

House Bill 755 (AS PASSED HOUSE AND SENATE)

By: Representative Roberts of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to reconstitute the Board of Commissioners of Telfair County, approved
2 June 3, 2003 (Ga. L. 2003, p. 3992), so as to provide for commissioner districts; to provide
3 for continuation in office of current members; to provide for election and terms of office of
4 subsequent members; to provide for the election of the chairperson from the county at large;
5 to provide for submission of this Act for preclearance under the federal Voting Rights Act
6 of 1965, as amended; to provide for related matters; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act to reconstitute the Board of Commissioners of Telfair County, approved June 3, 2003
11 (Ga. L. 2003, p. 3992), is amended by revising Sections 1 through 6 as follows:

12 "SECTION 1.

13 The Board of Commissioners of Telfair County reconstituted by an Act approved June 3,
14 2003 (Ga. L. 2003, p. 3992), is continued in existence but shall be constituted as provided
15 in this Act.

16 **SECTION 2.**

17 As used in this Act, the term 'board,' means the Board of Commissioners of Telfair County,
18 including the chairperson and all members.

19 **SECTION 3.**

20 (a) Except as provided in subsection (c) of Section 5, the Board of Commissioners of Telfair
21 County shall consist of four members who shall be elected from commissioner districts and
22 a fifth member who shall serve as chairperson and who shall be elected from the county
23 at-large by all the voters of the entire area of Telfair County.

24 (b) For purposes of electing members of the board of commissioners, Telfair County is
25 divided into four commissioner districts. One member of the board shall be elected from
26 each such district. The four commissioner districts shall be and correspond to those four
27 numbered districts described in and attached to and made a part of this Act and further
28 identified as Plan Name: telfcc09p1 Plan Type: Local User: Gina Administrator: H154.

29 (c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and
30 describe the same geographical boundaries as provided in the report of the Bureau of the
31 Census for the United States decennial census of 2000 for the State of Georgia. The separate
32 numeric designations in a Tract description which are underneath a 'BG' heading shall mean
33 and describe individual Blocks within a Block Group as provided in the report of the Bureau
34 of the Census for the United States decennial census of 2000 for the State of Georgia. Any
35 part of Telfair County which is not included in any such district described in that attachment
36 shall be included within that district contiguous to such part which contains the least
37 population according to the United States decennial census of 2000 for the State of Georgia.
38 Any part of Telfair County which is described in that attachment as being in a particular
39 district shall nevertheless not be included within such district if such part is not contiguous
40 to such district. Such noncontiguous part shall instead be included within that district
41 contiguous to such part which contains the least population according to the United States
42 decennial census of 2000 for the State of Georgia. Except as otherwise provided in the
43 description of any commissioner district, whenever the description of such district refers to
44 a named city, it shall mean the geographical boundaries of that city as shown on the census
45 map for the United States decennial census of 2000 for the State of Georgia.

46 SECTION 4.

47 (a) No person shall be a member of the board if that person is ineligible for such office
48 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that
49 office.

50 (b) In order to be elected as a member of the board from a commissioner district, a person
51 must receive the number of votes cast as required by general law for that office in that district
52 only. Only electors who are residents of that commissioner district may vote for a member
53 of the board for that district. At the time of qualifying for election as a member of the board
54 from a commissioner district, each candidate for such office shall specify the commissioner
55 district for which that person is a candidate. A person elected or appointed as a member of
56 the board from a commissioner district must attain residency in the district the person seeks
57 to represent at least by the time the person qualifies as a candidate for the position and must
58 continue to reside in that district during that person's term of office or that office shall
59 become vacant.

SECTION 5.

60
61 The members of the Board of Commissioners of Telfair County shall be elected as provided
62 in this subsection. The first members from Commissioner Districts 2, 3, and 4 shall be
63 elected at the general election on the Tuesday next following the first Monday in November,
64 2012. Those members of the board elected thereto from Commissioner Districts 2, 3, and
65 4 in 2012 shall take office the first day of January immediately following that election and
66 shall serve for four year terms of office which expire December 31, 2016, and upon the
67 election and qualification of their respective successors. The first members from
68 Commissioner District 1 and elected from the county at-large shall be elected at the general
69 election on the Tuesday next following the first Monday in November, 2010. Those members
70 of the board elected thereto from Commissioner District 1 and at-large in 2010 shall take
71 office the first day of January immediately following that election and shall serve for initial
72 terms of office which expire December 31, 2014, and upon the election and qualification of
73 their respective successors. Those and all future successors to members of the board whose
74 terms of office are to expire shall be elected at the time of the state-wide general election
75 immediately preceding the expiration of such terms, shall take office the first day of January
76 immediately following that election, and shall serve for terms of office of four years each.
77 Members of the board shall serve for the terms of office specified therefor in this subsection
78 and until their respective successors are elected and qualified.

79 (b) All members of the board who are elected thereto shall be nominated and elected in
80 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

81 (c) Commissioner Districts 1, 2, 3, and 4, as they previously existed, shall continue to be
82 designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as described under this
83 Act. Commissioner district 5 as it previously existed shall now be designated as the at-large
84 District as described under this Act, provided that such position shall not be considered the
85 chairperson until elected at-large in the November 2010 general election and taking office
86 on January 1 following thereafter and any chairperson until such time shall continue to be
87 selected as provided by law immediately prior to the effective date of this Act.

88 (d) Any vacancy in office upon the board which occurs for any reason shall be filled
89 pursuant to Code Section 36-5-21 of the O.C.G.A.

SECTION 6.

90
91 (a) The chairperson shall be the chief executive of the board. The chairperson shall preside
92 over meetings of the board of commissioners but shall not have a vote thereon.

93 (b) The chairperson shall not have a veto power.

94 (c) At its first meeting each year, or as soon thereafter as practicable, the board shall choose
95 one of its members as vice chairperson, and the vice chairperson shall serve until his or her

96 successor is elected. Nothing in this section shall prevent the reelection of any vice
97 chairperson."

98 **SECTION 2.**

99 The Board of Commissioners of Telfair County shall through its legal counsel cause this Act
100 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended;
101 and such submission shall be made to the United States Department of Justice or filed with
102 the appropriate court no later than 45 days after the date on which this Act is approved by the
103 Governor or otherwise becomes law without such approval.

104 **SECTION 3.**

105 This Act shall become effective upon its approval by the Governor or upon its becoming law
106 without such approval.

107 **SECTION 4.**

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