

House Bill 22

By: Representatives Oliver of the 83rd, Mitchell of the 88th, Drenner of the 86th, Gardner of the 57th, Jacobs of the 80th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act establishing in DeKalb County districts from which members of the county
2 board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as
3 amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4536), and by an
4 Act approved March 14, 1984 (Ga. L. 1984, p. 4192), so as to revise the composition of the
5 board of education; to shorten the terms of certain members of the board of education; to
6 provide for new terms of office and manner of election; to provide for the nonpartisan
7 election of members of the board of education; to provide for related matters; to provide for
8 referendums and the submission of questions related thereto to the electors of the DeKalb
9 County School District for approval or rejection; to provide for effective dates and automatic
10 repeals; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **PART I.**
13 **SECTION 1-1.**

14 An Act establishing in DeKalb County districts from which members of the county board of
15 education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended,
16 particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4536), and by an Act
17 approved March 14, 1984 (Ga. L. 1984, p. 4192), is amended by revising Sections 1, 2, and
18 3 to read as follows:

19 "SECTION 1.

20 (a) There is created the board of education of DeKalb County. On and after January 1,
21 2013, the board shall consist of five members elected as provided in this section.

22 (b) For the purpose of electing the members of the board of education, DeKalb County
23 shall be divided into five education districts. One member of the board shall be elected
24 from each education district by the electors of such education district.

25 (c) The boundaries of the five education districts shall be established by the General
 26 Assembly by local law in the 2012 regular session of the General Assembly based upon the
 27 2010 United States decennial census. Such education districts shall be designed as
 28 Education Districts 1, 2, 3, 4, and 5.

29 **SECTION 2.**

30 (a) Those members of the board of education in office on the effective date of this Act and
 31 any person selected to fill a vacancy in any such offices shall serve until December 31,
 32 2012, at which time their terms of office shall end.

33 (b) In the 2012 general election, members of the board of education from Education
 34 Districts 1, 3, and 5 shall be elected. Such members shall take office on January 1, 2013,
 35 and shall serve terms of office of four years and until their respective successors are elected
 36 and qualified. Thereafter, successors shall be elected at the November general election
 37 immediately preceding the expiration of the term of office of each respective member and
 38 shall take office on the first day of January following such election for a term of office of
 39 four years and until a successor is elected and qualified.

40 (c) In the 2012 general election, members of the board of education from Education
 41 Districts 2 and 4 shall be elected. Such members shall take office on January 1, 2013, and
 42 shall serve terms of office of two years and until their respective successors are elected and
 43 qualified. Thereafter, successors shall be elected at the November general election
 44 immediately preceding the expiration of the term of office of each respective member and
 45 shall take office on the first day of January following such election for a term of office of
 46 four years and until a successor is elected and qualified.

47 **SECTION 3.**

48 Elections for members of the board of education shall be conducted on a nonpartisan basis
 49 in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
 50 Election Code.'

51 **PART II.**

52 **SECTION 2-1.**

53 An Act establishing in DeKalb County districts from which members of the county board of
 54 education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended,
 55 particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4536), and by an Act
 56 approved March 14, 1984 (Ga. L. 1984, p. 4192), is amended by revising Sections 1, 2, and
 57 3 to read as follows:

58 "SECTION 1.

59 (a) There is created the board of education of DeKalb County. On and after January 1,
60 2013, the board shall consist of seven members elected as provided in this section.

61 (b) For the purpose of electing the members of the board of education, DeKalb County
62 shall be divided into five education districts designated as Education Districts 1, 2, 3, 4, and
63 5. In addition, DeKalb County shall also be divided into two superdistricts which shall be
64 designated as Education Districts 6 and 7. One member of the board shall be elected from
65 each education district by the electors of such education district.

66 (c) The boundaries of the seven education districts shall be established by the General
67 Assembly by local law in the 2012 regular session of the General Assembly based upon the
68 2010 United States decennial census.

69 SECTION 2.

70 (a) Those members of the board of education in office on the effective date of this Act and
71 any person selected to fill a vacancy in any such offices shall serve until December 31,
72 2012, at which time their terms of office shall end.

73 (b) In the 2012 general election, members of the board of education from Education
74 Districts 1, 3, 5, and 7 shall be elected. Such members shall take office on January 1, 2013,
75 and shall serve terms of office of four years and until their respective successors are elected
76 and qualified. Thereafter, successors shall be elected at the November general election
77 immediately preceding the expiration of the term of office of each respective member and
78 shall take office on the first day of January following such election for a term of office of
79 four years and until a successor is elected and qualified.

