

House Bill 1129

By: Representative Amerson of the 7th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing the method of election of the members of the Board of Education
2 of Gilmer County, approved April 10, 1971 (Ga. L. 1971, p. 3471), as amended, so as to
3 change the description of the education districts; to provide for definitions and inclusions;
4 to provide for continuation in office of current members; to provide for election and terms
5 of office of subsequent members; to provide for submission of this Act for approval under
6 the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act providing the method of election of the members of the Board of Education of
11 Gilmer County, approved April 10, 1971 (Ga. L. 1971, p. 3471), as amended, is amended by
12 striking Section 1 of said Act and inserting in its place the following:

13 "SECTION 1.

14 (a) The Board of Education of Gilmer county shall be composed of five members to be
15 elected as provided in this Act. For purposes of electing members of the board of
16 education, the Gilmer County School District is divided into five education districts. The
17 five education districts shall be and correspond to those five numbered districts described
18 in and attached to and made a part of this Act and further identified as Plan Name:
19 gilmersb1 Plan Type: Local User: staff Administrator: Gilmer Co.

20 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
21 and describe the same geographical boundaries as provided in the report of the Bureau of
22 the Census for the United States decennial census of 2000 for the State of Georgia. The
23 separate numeric designations in a Tract description which are underneath a 'BG' heading
24 shall mean and describe individual Blocks within a Block Group as provided in the report
25 of the Bureau of the Census for the United States decennial census of 2000 for the State of

1 Georgia. Any part of the Gilmer County School District which is not included in any such
 2 district described in that attachment shall be included within that district contiguous to such
 3 part which contains the least population according to the United States decennial census
 4 of 2000 for the State of Georgia. Any part of the Gilmer County School District which is
 5 described in that attachment as being in a particular district shall nevertheless not be
 6 included within such district if such part is not contiguous to such district. Such
 7 noncontiguous part shall instead be included within that district contiguous to such part
 8 which contains the least population according to the United States decennial census of 2000
 9 for the State of Georgia. Except as otherwise provided in the description of any education
 10 district, whenever the description of such district refers to a named city, it shall mean the
 11 geographical boundaries of that city as shown on the census map for the United States
 12 decennial census of 2000 for the State of Georgia.

13 (c) The board of education shall be composed of one member from each education district.
 14 Any person, in order to be eligible for membership on the board to represent an education
 15 district, must reside in the education district which he or she represents. Each member
 16 from an education district shall be elected and voted on by the voters of the entire Gilmer
 17 County School District."

18 SECTION 2.

19 Said Act is further amended by striking Section 2 of said Act and inserting in its place the
 20 following:

21 "SECTION 2.

22 (a) Those members of the Board of Education of Gilmer County who are serving as such
 23 on December 31, 2002, and any person selected to fill a vacancy in any such office shall
 24 continue to serve as such members until the regular expiration of their respective terms of
 25 office and upon the election and qualification of their respective successors. Education
 26 Districts 1, 2, 3, 4, and 5, as they exist on December 31, 2002, shall continue to be
 27 designated as Education Districts 1, 2, 3, 4, and 5, respectively, but as newly described
 28 under this Act, and on and after January 1, 2003, such members of the board serving from
 29 those former education districts shall be deemed to be serving from and representing their
 30 respective districts as newly described under this Act.

31 (b)(1) Successors to the members of the board of education from Education Districts 4
 32 and 5 whose terms expire December 31, 2002, shall be nominated in a nonpartisan
 33 primary and elected in a nonpartisan election to be held and conducted at the same times
 34 as the general primary and the general election in 2002. They shall take office on the first
 35 day of January immediately following their election for terms of four years and until their

1 successors are elected and qualified. Thereafter, future successors shall be elected at the
 2 nonpartisan primary and election held at the same times as the general primary and
 3 election immediately preceding the expiration of their terms of office and shall take office
 4 on the first day of January immediately following their election for terms of four years
 5 and until their successors are elected and qualified.

6 (2) Successors to the members of the board of education from Education Districts 1, 2,
 7 and 3 whose terms expire December 31, 2004, shall be nominated in a nonpartisan
 8 primary and elected in a nonpartisan election to be held and conducted at the same times
 9 as the general primary and the general election in 2004. They shall take office on the first
 10 day of January immediately following their election for terms of four years and until their
 11 successors are elected and qualified. Thereafter, future successors shall be elected at the
 12 nonpartisan primary and election held at the same times as the general primary and
 13 election immediately preceding the expiration of their terms of office and shall take office
 14 on the first day of January immediately following their election for terms of four years
 15 and until their successors are elected and qualified.

16 (c) Each member of the board of education shall be nominated and elected at nonpartisan
 17 primaries and elections as provided in Code Sections 21-2-139 and 21-2-284.1 and other
 18 applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the 'Georgia
 19 Election Code.'"

20 **SECTION 3.**

21 It shall be the duty of the attorney of the Board of Education of Gilmer County to submit this
 22 Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

23 **SECTION 4.**

24 This section and Section 3 of this Act and those provisions of this Act necessary for the
 25 election of members of the Board of Education of Gilmer County in 2002 shall become
 26 effective upon the approval of this Act by the Governor or upon its becoming law without
 27 such approval. The remaining provisions of this Act shall become effective January 1, 2003.

28 **SECTION 5.**

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