

Senate Bill 639

By: Senators Strickland of the 17th and Jones of the 10th

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide for a new Board of Commissioners of Henry County, approved  
2 March 28, 1974 (Ga. L. 1974, p. 3680), as amended, particularly by an Act approved  
3 March 8, 2021 (Ga. L. 2021, p. 3503), and an Act approved April 1, 2021 (Ga. L. 2021, p.  
4 3537), so as to revise provisions regarding temporary vacancies on the board of  
5 commissioners; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to provide for a new Board of Commissioners of Henry County, approved  
10 March 28, 1974 (Ga. L. 1974, p. 3680), as amended, particularly by an Act approved  
11 March 8, 2021 (Ga. L. 2021, p. 3503), and an Act approved April 1, 2021 (Ga. L. 2021, p.  
12 3537), is amended in Section 3 by revising paragraph (3) of subsection (c) as follows:

13 "(3)(A) The chief judge of the superior court of Henry County shall have the power to  
14 declare a temporary vacancy on the board created by:

- 15 (i) The ill health of a board member;
- 16 (ii) The suspension from office of a board member; or

17 (iii) A board member failing to attend one-third of the regular meetings of the board  
18 in a three-month period without being excused by the board; provided, however, that  
19 absences due to the following shall automatically be excused:

20 (I) A personal accident, emergency, illness, or injury; or

21 (II) An accident, emergency, illness, or injury of an immediate family member.

22 A board member unable to attend a meeting due to one or both of the circumstances  
23 provided in subdivision (I) or (II) of this division shall provide written, electronic, or  
24 telephonic notice to the county clerk before the beginning of the meeting, and the  
25 county clerk shall notify the remaining board members of the board member's  
26 excused absence.

27 (B) The length of such a temporary vacancy provided for in subparagraph (A) of this  
28 paragraph shall not exceed 90 days. In the event of a temporary vacancy, no later  
29 than 14 days after the declaration of the vacancy, a qualified interim successor from the  
30 district in which the vacancy occurred shall be appointed by the remaining members of  
31 the board. Such appointment shall be made from a list of nominees provided by the  
32 county executive committee of the political party of which the vacated board member  
33 was the candidate at the last general election in which the board seat was up for  
34 election.

35 (C) Prior to the chief judge of the superior court of Henry County declaring a  
36 temporary vacancy pursuant to division (iii) of subparagraph (A) of this paragraph, such  
37 judge shall hold an evidentiary hearing as to the facts surrounding the alleged vacancy,  
38 and the board member shall have notice of such hearing and the opportunity to present  
39 his or her own evidence.

40 (D) In the event that a temporary vacancy exceeds 90 days, a special election shall be  
41 held in the same manner as provided for in subparagraph (B) of paragraph (2) of this  
42 subsection. The person elected at such special election shall take office immediately  
43 upon the results of such election being certified by the election superintendent. All

44 persons so elected to fill a temporary vacancy shall serve until the vacancy of the  
45 incumbent board member ends or for the remainder of the unexpired term, whichever  
46 event occurs first."

47 **SECTION 2.**

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