

House Bill 1042 (AS PASSED HOUSE AND SENATE)

By: Representative Kelley of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to create a Board of Commissioners of Roads and Revenues in and for the  
2 County of Polk, approved August 19, 1919 (Ga. L. 1919, p. 719), so as to change provisions  
3 relating to the filling of vacancies in the offices of members of the governing authority; to  
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act to create a Board of Commissioners of Roads and Revenues in and for the County  
8 of Polk, approved August 19, 1919 (Ga. L. 1919, p. 719), is amended by revising Section 5  
9 as follows:

10 "SECTION 5.

11 (a) Unless otherwise provided for by O.C.G.A. Section 36-5-21, should a vacancy from  
12 death, resignation, removal from the county district, or otherwise occur on the Board of  
13 Commissioners, the same shall be filled by the remaining members of the Board of  
14 Commissioners with a minimum of at least four affirmative votes in favor of any  
15 prospective candidate. The chairman of the Board of Commissioners shall be entitled to  
16 vote with regard to the appointment of such vacancies. In the event any single prospective  
17 candidate does not receive the minimum of four affirmative votes of the Board of  
18 Commissioners within a period of 60 days from the date of vacancy, the appointment shall  
19 be made by the grand jury of the Superior Court of Polk County pursuant to the procedure  
20 set forth in subsection (b) of this section.

21 (b) The chairman of the Polk County Board of Elections and Registration shall publish a  
22 notice of the vacancy once a week for four consecutive weeks in the legal organ of Polk  
23 County, and such notice shall advise potential candidates of the materials and qualifications  
24 required for any member of the public to offer for the filling of the vacant seat. All such  
25 information as required by the chairman of the Polk County Board of Elections and

26 Registration shall be sealed and transmitted by the chairman of the Polk County Board of  
27 Elections and Registration to the office of the clerk of the Superior Court of Polk County  
28 for consideration by the grand jury during its next convening session.

29 (c) Any person appointed to fill a vacant position as provided for by this section shall serve  
30 until the first day of January after the general election held next after the expiration of at  
31 least 30 days from the time such vacancy occurs, at which election a successor for the  
32 unexpired term shall be elected and said successor, either by appointment or election, shall  
33 be from the road district from which the vacancy occurs."

34 **SECTION 2.**

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