

House Bill 905 (COMMITTEE SUBSTITUTE)

By: Representatives Setzler of the 35<sup>th</sup>, Golick of the 34<sup>th</sup>, Cooper of the 41<sup>st</sup>, Dollar of the 45<sup>th</sup>, Teasley of the 38<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Board of Commissioners of Cobb County, approved June 19,  
2 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30,  
3 2003 (Ga. L. 2003, p. 3808), so as to reconstitute the board of commissioners; to change the  
4 description of the commissioner districts; to provide for definitions and inclusions; to provide  
5 for continuation in office of current members; to provide for election and terms of office of  
6 subsequent members; to provide for submission of this Act for preclearance under the federal  
7 Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 An Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga.  
12 L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga.  
13 L. 2003, p. 3808), is amended by revising Sections 1 through 4 as follows:

14 "SECTION 1.

15 The Board of Commissioners of Cobb County which exists on January 1, 2013, is  
16 continued in existence but on and after such date, shall be constituted as provided in this  
17 Act. The Board of Commissioners of Cobb County so continued and constituted,  
18 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,  
19 rights, obligations, and liabilities of that board as it existed immediately prior to  
20 January 1, 2013.

21 SECTION 2.

22 (a) Those members of the Board of Commissioners of Cobb County who are serving as  
23 such prior to January 1, 2013, and any persons selected to fill a vacancy in any such office  
24 shall continue to serve as such until the regular expiration of their respective terms of office

25 and upon the election and qualification of their respective successors. On and after  
26 January 1, 2013, the Board of Commissioners of Cobb County shall consist of five  
27 members who shall be elected from commissioner districts described in subsection (b) of  
28 this section except for the chairperson who is elected at large as provided in Section 3.

29 (b) For purposes of electing members of the board of commissioners, other than the  
30 chairperson, Cobb County is divided into four commissioner districts. One member of the  
31 board shall be elected from each such district. The four commissioner districts shall be and  
32 correspond to those four numbered districts established pursuant to the final order entered  
33 on November 18, 2003, in *Perry, et al. v. The Cobb County Board of Elections and*  
34 *Registration, et al.* 314 Supp. 2nd 1332 described in and attached to and made a part of this  
35 Act and further identified as 'Plan: cobbcc-hd035-prop4-2012 Plan Type: Local  
36 Administrator: HD035 User: bak'.

37 (c)(1) When used in such attachment, the term 'VTD' (voting tabulation district) shall  
38 mean and describe the same geographical boundaries as provided in the report of the  
39 Bureau of the Census for the United States decennial census of 2010 for the State of  
40 Georgia.

41 (2) The separate numeric designations in a district description which are underneath a  
42 VTD heading shall mean and describe individual Blocks within a VTD as provided in the  
43 report of the Bureau of the Census for the United States decennial census of 2010 for the  
44 State of Georgia. Any part of Cobb County which is not included in any such district  
45 described in that attachment shall be included within that district contiguous to such part  
46 which contains the least population according to the United States decennial census of  
47 2010 for the State of Georgia.

48 (3) Any part of Cobb County which is described in that attachment as being in a  
49 particular district shall nevertheless not be included within such district if such part is not  
50 contiguous to such district. Such noncontiguous part shall instead be included within that  
51 district contiguous to such part which contains the least population according to the  
52 United States decennial census of 2010 for the State of Georgia.

53 (4) Except as otherwise provided in the description of any commissioner district,  
54 whenever the description of such district refers to a named city, it shall mean the  
55 geographical boundaries of that city as shown on the census map for the United States  
56 decennial census of 2010 for the State of Georgia.

57 SECTION 3.

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

61 (b) In order to be elected as a member of the board from a commissioner district, a person  
62 must receive the number of votes cast as required by general law for that office in that  
63 district only. Only electors who are residents of that commissioner district may vote for  
64 a member of the board for that district. At the time of qualifying for election as a member  
65 of the board from a commissioner district, each candidate for such office shall specify the  
66 commissioner district for which that person is a candidate. A person elected or appointed  
67 as a member of the board from a commissioner district must continue to reside in that  
68 district during that person's term of office or that office shall become vacant.

69 (c) The chairperson of the board may reside anywhere within Cobb County and, if elected,  
70 must receive the number of votes cast for that office as required by general law in the entire  
71 county. The chairperson must continue to reside within the county during that person's  
72 term of office or that office shall become vacant.

73 SECTION 4.

74 (a) The first members of the reconstituted Board of Commissioners of Cobb County shall  
75 be elected as provided in this subsection. The chairperson and the first members from  
76 Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday next  
77 following the first Monday in November, 2012. The chairperson and those members of the  
78 board elected thereto from Commissioner Districts 2 and 4 in November, 2012, shall take  
79 office the first day of January immediately following that election and shall serve for initial  
80 terms of office which expire December 31, 2016, and upon the election and qualification  
81 of their respective successors. The first members from Commissioner Districts 1 and 3  
82 shall be elected at the general election on the Tuesday next following the first Monday in  
83 November, 2014. Those members of the board elected thereto from Commissioner  
84 Districts 1 and 3 in November, 2014, shall take office the first day of January immediately  
85 following that election and shall serve for initial terms of office which expire December  
86 31, 2018, and upon the election and qualification of their respective successors. Those and  
87 all future successors to members of the board whose terms of office are to expire shall be  
88 elected at the time of the state-wide general election immediately preceding the expiration  
89 of such terms, shall take office the first day of January immediately following that election,  
90 and shall serve for terms of office of four years each. Members of the board shall serve for  
91 the terms of office specified in this subsection and until their respective successors are  
92 elected and qualified.

