

House Bill 1611 (AS PASSED HOUSE AND SENATE)

By: Representative Skipper of the 116th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the board of commissioners of Marion County, approved February
2 21, 1951 (Ga. L. 1951, p. 2880), 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 election and terms of office of subsequent members; to change certain provisions
6 regarding officers and quorum; to provide for submission of this Act for preclearance under
7 the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating the board of commissioners of Marion County, approved February 21, 1951
12 (Ga. L. 1951, p. 2880), as amended, is amended by striking Sections 1, 2, and 4 and inserting
13 in their place the following:

14 "SECTION 1.

15 The Board of Commissioners of Marion County which existed immediately prior to the
16 effective date of this Act, is continued in existence but on and after the effective date of this
17 Act, shall be constituted as provided in this Act. The Board of Commissioners of Marion
18 County so continued and constituted, sometimes referred to in this Act as the 'board,' shall
19 continue to have the powers, duties, rights, obligations, and liabilities of that board as
20 existed immediately prior to the effective date of this Act.

21 **SECTION 2.**

22 (a) On and after January 1, 2005, the Board of Commissioners of Marion County shall
23 consist of five members, four of whom shall be elected from commissioner districts

described in subsection (b) of this section except for the fifth member who is elected at large as provided in this section.

(b) For purposes of electing members of the board of commissioners, other than the at-large member, Marion County is divided into four commissioner districts. One member of the board shall be elected from each such district. The four commissioner districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: marionsb03cc04 Plan Type: Local User: staff Administrator: Marion.

(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 Marion 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 Marion 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.

SECTION 3.

(a) 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.

(b) In order to be elected or appointed as a member of the board from a commissioner district, a person must have that person's legal residence in that district and, if elected, must receive the number of votes cast as required by general law for that office in that district only and not at large. 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

1 specify the commissioner district for which that person is a candidate. A person elected
2 or appointed as a member of the board from a commissioner district must continue to reside
3 in that district during that person's term of office or that office shall become vacant.

4 (c) The at-large member of the board may reside anywhere within Marion County and, if
5 elected, must receive the number of votes cast for that office as required by general law in
6 the entire county. The at-large member must continue to reside within the county during
7 that person's term of office or that office shall become vacant.

8 SECTION 4.

9 (a) The members of the board serving in office on January 1, 2004, and any person
10 selected to fill a vacancy in any such office shall continue to serve until the expiration of
11 the terms for which they were elected and until their successors are elected and qualified.

12 (b)(1) Ronald Graham, the member of the board elected at the November, 2000, special
13 election, shall be designated to be serving from and representing Commissioner
14 District 1, but as newly described under this Act.

15 (2) Sandra Tyler, the member of the board elected at the November, 2002, general
16 election, shall be designated to be serving from and representing Commissioner
17 District 2, but as newly described under this Act.

18 (3) Myron Wells, the member of the board elected at the November, 2000, special
19 election, shall be designated to be serving from and representing Commissioner
20 District 3, but as newly described under this Act.

21 (c)(1) The members of the board representing Commissioner Districts 1 and 4 and the
22 at-large member shall be elected at the general election in 2004 and quadrennially
23 thereafter and shall take office on the first day of January immediately following their
24 election for terms of four years and until their successors are elected and qualified.

25 (2) The member of the board representing Commissioner District 2 shall be elected at
26 the general election in 2004 and quadrennially thereafter and shall take office on the first
27 day of January immediately following such member's election for a term of four years
28 and until such member's successor is elected and qualified.

29 (3) The first member from Commissioner District 3 shall be elected at the general
30 election on the Tuesday next following the first Monday in November, 2004. The
31 member of the board elected thereto from Commissioner District 3 in 2004 shall take
32 office the first day of January immediately following that election and shall serve for an
33 initial term of office which expires December 31, 2006, and upon the election and
34 qualification of such member's successor. All future successors to such member of the
35 board whose term of office is to expire shall be elected at the time of the state-wide
36 general election immediately preceding the expiration of such term, shall take office the

first day of January immediately following that election, and shall serve for a term of office of four years and until such member's successor is elected and qualified.

(d) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code'."

SECTION 2.

Said Act is further amended by striking Section 8 and inserting in its place a new Section 8 to read as follows:

"SECTION 8.

The board of commissioners shall hold a regular meeting on such day as they shall determine in each month at the courthouse in said county, but they may hold special meetings at any time and at any place in said county that their duties may require them. At such meetings the chairperson shall preside, if present, but in all cases three shall constitute a quorum to do business, and at the concurrence of any three commissioners shall decide all questions. The board at the first meeting each year shall elect one of their members as chairperson and one as vice chairperson."

SECTION 3.

Said Act is further amended by striking Section 10 and inserting in its place a new Section 10 to read as follows:

"Section 10.

Reserved."

SECTION 4.

The Board of Commissioners of Marion 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 5.

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