

House Bill 334 (AS PASSED HOUSE AND SENATE)

By: Representatives Forster of the 3<sup>rd</sup>, Post 1, Joyce of the 2<sup>nd</sup>, and White of the 3<sup>rd</sup>, Post 2

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to reconstitute the Board of Education of Catoosa County, Georgia,  
2 approved March 30, 1993 (Ga. L. 1993, p. 4258), so as to revise the districts for the election  
3 of members of the board of education; to provide for definitions and inclusions; to provide  
4 for method of election; to provide for submission of this Act for preclearance pursuant to  
5 Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related  
6 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to reconstitute the Board of Education of Catoosa County, Georgia, approved  
10 March 30, 1993 (Ga. L. 1993, p. 4258), is amended by striking Section 2 and inserting in lieu  
11 thereof a new Section 2 to read as follows:

12 "SECTION 2.

13 (a) The members of the board of education who were elected at the general election in  
14 November 2000 shall continue in office for the terms to which they were elected and until  
15 successors are elected and qualified as provided in this Act. The members of the board of  
16 education who were elected at the general election in November 2002 shall continue in  
17 office for the terms to which they were elected and until successors are elected and  
18 qualified as provided in this Act.

19 (b) The Board of Education of Catoosa County shall consist of five members each of  
20 whom shall be elected by the eligible voters of the district in which he or she resides. For  
21 the purposes of this Act, a person 'resides' in the district in which he or she is domiciled.  
22 Domicile shall be determined by reference to the location of the house in which such  
23 person physically lives.

24 (c) For the purposes of determining eligibility of candidates to run for a seat on the board  
25 of education, the Catoosa County School District shall be constituted of five education

1 districts. Education Districts 1, 2, 3, and 4 shall be and correspond to those four numbered  
 2 districts described in and attached to and made a part of this Act and further identified as  
 3 Plan Name: catccsb1r Plan Type: Local User: Gina Administrator: Catoosa. Education  
 4 District 5 shall be comprised of the entire geographic area of the Catoosa County School  
 5 District.

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

23 (e) Any person, in order to be eligible for membership on the board, must be domiciled  
 24 and reside, at the time of qualification, in the district from which he or she offers himself  
 25 or herself as a candidate. Each candidate shall designate by district number the position  
 26 on the board for which such candidate offers himself or herself for election. Each  
 27 candidate shall be elected to the board by the vote of all eligible voters of the education  
 28 district in which he or she resides."

## 29 **SECTION 2.**

30 Said Act is further amended by striking Section 4 and inserting in lieu thereof a new Section  
 31 4 to read as follows:

## 32 "SECTION 4.

33 (a) The first members of the reconstituted Board of Education of Catoosa County from  
 34 Education Districts 2 and 4 shall be elected at the nonpartisan general election held in  
 35 conjunction with the state-wide general primary in 2006. Such members shall take office

1 on January 1 following their election for terms of four years and until their successors are  
2 elected and qualified.

3 (b) The first members of the reconstituted Board of Education of Catoosa County from  
4 Education Districts 1 and 3 shall be elected at the nonpartisan general election held in  
5 conjunction with the state-wide general primary in 2004. Such members shall take office  
6 on January 1 following their election for terms of four years and until their successors are  
7 elected and qualified.

8 (c) The first member of the reconstituted Board of Education of Catoosa County from  
9 Education District 5 shall be elected at the nonpartisan general election held in conjunction  
10 with the state-wide general primary in 2004. Such member shall take office on January 1  
11 following his or her election for a term of four years and until his or her successor is  
12 elected and qualified.

13 (d) Successors to members elected under subsections (a), (b), and (c) of this section shall  
14 be elected at the nonpartisan general election held in conjunction with the state-wide  
15 general primary next preceding the expiration of such terms of office and shall take office  
16 on January 1 following their election for terms of four years and until their successors are  
17 elected and qualified.

18 (e) Education Districts 1, 2, 3, and 4 as they existed on January 1, 2003, shall continue to  
19 be designated as Education Districts 1, 2, 3, and 4, respectively, but as newly described  
20 under this Act, and, on and after the effective date of this Act, such members of the board  
21 serving from those former education districts shall be deemed to be serving from and  
22 representing their respective districts as newly described under this section.

23 (f) All members of the board who are elected thereto shall be nominated and elected in  
24 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' in  
25 nonpartisan elections as provided in Code Section 21-2-139 of the O.C.G.A."

### 26 SECTION 3.

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

### 32 SECTION 4.

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