

House Bill 349

By: Representatives Alexander of the 66th, Baker of the 64th, and New of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Board of Commissioners of Douglas County, approved
2 February 15, 1952 (Ga. L. 1952, p. 2703), as amended, particularly by an Act approved
3 February 25, 1991 (Ga. L. 1991, p. 3501), so as to change provisions relating to filling of
4 vacancies on the board of commissioners; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the Board of Commissioners of Douglas County, approved February 15,
9 1952 (Ga. L. 1952, p. 2703), as amended, particularly by an Act approved February 25, 1991
10 (Ga. L. 1991, p. 3501), is amended by revising Section 6 as follows:

11 "SECTION 6.

12 Should a vacancy occur upon said board by resignation, removal, death, or otherwise,
13 except by recall as provided by state law, such vacancy shall be filled as follows:

14 (1) If the vacancy is a temporary vacancy:

15 (A) A temporary vacancy of the chairperson shall be filled by a majority vote of the
16 elected members of the board. All other temporary vacancies on the board shall be
17 filled by a majority vote of the elected members of the board after an application and
18 nomination process, as follows:

19 (i) The county clerk shall advertise on the county's public website and in the county
20 legal organ, once per week for a period of two weeks, the board's intention to fill the
21 vacancy, instructions for submitting an application to be nominated to fill the
22 vacancy, and deadlines for submitting such application. The county clerk shall
23 provide each elected member of the commission with a copy of each submitted
24 application;

25 (ii) At the next regular meeting or specially called meeting of the board after the
26 application deadline, the county clerk shall present the submitted applications to the
27 board and the board may accept additional nominations to fill the vacancy; and

28 (iii) At such meeting, a vote shall be taken by the elected members of the board to fill
29 the vacancy from the qualified applicants and nominees; and

30 (B) No person shall be elected pursuant to subparagraph (A) of this paragraph who:

31 (i) Does not meet the residency requirement for the vacant position as of the date of
32 submitting an application;

33 (ii) Has pending litigation against the county;

34 (iii) Has been convicted of a felony or has a pending indictment for a felony; or

35 (iv) Does not:

36 (I) Certify his or her political party or political body affiliation through his or her
37 respective political party or political body; or

38 (II) State in his or her application that he or she is unaffiliated with any political
39 party or political body.

40 (2) If the vacancy is a permanent vacancy:

41 (A) In the event that the unexpired term of the vacant position is six months or less, the
42 chief judge of the Superior Court of Douglas County shall appoint a successor to serve
43 for the remainder of such term; or

44 (B) In the event that the unexpired term of the vacant position is more than six months,
45 the vacancy shall be filled at the next available special election date. Such special
46 election shall be called and held in the manner prescribed by Chapter 2 of Title 21 of
47 the O.C.G.A., the 'Georgia Election Code.'

48 (3) No person shall be appointed or elected to fill a vacancy who does not meet the
49 qualifications necessary to qualify for election as a commissioner.

50 (4) Persons elected or appointed to fill a vacancy shall take the same oath of office and
51 receive the same compensation as elected commissioners."

52 **SECTION 2.**

53 This Act shall become effective upon its approval by the Governor or upon its becoming law
54 without such approval and shall apply to any vacancy occurring on or after the effective date
55 of this Act.

56 **SECTION 3.**

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