

House Bill 1795

By: Representatives Butler of the 88<sup>th</sup>, Post 1, Harper of the 88<sup>th</sup>, Post 2, Smith of the 87<sup>th</sup>, and Maxwell of the 27<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act relating to the Board of Education and school superintendent of the Carroll  
2 County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, so as  
3 to reconstitute the board of education; to change the descriptions of the education districts;  
4 to provide for definitions and inclusions; to provide for continuation in office of current  
5 members; to provide for the election and terms of office of subsequent members; to provide  
6 for vacancies; to provide for eligibility and qualifications; to provide for submission of this  
7 Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for a  
8 referendum; to provide for effective dates and automatic repeals; to repeal conflicting laws;  
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1A.**

12 An Act relating to the Board of Education and school superintendent of the Carroll County  
13 School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, is amended  
14 by striking Section 1 and inserting in its place the following:

15 "SECTION 1.

16 (a) The Board of Education of the Carroll County School District which existed on January  
17 1, 2004, is continued in existence, but on and after January 1, 2005, shall be constituted as  
18 provided in this Act. The Board of Education of the Carroll County School District so  
19 continued and constituted, sometimes referred to in this Act as the 'board,' shall continue  
20 to have the powers, duties, rights, obligations, and liabilities of that board as it existed  
21 immediately prior to January 1, 2005.

22 (b) Those members of the Board of Education of the Carroll County School District who  
23 are serving as such on January 1, 2004, and any person selected to fill a vacancy in any  
24 such office shall continue to serve as such members until December 31, 2004, and until the  
25 election and qualification of their respective successors and at that time such members´

1 terms of office shall end. On and after January 1, 2005, the Board of Education of the  
2 Carroll County School District shall consist of five members, who shall be elected from  
3 education districts described in subsection (c) of this section.

4 (c) For purposes of electing members of the board of education, the Carroll County School  
5 District is divided into five education districts. One member of the board shall be elected  
6 from each such district. The five education districts shall be and correspond to those five  
7 numbered districts described in and attached to and made a part of this Act and further  
8 identified as Plan Name: carrollsbwk5r Plan Type: Local User: Linda Administrator:  
9 Carroll.

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

28 (e) No person shall be a member of the board if that person is ineligible for such office  
29 pursuant to Code Sections 45-2-1 and 20-2-51 of the O.C.G.A. or any other general law  
30 applicable to that office.

31 (f) In order to be elected as a member of the board from an education district, a person  
32 must receive the number of votes cast as required by general law for that office in that  
33 district only. Only electors who are residents of that education district may vote for a  
34 member of the board for that district. At the time of qualifying for election as a member  
35 of the board from an education district, each candidate for such office shall specify the  
36 education district for which that person is a candidate. A person elected or appointed as

1 a member of the board from an education district must continue to reside in that district  
2 during that person's term of office or that office shall become vacant.

3 (g)(1) The first members of the reconstituted Board of Education of the Carroll County  
4 School District shall be elected in a special election to be conducted at the general  
5 election on the Tuesday next following the first Monday in November, 2004. As soon  
6 as practicable after this section becomes effective, the election superintendent of Carroll  
7 County shall call a special election for the purpose of electing the members of the board.  
8 Such special election shall be conducted in conjunction with the 2004 November general  
9 election and shall be called and conducted in accordance with the provisions of Chapter 2  
10 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' Those members of the  
11 reconstituted board elected thereto from Education Districts 2 and 4 in such special  
12 election shall take office the first day of January immediately following that election and  
13 shall serve for initial terms of office which expire December 31, 2006, and upon the  
14 election and qualification of their respective successors. Those members of the  
15 reconstituted board elected thereto from Education Districts 1, 3, and 5 in such special  
16 election shall take office the first day of January immediately following that election and  
17 shall serve for initial terms of office which expire December 31, 2008, and upon the  
18 election and qualification of their respective successors.

19 (2) All future successors to members of the board whose terms of office are to expire  
20 shall be elected at the time of the state-wide general election immediately preceding the  
21 expiration of such terms, shall take office the first day of January immediately following  
22 that election, and shall serve for terms of office of four years. Members of the board shall  
23 serve for the terms of office specified therefor in this subsection and until their respective  
24 successors are elected and qualified.

25 (h) All members of the board who are elected thereto shall be elected in nonpartisan  
26 elections as provided in Code Section 21-2-139 of the O.C.G.A.

27 (i) Any vacancy in office upon the board which occurs for any reason shall be filled  
28 pursuant to Code Section 20-2-54.1 of the O.C.G.A."

### 29 **SECTION 1B.**

30 An Act relating to the Board of Education and school superintendent of the Carroll County  
31 School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, is amended  
32 by striking Section 1 and inserting in its place the following:

#### 33 "SECTION 1.

34 (a) The Board of Education of the Carroll County School District which existed on January  
35 1, 2004, is continued in existence, but on and after January 1, 2005, shall be constituted as

1 provided in this Act. The Board of Education of the Carroll County School District so  
2 continued and constituted, sometimes referred to in this Act as the 'board,' shall continue  
3 to have the powers, duties, rights, obligations, and liabilities of that board as it existed  
4 immediately prior to January 1, 2005.

