

House Bill 13EX2

By: Representative Sholar of the 179<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a new board of education of Grady County, approved March 5,  
2 1968 (Ga. L. 1968, p. 2120), as amended, so as to reconstitute the board of education; to  
3 change the description of the education districts; to provide for definitions and inclusions;  
4 to provide for continuation in office of current members; to provide for election and terms  
5 of office of subsequent members; to provide for submission of this Act for approval under  
6 the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal  
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act creating a new board of education of Grady County, approved March 5, 1968 (Ga.  
11 L. 1968, p. 2120), as amended, is amended by striking Sections 1 and 2 and inserting in lieu  
12 thereof the following:

13 "SECTION 1.

14 The Board of Education of Grady County which existed on December 31, 2001, is  
15 continued in existence but on and after January 1, 2002, shall be constituted as provided  
16 in this Act. The Board of Education of Grady County so continued and constituted,  
17 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,  
18 rights, obligations, and liabilities of that board as existed immediately prior to January 1,  
19 2002.

20 **SECTION 2.**

21 (a) Those members of the Board of Education of Grady County who are serving as such  
22 on December 31, 2001, and any person selected to fill a vacancy in any such office shall  
23 continue to serve as such members until the regular expiration of their respective terms of  
24 office and upon the election and qualification of their respective successors. On and after

1 January 1, 2002, the Board of Education of Grady County shall consist of five members  
2 all of whom shall be elected from education districts described in subsection (b) of this  
3 section.

4 (b) For purposes of electing members of the board of education, the Grady County School  
5 District is divided into five education districts. One member of the board shall be elected  
6 from each such district. The five education districts shall be and correspond to those five  
7 numbered districts described in and attached to and made a part of this Act and further  
8 identified as Exhibit 'A.'

9 (c) Any part of the Grady County School District which is not included in any such district  
10 described in that attachment shall be included within that district contiguous to such part  
11 which contains the least population according to the United States decennial census of 2000  
12 for the State of Georgia. Any part of the Grady County School District which is described  
13 in that attachment as being in a particular district shall nevertheless not be included within  
14 such district if such part is not contiguous to such district. Such noncontiguous part shall  
15 instead be included within that district contiguous to such part which contains the least  
16 population according to the United States decennial census of 2000 for the State of  
17 Georgia. Except as otherwise provided in the description of any education district,  
18 whenever the description of such district refers to a named city, it shall mean the  
19 geographical boundaries of that city as shown on the census map for the United States  
20 decennial census of 2000 for the State of Georgia.

#### 21 SECTION 2A.

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

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

#### 34 SECTION 2B.

35 (a) The first members of the reconstituted Board of Education of Grady County shall be  
36 elected at the general election on the Tuesday next following the first Monday in

1 November, 2002. Those members of the board elected thereto from Education Districts  
2 2 and 5 in November, 2002, shall take office the first day of January immediately following  
3 that election and shall serve for initial terms of office which expire December 31, 2006, and  
4 upon the election and qualification of their respective successors. Those members of the  
5 board elected thereto from Education Districts 1, 3, and 4 in November, 2004, shall take  
6 office the first day of January immediately following that election and shall serve for initial  
7 terms of office which expire December 31, 2008, and upon the election and qualification  
8 of their respective successors. Those and all future successors to members of the board  
9 whose terms of office are to expire shall be elected at the time of the state-wide general  
10 election immediately preceding the expiration of such terms, shall take office the first day  
11 of January immediately following that election, and shall serve for terms of office of four  
12 years each. Members of the board shall serve for the terms of office specified therefor in  
13 this subsection and until their respective successors are elected and qualified.

14 (b) Education Districts 1 through 5, as they exist on December 31, 2001, shall continue to  
15 be designated as Education Districts 1 through 5, respectively, but as newly described  
16 under this Act, and on and after January 1, 2002, such members of the board serving from  
17 those former education districts shall be deemed to be serving from and representing their  
18 respective districts as newly described under this section.

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

## 21 SECTION 2.

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

## 24 SECTION 3.

25 This section and Section 2 of this Act and those provisions of this Act necessary for the  
26 election of members of the Board of Education of Grady County in 2002 shall become  
27 effective upon the approval of this Act by the Governor or upon its becoming law without  
28 such approval. The remaining provisions of this Act shall become effective January 1, 2002.

## 29 SECTION 4.

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