

House Bill 796 (AS PASSED HOUSE AND SENATE)

By: Representatives Douglas of the 73<sup>rd</sup>, Stokes of the 72<sup>nd</sup>, and Bunn of the 63<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act relating to the Board of Education of Newton County, approved March 31,  
2 1967 (Ga. L. 1967, p. 2405), 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 relating to the Board of Education of Newton County, approved March 31, 1967 (Ga.  
11 L. 1967, p. 2405), as amended, is amended by striking Section 1 and inserting in lieu thereof  
12 the following:

13 "SECTION 1.

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

20 (b) Those members of the Board of Education of Newton County who are serving as such  
21 immediately prior to the effective date of this Act, and any person selected to fill a vacancy  
22 in any such office, shall continue to serve as such members until the regular expiration of  
23 their respective terms of office and upon the election and qualification of their respective  
24 successors. On and after the effective date of this Act, the Board of Education of Newton  
25 County shall consist of five members all of whom shall be elected from education districts  
26 described in subsection (c) of this section.

1 (c) For purposes of electing members of the board of education, the Newton County School  
2 District is divided into five education districts. One member of the board shall be elected  
3 from each such district. The five education districts shall be and correspond to those five  
4 numbered districts described in and attached to and made a part of this Act and further  
5 identified as Plan Name: newtwk1 Plan Type: Local User: staff Administrator: Newton  
6 Co.

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

25 (e) The members of the reconstituted Board of Education of Newton County shall be  
26 elected as provided in this subsection. The first members from Education Districts 1, 3,  
27 and 5 shall be elected at the general election on the Tuesday next following the first  
28 Monday in November, 2006. Those members of the board elected thereto from Education  
29 Districts 1, 3, and 5 in 2006 shall take office the first day of January immediately following  
30 that election and shall serve for initial terms of office which expire December 31, 2010, and  
31 upon the election and qualification of their respective successors. The first members from  
32 Education Districts 2 and 4 shall be elected at the general election on the Tuesday next  
33 following the first Monday in November, 2004. Those members of the board elected  
34 thereto from Education Districts 2 and 4 in 2004 shall take office the first day of January  
35 immediately following that election and shall serve for initial terms of office which expire  
36 December 31, 2008, and upon the election and qualification of their respective successors.  
37 Those and all future successors to members of the board whose terms of office are to expire

1 shall be elected at the time of the state-wide general election immediately preceding the  
2 expiration of such terms, shall take office the first day of January immediately following  
3 that election, and shall serve for terms of office of four years each. Members of the board  
4 shall serve for the terms of office specified therefor in this subsection and until their  
5 respective successors are elected and qualified.

6 (f) Education Districts 1 through 5, as they exist immediately prior to the effective date of  
7 this Act, shall continue to be designated as Education Districts 1 through 5, respectively,  
8 but as newly described under this Act, and on and after the effective date of this Act, such  
9 members of the board serving from those former education districts shall be deemed to be  
10 serving from and representing their respective districts as newly described under this Act."

11 **SECTION 2.**

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

17 **SECTION 3.**

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