

Senate Bill 391

By: Senators Seay of the 34th, Starr of the 44th and Brush of the 24th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to local boards of education, so as to provide the manner for filling any vacancy on  
3 a local board of education; to provide for preemptive effect; to provide for an effective date  
4 and for applicability; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local  
9 boards of education, is amended by striking Code Section 20-2-54.1, relating to filling  
10 vacancies, and inserting in its place a new Code section to read as follows:

11 "20-2-54.1.

12 (a) ~~In all instances where local laws applicable to local boards of education do not provide~~  
13 ~~otherwise, a~~ Any vacancy occurring for any reason on a local board of education shall be  
14 filled as follows:

15 (1) If the vacancy occurs more than ~~90~~ 180 days prior to the ~~date of a general election~~  
16 ~~preceding the general election at which a successor will be elected to a new full term of~~  
17 ~~office, then such vacancy shall be filled for the unexpired term of office at a special~~  
18 ~~election to be held on the same date as said general election preceding the general~~  
19 ~~election at which a successor will be elected to a new full term of office; and in this case~~  
20 ~~the remaining members of the board of education shall, by majority vote, select a~~  
21 ~~qualified person to fill the vacancy until the person elected at such special election takes~~  
22 ~~office~~ expiration of the term of office, then the vacancy shall be filled by special election  
23 for the remainder of the unexpired term of office; and

24 (2) If the vacancy does not occur more than ~~90~~ 180 days prior to the ~~date of a general~~  
25 ~~election preceding the general election at which a successor will be elected to a new full~~  
26 ~~term of office~~ expiration of the term of office, then the remaining members of the local

1 board of education shall, by majority vote, select a qualified person to serve for the  
2 remainder of the unexpired term.

3 (b) Any person elected or appointed to fill a vacancy pursuant to subsection (a) of this  
4 Code section shall possess the same qualifications required for election to a full term of  
5 office as provided by law applicable to the office wherein the vacancy occurred. As applied  
6 to special elections under paragraph (1) of subsection (a) of this Code section, if the office  
7 wherein the vacancy occurred is filled by election of voters within a portion of the local  
8 school district, then the special election shall be held within that portion of the local school  
9 district, but if the office wherein the vacancy occurred is filled by the voters within the  
10 entire school district, then the special election shall be held within the entire school district.

11 (c) This Code section shall control over any conflicting provisions of local law."

12 **SECTION 2.**

13 This Act shall become effective on July 1, 2004, and shall apply with respect to vacancies  
14 occurring on or after that date. Any earlier occurring vacancy shall be filled as provided by  
15 prior law.

16 **SECTION 3.**

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