

House Bill 1817 (AS PASSED HOUSE AND SENATE)

By: Representatives Elrod of the 25<sup>th</sup> and Massey of the 24<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To reconstitute the law governing the Jackson County School System; to provide for the  
2 repeal of the amendment to the Constitution providing for matters regarding the selection and  
3 service of members of the board of education of Jackson County and the school  
4 superintendent, which amendment was proposed by 1980 House Resolution No. 730-1753;  
5 Resolution Act No. 247 (Ga. L. 1980, p. 2276) and was continued in force and effect by an  
6 Act approved March 28, 1986 (Ga. L. 1986, p. 5061); to provide for matters regarding the  
7 future selection and service of members of the board of education of Jackson County and the  
8 school superintendent; to provide for education districts for the election of members, terms  
9 of office, vacancies, and other related matters; to provide for a referendum with respect to  
10 the effectiveness of the foregoing; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 The amendment to the Constitution providing for matters regarding the selection and service  
14 of members of the board of education of Jackson County and the school superintendent,  
15 which amendment was proposed by 1980 House Resolution No. 730-1753; Resolution Act  
16 No. 247 (Ga. L. 1980, p. 2276) and was continued in force and effect by an Act approved  
17 March 28, 1986 (Ga. L. 1986, p. 5061) is hereby repealed.

18 **SECTION 2.**

19 (a) The board of education of Jackson County shall be composed of five members to be  
20 elected as provided in this Act. The term of each board member shall be four years. For the  
21 purpose of electing such members, Jackson County is hereby divided into those education  
22 districts as presently constituted on the effective date of this Act, excluding any area of  
23 Jackson County presently within the territorial boundaries of any independent school system  
24 in existence on the effective date of this Act.

(b) There shall be one member of the board elected from each of the five education districts described above. Each such member shall be elected by a majority of the voters voting within the boundaries of each respective education district, provided that only the voters residing outside boundaries of any independent school system in existence at the time such election is to be held shall be eligible to vote for any member of the board. Any person offering as a candidate to represent an education district on the board must reside in the district from which he or she offers and cannot reside within the territorial limits of any independent school system which is in existence on the date such election is to be held. No person shall be eligible for membership on the board unless he or she has resided in the education district from which he or she offers as a candidate for at least one year immediately preceding the date of the election. If any member of the board shall change his or her residence from the education district that he or she represents, he or she shall no longer represent that district and a successor shall be elected as provided herein.

### **SECTION 3.**

In case of a vacancy on the board for any cause other than expiration of a term of office, the board shall be authorized to appoint a successor to fill such vacancy until the next general election and, at the time of such general election, the person elected to fill such vacancy shall serve the remainder of the unexpired term. If, however, less than 60 days remain until the next general election from the time such vacancy is created, then the board in its discretion may elect to allow said vacancy to exist until the general election.

### **SECTION 4.**

The members of the board of education of Jackson County in office on the date that this Act is approved by the qualified voters of Jackson County shall continue to serve the remainder of their terms. Any person who qualifies for and is elected in the same election in which this law is approved by the qualified voters of Jackson County shall be allowed to serve the entire term for which that person was elected.

### **SECTION 5.**

All elections for future board members shall be held at the general election at which other county officers are elected in the year during which such member's term is to expire, and the person receiving the majority of the votes cast at said election shall take office on the first day of January immediately following their election.

**SECTION 6.**

Any change in the education districts for election of members of the board as they presently exist shall be made by Act of the General Assembly.

**SECTION 7.**

The board of education of Jackson County created herein shall have territorial jurisdiction over all of the area lying within the boundaries of Jackson County and outside of the boundaries of any independent school system in existence on the date this law is approved by a majority of the eligible voters in Jackson County.

**SECTION 8.**

The superintendent of the Jackson County School System shall be appointed by a majority vote of the board of education of Jackson County, as created in this law, and shall serve at the pleasure of said board of education. Any person, to be eligible to serve as superintendent, shall meet all requirements of law and of the State Board of Education for the State of Georgia for such office.

**SECTION 9.**

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Jackson County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the Jackson County School District for approval or rejection. The election superintendent shall conduct that election on the date of the November, 2004, general election and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Jackson County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which reconstitutes the law governing the Jackson County School System and repeals the amendment to the Constitution providing for matters regarding the selection and service of members of the board of education of Jackson County and the school superintendent, which amendment was proposed by 1980 House Resolution No. 730-1753; Resolution Act No. 247 (Ga. L. 1980, p. 2276) and was continued in force and effect by an Act approved March 28, 1986 (Ga. L. 1986, p. 5061)?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

1 cast on such question are for approval of the Act, Sections 1 through 8 of this Act shall  
2 become of full force and effect January 1, 2005. If the Act is not so approved or if the  
3 election is not conducted as provided in this section, Sections 1 through 8 of this Act shall  
4 not become effective and this Act shall be automatically repealed on the first day of January  
5 immediately following that election date. The expense of such election shall be borne by  
6 Jackson County. It shall be the election superintendent's duty to certify the result thereof  
7 to the Secretary of State.

#### 8 **SECTION 10.**

9 The board of education of Jackson County shall through its legal counsel cause this Act to  
10 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and  
11 such submission shall be made to the United States Department of Justice or filed with the  
12 appropriate court no later than 60 days after the date on which this Act is approved by the  
13 Governor or otherwise becomes law without such approval.

#### 14 **SECTION 11.**

15 This Act shall become effective upon its approval by the Governor, except that Sections 1  
16 through 8 of this Act shall become effective January 1, 2005, only if approved at the election  
17 provided for in Section 9 of this Act.

#### 18 **SECTION 12.**

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