

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 905:

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:

SECTION 1.

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

"SECTION 1.

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

SECTION 2.

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

25 terms of office and upon the election and qualification of their respective successors. On
 26 and after January 1, 2013, the Board of Commissioners of Cobb County shall consist of
 27 five members who shall be elected from commissioner districts described in subsection (b)
 28 of 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 described in and attached to and made a part
 33 of this Act and further identified as 'Plan: cobbcc-sd021-p1-2012 Plan Type: Local
 34 Administrator: cobbcc User: bak'.

35 (c)(1) For the purposes of such plan:

36 (A) The term 'VTD' shall mean and describe the same geographical boundaries as
 37 provided in the report of the Bureau of the Census for the United States decennial
 38 census of 2010 for the State of Georgia. The separate numeric designations in a district
 39 description which are underneath a VTD heading shall mean and describe individual
 40 Blocks within a VTD as provided in the report of the Bureau of the Census for the
 41 United States decennial census of 2010 for the State of Georgia; and

42 (B) Except as otherwise provided in the description of any district, whenever the
 43 description of any district refers to a named city, it shall mean the geographical
 44 boundaries of that city as shown on the census maps for the United States decennial
 45 census of 2010 for the State of Georgia.

46 (2) Any part of Cobb County which is not included in any district described in
 47 subsection (b) of this section shall be included within that district contiguous to such part
 48 which contains the least population according to the United States decennial census of
 49 2010 for the State of Georgia.

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

55 SECTION 3.

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

59 (b) In order to be elected as a member of the board from a commissioner district, a person
 60 must receive the number of votes cast as required by general law for that office in that

61 district only. Only electors who are residents of that commissioner district may vote for
 62 a member of the board for that district. At the time of qualifying for election as a member
 63 of the board from a commissioner district, each candidate for such office shall specify the
 64 commissioner district for which that person is a candidate. A person elected or appointed
 65 as a member of the board from a commissioner district must continue to reside in that
 66 district during that person's term of office or that office shall become vacant.

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

71 SECTION 4.

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

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

93 (c) Commissioner Districts 1 through 4, as they exist immediately prior to January 1, 2013,
 94 shall continue to be designated as Commissioner Districts 1 through 4, respectively, but as
 95 newly described under this Act, and on and after January 1, 2013, members of the board

96 serving from those former commissioner districts shall be deemed to be serving from and
97 representing their respective districts as newly described under this section."

98 **SECTION 2.**

99 The Board of Commissioners of Cobb 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 not later than 45 days after the date on which this Act is approved by the Governor or
102 otherwise becomes law without such approval.

103 **SECTION 3.**

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

108 **SECTION 4.**

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