four years and until their successors are elected and  
17 qualified. Thereafter, successors shall be elected by the electors of the entire county at  
18 the November general election immediately preceding the end of their terms of office to  
19 take office on January 1 immediately following such election for four-year terms of office  
20 and until their successors are elected and qualified.

21 (5) On and after January 1, 2010, the chairperson shall serve out the term to which he or  
22 she was elected and until his or her successor is elected and qualified. A successor to  
23 such chairperson shall be elected by the electors of the entire county at the 2012  
24 state-wide general election and shall take office on January 1, 2013, for a term of four  
25 years. Thereafter, a successor shall be elected by the electors of the entire county at the  
26 November general election immediately preceding the end of the chairperson's term of  
27 office to take office on January 1 immediately following such election for a four-year  
28 term of office and until his or her successor is elected and qualified.

29 (6) The chairperson may reside anywhere in Banks County. Except for the chairperson,  
30 each district commissioner shall be a resident of the geographic area encompassed by the  
31 respective commissioner district which he or she represents. Each commissioner shall  
32 be elected by a majority of the electors voting in the entire county. A candidate seeking  
33 election to the board of commissioners shall identify the seat to which such candidate  
34 seeks election at the time of qualifying for election to the office. If the chairperson ceases  
35 to be a resident of Banks County or if any district commissioner ceases to be a resident  
36 of the commissioner district from which such district commissioner was elected during  
37 his or her term of office, such person shall thereby vacate his or her seat on the

1 commission. All members of the commission shall be nominated and elected pursuant  
 2 to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,'  
 3 as now or hereafter amended."

4 **SECTION 3.**

5 Said Act is further amended by revising Section 6 as follows:

6 "Section 6. Reserved."

7 **SECTION 4.**

8 Said Act is further amended by revising Section 11 as follows:

9 "Section 11. (a) The chairperson shall preside at all meetings. It shall be the duty of the  
 10 chairperson to sign all orders and warrants for the payment of any money out of the county  
 11 treasury, the same to be countersigned by the clerk of the board of commissioners.

12 (b) At the first meeting of each year, the board of commissioners shall elect one of their  
 13 number to serve as vice chairperson. The vice chairperson shall preside in the absence of  
 14 the chairperson or in case the chairperson is disqualified for cause. A majority of the board  
 15 shall be a quorum to transact business."

16 **SECTION 5.**

17 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
 18 superintendent of Banks County shall call and conduct an election as provided in this section  
 19 for the purpose of submitting this Act to the electors of the Banks County for approval or  
 20 rejection. The election superintendent shall conduct that election on the Tuesday after the  
 21 first Monday in November, 2008, and shall issue the call and conduct that election as  
 22 provided by general law. The election superintendent shall cause the date and purpose of the  
 23 election to be published once a week for two weeks immediately preceding the date thereof  
 24 in the official organ of Banks County. The ballot shall have written or printed thereon the  
 25 words:

26 "( ) YES Shall the Act be approved that changes the form of government in Banks  
 27 ( ) NO County from a three member commission to a five member commission  
 28 with four members elected countywide but who must reside and qualify  
 29 within a commissioner district and a chairperson elected countywide who  
 30 shall be a full voting member of the board?"

31 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 32 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 33 such question are for approval of the Act, then Sections 1 through 4 of this Act shall become  
 34 of full force and effect immediately. If this Act is not so approved or if the election is not

1 conducted as provided in this section, then Sections 1 through 4 of this Act shall not become  
2 effective and this Act shall be automatically repealed on the first day of January immediately  
3 following that election date. The expense of such election shall be borne by Banks County.  
4 It shall be the election superintendent's duty to certify the result thereof to the Secretary of  
5 State.

6 **SECTION 6.**

7 The governing authority of Banks County shall through its legal counsel cause this Act to be  
8 submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as  
9 amended, and such submission shall be made no later than 45 days after the date on which  
10 this Act is approved by the Governor or otherwise becomes law without such approval.

11 **SECTION 7.**

12 Except as otherwise provided in Section 5 of this Act, this Act shall become effective upon  
13 its approval by the Governor or upon its becoming law without such approval.

14 **SECTION 8.**

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

1 Plan Name: bankscc08p2 Plan Type: Local User: staff Administrator: Banks Co.  
 2 Redistricting Plan Components Report  
 3 District 001  
 4 Banks County  
 5 Tract: 9802  
 6 BG: 1  
 7 1019 1020 1021 1023 1024 1025 1026 1027 1028 1029 1030 1031  
 8 1032 1033 1034 1035 1037 1038 1039 1040 1041 1042 1043 1044  
 9 1045 1046 1047 1048 1052 1078 1079  
 10 Tract: 9803  
 11 BG: 2  
 12 2000 2001 2002 2017 2021 2022 2023 2024 2025 2026 2027 2028  
 13 2029 2030 2031 2032 2033  
 14 Tract: 9804

15 District 002  
 16 Banks County  
 17 Tract: 9801  
 18 BG: 1  
 19 BG: 2  
 20 2000 2001 2002 2003 2004 2005 2006 2064  
 21 Tract: 9802  
 22 BG: 1  
 23 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 24 1012 1013 1014 1015 1016 1017 1018 1022 1036 1049 1050 1051  
 25 BG: 2  
 26 2000 2001 2002 2003 2016 2026 2027 2030 2031 2032 2033

27 District 003  
 28 Banks County  
 29 Tract: 9801  
 30 BG: 2  
 31 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018  
 32 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030  
 33 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042  
 34 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054  
 35 2055 2056 2057 2058 2059 2060 2061 2062 2063 2065 2066 2067

1 Tract: 9802  
 2 BG: 2  
 3 2004 2005 2006 2007 2008 2009 2010 2040 2041 2042 2043 2044  
 4 2045 2046 2047 2048 2049 2075  
 5 Tract: 9803  
 6 BG: 1  
 7 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 8 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023  
 9 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035  
 10 1036 1037 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048  
 11 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1999  
 12 BG: 2  
 13 2008 2009 2065 2066 2067 2068 2069 2070 2071 2072  
  
 14 District 004  
 15 Banks County  
 16 Tract: 9802  
 17 BG: 1  
 18 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064  
 19 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076  
 20 1077 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090  
 21 BG: 2  
 22 2011 2012 2013 2014 2015 2017 2018 2019 2020 2021 2022 2023  
 23 2024 2025 2028 2029 2034 2035 2036 2037 2038 2039 2050 2051  
 24 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063  
 25 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2076  
 26 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087  
 27 Tract: 9803  
 28 BG: 1  
 29 1038  
 30 BG: 2  
 31 2003 2004 2005 2006 2007 2010 2011 2012 2013 2014 2015 2016  
 32 2018 2019 2020 2034 2035 2036 2037 2038 2039 2040 2041 2042  
 33 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054  
 34 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2073 2074  
 35 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086  
 36 2087 2088 2089 2090 2091 2092