

House Bill 1754

By: Representative Hanner of the 159th

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute the Board of Education of Marion County and provide for its powers, duties,
2 rights, obligations, and liabilities; to continue in office current members of such board; to
3 provide for new education districts; to define certain terms; to provide for the election of
4 members; to provide for the filling of vacancies; to provide for the selection of a chairperson;
5 to provide for compensation; to provide for related matters; to provide for submission of this
6 Act under the federal Voting Rights Act; to provide for an effective date and for
7 applicability; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 The Board of Education of Marion County which existed on June 30, 2002, is continued in
11 existence, but on and after July 1, 2002, such board shall be constituted as provided in this
12 Act. The Board of Education of Marion County so continued and constituted, sometimes
13 referred to in this Act as the "board," shall continue to have the powers, duties, rights,
14 obligations, and liabilities of that Board of Education of Marion County as existed on June
15 30, 2002.

16 **SECTION 2.**

17 (a) Those members of the Board of Education of Marion County who are serving on June 30,
18 2002, and any person selected to fill a vacancy in any such offices shall continue to serve as
19 such members for the remainder of their terms and until their successors are duly elected and
20 qualified.

21 (b) For the purpose of electing the members of the Board of Education of Marion County,
22 the Marion County School District shall be divided into five education districts. The five
23 education districts shall be and correspond to those five numbered districts described in and
24 attached to and made a part of this Act and further identified as Plan Name: marionsbwk3
25 Plan Type: Local User: staff Administrator: Marion.

1 (c) When used in such attachment, the terms "Tract" and "BG" (Block Group) shall mean and
 2 describe the same geographical boundaries as provided in the report of the Bureau of the
 3 Census for the United States decennial census of 2000 for the State of Georgia. The separate
 4 numeric designations in a Tract description which are underneath a "BG" heading shall mean
 5 and describe individual Blocks within a Block Group as provided in the report of the Bureau
 6 of the Census for the United States decennial census of 2000 for the State of Georgia. Any
 7 part of the Marion County School District which is not included in any such district
 8 described in that attachment shall be included within that district contiguous to such part
 9 which contains the least population according to the United States decennial census of 2000
 10 for the State of Georgia. Any part of the Marion County School District which is described
 11 in that attachment as being in a particular district shall nevertheless not be included within
 12 such district if such part is not contiguous to such district. Such noncontiguous part shall
 13 instead be included within that district contiguous to such part which contains the least
 14 population according to the United States decennial census of 2000 for the State of Georgia.
 15 Except as otherwise provided in the description of any education district, if the description
 16 of such district refers to a named city, it shall mean the geographical boundaries of that city
 17 as shown on the census map for the United States decennial census of 2000 for the State of
 18 Georgia.

19

SECTION 3.

20 (a) No person shall be a member of the board if that person is ineligible for such office
 21 pursuant to Code Section 20-2-51 or 45-2-1 of the O.C.G.A. or any other general law.

22 (b) In order to be elected as a member of the board from an education district, a person must
 23 have resided in that district for at least 12 months prior to election thereto and must receive
 24 a majority of the votes cast for that office in that district only and not at large. Only electors
 25 who are residents of that education district may vote for a member of the board for that
 26 district. At the time of qualifying for election as a member of the board from an education
 27 district, each candidate for such office shall specify the education district for which that
 28 person is a candidate. A person elected as a member of the board from an education district
 29 must continue to reside in that district during that person's term of office or that office shall
 30 thereupon become vacant.

31

SECTION 4.

32 (a) The members of the board of education elected for Education Districts 1 and 5 shall be
 33 elected during the regularly scheduled general election which shall be conducted on the
 34 Tuesday next following the first Monday in November, 2002, shall take office the first day
 35 of January immediately following the election, and shall serve for four-year terms of office.

1 Those members of the board elected from Education Districts 2, 3, and 4 shall be elected
2 during the regularly scheduled general election conducted on the Tuesday next following the
3 first Monday in November, 2004, and shall serve for four-year terms of office. These and
4 all future successors to members of the board whose terms of office are to expire shall be
5 elected at the state-wide general election immediately preceding the expiration of such terms,
6 shall take office the first day of January immediately following the election, and shall serve
7 for terms of office of four years each and until their respective successors are elected and
8 qualified.

9 (b) All members of the board who are elected thereto shall be nominated and elected in
10 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," in
11 nonpartisan primaries and elections as provided in Code Section 21-2-139 of the O.C.G.A.

12 **SECTION 5.**

13 In the event of a vacancy occurring in the membership of the board for any reason other than
14 expiration of term, that vacancy shall be filled as provided in Code Section 20-2-54.1 of the
15 O.C.G.A.

16 **SECTION 6.**

17 Members of the Board of Education of Marion County shall be compensated in the amount
18 of \$100.00 for each day of attendance at meetings of the board and while meeting and
19 traveling within or outside the state as an agent of the board or as a member of a committee
20 of the board on official business first authorized by a majority of the board, plus
21 reimbursement for actual expenses necessarily incurred in connection therewith.

22 **SECTION 7.**

23 At its regularly scheduled meetings in December of each year, the members of the board of
24 education shall elect, by a majority vote, one of their number to serve as chairperson for the
25 following year and until the election of a chairperson in the subsequent year. A member
26 shall be eligible to succeed himself or herself as a member of the board and also as
27 chairperson of the board.

28 **SECTION 8.**

29 It shall be the duty of the attorney of the Board of Education of Marion County to submit
30 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as
31 amended.

