

House Bill 1194

By: Representatives Yates of the 106th and Sanders of the 107th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act entitled "Griffin-Spalding County School System," approved February 25,
2 1953 (Ga. L. 1953, Jan-Feb. Sess., p. 2563), as amended, particularly by an Act approved
3 April 9, 1993 (Ga. L. 1993, p. 5192), so as to revise the districts for the election of members
4 of the board of commissioners; to provide for definitions and inclusions; to provide for the
5 manner of election; to provide for qualifications; to provide for vacancies and the filling of
6 same; to repeal an Act continuing in force and effect as a part of the Constitution of the State
7 of Georgia that local constitutional amendment ratified at the general election on November
8 4, 1952 (Resolution Act No. 122, House Resolution No. 259-943a, Ga. L. 1952, p. 554), and
9 that local constitutional amendment ratified at the general election on November 2, 1982
10 (Resolution No. 185, House Resolution No. 826, Ga. L. 1982, p. 2680); to repeal that local
11 constitutional amendment ratified at the general election on November 4, 1952 (Resolution
12 Act No. 122, House Resolution No. 259-943a, Ga. L. 1952, p. 554), and that local
13 constitutional amendment ratified at the general election on November 2, 1982 (Resolution
14 No. 185, House Resolution No. 826, Ga. L. 1982, p. 2680); to provide for a referendum; to
15 provide for submission of this Act for preclearance pursuant to Section 5 of the federal
16 Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting
17 laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1A.**

20 An Act entitled "Griffin-Spalding County School System," approved February 25, 1953
21 (Ga. L. 1953, Jan-Feb. Sess., p. 2563), as amended, particularly by an Act approved April 9,
22 1993 (Ga. L. 1993, p. 5192), is amended by striking Sections 2, 3, 4, 5, 6, 6A, 7, and 8 and
23 inserting in lieu thereof new Sections 2, 3, 4, 5, 6, 7, and 8 to read as follows:

1 "SECTION 2.

2 The administration of the Griffin-Spalding County School System shall be vested in a board
3 to be known and designated as the 'Griffin-Spalding County Board of Education.' Said board
4 shall consist of five members, each of whom shall be a person of good moral character and
5 at least 25 years of age at the time of assuming office as a member of said board. Each of
6 the five education districts hereinafter created and described shall be represented by one
7 member of such board, who shall have been a resident of the district he or she represents for
8 at least six months prior to the date of his or her election or appointment to said board.

9 SECTION 3.

10 (a) For the purpose of electing members of the board from education districts, Spalding
11 County shall be divided into five education districts. One member of the board shall be
12 elected from each such district. Those districts shall be and correspond to those five
13 numbered districts described in and attached to and made a part of this Act and further
14 identified as Plan Name: spaldcc5 Plan Type: Local User: Linda Administrator: Spalding.

15 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
16 and describe the same geographical boundaries as provided in the report of the Bureau of
17 the Census for the United States decennial census of 2000 for the State of Georgia. The
18 separate numeric designations in a Tract description which are underneath a 'BG' heading
19 shall mean and describe individual Blocks within a Block Group as provided in the report
20 of the Bureau of the Census for the United States decennial census of 2000 for the State of
21 Georgia. Any part of Spalding County which is not included in any such district described
22 in that attachment shall be included within that district contiguous to such part which
23 contains the least population according to the United States decennial census of 2000 for
24 the State of Georgia. Any part of Spalding County which is described in that attachment
25 as being in a particular district shall nevertheless not be included within such district if such
26 part is not contiguous to such district. Such noncontiguous part shall instead be included
27 within that district contiguous to such part which contains the least population according
28 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise
29 provided in the description of any district, whenever the description of such district refers
30 to a named city, it shall mean the geographical boundaries of that city as shown on the
31 census map for the United States decennial census of 2000 for the State of Georgia.

