

House Bill 20EX1

By: Representatives Holmes of the 53rd, Ashe of the 46th, Dean of the 48th, Sinkfield of the 57th, Orrock of the 56th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act relating to the Board of Education of the City of Atlanta, approved April
2 9, 1996 (Ga. L. 1996, p. 4371), so as to reconstitute the board of education; to change the
3 descriptions of the education districts; to provide for definitions and inclusions; to provide
4 for continuation in office of current members; to provide for the election and terms of office
5 of subsequent members; to provide for submission of this Act for approval under the federal
6 Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act relating to the Board of Education of the City of Atlanta, approved April 9, 1996 (Ga.
11 L. 1996, p. 4371), is amended by striking Section 2-103 and inserting in its place a new
12 Section 2-103 to read as follows:

13 **"SECTION 2-103.**
14 **Elections; education districts.**

15 (a) The Board of Education of the City of Atlanta which existed on December 31, 2000,
16 is continued in existence but on and after the effective date of this Act shall be constituted
17 as provided in this Act. The board so continued and constituted shall continue to have the
18 powers, duties, rights, obligations, and liabilities of that board as existed immediately prior
19 to the effective date of this Act.

20 (b) Those members of the board who are serving as such on the effective date of this Act
21 and any person selected to fill a vacancy in any such office shall continue to serve as such
22 members for terms of office which expire December 31, 2001, and upon the election and
23 qualification of their respective successors. On and after January 1, 2002, the board shall
24 continue to consist of nine members as specified in Section 2-101 of this Act.

1 (c) For purposes of electing members of the board of education, other than the three
2 at-large members, the City of Atlanta School District is divided into six education districts.
3 One member of the board shall be elected from each such district. The six education
4 districts shall be composed respectively of contiguous paired council districts of the city
5 and shall be and correspond to those six numbered districts described in and attached to and
6 made a part of this Act and further identified as Plan Name: atlplan11sb Plan Type:
7 LOCAL User: Gina Administrator: ATLANTA-CITY. The three at-large positions shall
8 be designated as Education Districts 7, 8, and 9, respectively.

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

27 (e) In order to be elected as a member of the board from an education district, a person
28 must receive the number of votes cast as required by general law for that office in that
29 district only. Only electors who are residents of that education district may vote for a
30 member of the board for that district. At the time of qualifying for election as a member
31 of the board from an education district, each candidate for such office shall specify the
32 education district for which that person is a candidate. A person elected or appointed as
33 a member of the board from an education district must continue to reside in that district
34 during that person's term of office or that office shall become vacant.

35 (f) The members of the board who are at-large members may reside anywhere within the
36 City of Atlanta School District. At the time of qualifying for election as an at-large
37 member of the board, each candidate for such office shall designate the numbered at-large

1 education district for which that person is a candidate. In order to be elected as an at-large
2 member, a person must receive the number of votes cast for that office as required by
3 general law in the entire school district. An at-large member must continue to reside within
4 the school district during that person's term of office or that office shall become vacant.

5 (g) The first members of the reconstituted board shall be elected at the general municipal
6 election in 2001. The members of the board elected thereto in 2001 shall take office the
7 first day of January immediately following that election and shall serve for initial terms of
8 office which expire December 31, 2005, and upon the election and qualification of their
9 respective successors. Those and all future successors to members of the board whose
10 terms of office are to expire shall be elected at the time of the general municipal election
11 immediately preceding the expiration of such terms, shall take office the first day of
12 January immediately following that election, and shall serve for terms of office of four
13 years each. Members of the board shall serve for the terms of office specified therefor in
14 this subsection and until their respective successors are elected and qualified.

15 (h) Education Districts 1, 2, 3, 4, 5, and 6 as they existed on December 31, 2000, shall
16 continue to be designated as Education Districts 1, 2, 3, 4, 5, and 6, respectively, but as
17 newly described under this Act, and on and after the effective date of this Act, such
18 members of the board serving from those former education districts shall be deemed to be
19 serving from and representing their respective districts as newly described under this
20 section.

21 (i) All members of the board who are elected thereto shall be nominated and elected in
22 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

23 SECTION 2.

24 Said Act is further amended by striking the description of Education Districts 1, 2, 3, 4, 5,
25 and 6 contained in Appendix I thereto and inserting in its place the description of Education
26 Districts 1, 2, 3, 4, 5, and 6 attached to and made a part of this Act and further identified as
27 Plan Name: atlplan11sb Plan Type: LOCAL User: Gina Administrator: ATLANTA-CITY.

28 SECTION 3.

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

32 SECTION 4.

33 This Act shall become effective upon its approval by the Governor or upon its becoming law
34 without such approval.

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SECTION 5.

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