

House Bill 2EX2

By: Representatives Skipper of the 137th and Hanner of the 159th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Board of Commissioners of Lee County, approved August 6,
2 1921 (Ga. L. 1921, p. 517), as amended, so as to reconstitute the Board of Commissioners;
3 to change the description of the commissioner districts; to provide for definitions and
4 inclusions; to provide for continuation in office of current members; to provide for election
5 and terms of office of subsequent members; to provide for submission of this Act for
6 approval under the federal Voting Rights Act of 1965, as amended; to provide an effective
7 date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act creating the Board of Commissioners of Lee County, approved August 6, 1921 (Ga.
11 L. 1921, p. 517), as amended, is amended by striking subsections (a) through (e) of Section
12 2 and inserting in their place new subsections (a) through (e) to read as follows:

13 "(a)(1) The Board of Commissioners of Lee County which existed on December 31,
14 2001, is continued in existence but on and after January 1, 2002, shall be constituted as
15 provided in this Act. The Board of Commissioners of Lee County so continued and
16 constituted, sometimes referred to in this Act as the 'board,' shall continue to have the
17 powers, duties, rights, obligations, and liabilities of that board as existed immediately
18 prior to January 1, 2002.

19 (2) Those members of the Board of Commissioners of Lee County who are serving as
20 such on December 31, 2001, and any person selected to fill a vacancy in any such office
21 shall continue to serve as such members until the regular expiration of their terms of
22 office, and upon the election and qualification of their respective successors. On and
23 after January 1, 2002, the Board of Commissioners of Lee County shall consist of five
24 members all of whom shall be elected from commissioner districts described in
25 subsection (b) of this section.

(b) For purposes of electing members of the board of commissioners, Lee County is divided into five commissioner districts. One member of the board shall be elected from each such district. The five commissioner districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: leewk5 Plan Type: Local User: Angela Administrator: Lee.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) 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 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Lee County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Lee County which is described in that 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 2000 for the State of Georgia. 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 2000 for the State of Georgia.

(d)(1) 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.

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

(e)(1) The first members of the reconstituted Board of Commissioners of Lee County from Districts 1 and 3 shall be elected at the general election on the Tuesday next following the first Monday in November 2002. Those members of the board elected

1 thereto from Commissioner Districts 1 and 3 in 2002 shall take office the first day of
2 January immediately following that election and shall serve for initial terms of office
3 which expire December 31, 2006, and upon the election and qualification of their
4 respective successors. The first members of such board from Districts 2, 4, and 5 shall
5 be elected at the general election on the Tuesday next following the first Monday in
6 November 2004. Those members of the board elected thereto from Commissioner
7 Districts 2, 4, and 5 in 2004 shall take office the first day of January immediately
8 following that election and shall serve for initial terms of office which expire December
9 31, 2008, and upon the election and qualification of their respective successors. Those
10 and all future successors to members of the board whose terms of office are to expire
11 shall be elected at the time of the state-wide general election immediately preceding the
12 expiration of such terms, shall take office the first day of January immediately following
13 that election, and shall serve for terms of office of four years each. Members of the board
14 shall serve for the terms of office specified therefor in this subsection and until their
15 respective successors are elected and qualified.

16 (2) Commissioner Districts 1, 2, 3, 4, and 5 as they exist on December 31, 2001, shall
17 continue to be designated as Commissioner Districts 1, 2, 3, 4, and 5, respectively, but
18 as newly described under this Act, and on and after January 1, 2002, such members of the
19 board serving from those former commissioner districts shall be deemed to be serving
20 from and representing their respective districts as newly described under this section."

21 **SECTION 2.**

22 It shall be the duty of the attorney of the Board of Commissioners of Lee County to submit
23 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as
24 amended.

25 **SECTION 3.**

26 This Act shall become effective on January 1, 2002.

27 **SECTION 4.**

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