

House Bill 762

By: Representative Scott of the 2<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the board of commissioners of Dade County, approved April 4,  
2 1991 (Ga. L. 1991, p. 3893), as amended, particularly by an Act approved May 1, 2002  
3 (Ga. L. 2002, p. 5339), and an Act approved April 7, 2004 (Ga. L. 2004, p. 3535), so as to  
4 provide that the members of the board of commissioners elected to represent Commissioner  
5 Districts 1 through 4 shall be required to reside in their respective districts but shall be  
6 elected by all of the electors of Dade County; to provide for a referendum; to provide for  
7 preclearance pursuant to Section 5 of the Voting Rights Act of 1965, as amended; to provide  
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act creating the board of commissioners of Dade County, approved April 4, 1991  
12 (Ga. L. 1991, p. 3893), as amended, particularly by an Act approved May 1, 2002  
13 (Ga. L. 2002, p. 5339), and an Act approved April 7, 2004 (Ga. L. 2004, p. 3535), is  
14 amended by revising subsection (c) of Section 2 as follows:

15 "(c) Each commissioner shall be a citizen of this state, at least 21 years of age, and shall  
16 have been a resident of the respective commissioner district for at least one year  
17 immediately prior to taking office. Each commissioner, except the chairperson/county  
18 executive, shall be required to reside in the commissioner district that such commissioner  
19 represents during his or her term of office. Each commissioner shall be elected by the  
20 qualified electors of the entire county. Any commissioner who ceases to be a resident of  
21 his or her respective commissioner district during his or her term of office shall thereby  
22 vacate his or her seat on the board. All members of the board shall be nominated and  
23 elected pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia  
24 Election Code,' as now or hereafter amended."

25 **SECTION 2.**

26 Said Act is further amended by revising Section 3 as follows:

27 **"SECTION 3.**

28 (a) The members of the board of commissioners who are in office or take office on  
29 January 1, 2011, and any persons filling vacancies in such offices shall serve out the terms  
30 of office to which they were elected and until their respective successors are elected and  
31 qualified.

32 (b) The first members of the reconstituted board of commissioners of Dade County from  
33 Commissioner Districts 1 and 2 elected by the qualified electors of the entire county shall  
34 be elected at the state-wide general election in 2014. Such members shall take office on  
35 January 1 following their election for terms of four years and until their successors are  
36 elected and qualified.

37 (c) The first members of the reconstituted board of commissioners of Dade County from  
38 Commissioner Districts 3 and 4 elected by the qualified electors of the entire county shall  
39 be elected at the state-wide general election in 2012. Such members shall take office on  
40 January 1 following their election for terms of four years and until their successors are  
41 elected and qualified.

42 (d) The first chairperson/county executive of the reconstituted board of commissioners of  
43 Dade County shall be elected at the state-wide general election in 2004. Such  
44 chairperson/county executive shall take office on January 1 following such election for a  
45 term of four years and until his or her successor is elected and qualified.

46 (e) Successors to members elected under subsections (b), (c), and (d) of this section shall  
47 be elected at the state-wide general election next preceding the expiration of such terms of  
48 office and shall take office on January 1 following their election for terms of four years and  
49 until their successors are elected and qualified.

50 (f) Before entering upon the duties of office, each member of the board shall take and  
51 subscribe to an oath for the faithful performance of that member's duties and shall give  
52 bond to and be approved by the judge of the Probate Court of Dade County in the amount  
53 of \$10,000.00 each, with good and sufficient security, conditioned upon the faithful  
54 performance of that member's duties and the faithful accounting for all property and funds  
55 coming into that member's hands by virtue of that member's office."

56 **SECTION 3.**

57 The board of commissioners of Dade County shall cause, through its legal counsel, this Act  
58 to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965,  
59 as amended, within 45 days after the date on which this Act is approved by the Governor or  
60 otherwise becomes law without such approval.

61 **SECTION 4.**

62 Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the  
 63 election superintendent of Dade County shall call and conduct a special election for the  
 64 purpose of submitting this Act to the electors of Dade County for approval or rejection. The  
 65 election superintendent shall conduct that election at the time of the state-wide general  
 66 election on the Tuesday after the first Monday in November, 2010. The election  
 67 superintendent shall issue the call and conduct that election as provided by general law. The  
 68 superintendent shall cause the date and purpose of the election to be published once a week  
 69 for two weeks immediately preceding the date thereof in the official organ of Dade County.  
 70 The ballot shall have written or printed thereon the words:

71 "( ) YES Shall the Act be approved which provides for the county commissioners  
 72 ( ) NO elected from Commissioner Districts 1 through 4 to be residents of their  
 73 respective districts but be elected by the qualified electors of the entire  
 74 county?"

75 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 76 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 77 such question are for the approval of the Act, Sections 1 and 2 of this Act shall become  
 78 effective January 1, 2011. If the Act is not approved or if the election is not conducted as  
 79 provided in this section, this Act shall not become effective and this Act shall be  
 80 automatically repealed on the first day immediately following that election date. The  
 81 expense of such election shall be borne by Dade County. It shall be the duty of the election  
 82 superintendent of Dade County to certify the results thereof to the Secretary of State.

83 **SECTION 5.**

84 Except as otherwise provided in Section 4 of this Act, this Act shall become effective upon  
 85 its approval by the Governor or upon its becoming law without such approval.

86 **SECTION 6.**

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