

House Bill 1480 (AS PASSED HOUSE AND SENATE)

By: Representative Shaw of the 176<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the board of commissioners of Clinch County, approved March 9,  
2 1933 (Ga. L. 1933, p. 456), as amended, so as to change the composition and manner of  
3 election of the governing authority of Clinch County; to provide for the selection of a  
4 chairperson; to provide for submission under Section 5 of the federal Voting Rights Act of  
5 1965, as amended; to provide for related matters; to provide for a referendum; to provide for  
6 effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the board of commissioners of Clinch County, approved March 9, 1933  
10 (Ga. L. 1933, p. 456), as amended, is amended by revising Section 1 as follows:

11 "SECTION 1.

12 (a) Beginning with the general election of 2012 and the taking of office on  
13 January 1, 2013, by members elected at such election, the board of commissioners shall be  
14 composed of five commissioners elected from districts.

15 (b) The person holding the office of chairperson who was elected county wide in the 2008  
16 general election and any person appointed or elected to fill a vacancy in such office shall  
17 serve until the term ends on December 31, 2012. No election for such position shall be  
18 held in the 2012 general election, and on January 1, 2013, such position shall be abolished."

19 **SECTION 2.**

20 Said Act is further amended by revising subsections (b) and (c) of Section 3 as follows:

21 "(b) One member of the board of commissioners shall be elected from each of the five  
22 commissioner districts provided for in Section 2 of this Act. At the general election in  
23 2012, and quadrennially thereafter, there shall be elected one member each from  
24 Commissioner District No. 2, Commissioner District No. 3, and Commissioner District

25 No. 5. At the general election in 2014, and quadrennially thereafter, there shall be elected  
 26 one member each from Commissioner District No. 1 and Commissioner District No. 4.  
 27 Members elected pursuant to this subsection and their successors in office shall take office  
 28 on the first day of January following their election for terms of office of four years and  
 29 until their respective successors are elected and qualified.

30 (c) The commissioners shall be residents of the commissioner districts which they seek to  
 31 represent at the time of qualifying for office and shall be required to remain residents of the  
 32 districts from which they were elected during their terms of office. The members of the  
 33 board shall be elected by a majority vote of the electors voting within their respective  
 34 commissioner districts. All candidates for membership on the board shall designate the  
 35 commissioner district office for which they are offering at the time of qualifying. The  
 36 members of the board shall be nominated and elected in accordance with the provisions of  
 37 Chapter 2 of Title 21 of the O.C.G.A., known as the 'Georgia Election Code.'"

38 **SECTION 3.**

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

40 "SECTION 8.

41 (a) The chairperson of the board of commissioners shall have the following duties and  
 42 responsibilities:

43 (1) To act as presiding officer at all meetings of the board, including the duty of  
 44 preserving order and decorum at such meetings;

45 (2) To state every question coming before the board and to announce the decision of the  
 46 board on all subjects and to decide all questions of order, subject, however, to an appeal  
 47 of the board, in which event a majority vote of the board shall govern and conclusively  
 48 determine such question;

49 (3) To exercise the right to vote only to break a tie vote; provided, however, that the  
 50 chairperson will be counted in determining whether a quorum is present;

51 (4) To execute all ordinances, resolutions, and contracts on behalf of the county;

52 (5) To execute all evidences of indebtedness incurred by the county;

53 (6) To act as ceremonial head of the county government; and

54 (7) To exercise other duties that may be delegated to the chairperson by the board of  
 55 commissioners.

56 (b) At the first meeting of each year, the members of the board shall elect from among  
 57 their membership a chairperson and a vice chairperson. In the event of the chairperson's  
 58 illness, incapacity, absence, or failure to act, the duties of the chairperson may be exercised  
 59 by the vice chairperson.

60 (c) The chairperson of the board shall give bond in the sum of \$2,000.00 for the faithful  
 61 performance of his or her duties and for the protection of all county funds, said bond to be  
 62 approved by the judge of the probate court and recorded in that office."

63 **SECTION 4.**

64 It shall be the duty of the attorney for the governing authority of Clinch County to submit this  
 65 Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as  
 66 amended.

67 **SECTION 5.**

68 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
 69 superintendent of Clinch County shall call and conduct an election as provided in this section  
 70 for the purpose of submitting this Act to the electors of Clinch County for approval or  
 71 rejection. The election superintendent shall conduct that election in conjunction with the  
 72 November, 2010, general election and shall issue the call and conduct that election as  
 73 provided by general law. The superintendent shall cause the date and purpose of the election  
 74 to be published once a week for two weeks immediately preceding the date thereof in the  
 75 official organ of Clinch County. The ballot shall have written or printed thereon the words:

76 "( ) YES Shall the Act be approved which abolishes the position of county-wide  
 77 elected chairperson of the Clinch County Board of Commissioners and  
 78 ( ) NO provides for a five-member board elected by district?"

79 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 80 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 81 such question are for approval of the Act, then Sections 1 through 3 of this Act shall become  
 82 effective immediately for the purpose of conducting elections in 2012 and for all other  
 83 purposes on January 1, 2013. If Sections 1 through 3 of this Act are not so approved or if the  
 84 election is not conducted as provided in this section, Sections 1 through 3 of this Act shall  
 85 not become effective and this Act shall be automatically repealed on the first day of January  
 86 immediately following that election date. The expense of such election shall be borne by  
 87 Clinch County. It shall be the election superintendent's duty to certify the result thereof to  
 88 the Secretary of State.

89 **SECTION 6.**

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

92

**SECTION 7.**

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