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

95 (c) Commissioner Districts 1 through 4, as they exist immediately prior to January 1, 2013,  
96 shall continue to be designated as Commissioner Districts 1 through 4, respectively, but as

97 newly described under this Act, and on and after January 1, 2013, members of the board  
98 serving from those former commissioner districts shall be deemed to be serving from and  
99 representing their respective districts as newly described under this section."

100

**SECTION 2.**

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

106

**SECTION 3.**

107 This section and Section 2 of this Act and those provisions of this Act necessary for the  
108 election of members of the Board of Commissioners of Cobb County in 2012 shall become  
109 effective upon the approval of this Act by the Governor or upon its becoming law without  
110 such approval. The remaining provisions of this Act shall become effective January 1, 2013.

111

**SECTION 4.**

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

Plan: cobbcc-hd035-prop4-2012  
Plan Type: Local  
Administrator: HD035  
User: bak

District 001

Cobb County

VTD: 067AC1A - ACWORTH 1A

030101:

2057 2058 2059 3017 3018 3019 3020 3021 3027 3028 3029 3030  
3031 4000 4001 4002 4003 4004 4005 4008 4010 4013 4015 4016

030103:

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1038 1040 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051  
1055 1056 1057 1059 1060 1061 1062 3000 3003 3004 3006 3008  
3009 3010 3011 3012 3014 3016 3017 3019 3020 3022 3023 3024  
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3049 3051 3053 3057

030214:

2001 2002 2004 2005 2007 2011 2012 2013 2015 2016

030224:

2011 2012 2013 2014 2016 2017 2018 2019 2021

VTD: 067AC1B - ACWORTH 1B

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030103:

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VTD: 067AC1C - ACWORTH 1C

030103:

3055 3059 3060

030224:

2022 2023 2024 2025 2026 2028 2029

VTD: 067BG01 - BIG SHANTY 01

030228:

2026 2027 2040

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2015 2017 2021 2022 2023 2029

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VTD: 067CH02 - CHEATHAM HILL 02

VTD: 067CH03 - CHEATHAM HILL 03

VTD: 067DI01 - DOBBINS 01

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VTD: 067DU01 - DURHAM 01

VTD: 067EL01 - ELIZABETH 01

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VTD: 067FO01 - FAIR OAKS 01

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VTD: 067FO05 - FAIR OAKS 05

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VTD: 067FY01 - FREY 01  
VTD: 067HR01 - HARRISON 01  
VTD: 067HY01 - HAYES 01  
VTD: 067KE1A - KENNESAW 1A  
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VTD: 067LM03 - LOST MOUNTAIN 03  
VTD: 067LM04 - LOST MOUNTAIN 04  
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VTD: 067MR2C - MARIETTA 2C  
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VTD: 067PM02 - PINE MOUNTAIN 02  
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District 002  
Cobb County  
VTD: 067BY01 - BRUMBY 01  
VTD: 067CA01 - CHATTAHOOCHEE 01

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 VTD: 067EA01 - EASTSIDE 01  
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VTD: 067MT02 - MT BETHEL 02  
VTD: 067MT03 - MT BETHEL 03  
VTD: 067MT04 - MT BETHEL 04  
VTD: 067NJ01 - NICKAJACK 01  
VTD: 067NP01 - NORTON PARK 01  
VTD: 067OK01 - OAKDALE 01  
VTD: 067PF01 - POWERS FERRY 01  
VTD: 067RW02 - ROSWELL 02  
VTD: 067SM01 - SEWELL MILL 01  
VTD: 067SM03 - SEWELL MILL 03  
VTD: 067SM04 - SEWELL MILL 04  
VTD: 067SM05 - SEWELL MILL 05  
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VTD: 067SN2A - SMYRNA 2A  
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VTD: 067SN7A - SMYRNA 7A  
VTD: 067SN7B - SMYRNA 7B  
VTD: 067SN7C - SMYRNA 7C  
VTD: 067SO01 - SOPE CREEK 01  
VTD: 067SO02 - SOPE CREEK 02  
VTD: 067SO03 - SOPE CREEK 03  
VTD: 067SP01 - SEDALIA PARK 01  
VTD: 067TM01 - TERRELL MILL 01  
VTD: 067TR01 - TIMBER RIDGE 01  
VTD: 067TS01 - TEASLEY 01  
VTD: 067VG01 - VININGS 01  
VTD: 067VG02 - VININGS 02  
VTD: 067VG03 - VININGS 03  
VTD: 067VG04 - VININGS 04

