

House Bill 1441

By: Representative Smith of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the election of the board of education of Bacon County,
2 approved February 20, 1976 (Ga. L. 1976, p. 2713), as amended, particularly by an Act
3 approved March 28, 1985 (Ga. L. 1985, p. 4823), and by an Act approved May 16, 2007 (Ga.
4 L. 2007, p. 3707), so as to provide for the selection of the chairman to the board; to provide
5 for a referendum; to provide for related matters; to provide for submission of this Act for
6 preclearance under the federal Voting Rights Act of 1965, as amended; to provide effective
7 dates; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act providing for the election of the board of education of Bacon County, approved
11 February 20, 1976 (Ga. L. 1976, p. 2713), as amended, particularly by an Act approved
12 March 28, 1985 (Ga. L. 1985, p. 4823), and by an Act approved May 16, 2007 (Ga. L. 2007,
13 p. 3707), is amended by revising Section 1 as follows:

14 "SECTION 1.

15 (a) For purposes of electing members of the board of education, each of whom must reside
16 in the district from which the person is to be elected, the Bacon County School District is
17 divided into five education districts designated as Districts 1 through 5. District 1 as
18 created by an Act approved March 28, 1985 (Ga. L. 1985, p.4823) shall be abolished.
19 Formerly designated Districts 2 through 6 which correspond to those five districts
20 described in and attached to and made a part of an Act approved March 28, 1985 (Ga. L.
21 1985, p.4823), further identified as Plan Name: bacon07p3 Plan Type: Local User: Gina
22 Administrator: Bacon Co, shall be redesignated as Districts 1 through 5 in the same order
23 as currently numbered in such attachment.

24 (b) The designations in such attachment shall be considered redesignated as follows:
25 previously designated district 002 shall be redesignated as district 001; previously

1 designated district 003 shall be redesignated as district 002; previously designated district
 2 004 shall be redesignated as district 003; previously designated district 005 shall be
 3 redesignated as district 004; and previously designated district 006 shall be redesignated
 4 as district 005.

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

23 (c) Districts 2 through 6, as they existed immediately prior to the effective date of this
 24 section, shall be designated as Districts 1 through 5, respectively, but as previously
 25 described under Plan Name: bacon07p3 Plan Type: Local User: Gina Administrator:
 26 Bacon Co. The members of the board serving from the previously designated Districts 2
 27 through 6 shall serve from and represent their respective districts as newly described under
 28 this section as Districts 1 through 5."

29 SECTION 2.

30 Said Act is further amended by revising subsection (b) of Section 2 as follows:

31 "(b)(1) At the general election in 1986, there shall be elected three members of the board,
 32 one member each from Districts 2, 4, and 6 which shall be referred to as Districts 1, 3,
 33 and 5, respectively, beginning on September 1, 2008.

34 (2) At the general election in 1988, there shall be elected two members of the board, one
 35 member each from Districts 1, 3, and 5. Said Districts 3 and 5 shall be referred to as
 36 Districts 2 and 4, respectively, beginning on September 1, 2008, and the previously

1 designated District 1 shall be abolished. Beginning on December 31, 2008, the term of
2 office of the member elected from District 1 shall expire.

3 (3) Beginning on September 1, 2008, a chairperson shall be selected from the members
4 of the board and appointed by majority vote of all members of the board. The
5 chairperson so appointed shall serve until the expiration of his or her term."

6 SECTION 3.

7 Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the
8 election superintendent of Bacon County shall call and conduct an election. The election
9 superintendent shall conduct that election on the date of the state primary election in July of
10 2008 and shall issue the call and conduct that election as provided in this section. The
11 superintendent shall cause the date and purpose of the election to be published once a week
12 for two weeks immediately preceding the date thereof in the official organ of Bacon County.
13 The ballot shall have written or printed thereon the words:

14 "() YES Shall the Act be continued that allows the chairperson of the board of
15 () NO education of Bacon County to be elected by a majority vote of the people?"

16 All persons desiring to continue to have the chairperson elected by the people shall vote
17 "Yes," and all persons desiring to have the chairperson appointed by the board shall vote
18 "No." If more than one-half of the votes cast on such question are "Yes," Sections 1 and 2
19 of this Act shall not become effective and this Act shall be automatically repealed on the
20 thirty-first day of August immediately following that election date. If more than one-half of
21 the votes cast on such question are "No," Sections 1 and 2 of this Act shall become full force
22 and effective on September 1, 2008. The expense of such election shall be borne by Bacon
23 County. It shall be the duty of the election superintendent of Bacon County to certify the
24 results thereof to the Secretary of State.

25 SECTION 4.

26 The board of education of Bacon County shall through its legal counsel cause this Act to be
27 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.

1 **SECTION 5.**

2 Except as otherwise provided in Section 2 of this Act, this Act shall become effective on July
3 1, 2008.

4 **SECTION 6.**

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