

Senate Bill 354

By: Senator Williams of the 19th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act creating the Board of Commissioners of Toombs County, approved
2 February 13, 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved
3 March 23, 1977 (Ga. L. 1977, p. 3927), and an Act approved April 28, 2006 (Ga. L. 2006,
4 p. 3808), so as to reconstitute the board of commissioners; to change the description of the
5 commissioner districts; to provide for definitions and inclusions; to provide for continuation
6 in office of current members; to provide for election and terms of office of subsequent
7 members; to provide for submission of this Act for preclearance under the federal Voting
8 Rights Act of 1965, as amended; to provide for related matters; to provide an effective date;
9 to repeal conflicting laws; and for other purposes.

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

11 **SECTION 1.**

12 An Act creating the Board of Commissioners of Toombs County, approved February 13,
13 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved March 23, 1977
14 (Ga. L. 1977, p. 3927), and an Act approved April 28, 2006 (Ga. L. 2006, p. 3808), is
15 amended by striking Sections 1 through 3(A) and inserting in lieu thereof the following:

16 **"SECTION 1.**

17 The Board of Commissioners of Toombs County which existed on December 31, 2011, is
18 continued in existence but on and after the effective date of this Act shall be constituted as
19 provided in this Act. The Board of Commissioners of Toombs County so continued and
20 constituted, sometimes referred to in this Act as the 'board,' shall continue to have the
21 powers, duties, rights, obligations, and liabilities of that board as existed immediately prior
22 to the effective date of this Act.

SECTION 2.

(a) Those members of the Board of Commissioners of Toombs County who are serving as such on December 31, 2011, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after the effective date of this Act, the Board of Commissioners of Toombs County shall consist of four members who shall be elected from commissioner districts described in subsection (b) of this section and a chairperson who is elected at large as provided in subsection (c) of Section 3 of this Act.

(b) For purposes of electing members of the board of commissioners other than the chairperson, Toombs County is divided into four commissioner districts. One member of the board shall be elected from each such district. The four commissioner districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as 'Plan Name: toombscc-2012 Plan Type: Local Administrator: Toombs User: bak'.

(c) When used in such attachment, the term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a 'VTD' heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

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

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

SECTION 3.

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

(b) In order to be elected or appointed as a member of the board from a commissioner district, a person must have that person's legal residence in that district at the time of qualifying for election or at the time of appointment and, if elected, must receive the number of votes cast as required by general law for that office in that district only and not at large. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.

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

SECTION 3A.

(a) The members of the reconstituted Board of Commissioners of Toombs County shall be elected as provided in this subsection. The first members from Commissioner Districts 1 and 4 shall be elected at the general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from Commissioner Districts 1 and 4 in 2014 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors. The first members from Commissioner Districts 2 and 3 and the at-large district shall be elected at the general election on the Tuesday next following the first Monday in November, 2012. Those members of the board elected thereto from Commissioner Districts 2 and 3 and the at-large district in 2012 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2016, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board

shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

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

(c) Commissioner Districts 1, 2, 3, and 4, as they existed on December 31, 2011, shall continue to be designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as newly described under this Act, and on and after the effective date of this Act, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act."

SECTION 2.

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

SECTION 3.

This Act shall become effective on July 1, 2012.

SECTION 4.

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

112 Plan: toombscc-2012
 113 Plan Type: Local
 114 Administrator: Toombs
 115 User: bak

 116 District 001
 117 Toombs County
 118 VTD: 27915361 - 15361 LYONS
 119 1077 1078 1079 1080 1081 1082 1083 1084 1085 3002 3003 3004
 120 3005 3006 3007 3008 3009 3010 3011 3019 3020 3021 3022 3031
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 128 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1023 1024
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 130 2001 2002 2003 2004 2005 2006 2007 2008 2009 2018 2019 2020
 131 2021 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033
 132 2034 2056
 133 VTD: 27915362 - 15362 SANTA CLAUS
 134 3051 3057 3058
 135 4000 4002
 136 2010 2011 2012 2016
 137 VTD: 279511 - 511 OLD HEALTH
 138 1042 1043 1044 1045 1066 1067 1068 1071 1072 1073 1074 1075
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 153 VTD: 279512 - 512 S.T.I.
 154 3012 3013 3014 3015 3016 3052 3053 3054 3055 3056 5053 5054
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 158 2013 2017
 159 VTD: 279514 - 514 S.T.I.A.L.C
 160 1018 1026 1027 1028 1029 1030 1031 1033 1038 1039 1040 1041
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 163 District 002
 164 Toombs County
 165 VTD: 279511 - 511 OLD HEALTH
 166 1002 1005 1006 1007 1013 1014 1025 1056 1057 1058
 167 VTD: 279512 - 512 S.T.I.
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 175 4040 4041 4042 4043 4044 4045 4046 4048 4049 4050 4060 4075
 176 4077
 177 VTD: 279513 - 513 V.P.D.
 178 VTD: 279514 - 514 S.T.I.A.L.C
 179 1016 1017 1034 1035 1036 1037 1045 1046 1047 1048 1049 1050
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 186 3069 3070 3071 4013 4014 4015 4019 4020 4021 4025 4026 4038
 187 4039 4047

 188 District 003
 189 Toombs County
 190 VTD: 2791192 - 1192 BLUE RIDGE
 191 VTD: 27915361 - 15361 LYONS
 192 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028
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 201 VTD: 27915362 - 15362 SANTA CLAUS
 202 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1073
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 204 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2044 3000
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 208 2015 2016 2017
 209 1032 1033 1034 1035 1036
 210 VTD: 2791715 - 1715 NORMANTOWN
 211 VTD: 2791770 - 1770 OHOOPEE
 212 VTD: 27939 - 39 NEWBRANCH
 213 VTD: 279511 - 511 OLD HEALTH
 214 1037 1038 1039 1040 1041 1046 1047 1048 1063 1064 1065 1069
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 216 1000 1001 1003 1004 1008 1009 1010 1011 1012 1015 1019 1020
 217 1021 1022 1023 1024 1032 1077

- 218 District 004
- 219 Toombs County
- 220 VTD: 2791403 - 1403 MARVIN
- 221 VTD: 2791521 - 1521 HARDEN
- 222 VTD: 27915362 - 15362 SANTA CLAUS
- 223 4024
- 224 4005 4068 4069 4070 4071 4073 4074
- 225 2014 2015 2022 2035 2036 2037 2038 2039 2040 2041 2042 2043
- 226 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055
- 227 2057 2058 2059 2060 2061 2062 2065 2066 2067 2068 2069 2070
- 228 2071 2072 2073 2075 2076 2077 2078 3001 3002 3003 3004 3012
- 229 VTD: 2791823 - 1823 CENTER
- 230 VTD: 27943 - 43 CEDAR CROSSING
- 231 VTD: 279512 - 512 S.T.I.
- 232 4003
- 233 VTD: 279514 - 514 S.T.I.A.L.C
- 234 3042 3046 5022 5023 5024