District 003

Cobb County

VTD: 067AC1A - ACWORTH 1A

030103:

2023 2041 2051

030224:

1025

VTD: 067AC1B - ACWORTH 1B

030101:

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030103:

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030104:

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030107:

2014 2018

VTD: 067AC1C - ACWORTH 1C

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2009 2010 2011 2012

VTD: 067AD01 - ADDISON 01

VTD: 067BF01 - BELLS FERRY 01

VTD: 067BF02 - BELLS FERRY 02

VTD: 067BF03 - BELLS FERRY 03

VTD: 067BG01 - BIG SHANTY 01

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030228:

1007 1008

030229:

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 VTD: 067BG02 - BIG SHANTY 02  
 VTD: 067BK01 - BAKER 01  
 VTD: 067BW01 - BLACKWELL 01  
 VTD: 067CK01 - CHALKER 01  
 VTD: 067CK02 - CHALKER 02  
 VTD: 067CR01 - CHESTNUT RIDGE  
 VTD: 067DV01 - DAVIS 01  
 VTD: 067EC01 - EAST COBB 01  
 VTD: 067EL01 - ELIZABETH 01  
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 2011 2019 2021 2023 2036 2037 2038  
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 VTD: 067EL02 - ELIZABETH 02  
 VTD: 067EL03 - ELIZABETH 03  
 VTD: 067EL04 - ELIZABETH 04  
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 VTD: 067EP01 - EAST PIEDMONT 01  
 VTD: 067GM01 - GARRISON MILL 01  
 VTD: 067GT01 - GRITTERS 01  
 VTD: 067HT01 - HIGHTOWER 01  
 VTD: 067KE1A - KENNESAW 1A  
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 VTD: 067KE2B - KENNESAW 2B  
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 VTD: 067KE4A - KENNESAW 4A  
 VTD: 067KE5A - KENNESAW 5A  
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 VTD: 067KE5B - KENNESAW 5B  
 VTD: 067KL01 - KELL 01  
 VTD: 067KY01 - KEHELEY 01  
 VTD: 067LA01 - LASSITER 01  
 VTD: 067MB01 - MABRY 01  
 VTD: 067MK01 - MCCLESKEY 01  
 VTD: 067MR4B - MARIETTA 4B  
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VTD: 067MR6C - MARIETTA 6C  
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VTD: 067PM02 - PINE MOUNTAIN 02  
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VTD: 067PO01 - POST OAK 01  
VTD: 067PP01 - POPE 01  
VTD: 067PR01 - PALMER 01  
VTD: 067PT01 - PITNER 01  
VTD: 067RM01 - ROCKY MOUNT 01  
VTD: 067RM02 - ROCKY MOUNT 02  
VTD: 067RW01 - ROSWELL 01  
VTD: 067SA01 - SANDY PLAINS 01  
VTD: 067SF01 - SHALLOWFORD FALLS  
VTD: 067SI01 - SIMPSON 01  
VTD: 067SY01 - SPRAYBERRY 01  
VTD: 067TT01 - TRITT 01  
VTD: 067WG01 - WADE GREEN 01  
VTD: 067WG02 - WADE GREEN 02  
VTD: 067WL01 - WILLEO 01

District 004

Cobb County

VTD: 067AU1A - AUSTELL 1A  
VTD: 067BR01 - BIRNEY 01  
VTD: 067BR02 - BIRNEY 02  
VTD: 067BT01 - BRYANT 01  
VTD: 067BT02 - BRYANT 02  
VTD: 067CA01 - CHATTAHOOCHEE 01  
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VTD: 067CL02 - CLARKDALE 02  
VTD: 067CO01 - COOPER 01  
VTD: 067DI01 - DOBBINS 01  
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 VTD: 067FO04 - FAIR OAKS 04  
 VTD: 067FO05 - FAIR OAKS 05  
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 VTD: 067MA01 - MABLETON 01  
 VTD: 067MA02 - MABLETON 02  
 VTD: 067MA03 - MABLETON 03  
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 VTD: 067MC02 - MACLAND 02  
 VTD: 067ME01 - MCEACHERN 01  
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 VTD: 067NP02 - NORTON PARK 02  
 VTD: 067OR02 - OREGON 02  
 VTD: 067OR04 - OREGON 04  
 VTD: 067OR06 - OREGON 06  
 VTD: 067PE01 - PEBBLEBROOK 01  
 VTD: 067PE02 - PEBBLEBROOK 02  
 VTD: 067PS1A - POWDER SPRINGS 1A  
 VTD: 067PS2A - POWDER SPRINGS 2A  
 VTD: 067PS3A - POWDER SPRINGS 3A  
 VTD: 067RS01 - RIVERSIDE 01  
 VTD: 067SN2B - SMYRNA 2B  
 VTD: 067SN3A - SMYRNA 3A  
 VTD: 067SN5A - SMYRNA 5A  
 VTD: 067SW01 - SWEETWATER 01  
 VTD: 067SW02 - SWEETWATER 02  
 VTD: 067SW04 - SWEETWATER 04  
 VTD: 067SW05 - SWEETWATER 05