

House Bill 44EX

By: Representatives Davis of the 109th, Yates of the 73rd, Welch of the 110th, and Mosby of the 90th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for a new Board of Commissioners of Henry County, approved
2 March 28, 1974 (Ga. L. 1974, p. 3680), as amended, so as to reconstitute the board of
3 commissioners; to change the description of the commissioner districts; to provide for
4 definitions and inclusions; to provide for continuation in office of current members; to
5 provide for submission of this Act for approval under the federal Voting Rights Act of 1965,
6 as amended; to provide for 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 providing for a new Board of Commissioners of Henry County, approved March 28,
10 1974 (Ga. L. 1974, p. 3680), as amended, is amended by revising subsections (b) and (c) of
11 Section 2 as follows:

12 "(b) For purposes of electing members of the board of commissioners, other than the
13 chairperson, Henry County is divided into five commissioner districts. One member of the
14 board shall be elected from each such district. The five commissioner districts shall be and
15 correspond to those five numbered districts described in and attached to and made a part
16 of this Act and further identified as 'Plan: henryccsb-2011 Plan Type: Local User: bak'.

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

21 (2) The separate numeric designations in a district description which are underneath a
22 VTD heading shall mean and describe individual Blocks within a VTD as provided in the
23 report of the Bureau of the Census for the United States decennial census of 2010 for the
24 State of Georgia. Any part of Henry County which is not included in any such district
25 described in that attachment shall be included within that district contiguous to such part

26 which contains the least population according to the United States decennial census of
27 2010 for the State of Georgia.

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

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

37 **SECTION 2.**

38 The Board of Commissioners of Henry County is continued in existence but shall be
39 constituted as provided in this Act. The Board of Commissioners of Henry County so
40 continued and constituted, sometimes referred to in this Act as the "board," shall continue
41 to have the powers, duties, rights, obligations, and liabilities of that board as existed
42 immediately prior to the effective date of this Act.

43 **SECTION 3.**

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

50 **SECTION 4.**

51 The provisions of this section and Section 3 of this Act relating to and necessary for the
52 regular election in 2012 of members of the Board of Commissioners of Henry County shall
53 become effective upon its approval by the Governor or upon its becoming effective without
54 such approval; and this Act shall otherwise become effective upon approval as required by
55 the federal Voting Rights Act of 1965, as amended.

56 **SECTION 5.**

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