

House Bill 1358 (AS PASSED HOUSE AND SENATE)

By: Representative Lanier of the 145th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to reconstitute the Board of Education of Candler County, approved
2 January 15, 1993 (Ga. L. 1993, p. 3529), so as to revise the districts for the election of
3 members of the board of education; to provide for definitions and inclusions; to provide for
4 qualifications and manner of election; to change the method of filling vacancies on said
5 board of education; to provide for submission of this Act for preclearance pursuant to Section
6 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act to reconstitute the Board of Education of Candler County, approved January 15, 1993
11 (Ga. L. 1993, p. 3529), is amended by striking Section 2 and inserting in lieu thereof a new
12 Section 2 to read as follows:

13 **"SECTION 2.**

14 (a) For the purpose of electing the members of the board of education, the Candler County
15 School District is divided into five education districts. One member of the board shall be
16 elected from each district. The five districts shall be and correspond to those five
17 numbered districts described in and attached to and made a part of this Act and further
18 identified as Plan Name: candsbp1 Plan Type: Local User: Gina Administrator: Candler.
19 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
20 and describe the same geographical boundaries as provided in the report of the Bureau of
21 the Census for the United States decennial census of 2000 for the State of Georgia. The
22 separate numeric designations in a Tract description which are underneath a 'BG' heading
23 shall mean and describe individual Blocks within a Block Group as provided in the report
24 of the Bureau of the Census for the United States decennial census of 2000 for the State of
25 Georgia. Any part of Candler County which is not included in any such district described

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

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

16 (d) The members of the board of education who were elected at the general election in
 17 November, 1998, shall continue in office for the terms to which they were elected and until
 18 successors are elected and qualified as provided in this Act. The members of the board of
 19 education who were elected at the general election in November, 2000, shall continue in
 20 office for the terms to which they were elected and until successors are elected and
 21 qualified as provided in this Act."

22 SECTION 2.

23 Said Act is further amended by striking Section 5 in its entirety and inserting in lieu thereof
 24 a new Section 5 to read as follows:

25 "SECTION 5.

26 (a) In the event a vacancy occurs on the board of education when six or more months
 27 remain in the unexpired term of office, the election superintendent of Candler County,
 28 within 15 days after the vacancy occurs, shall issue the call for a special election to fill the
 29 vacancy for the remainder of the unexpired term. Such special election shall be called and
 30 conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election
 31 Code,' as now or hereafter amended. Any person elected to fill a vacancy on the board of
 32 education as provided in this section shall possess the residency and other qualifications
 33 required for the office. Any person elected in such special election to fill such a vacancy
 34 shall take office immediately upon certification of the results of such special election and
 35 qualification.

1 (b) In the event a vacancy occurs on the board of education when less than six months
2 remain in the unexpired term of office, the remaining members of the board of education
3 shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term
4 of office. Any person appointed by the board of education to fill a vacancy as provided in
5 this section shall possess the residency and other qualifications required for the office and
6 shall take office immediately upon appointment and qualification."

7 **SECTION 3.**

8 It is the purpose of Section 1 of this Act to reapportion the districts from which members of
9 the Board of Education of Candler County are to be elected in the November, 2002, general
10 election and in subsequent general elections, and this Act results from changes in population
11 based on the United States decennial census of 2000. It is not the intention of the General
12 Assembly to affect the membership of current members of the board, their terms of office,
13 or the manner in which their successors shall be elected, and such matters shall remain as
14 provided by law on the effective date of this Act until otherwise amended by law, except to
15 the extent of reapportioning the districts represented by such members.

16 **SECTION 4.**

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

20 **SECTION 5.**

21 The provisions of this Act relating to and necessary for the regular election in 2002 of
22 members of the Board of Education of Candler County and relating to the method of filling
23 vacancies on said board shall become effective upon its approval by the Governor or upon
24 its becoming effective without such approval; and this Act shall otherwise become effective
25 January 1, 2003.

26 **SECTION 6.**

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