

House Bill 797 (AS PASSED HOUSE AND SENATE)

By: Representative Williams of the 178th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the board of commissioners of Brantley County, approved July 1,
2 1927 (Ga. L. 1927, p. 500), as amended, so as to provide for an advisory referendum election
3 to be held in Brantley County for the purpose of ascertaining if a change in the form of
4 government of Brantley County is desired by the people of said county; to provide for
5 procedures, requirements, and other matters relative thereto; to repeal conflicting laws; and
6 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 Brantley County, approved July 1, 1927 (Ga.
10 L. 1927, p. 500), as amended, is amended by adding a new section immediately following
11 Section 3, to be designated Section 3A, to read as follows:

12 "SECTION 3A.

13 (a) It is the purpose of this section to provide for an advisory referendum within Brantley
14 County to determine if a change in the form of government of Brantley County is preferred
15 by the voters of said county.

16 (b) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
17 superintendent of Brantley County shall call and conduct an advisory election as provided
18 in this section for the purpose of submitting a question to the electors of said county to
19 determine the type of government preferred by a majority of the electors voting at said
20 election. The superintendent shall conduct that election on any date in 2009 that is
21 permissible under Code Section 21-2-540 of the O.C.G.A, but not later than the Tuesday
22 after the first Monday in November, 2009, and shall issue the call and conduct that election
23 as provided by general law. The superintendent shall cause the date and purpose of the
24 election to be published once a week for two weeks immediately preceding the date thereof

25 in the official organ of Brantley County. The ballot shall have printed thereon the
26 following:

'Advisory Referendum Election

28 Select the form of government which you favor by placing a check mark (✓) or (x) in the
29 appropriate space below. Choose one only:

30 _____ Continue the present form of government of electing the
31 chairperson and members of the board of commissioners of
32 Brantley County on an at-large basis from the entire county.

33 _____ Establish a new form of government by local Act of the General
34 Assembly in 2009 which provides for the election of the
35 chairperson of the board of commissioners of Brantley County
36 on an at-large basis from the entire county and provides for the
37 election of the other members of said board from commissioner
38 districts in which such members must reside and from which
39 such members must be elected.'

40 (c) It shall be the duty of the election superintendent of Brantley County to hold and
41 conduct the advisory election provided for in this section and to tabulate the results of such
42 election. It shall be the further duty of said superintendent to certify the results of said
43 election to the Secretary of State and to each member of the General Assembly whose
44 Senatorial or Representative District lies wholly or partially within Brantley County. The
45 expense of such election shall be borne by Brantley County.

46 (d) It is found, determined, and declared that the holding of the advisory referendum
47 election provided for in this section is in all respects for the benefit of the people of
48 Brantley County and is for a public purpose and is an essential governmental function for
49 which public funds may be expended."

SECTION 2.

51 Except as otherwise provided in Section 1 of this Act, this Act shall become effective upon
52 its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

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