

House Bill 652

By: Representatives Cummings of the 19<sup>th</sup> and Heath of the 18<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for a new board of education of Polk County approved  
2 March 28, 1985 (Ga. L. 1985, p. 4985), as amended, so as to provide for the election of  
3 members of the board of education by the voters of the entire county; to provide for related  
4 matters; to provide for a referendum; to provide for submission for preclearance; to provide  
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing for a new board of education of Polk County approved March 28, 1985  
9 (Ga. L. 1985, p. 4985), as amended, is amended by striking Section 2 and inserting in lieu  
10 thereof a new Section 2 to read as follows:

11 "SECTION 2.

12 There shall be one member of the board elected from each education district. A person  
13 may not offer as a candidate for election to the board from any education district other than  
14 the education district in which he or she is a legal resident. The board member representing  
15 each education district shall be elected by a majority vote of the registered voters of the  
16 entire county casting ballots in an election. In the event a member moves his or her  
17 residence from the education district that the member represents, a vacancy shall be  
18 created."

19 **SECTION 2.**

20 Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the  
21 election superintendent of Polk County shall call and conduct an election on the date of the  
22 2004 Presidential Preference Primary as provided in this section for the purpose of  
23 submitting this Act to the electors of Polk County for approval or rejection; provided,  
24 however, that, if a county-wide referendum for Polk County is held prior to such Presidential

1 Preference Primary, the election superintendent of Polk County shall call and conduct an  
 2 election on the same date as such county-wide referendum for the purpose of submitting this  
 3 Act to the electors of Polk County for approval or rejection. The election superintendent  
 4 shall issue the call and conduct such election as provided by general law. The superintendent  
 5 shall cause the date and purpose of the election to be published once a week for two weeks  
 6 immediately preceding the date thereof in the official organ of Polk County. The ballot shall  
 7 have written or printed thereon the words:

8 " YES Shall the Act be approved which changes the manner of electing members  
 9  NO of the Board of Education of the Polk School District from district elections  
 10 to county-wide elections?"

11 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 12 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 13 such question are for the approval of the Act, Section 1 shall become of full force and effect  
 14 on April 1, 2004. If the Act is not approved or if the election is not conducted as provided  
 15 in this section, Section 1 shall not become effective and this Act shall be automatically  
 16 repealed on the first day of January immediately following that election date. The expense  
 17 of such election shall be borne by the Polk School District. It shall be the duty of the election  
 18 superintendent of Polk County to certify the results thereof to the Secretary of State.

19 **SECTION 3.**

20 The Board of Education of the Polk School District shall through its legal counsel cause this  
 21 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as  
 22 amended; and such submission shall be made to the United States Department of Justice or  
 23 filed with the appropriate court no later than 45 days after the date on which this Act is  
 24 approved by the Governor or otherwise becomes law without such approval.

25 **SECTION 4.**

26 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
 27 its approval by the Governor or its becoming law without such approval.

28 **SECTION 5.**

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