

House Bill 16EX

By: Representatives Hamilton of the 23<sup>rd</sup>, Dudgeon of the 24<sup>th</sup>, and Amerson of the 9<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a board of commissioners of Forsyth County, approved June 30,  
2 1964 (Ga. L. 1964, Ex. Sess., p. 2225), as amended, particularly by an Act approved  
3 April 25, 2002 (Ga. L. 2002, p. 4924), and by an Act approved March 26, 2009 (Ga. L. 2009,  
4 p. 3504), so as to revise the districts for the election of members of the board of  
5 commissioners; to provide for definitions and inclusions; to provide for method of election;  
6 to provide for submission of this Act for preclearance pursuant to Section 5 of the federal  
7 Voting Rights Act of 1965, as amended; to provide for related matters; to provide for  
8 effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating a board of commissioners of Forsyth County, approved June 30, 1964  
12 (Ga. L. 1964, Ex. Sess., p. 2225), as amended, particularly by an Act approved April 25,  
13 2002 (Ga. L. 2002, p. 4924), and by an Act approved March 26, 2009 (Ga. L. 2009, p. 3504),  
14 is amended by striking Section 2 and inserting in lieu thereof a new Section 2 to read as  
15 follows:

16 "SECTION 2.

17 (a) The board of commissioners of Forsyth County shall consist of five members. For the  
18 purpose electing such members, Forsyth County shall be divided into five commissioner  
19 districts. The districts shall be and correspond to those five numbered districts described  
20 in and attached to and made a part of this Act and further identified as 'Plan  
21 Name: forsythccsb-2011 Plan Type: Local User: bak'.

22 (b)(1) For the purposes of such plan:

23 (A) The term 'VTD' shall mean and describe the same geographical boundaries as  
24 provided in the report of the Bureau of the Census for the United States decennial  
25 census of 2010 for the State of Georgia. The separate numeric designations in a district  
26 description which are underneath a 'VTD' heading shall mean and describe individual

27 Blocks within a VTD as provided in the report of the Bureau of the Census for the  
28 United States decennial census of 2010 for the State of Georgia; and

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

33 (2) Any part of Forsyth County which is not included in any district described in  
34 subsection (b) of this section shall be included within that district contiguous to such part  
35 which contains the least population according to the United States decennial census of  
36 2010 for the State of Georgia.

37 (3) Any part of Forsyth County which is described in subsection (b) of this section as  
38 being included in a particular district shall nevertheless not be included within such  
39 district if such part is not contiguous to such district. Such noncontiguous part shall  
40 instead be included within that district contiguous to such part which contains the least  
41 population according to the United States decennial census of 2010 for the State of  
42 Georgia.

43 (c) There shall be one member of the board from each commissioner district. A  
44 commissioner must reside in the commissioner district such person represents. A candidate  
45 shall designate the district from which such candidate offers for election. Beginning with  
46 the general election in 2010 and continuing in subsequent elections, members of the board  
47 shall be elected by the electors of their respective districts and not by the electors of the  
48 entire county. The election of members of the board shall be conducted in accordance with  
49 the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

50 (d) The members of the board who were elected at the general election in November 2008  
51 shall continue in office for the terms to which they were elected and until successors are  
52 elected and qualified as provided in this Act. The members of the board who were elected  
53 at the general election in November 2010 shall continue in office for the terms to which  
54 they were elected and until successors are elected and qualified as provided in this Act.

55 (e) The first members of the reconstituted board of commissioners of Forsyth County from  
56 Commissioner Districts 1 and 3 shall be elected at the general election in November 2014.  
57 Such members shall take office on January 1 following their election for terms of four  
58 years and until their successors are elected and qualified.

59 (f) The first members of the reconstituted board of commissioners of Forsyth County from  
60 Commissioner Districts 2, 4, and 5 shall be elected at the general election in November  
61 2012. Such members shall take office on January 1 following their election for terms of  
62 four years and until their successors are elected and qualified.

63 (g) Successors to members elected under subsections (e) and (f) of this section shall be  
64 elected at the November general election next preceding the expiration of such terms of  
65 office and shall take office on January 1 following their election for terms of four years and  
66 until their successors are elected and qualified.

67 (h) Commissioner Districts 1, 2, 3, 4, and 5 as they existed on January 1, 2011, shall  
68 continue to be designated as Commissioner Districts 1, 2, 3, 4, and 5, respectively, but as  
69 newly described under this Act, and, on and after the effective date of this Act, such  
70 members of the board serving from those former commissioner districts shall be deemed  
71 to be serving from and representing their respective districts as newly described under this  
72 section."

73

#### **SECTION 2.**

74 It is the purpose of this Act to reapportion the districts from which members of the board of  
75 commissioners of Forsyth County are to be elected in the November, 2012, general election  
76 and in subsequent general elections, and this Act results from changes in population based  
77 on the United States decennial census of 2010. It is not the intention of the General  
78 Assembly to affect the membership of current members of the board, their terms of office,  
79 or the manner in which their successors shall be elected, and such matters shall remain as  
80 provided by law on the effective date of this Act until otherwise amended by law, except to  
81 the extent of reapportioning the districts represented by such members.

82

#### **SECTION 3.**

83 The board of commissioners of Forsyth County shall through its legal counsel cause this Act  
84 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended,  
85 no later than 45 days after the date on which this Act is approved by the Governor or  
86 otherwise becomes law without such approval.

87

#### **SECTION 4.**

88 The provisions of this Act relating to and necessary for the regular election in 2012 of  
89 members of the board of commissioners of Forsyth County shall become effective upon its  
90 approval by the Governor or upon its becoming effective without such approval; and this Act  
91 shall otherwise become effective January 1, 2013.

92

#### **SECTION 5.**

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