5 (b) Those members of the Board of Education of the Carroll County School District who  
6 are serving as such on January 1, 2004, and any person selected to fill a vacancy in any  
7 such office shall continue to serve as such members until December 31, 2004, and until the  
8 election and qualification of their respective successors and at that time such members'  
9 terms of office shall end. On and after January 1, 2005, the Board of Education of the  
10 Carroll County School District shall consist of seven members, who shall be elected from  
11 education districts described in subsection (c) of this section.

12 (c) For purposes of electing members of the board of education, the Carroll County School  
13 District is divided into seven education districts. One member of the board shall be elected  
14 from each such district. The seven education districts shall be and correspond to those  
15 seven numbered districts described in and attached to and made a part of this Act and  
16 further identified as Plan Name: carrollsbwk7r Plan Type: Local User: Blake  
17 Administrator: Carroll.

18 (d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean  
19 and describe the same geographical boundaries as provided in the report of the Bureau of  
20 the Census for the United States decennial census of 2000 for the State of Georgia. The  
21 separate numeric designations in a Tract description which are underneath a 'BG' heading  
22 shall mean and describe individual Blocks within a Block Group as provided in the report  
23 of the Bureau of the Census for the United States decennial census of 2000 for the State of  
24 Georgia. Any part of the Carroll County School District which is not included in any such  
25 district described in that attachment shall be included within that district contiguous to such  
26 part which contains the least population according to the United States decennial census  
27 of 2000 for the State of Georgia. Any part of the Carroll County School District which is  
28 described in that attachment as being in a particular district shall nevertheless not be  
29 included within such district if such part is not contiguous to such district. Such  
30 noncontiguous part shall instead be included within that district contiguous to such part  
31 which contains the least population according to the United States decennial census of 2000  
32 for the State of Georgia. Except as otherwise provided in the description of any education  
33 district, whenever the description of such district refers to a named city, it shall mean the  
34 geographical boundaries of that city as shown on the census map for the United States  
35 decennial census of 2000 for the State of Georgia.

1 (e) No person shall be a member of the board if that person is ineligible for such office  
2 pursuant to Code Sections 45-2-1 and 20-2-51 of the O.C.G.A. or any other general law  
3 applicable to that office.

4 (f) In order to be elected as a member of the board from an education district, a person  
5 must receive the number of votes cast as required by general law for that office in that  
6 district only. Only electors who are residents of that education district may vote for a  
7 member of the board for that district. At the time of qualifying for election as a member  
8 of the board from an education district, each candidate for such office shall specify the  
9 education district for which that person is a candidate. A person elected or appointed as  
10 a member of the board from an education district must continue to reside in that district  
11 during that person's term of office or that office shall become vacant.

12 (g)(1) The first members of the reconstituted Board of Education of the Carroll County  
13 School District shall be elected in a special election to be conducted at the general  
14 election on the Tuesday next following the first Monday in November, 2004. As soon  
15 as practicable after this section becomes effective, the election superintendent of Carroll  
16 County shall call a special election for the purpose of electing the members of the board.  
17 Such special election shall be conducted in conjunction with the 2004 November general  
18 election and shall be called and conducted in accordance with the provisions of Chapter 2  
19 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' Those members of the  
20 reconstituted board elected thereto from Education Districts 1, 3, 5, and 7 in such special  
21 election shall take office the first day of January immediately following that election and  
22 shall serve for initial terms of office which expire December 31, 2008, and upon the  
23 election and qualification of their respective successors. Those members of the  
24 reconstituted board elected thereto from Education Districts 2, 4, and 6 in such special  
25 election shall take office the first day of January immediately following that election and  
26 shall serve for initial terms of office which expire December 31, 2006, and upon the  
27 election and qualification of their respective successors.

28 (2) All future successors to members of the board whose terms of office are to expire  
29 shall be elected at the time of the state-wide general election immediately preceding the  
30 expiration of such terms, shall take office the first day of January immediately following  
31 that election, and shall serve for terms of office of four years. Members of the board shall  
32 serve for the terms of office specified therefor in this subsection and until their respective  
33 successors are elected and qualified.

34 (h) All members of the board who are elected thereto shall be elected in nonpartisan  
35 elections as provided in Code Section 21-2-139 of the O.C.G.A.

36 (i) Any vacancy in office upon the board which occurs for any reason shall be filled  
37 pursuant to Code Section 20-2-54.1 of the O.C.G.A."



1 purpose of conducting the elections required by said section and for all purposes on January  
2 1, 2005, and Section 1B of this Act shall be automatically repealed on January 1, 2005. If  
3 more than one-half of the votes cast on Question No. 1 are for approval of changing the  
4 composition of the Carroll County Board of Education to a five or seven member board and  
5 more than one-half of the votes cast on Question No. 2 are cast in favor of Option 2, then  
6 Section 1B of this Act shall become effective immediately for the sole purpose of conducting  
7 the elections required by said section and for all purposes on January 1, 2005, and Section  
8 1A of this Act shall be automatically repealed on January 1, 2005. The expense of such  
9 election shall be borne by the Carroll County Board of Education. It shall be the duty of the  
10 election superintendent to certify the results thereof to the Secretary of State.

11 **SECTION 3.**

12 The Board of Education of Carroll 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, no  
14 later than 30 days after the date on which this Act is approved by the Governor or otherwise  
15 becomes law without such approval.

16 **SECTION 4.**

17 Except as otherwise provided in Section 2, this Act shall become effective upon its approval  
18 by the Governor or upon its becoming law without such approval.

19 **SECTION 5.**

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