32 SECTION 4.

33 The members of the board who are in office on January 1, 2002, and any person selected
34 to fill a vacancy on such board shall continue in office until December 31, 2002, and until

1 successors are elected and qualified as provided herein and at that time such members'
2 terms of office shall end.

3 SECTION 5.

4 The first members of the reconstituted Board of Education of Spalding County from
5 Education Districts 2 and 4 shall be elected in the general election in November 2002.
6 Such members shall take office on January 1 following their election for terms of two years
7 and until their successors are elected and qualified. The first members of the reconstituted
8 Board of Education of Spalding County from Education Districts 1, 3, and 5 shall be
9 elected in the general election in November 2002. Such members shall take office on
10 January 1 following their election for a term of four years and until their successors are
11 elected and qualified.

12 SECTION 6.

13 Successors to members elected under Sections 4 and 5 shall be elected at the general
14 election next preceding the expiration of such terms of office and shall take office on
15 January 1 following their election for terms of four years and until their successors are
16 elected and qualified.

17 SECTION 7.

18 All members of the board shall be nominated and elected in accordance with the provisions
19 of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter
20 amended.

21 SECTION 8.

22 The death or resignation of a member of the board, his or her physical or mental disability
23 to perform his or her duties, the removal of his or her residence from the district from
24 which he or she qualified, the failure of such member to attend any three consecutive
25 meetings of the board unexcused by a majority vote of the remaining members of the
26 board, or the occurrence of any one or more of such events shall be deemed to create a
27 vacancy on said board with respect to the office held by such member. Any such vacancy
28 on the board shall be filled by the majority vote of the remaining members at a regular
29 meeting or at any special meeting, duly called and held for that purpose, with the person
30 designated to fill such vacancy having been a resident for the six months next preceding
31 of the particular district with respect to which such vacancy occurred; provided, however,
32 that, if any vacancy shall occur more than two years and eight months before the term of
33 office of the member creating the vacancy shall expire, said board shall fill such vacancy

1 only for the period ending December 31 immediately following the next November general
 2 election in which members of the board are to be elected and a special election shall be
 3 held in conjunction with such November general election to elect a person to fill the
 4 remaining two years of such term of office. Any person filling a vacancy on the board
 5 shall serve for the period of time specified herein and until his or her successor is elected
 6 and qualified."

7 **SECTION 1B.**

8 An Act entitled "Griffin-Spalding County School System," approved February 25, 1953
 9 (Ga. L. 1953, Jan-Feb. Sess., p. 2563), as amended, particularly by an Act approved April 9,
 10 1993 (Ga. L. 1993, p. 5192), is amended by striking Sections 2, 3, 4, 5, 6, 6A, 7, and 8 and
 11 inserting in lieu thereof new Sections 2, 3, 4, 5, 6, 7, and 8 to read as follows:

12 "SECTION 2.

13 The administration of the Griffin-Spalding County School System shall be vested in a
 14 board to be known and designated as the 'Griffin-Spalding County Board of Education.'
 15 Said board shall consist of seven members, each of whom shall be a person of good moral
 16 character and at least 25 years of age at the time of assuming office as a member of said
 17 board. Each of the seven education districts hereinafter created and described shall be
 18 represented by one member of such board, who shall have been a resident of the district he
 19 or she represents for at least six months prior to the date of his or her election or
 20 appointment to said board.

21 SECTION 3.

22 (a) For the purpose of electing members of the board from education districts, Spalding
 23 County shall be divided into seven education districts. One member of the board shall be
 24 elected from each such district. Education Districts 1 through 5, respectively, shall be and
 25 correspond to those five numbered districts described in and attached to and made a part
 26 of this Act and further identified as Plan Name: spaldcc5 Plan Type: Local User: Linda
 27 Administrator: Spalding. Education Districts 6 and 7 shall be and correspond to those two
 28 districts numbered 001 and 002, respectively, described in and attached to and made a part
 29 of this Act and further identified as Plan Name: SPALDCCALTSBR Plan Type: Local
 30 User: Linda Administrator: Spalding.

