

House Bill 245 (AS PASSED HOUSE AND SENATE)

By: Representatives Channell of the 77th and Hudson of the 95th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to change the method of electing members for the Board of Education of
2 Putnam County, approved March 27, 1972 (Ga. L. 1972, p. 2678), as amended, so as 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 vacancies; to provide for legislative intent;
6 to provide for submission of this Act for preclearance under the federal Voting Rights Act
7 of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act to change the method of electing members for the Board of Education of Putnam
12 County, approved March 27, 1972 (Ga. L. 1972, p. 2678), is amended by striking Sections
13 1 and 2 in their entirety and inserting in lieu thereof new Sections 1 and 2 to read as follows:

14 style="text-align:center">"SECTION 1.

15 (a) The Board of Education of Putnam County shall be composed of five members.
16 Except for the chairperson, the members of the board shall be residents of the education
17 districts they represent by at least the last date on which a candidate for nomination in a
18 political party primary may qualify in the year of the election, shall continue to reside in
19 their respective districts, and shall be elected by the qualified electors voting within their
20 respective education districts. The chairperson shall be a resident of Putnam County and
21 shall be elected by the qualified voters of the entire county.

22 (b) For the purpose of electing the four members of the board from districts, Putnam
23 County shall be divided into four education districts. One member of the board shall be
24 elected from each such district. Those districts shall be and correspond to those four
25 numbered districts described in and attached to and made a part of this Act and further

1 identified as Plan Name: PUTNAM FEDCT Plan Type: Local User: Linda
 2 Administrator: Putnam.

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

20 SECTION 2.

21 (a) All members shall be nominated and elected in accordance with the provisions of
 22 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter
 23 amended.

24 (b) Any vacancy occurring in the membership of the Board of Education of Putnam
 25 County, for any cause whatsoever, shall be filled by the majority vote of the remaining
 26 members of the board of education and any person so elected shall serve for the remainder
 27 of the unexpired term of office of the member who created such vacancy.

28 (c)(1) The members of the board serving in office on January 1, 2003, and any person
 29 selected to fill a vacancy in any such office shall continue to serve until the expiration
 30 of the term for which they were elected and until their successors are elected and
 31 qualified.

32 (2) All members of the board other than the chairperson shall be elected from the
 33 education districts described in subsection (b) of Section 1 of this Act.

34 (3)(A) Martin Fierman, the chairperson of the board elected at the November, 2000,
 35 general election, shall be designated to be serving from the county school district at
 36 large as provided under this Act.

1 (B) Doris Clemons, the member of the board elected at the 2002 special election shall
2 be designated to be serving from and representing Education District 1, but as newly
3 described under this Act.

4 (C) Johnnie Penn, the member of the board elected at the 2002 special election, shall
5 be designated to be serving from and representing Education District 2, but as newly
6 described under this Act.

7 (D) Tony Clack, the member of the board elected at the November, 2000, general
8 election, shall be designated to be serving from and representing Education District 3,
9 but as newly described under this Act.

10 (E) Tony Franklin, the member of the board elected at the November, 2000, general
11 election shall be designated to be serving from and representing Education District 4,
12 but as newly described under this Act.

13 (4) Members of the board representing Education Districts 1 and 2 shall be elected at the
14 general election in 2006 and quadrennially thereafter and shall take office on the first day
15 of January immediately following their election for terms of four years and until their
16 successors are elected and qualified.

17 (5) Members of the board representing Education Districts 3 and 4 and the chairperson
18 shall be elected at the general election in 2004 and quadrennially thereafter and shall take
19 office on the first day of January immediately following their election for terms of four
20 years and until their successors are elected and qualified."

21 SECTION 2.

22 It is the intent and purpose of the General Assembly in enacting this Act to implement the
23 September 18, 2002, order of the United States District Court for the Middle District of
24 Georgia, Macon Division, in Clark v. Putnam County, Civil Action No. 5:02-cv-262-4(HL).

25 SECTION 3.

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

31 SECTION 4.

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