

House Bill 1600 (AS PASSED HOUSE AND SENATE)

By: Representatives Butler of the 18th, Bearden of the 68th, and Brown of the 69th

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 the election and terms of office of
5 members of the board; to provide for vacancies; to provide for eligibility and qualifications;
6 to provide for submission of this Act for approval under the federal Voting Rights Act of
7 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

14 "SECTION 1.

15 (a) The Board of Education of the Carroll County School District as it existed immediately
16 prior to July 1, 2006, is continued in existence, but, on and after July 1, 2006, shall be
17 constituted as provided in this Act. The Board of Education of the Carroll County School
18 District so continued and constituted, sometimes referred to in this Act as the 'board,' shall
19 continue to have the powers, duties, rights, obligations, and liabilities of that board as it
20 existed immediately prior to July 1, 2006.

21 (b)(1) Those members of the Board of Education of the Carroll County School District
22 who are representing Education Districts 2, 3, and 5 as designated by prior law
23 immediately prior to the effective date of this Act whose terms expire on December 31,
24 2006, and any person selected to fill a vacancy in any such office shall serve out the terms
25 to which they were elected.

1 (2) The General Assembly finds that, based upon the decision of the court in the case of
2 Burton-Callaway v. Carroll County Board of Elections, no election was conducted in
3 2004 for those members of the Board of Education of the Carroll County School District
4 who were representing Education Districts 1, 4, and 6 as designated by prior law. The
5 court determined that such members are holdovers whose terms of office have expired.
6 Therefore, such members shall continue to serve until successors for such members are
7 elected and qualified in a special election to be held at the same time as the 2006 General
8 Primary.

9 (3) On and after July 1, 2006, the Board of Education of the Carroll County School
10 District shall consist of seven members, who shall be elected from education districts
11 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 the Redistricting Plan Components
16 Report made a part of this Act and further identified as Plan Name: carrollsb04 Plan Type:
17 Local User: Gina 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) On and after July 1, 2006, Bernice Brooks, the member representing Education
13 District 1 as it existed immediately prior to July 1, 2006, shall represent the new
14 Education District 1; Dorothy Burton-Callaway, the member representing Education
15 District 2 as it existed immediately prior to July 1, 2006, shall represent the new
16 Education District 2; William Kesckes, the member representing Education District 3 as
17 it existed immediately prior to July 1, 2006, shall represent the new Education District 5;
18 Bart Cater, the member representing Education District 4 as it existed immediately prior
19 to July 1, 2006, shall represent the new Education District 6; John Stephens, the member
20 representing Education District 5 as it existed immediately prior to July 1, 2006, shall
21 represent the new Education District 7; and Mary Hooper, the member representing
22 Education District 6 as it existed immediately prior to July 1, 2006, shall represent the
23 new Education District 3.

24 (2) A special election to fill the unexpired terms from newly reconstituted Education
25 Districts 1, 3, and 6 being filled by members holding over beyond the expiration of their
26 terms of office shall be held in conjunction with the general primary on the third Tuesday
27 in July, 2006. As soon as practicable after this section becomes effective, the election
28 superintendent of Carroll County shall call a special election for the purpose of electing
29 such members of the board. Such special election shall be called and conducted in
30 accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
31 Election Code.' Those members of the reconstituted board elected thereto from
32 Education Districts 1, 3, and 6 in such special election shall take office immediately
33 following that election and shall serve out the unexpired terms of office which shall
34 expire December 31, 2008, and upon the election and qualification of their respective
35 successors.

36 (3) A special election shall be held in conjunction with the general primary on the third
37 Tuesday in July, 2006, for the purpose of filling the position in newly created Education

1 District 4. As soon as practicable after this section becomes effective, the election
2 superintendent of Carroll County shall call a special election for the purpose of electing
3 such member. Such special election shall be called and conducted in accordance with the
4 provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' The
5 member of the reconstituted board elected thereto from Education District 4 in such
6 special election shall take office immediately following that election and shall serve until
7 December 31, 2008, and upon the election and qualification of his or her successor.

8 (4) Successors to those members of the reconstituted board from Education Districts 2, 5,
9 and 7 whose terms of office expire December 31, 2006, shall be elected in the 2006
10 General Election and shall take office on January 1, 2007 for a term of office of four
11 years.

12 (5) All future successors to members of the board whose terms of office are to expire
13 shall be elected at the time of the state-wide general election immediately preceding the
14 expiration of such terms, shall take office the first day of January immediately following
15 that election, and shall serve for terms of office of four years. Members of the board shall
16 serve for the terms of office specified therefor in this subsection and until their respective
17 successors are elected and qualified.

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

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

22 SECTION 2.

23 The Board of Education of Carroll County shall through its legal counsel cause this Act to
24 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, no
25 later than 30 days after the date on which this Act is approved by the Governor or otherwise
26 becomes law without such approval.

27 SECTION 3.

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 SECTION 4.

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