

Senate Bill 343

By: Senator Jackson of the 50th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To reconstitute the Board of Education of White County and provide for its powers, duties,
2 rights, obligations, and liabilities; to provide for four district members and one at-large
3 member; to provide for new districts; to provide for the election of members; to continue in
4 office current members of such board; to provide for the filling of vacancies; to provide for
5 the selection of a chairperson; to provide for related matters; to provide for superseding a
6 local constitutional amendment; to provide for submission of this Act under the federal
7 Voting Rights Act; to provide for an effective date and for applicability; to repeal conflicting
8 laws; and for other purposes.

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

10 **SECTION 1.**

11 The Board of Education of White County which existed on January 1, 2003, is continued in
12 existence, but on and after July 1, 2003, such board shall be constituted as provided in this
13 Act. The Board of Education of White County so continued and constituted, sometimes
14 referred to in this Act as the "board," shall continue to have the powers, duties, rights,
15 obligations, and liabilities of that Board of Education of White County as existed on January
16 1, 2003.

17 **SECTION 2.**

18 (a) The board shall consist of four district members and one at-large member. The four
19 district members shall be designated as representing Districts 1, 2, 3, and 4 and the at-large
20 member shall be designated as representing District 5. One member of the board shall be
21 elected for each such district. For the purpose of electing district members of the board,
22 White County shall be divided into four districts. Those districts shall be comprised of the
23 following voting precincts of White County as they existed on January 1, 2003, described as
24 follows:

- 1 DISTRICT 1: Mt. Yonah
 2 DISTRICT 2: Mossy Creek, White Creek
 3 DISTRICT 3: Blue Creek, Nacoochee, Helen, Robertstown
 4 DISTRICT 4: Tesnatee, Blue Ridge, Town Creek, Shoal Creek
 5 DISTRICT 5: At-large district covering entire county

6 (b) For purposes of the districts described in subsection (a) of this section:

7 (1) Any part of White County which is not included in any district described in
 8 subsection (a) of this section shall be included within that district contiguous to such part
 9 which contains the least population according to the United States decennial census of
 10 2000 for the State of Georgia; and

11 (2) Any part of White County which is described in subsection (a) of this section as
 12 being included in a particular district shall nevertheless not be included within such
 13 district if such part is not contiguous to such district. Such noncontiguous part shall
 14 instead be included within that district contiguous to such part which contains the least
 15 population according to the United States decennial census of 2000 for the State of
 16 Georgia.

17 **SECTION 3.**

18 One member from each of the four districts and the at-large member shall be elected by the
 19 voters of the entire county. Each district member must be a resident of the district from
 20 which he or she offers for election. The at-large member must be a resident of White
 21 County. If a member removes his or her residence from the district that he or she represents,
 22 or if the at-large member removes his or her residence from White County, the remaining
 23 members of the board shall immediately declare that a vacancy exists and shall fill such
 24 vacancy as provided for hereinafter. No person shall be eligible to serve as a member of the
 25 board who has not been a resident of White County for 12 months, and, if a district member,
 26 who has not been a resident of the district in which he or she qualifies for at least six months
 27 immediately preceding the date of his or her election to such board.

28 **SECTION 4.**

29 The members of the board serving in office on January 1, 2003, and any person selected to
 30 fill a vacancy in any such office shall continue to serve until the expiration of the term for
 31 which they were elected and until their successors are elected and qualified. The successors
 32 to such members shall be elected at the state-wide general election immediately preceding
 33 the expiration of such terms, shall take office the first day of January immediately following

1 the election, and shall serve for terms of office of four years each and until their respective
2 successors are elected and qualified.

3 **SECTION 5.**

4 Any vacancy which occurs on the board within 45 days of the next general election, or if the
5 term of office in which such vacancy occurs shall expire within 60 days after the next general
6 election, shall be filled by the board by appointing a successor to serve out the remainder of
7 the unexpired term. Vacancies occurring at other times shall be filled by the board by
8 appointing a successor to serve until the next general election, at which time the vacancy
9 shall be filled by an election to be conducted as herein provided, and the successor so elected
10 shall serve out the remainder of the unexpired term.

11 **SECTION 6.**

12 At its first meeting of each year, the members of the board shall elect, by a majority vote, one
13 of their number to serve as chairperson for a term of two years and until the election of a
14 succeeding chairperson. A member shall be eligible to succeed himself or herself as
15 chairperson of the board.

16 **SECTION 7.**

17 This Act is enacted pursuant to Article VIII, Section V, Paragraph II of the Constitution of
18 the State of Georgia and shall hereby supersede the local amendment to the Constitution of
19 the State of Georgia found at Ga. L. 1963, p. 670, which was continued in force and effect
20 as a part of the Constitution of the State of Georgia by that Act approved March 27, 1985
21 (Ga. L. 1985, p. 4563).

22 **SECTION 8.**

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

28 **SECTION 9.**

29 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
30 law without such approval. This Act shall apply with respect to elections for the Board of
31 Education of White County conducted on or after that effective date.

1 (b) This Act shall not affect the service of any member of the board in office on said
2 effective date, and any such member shall serve out the remainder of the term of office for
3 which he or she was selected.

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SECTION 10.

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