

House Bill 402 (AS PASSED HOUSE AND SENATE)

By: Representatives Barnard of the 121<sup>st</sup>, Post 1 and Oliver of the 121<sup>st</sup>, Post 2

A BILL TO BE ENTITLED  
AN ACT

To amend an Act creating a board of commissioners for Evans County, approved August 15, 1915 (Ga. L. 1915, p. 220), as amended, particularly by an Act approved April 5, 1995 (Ga. L. 1995, p. 4064), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act creating a board of commissioners for Evans County, approved August 15, 1915 (Ga. L. 1915, p. 220), as amended, particularly by an Act approved April 5, 1995 (Ga. L. 1995, p. 4064), is amended by striking Sections 2 and 3 and inserting in lieu thereof the following:

"SECTION 2

(a) For the purpose of electing the six members of the board from commissioner districts, Evans County shall be divided into six commissioner districts. One member of the board shall be elected from each such district. Those districts shall be and correspond to those six numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: evansp3 Plan Type: Local User: staff Administrator: Evans.

(b) 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 Evans 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 Evans 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 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.

### SECTION 3.

(a) The members of the board holding office on the effective date of this section and any persons selected to fill vacancies in such offices shall serve out the terms of office to which they were elected and until their successors are elected and qualified.

(b) The terms of office of the members elected from Commissioner Districts 2, 4, and 6 shall expire on the Sunday before the first Monday of January in 2005, and when their successors are elected and qualified. Their successors shall be elected in the general election in November, 2004, and shall take office on the first Monday in January, 2005.

(c) The terms of office of members elected from Commissioner Districts 1, 3, and 5 shall expire on the Sunday before the first Monday of January in 2007, and when their successors are elected and qualified. Their successors shall be elected in the general election in November, 2006, and shall take office on the first Monday in January, 2007.

(d) Successors to members elected under subsections (b) and (c) of this section shall be elected at the general election next preceding the expiration of such terms of office and shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

(e) Commissioner Districts 1, 2, 3, 4, 5, and 6 as they exist immediately prior to the effective date of this Act shall continue to be designated as Commissioner Districts 1, 2, 3, 4, 5, and 6, respectively, but as newly described under this Act, and, on and after the effective date of this Act, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this section."

**SECTION 2.**

The Board of Commissioners of Evans County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

**SECTION 3.**

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