31 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
 32 and describe the same geographical boundaries as provided in the report of the Bureau of
 33 the Census for the United States decennial census of 2000 for the State of Georgia. The
 34 separate numeric designations in a Tract description which are underneath a 'BG' heading

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

14 SECTION 4.

15 The members of the board who are in office on January 1, 2002, and any person selected
16 to fill a vacancy on such board shall continue in office until December 31, 2002, and until
17 successors are elected and qualified as provided herein and at that time such members'
18 terms of office shall end.

19 SECTION 5.

20 The first members of the reconstituted Board of Education of Spalding County from
21 Education Districts 2, 4, and 6 shall be elected in the general election in November 2002.
22 Such members shall take office on January 1 following their election for terms of two years
23 and until their successors are elected and qualified. The first members of the reconstituted
24 Board of Education of Spalding County from Education Districts 1, 3, 5, and 7 shall be
25 elected in the general election in November 2002. Such members shall take office on
26 January 1 following their election for a term of four years and until their successors are
27 elected and qualified.

28 SECTION 6.

29 Successors to members elected under Sections 4 and 5 shall be elected at the general
30 election next preceding the expiration of such terms of office and shall take office on
31 January 1 following their election for terms of four years and until their successors are
32 elected and qualified.

SECTION 7.

All members of the board shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

SECTION 8.

The death or resignation of a member of the board, his or her physical or mental disability to perform his or her duties, the removal of his or her residence from the district from which he or she qualified, the failure of such member to attend any three consecutive meetings of the board unexcused by a majority vote of the remaining members of the board, or the occurrence of any one or more of such events shall be deemed to create a vacancy on said board with respect to the office held by such member. Any such vacancy on the board shall be filled by the majority vote of the remaining members at a regular meeting or at any special meeting, duly called and held for that purpose, with the person designated to fill such vacancy having been a resident for the six months next preceding of the particular district with respect to which such vacancy occurred; provided, however, that, if any vacancy shall occur more than two years and eight months before the term of office of the member creating the vacancy shall expire, said board shall fill such vacancy only for the period ending December 31 immediately following the next November general election in which members of the board are to be elected and a special election shall be held in conjunction with such November general election to elect a person to fill the remaining two years of such term of office. Any person filling a vacancy on the board ---- shall serve for the period of time specified herein and until his or her successor is elected and qualified."

SECTION 2.

That Act continuing in force and effect as a part of the Constitution of the State of Georgia that local constitutional amendment ratified at the general election on November 4, 1952 (Resolution Act No. 122, House Resolution No. 259-943a, Ga. L. 1952, p. 554), and proclaimed by the Governor to be a part of the Constitution of the State of Georgia, relating to the creation of the Griffin-Spalding County School System, and that local constitutional amendment ratified at the general election on November 2, 1982 (Resolution No. 185, House Resolution No. 826, Ga. L. 1982, p. 2680), and proclaimed by the Governor to be a part of the Constitution of the State of Georgia, relating to the election of the members of the Griffin-Spalding County Board of Education, is repealed in its entirety.

SECTION 3.

1
2 That local constitutional amendment ratified at the general election on November 4, 1952
3 (Resolution Act No. 122, House Resolution No. 259-943a, Ga. L. 1952, p. 554), and
4 proclaimed by the Governor to be a part of the Constitution of the State of Georgia, relating
5 to the creation of the Griffin-Spalding County School System and which was continued on
6 and after July 1, 1987, as a part of the Constitution of the State of Georgia, is repealed in its
7 entirety.

SECTION 4.

8
9 That local constitutional amendment ratified at the general election on November 2, 1982
10 (Resolution No. 185, House Resolution No. 826, Ga. L. 1982, p. 2680), and proclaimed by
11 the Governor to be a part of the Constitution of the State of Georgia, relating to the election
12 of members of the Griffin-Spalding County Board of Education and which was continued
13 on and after July 1, 1987, as a part of the Constitution of the State of Georgia, is repealed in
14 its entirety.

