

House Bill 38EX

By: Representatives Fullerton of the 151st and Rynders of the 152nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners of Dougherty County, approved March
2 4, 1941 (Ga. L. 1941, p. 834), as amended, so as to reconstitute the board of commissioners;
3 to change the description of the commission districts; to provide for definitions and
4 inclusions; to provide for continuation in office of certain current board members; to provide
5 for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as
6 amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating a board of commissioners of Dougherty County, approved March 4, 1941
10 (Ga. L. 1941, p. 834), as amended, is amended by deleting subsection (c) of Section 1 and
11 inserting in lieu thereof the following:

12 "(c) For purposes of electing members of the board of commissioners, other than the
13 chairperson, Dougherty County is divided into six commission districts. One member of
14 the board shall be elected from each such district. The six commission districts shall be
15 and correspond to those six numbered districts established pursuant to the final order
16 entered on April 23, 2004, in *Knighon v. Dougherty County*, Case Number
17 1:02-CV-130-2(WLS), United States District Court for the Middle District of Georgia, but
18 as modified by the descriptions in and attached to and made a part of this Act and further
19 identified as: 'Plan:doughertyccsb-2011 Plan Type: Local User: admin'.

20 (d)(1) When used in such attachment, the term 'VTD' (voting tabulation district) shall
21 mean and describe the same geographical boundaries as provided in the report of the
22 Bureau of the Census for the United States decennial census of 2010 for the State of
23 Georgia.

24 (2) The separate numeric designations in a district description which are underneath a
25 VTD heading shall mean and describe individual Blocks within a VTD as provided in the
26 report of the Bureau of the Census for the United States decennial census of 2010 for the

27 State of Georgia. Any part of Dougherty County which is not included in any such
28 district described in that attachment shall be included within that district contiguous to
29 such part which contains the least population according to the United States decennial
30 census of 2010 for the State of Georgia.

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

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

40 **SECTION 2.**

41 The Board of Commissioners of Dougherty County which existed on December 31, 2012,
42 is continued in existence but on and after January 1, 2013, shall be constituted as provided
43 in this Act. The Board of Commissioners of Dougherty County so continued and constituted,
44 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,
45 rights, obligations, and liabilities of that board as existed immediately prior to January 1,
46 2013.

47 **SECTION 3.**

48 It shall be the duty of the governing authority of Dougherty County to require the attorney
49 therefor to submit this Act for approval pursuant to Section 5 of the federal Voting Rights
50 Act of 1965, as amended. If, as of the first date upon which candidates may begin qualifying
51 for the general primary in 2012, implementation of this Act is not permissible under the
52 federal Voting Rights Act of 1965, as amended, then as of such date this Act shall be void
53 and stand repealed in its entirety.

54 **SECTION 4.**

55 The provisions of this section and Section 3 of this Act relating to and necessary for the
56 regular election in 2012 of members of the Board of Commissioners of Dougherty County
57 shall become effective upon its approval by the Governor or upon its becoming effective
58 without such approval; and this Act shall otherwise become effective January 1, 2013.

59

SECTION 5.

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