

House Bill 1764

By: Representative McCall of the 90th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the election of members of the Board of Education of Lincoln
2 County, approved March 10, 1986 (Ga. L. 1986, p. 3661), as amended, particularly by an Act
3 approved April 21, 1997 (Ga. L. 1997, p. 4215), and by an Act approved March 27, 1998
4 (Ga. L. 1998, p. 3983), so as to revise the districts for the election of members of the board
5 of education; to provide for definitions and inclusions; to provide for manner of election; to
6 provide for submission of this Act for preclearance pursuant to Section 5 of the federal
7 Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective
8 dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act providing for the election of members of the Board of Education of Lincoln County,
12 approved March 10, 1986 (Ga. L. 1986, p. 3661), as amended, particularly by an Act
13 approved April 21, 1997 (Ga. L. 1997, p. 4215), and by an Act approved March 27, 1998
14 (Ga. L. 1998, p. 3983), is amended by striking Section 1 and inserting in lieu thereof a new
15 Section 1 to read as follows:

16 "SECTION 1.

17 (a) The Board of Education of Lincoln County shall be composed of five members to be
18 elected as provided in this Act. For the purpose of electing members of the board, Lincoln
19 County shall be divided into five education districts. Districts 1 through 4 shall be and
20 correspond to those four numbered districts described in and attached to and made a part
21 of this Act and further identified as Plan Name: linccesb1 Plan Type: Local User: staff
22 Administrator: Lincoln. District 5 shall consist of Lincoln County in its entirety.

23 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
24 and describe the same geographical boundaries as provided in the report of the Bureau of
25 the Census for the United States decennial census of 2000 for the State of Georgia. The

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

15 **SECTION 2.**

16 Said Act is further amended by striking Section 3 and inserting a new Section 3 to read as
 17 follows:

18 "SECTION 3.

19 (a) Members of the Board of Education of Lincoln County shall be elected by the voters
 20 of Lincoln County in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
 21 Election Code,' in nonpartisan elections as provided in Code Section 21-2-139 of the
 22 O.C.G.A.

23 (b) The members of the board of education who were elected at the general election in
 24 November 2000 shall continue in office for the terms to which they were elected and until
 25 successors are elected and qualified as provided in this Act.

26 (c) The first members of the reconstituted Board of Education of Lincoln County from
 27 Education Districts 1 and 2 shall be elected at the state-wide nonpartisan general election
 28 in 2004. Such members shall take office on January 1 following their election for terms
 29 of four years and until their successors are elected and qualified.

30 (d) The first members of the reconstituted Board of Education of Lincoln County from
 31 Education Districts 3 and 4 shall be elected at the state-wide nonpartisan general election
 32 in 2002. Such members shall take office on January 1 following their election for terms
 33 of four years and until their successors are elected and qualified.

34 (e) The first member of the reconstituted Board of Education of Lincoln County from
 35 Education District 5, who shall serve as chairperson, shall be elected at the state-wide

1 nonpartisan general election in 2002. Such member shall take office on January 1
2 following his or her election for a term of four years and until his or her successor is
3 elected and qualified.

4 (f) Successors to members elected under subsections (c), (d), and (e) of this section shall
5 be elected at the state-wide nonpartisan general election next preceding the expiration of
6 such terms of office and shall take office on January 1 following their election for terms
7 of four years and until their successors are elected and qualified.

8 (g) Education Districts 1, 2, 3, 4, and 5 as they existed on January 1, 2002, shall continue
9 to be designated as Education Districts 1, 2, 3, 4, and 5, respectively, but as newly
10 described under this Act, and, on and after the effective date of this Act, such members of
11 the board serving from those former Education districts shall be deemed to be serving from
12 and representing their respective districts as newly described under this Act."

13 **SECTION 3.**

14 It shall be the duty of the attorney for the Board of Education of Lincoln County to submit
15 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as
16 amended.

17 **SECTION 4.**

18 The provisions of this Act relating to and necessary for the regular election in 2002 of
19 members of the Board of Education of Lincoln County shall become effective upon its
20 approval by the Governor or upon its becoming effective without such approval; and this Act
21 shall otherwise become effective January 1, 2003.

22 **SECTION 5.**

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