

House Bill 902 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To revise and restate the law relating to the Calhoun County Board of Education; to provide
2 for the number of members of the board and the districts from which they are elected; to
3 provide for eligibility, manner of election, and filling of vacancies; to provide for a
4 chairperson and vice chairperson; to provide for compensation; to provide for submission of
5 this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal
6 the amendment to the Constitution providing for the division of Calhoun County into five
7 school districts and for the election of a seven-member board of education, which
8 amendment was proposed by 1955 Senate Resolution No.20, Resolution Act No. 53 (Ga. L.
9 1955, p. 470), and was continued in force and effect by an Act approved March 18, 1986
10 (Ga. L. 1986, p. 3940); to provide for related matters; to provide for effective dates; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 The purpose of this Act is to repeal the 1955 amendment to the Constitution providing for
15 the Calhoun County Board of Education and for the election of a seven-member board of
16 education and to revise and restate the law relating to the Calhoun County Board of
17 Education.

18 **SECTION 2.**

19 (a) The members of the Calhoun County Board of Education in office on December 31,
20 2012, shall serve out the remainder of the terms for which they were elected. Thereafter,
21 their successors shall be elected quadrennially for terms of four years.

22 (b) In the event of any vacancy in the term of office of one of the board members referred
23 to in subsection (a) of this section, such vacancy shall be filled for the remainder of the
24 unexpired term in the manner provided by Section 6 of this Act.

25

SECTION 3.

26 (a) No person shall be a member of the board of education if he or she is ineligible for such
27 office pursuant to the provisions of Code Section 20-2-51 or 45-2-1 of the O.C.G.A. or of
28 any other provision contained in the O.C.G.A.

29 (b) In order to be elected as a member of the board from an education district, a person shall
30 have resided in that district for at least six months prior to the date such person qualifies as
31 a candidate for election from such district and shall receive a majority of the votes cast for
32 that office in that district only and not at large. Only electors who are residents of that
33 district may vote for a member of the board from that district. At the time of qualifying for
34 election as a member of the board from a district, each candidate for such office shall specify
35 the district for which that person is a candidate. A person elected as a member of the board
36 from a district shall continue to reside in that district during that person's term of office, or
37 that office shall thereupon become vacant.

38 (c) The reference to education districts in this Act shall refer to those education districts
39 described in an Act entitled "An Act to provide education districts for the Calhoun County
40 Board of Education," approved April 13, 1992 (Ga. L. 1992, p. 6119), as now or hereafter
41 amended.

42

SECTION 4.

43 (a) At the first meeting of the board of education in January of each year, the board shall
44 elect a chairperson and a vice chairperson, each of whom shall be eligible to succeed himself
45 or herself.

46 (b) A quorum of the board shall be five members.

47

SECTION 5.

48 Each member of the board of education shall be entitled to reimbursement for actual
49 expenses necessarily incurred in connection with travel outside of the county on official
50 business of the board of education, including, but not limited to, attending training sessions
51 or state-wide meetings; provided, however, that such travel is authorized by a majority vote
52 of the members of the board of education prior thereto. All expenses shall be approved and
53 verified prior to reimbursement in such manner as may be specified by the board. Each
54 board member shall be entitled to participate in any school district group insurance plan to
55 the extent authorized in Code Section 20-2-55 of the O.C.G.A.

56

SECTION 6.

57 In the event a vacancy occurs in the membership of the board of education for any reason,
58 such vacancy shall be filled as follows:

59 (1) If the vacancy occurs more than 90 days prior to the date of a general election
 60 preceding the general election at which a successor would be elected to a new full term
 61 of office, then such vacancy shall be filled for the unexpired term of office at a special
 62 election to be held on the same date as said general election preceding the general
 63 election at which a successor would be elected to a new full term of office; and in this
 64 case, the remaining members of the board of education shall, by majority vote, select a
 65 qualified person to fill the vacancy until the person elected at such special election takes
 66 office; or

67 (2) If the vacancy does not occur more than 90 days prior to the date of a general election
 68 preceding the general election at which a successor would be elected for a new full term
 69 of office, then the remaining members of the board of education shall, by majority vote,
 70 select a qualified person to serve for the remainder of the unexpired term. The individual
 71 so selected shall meet the residency requirements as specified in subsection (b) of
 72 Section 3 of this Act.

73 **SECTION 7.**

74 That amendment to the Constitution providing for the division of Calhoun County into five
 75 school districts and for the election of a seven-member board of education, which
 76 amendment was proposed by 1955 Senate Resolution No.20, Resolution Act No. 53 (Ga. L.
 77 1955, p. 470), and was continued in force and effect by an Act approved March 18, 1986
 78 (Ga. L. 1986, p. 3940), is repealed.

79 **SECTION 8.**

80 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 81 superintendent of Calhoun County shall call and conduct an election as provided in this
 82 section for the purpose of submitting this Act to the electors of Calhoun County for approval
 83 or rejection. The election superintendent shall conduct that election on the date of the
 84 general election in November, 2012, and shall issue the call and conduct that election as
 85 provided by general law. The superintendent shall cause the date and purpose of the election
 86 to be published once a week for two weeks immediately preceding the date thereof in the
 87 official organ of Calhoun County. The ballot shall have written or printed thereon the words:

88 "() YES Shall the Act to revise and restate the laws relating to the Calhoun County
 89 Board of Education and to repeal that amendment to the Constitution of
 90 () NO Georgia proposed by 1955 Senate Resolution No. 20, Resolution Act No. 53
 91 (Ga. L. 1955, p. 470), and continued in force and effect by an Act approved
 92 March 18, 1986 (Ga. L. 1986, p. 3940), be approved?"

93 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
94 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
95 cast on such question are for approval of the Act, Sections 1 through 7 of this Act shall
96 become of full force and effect on January 1, 2013. If the Act is not so approved or if the
97 election is not conducted as provided in this section, then Sections 1 through 7 of this Act
98 shall not become effective, and this Act shall be automatically repealed on the first day of
99 January immediately following that election date. The expense of such election shall be
100 borne by Calhoun County. It shall be the election superintendent's duty to certify the result
101 thereof to the Secretary of State.

102 **SECTION 9.**

103 The Calhoun County Board of Education shall through its legal counsel cause this Act to be
104 submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
105 such submission shall be made to the United States Department of Justice or filed with the
106 appropriate court no later than 90 days after the date on which this Act is approved by the
107 Governor or otherwise becomes law without such approval.

108 **SECTION 10.**

109 This section and Sections 8 and 9 of this Act shall become effective upon the approval of this
110 Act by the Governor or upon its becoming law without such approval. Except as otherwise
111 provided in Section 8 of this Act, the remaining sections of this Act shall become effective
112 on January 1, 2013.

113 **SECTION 11.**

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