

House Bill 803 (AS PASSED HOUSE AND SENATE)

By: Representative Ralston of the 7th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing the method of election of the members of the Board of Education
2 of Gilmer County, approved April 10, 1971 (Ga. L. 1971, p. 3471), as amended, so as to
3 change the description of the education districts; to provide for definitions and inclusions;
4 to provide for continuation in office of current members; to provide for election and terms
5 of office of subsequent members; to provide for submission of this Act for approval under
6 the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act providing the method of election of the members of the Board of Education of
11 Gilmer County, approved April 10, 1971 (Ga. L. 1971, p. 3471), as amended, is amended by
12 striking Section 1 of said Act and inserting in its place the following:

13 "SECTION 1.

14 (a) The Board of Education of Gilmer county shall be composed of five members to be
15 elected as provided in this Act. For purposes of electing members of the board of
16 education, the Gilmer County School District is divided into five education districts. The
17 five education districts shall be and correspond to those five numbered districts described
18 in and attached to and made a part of this Act and further identified as 'Plan: gilmersb-2012
19 Plan Type: Local Administrator: Gilmer SB User: Gina'.

20 (b)(1) When used in such attachment, the term 'VTD' (voting tabulation district) shall
21 mean and describe the same geographical boundaries as provided in the report of the
22 Bureau of the Census for the United States decennial census of 2010 for the State of
23 Georgia.

24 (2) The separate numeric designations in a district description which are underneath a
25 VTD heading shall mean and describe individual Blocks within a VTD as provided in the

26 report of the Bureau of the Census for the United States decennial census of 2010 for the
 27 State of Georgia. Any part of the Gilmer County School District which is not included
 28 in any such district described in that attachment shall be included within that district
 29 contiguous to such part which contains the least population according to the United States
 30 decennial census of 2010 for the State of Georgia.

31 (3) Any part of the Gilmer County School District which is described in that attachment
 32 as being in a particular district shall nevertheless not be included within such district if
 33 such part is not contiguous to such district. Such noncontiguous part shall instead be
 34 included within that district contiguous to such part which contains the least population
 35 according to the United States decennial census of 2010 for the State of Georgia.

36 (4) Except as otherwise provided in the description of any education district, whenever
 37 the description of such district refers to a named city, it shall mean the geographical
 38 boundaries of that city as shown on the census map for the United States decennial census
 39 of 2010 for the State of Georgia.

40 (c) The board of education shall be composed of one member from each education district.
 41 Any person, in order to be eligible for membership on the board to represent an education
 42 district, must reside in the education district which he or she represents. Each member
 43 from an education district shall be elected and voted on by the voters of the entire Gilmer
 44 County School District."

45 **SECTION 2.**

46 Said Act is further amended by striking Section 2 of said Act and inserting in its place the
 47 following:

48 "SECTION 2.

49 (a) Those members of the Board of Education of Gilmer County who are serving as such
 50 on December 31, 2012, and any person selected to fill a vacancy in any such office shall
 51 continue to serve as such members until the regular expiration of their respective terms of
 52 office and upon the election and qualification of their respective successors. Education
 53 Districts 1, 2, 3, 4, and 5, as they exist on December 31, 2012, shall continue to be
 54 designated as Education Districts 1, 2, 3, 4, and 5, respectively, but as newly described
 55 under this Act, and on and after January 1, 2013, such members of the board serving from
 56 those former education districts shall be deemed to be serving from and representing their
 57 respective districts as newly described under this Act.

58 (b)(1) Successors to the members of the board of education from Education Districts 4
 59 and 5 whose terms expire December 31, 2014, shall be elected in a nonpartisan election
 60 in 2014. They shall take office on the first day of January immediately following their

61 election for terms of four years and until their successors are elected and qualified.
62 Thereafter, future successors shall be elected at the nonpartisan election immediately
63 preceding the expiration of their terms of office and shall take office on the first day of
64 January immediately following their election for terms of four years and until their
65 successors are elected and qualified.

66 (2) Successors to the members of the board of education from Education Districts 1, 2,
67 and 3 whose terms expire December 31, 2012, shall be elected in a nonpartisan election
68 in 2012. They shall take office on the first day of January immediately following their
69 election for terms of four years and until their successors are elected and qualified.
70 Thereafter, future successors shall be elected at the nonpartisan election immediately
71 preceding the expiration of their terms of office and shall take office on the first day of
72 January immediately following their election for terms of four years and until their
73 successors are elected and qualified.

74 (c) Members of the board of education shall be elected at nonpartisan elections to be held
75 and conducted as provided in Code Sections 21-2-139 and 21-2-284.1 and other applicable
76 provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the 'Georgia Election Code.'

77 **SECTION 3.**

78 The Board of Education of Gilmer County shall through its legal counsel cause this Act to
79 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
80 such submission shall be made to the United States Department of Justice or filed with the
81 appropriate court no later than 45 days after the date on which this Act is approved by the
82 Governor or otherwise becomes law without such approval.

83 **SECTION 4.**

84 This section and Section 3 of this Act and those provisions of this Act necessary for the
85 election of members of the Board of Education of Gilmer County in 2012 shall become
86 effective upon the approval of this Act by the Governor or upon its becoming law without
87 such approval. The remaining provisions of this Act shall become effective January 1, 2013.

88 **SECTION 5.**

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