SECTION 5.

15
16 This Act is passed pursuant to Article XI, Section I, Paragraph IV(b) of the Constitution of
17 the State of Georgia which authorizes the repeal of certain amendments to the Constitution
18 which were continued in force and effect after July 1, 1987.

SECTION 6.

19
20 It shall be the duty of the attorney of the Board of Education of Spalding County to submit
21 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as
22 amended.

SECTION 7.

23
24 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
25 superintendent shall call and conduct an election as provided in this section for the purpose
26 of submitting this Act to the electors of Spalding County for approval or rejection. The
27 election superintendent shall conduct this election on the first available special election date
28 authorized by Code Section 21-2-540 of the O.C.G.A. following the effective date of this
29 Act. The election superintendent shall issue the call and conduct the election as provided by
30 general law. The superintendent shall cause the date and purpose of the election to be
31 published once a week for two weeks immediately preceding the date of the election in the
32 official organ of Spalding County. The ballot shall have written or printed thereon the
33 words:

"QUESTION NO. 1

- 1
2 YES Shall the Griffin-Spalding County Board of Education be reduced from a
3 NO ten member board to a five or seven member board?

QUESTION NO. 2

4
5 If a majority of the votes cast on Question No. 1 are in favor of reducing the
6 number of members of the Griffin-Spalding County Board of Education, select
7 the type of board which you favor by placing a check (✓) mark or (X) in the
8 appropriate space below. Vote for only one of the options below:

OPTION 1

9
10 _____ A board of education composed of five members.

OPTION 2

11
12 _____ A board of education composed of seven members."

13 No voter shall vote for more than one of the options in Question No. 2. All persons desiring
14 to vote for approval of changing the composition of the Griffin-Spalding County Board of
15 Education to a five or seven member board shall vote "Yes" on Question No. 1 and those
16 persons desiring to vote against changing the composition of the Griffin-Spalding County
17 Board of Education to a five or seven member board shall vote "No" on Question No. 1. If
18 more than one-half of the votes cast on Question No. 1 are for approval of changing the
19 composition of the Griffin-Spalding County Board of Education to a five or seven member
20 board, then Section 1A or 1B and Sections 2, 3, 4, and 5 shall become effective as provided
21 in this section; otherwise, neither Section 1A or 1B nor Sections 2, 3, 4, and 5 shall become
22 effective and this Act shall be automatically repealed on the first day of January following
23 that election date. If more than one-half of the votes cast on Question No. 1 are for approval
24 of changing the composition of the Griffin-Spalding County Board of Education to a five or
25 seven member board and more than one-half of the votes cast on Question No. 2 are cast in
26 favor of Option 1 or there is a tie vote between Option 1 and Option 2, then Section 1A of
27 this Act shall become effective immediately for the sole purpose of conducting the elections
28 required by said section and for all purposes on January 1, 2003; Sections 2, 3, 4, and 5 of
29 this Act shall become effective on January 1, 2003; and Section 1B of this Act shall be
30 automatically repealed on January 1, 2003. If more than one-half of the votes cast on
31 Question No. 1 are for approval of changing the composition of the Griffin-Spalding County
32 Board of Education to a five or seven member board and more than one-half of the votes cast
33 on Question No. 2 are cast in favor of Option 2, then Section 1B of this Act shall become
34 effective immediately for the sole purpose of conducting the elections required by said
35 section and for all purposes on January 1, 2003; Sections 2, 3, 4, and 5 of this Act shall
36 become effective on January 1, 2003; and Section 1A of this Act shall be automatically

1 repealed on January 1, 2003. The expense of such election shall be borne by Spalding
2 County. It shall be the duty of the election superintendent to certify the results thereof to the
3 Secretary of State.

4 **SECTION 8.**

5 Except as otherwise provided in Section 7 of this Act, this Act shall become effective upon
6 its approval by the Governor or upon its becoming law without such approval.

7 **SECTION 9.**

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