80 (c) In the 2012 general election, members of the board of education from Education
81 Districts 2, 4, and 6 shall be elected. Such members shall take office on January 1, 2013,
82 and shall serve terms of office of two years and until their respective successors are elected
83 and qualified. Thereafter, successors shall be elected at the November general election
84 immediately preceding the expiration of the term of office of each respective member and
85 shall take office on the first day of January following such election for a term of office of
86 four years and until a successor is elected and qualified.

87 SECTION 3.

88 Elections for members of the board of education shall be conducted on a nonpartisan basis
89 in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
90 Election Code.'

91 **PART III.**

92 **SECTION 3-1.**

93 Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the
 94 election superintendent of DeKalb County shall call and conduct an election on the Tuesday
 95 after the first Monday in November 2011 as provided in this section for the purpose of
 96 submitting this Act to the electors of the DeKalb County School District for approval or
 97 rejection. The election superintendent shall issue the call and conduct that election as
 98 provided by general law. The superintendent shall cause the date and purpose of the election
 99 to be published once a week for two weeks immediately preceding the date thereof in the
 100 official organ of DeKalb County. The ballot shall have written or printed thereon the words:

101 "QUESTION NO. 1

102 () YES Shall the board of education of DeKalb County be changed from a
 103 () NO nine-member board to a five-member or seven-member board?

104 QUESTION NO. 2

105 If a majority of the votes cast on Question No. 1 are in favor of changing the
 106 form of the board of education of DeKalb County, select the form of the
 107 board of education which you favor by placing a check (✓) mark or (X) in
 108 the appropriate space below. Vote for only one of the options below:

109 OPTION 1

110 _____ A five-member board composed of five members elected by district.

112 OPTION 2

113 A seven-member board composed of five members elected by district and
 114 _____ two additional members elected from superdistricts."

115 No elector shall vote for more than one of the options in Question No. 2. All persons
 116 desiring to vote for approval of changing the form of the board of education of DeKalb
 117 County to either a board consisting of five members elected by district or a board consisting
 118 of seven members with five members elected by district and two additional members elected
 119 from superdistricts shall vote "Yes" on Question No. 1, and those persons desiring to vote
 120 against changing the form of the board of education of DeKalb County to either a board
 121 consisting of five members elected by district or a board consisting of seven members with
 122 five members elected by district and two additional members elected from superdistricts shall
 123 vote "No" on Question No. 1. If more than one-half of the votes cast on Question No. 1 are
 124 for approval of changing the form of the board of education of DeKalb County to either a
 125 board consisting of five members elected by district or a board consisting of seven members

126 with five members elected by district and two additional members elected from
127 superdistricts, then either Part I or II of this Act shall become effective as provided in this
128 section; otherwise, neither Part I nor II shall become effective and this Act shall be
129 automatically repealed on the first day of January following that election date. If more than
130 one-half of the votes cast on Question No. 1 are for approval of changing the form of the
131 board of education of DeKalb County to either a board consisting of five members elected
132 by district or a board consisting of seven members with five members elected by district and
133 two additional members elected from superdistricts and more than one-half of the votes cast
134 on Question No. 2 are cast in favor of Option 1 or there is a tie vote between Option 1 and
135 Option 2, then Part I of this Act shall become effective on January 1, 2012, and Part II of this
136 Act shall be automatically repealed on January 1, 2012. If more than one-half of the votes
137 cast on Question No. 1 are for approval of changing the form of the board of education of
138 DeKalb County to either a board consisting of five members elected by district or a board
139 consisting of seven members with five members elected by district and two additional
140 members elected from superdistricts and more than one-half of the votes cast on Question
141 No. 2 are cast in favor of Option 2, then Part II of this Act shall become effective on
142 January 1, 2012, and Part I of this Act shall be automatically repealed on January 1, 2012.
143 Only electors residing in the DeKalb County School District shall vote in this referendum.
144 The expense of such election shall be borne by DeKalb County. It shall be the duty of the
145 election superintendent to certify the results thereof to the Secretary of State.

146 **SECTION 3-2.**

147 It shall be the duty of the attorney for the governing authority of DeKalb County to submit
148 this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as
149 amended.

150 **SECTION 3-3.**

151 Except as otherwise provided in Section 3-1 of this Act, this Act shall become effective upon
152 its approval by the Governor or its becoming law without such approval.

153 **SECTION 3-4.**

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