

House Bill 35EX

By: Representatives Channell of the 116th and Williams of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the election of members of the Board of Education of
2 Oglethorpe County, approved March 31, 1967 (Ga. L. 1967, p. 2370), as amended,
3 particularly by an Act approved April 18, 2002 (Ga. L. 2002, p. 3972), so as to reconstitute
4 the board of education; to change the description of the education districts; to provide for
5 continuation in office of certain current board members; to provide for election and terms of
6 office of subsequent members; to provide for submission of this Act for preclearance under
7 the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal
8 conflicting laws; and for other purposes.

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

10 **SECTION 1.**

11 An Act providing for the election of members of the Board of Education of Oglethorpe
12 County, approved March 31, 1967 (Ga. L. 1967, p. 2370), as amended, particularly by an Act
13 approved April 18, 2002 (Ga. L. 2002, p. 3972), is amended by revising subsections (b) and
14 (c) of Section 1 as follows:

15 "(b) The Board of Education of Oglethorpe County which existed on December 31, 2011,
16 is continued in existence but on and after January 1, 2012, shall be reconstituted as
17 provided in this Act. The Board of Education of Oglethorpe County so continued and
18 constituted, sometimes referred to in this Act as the 'board,' shall continue to have the
19 powers, duties, rights, obligations, and liabilities of that board as existed immediately prior
20 to January 1, 2012. Those members of the Board of Education of Oglethorpe County who
21 are serving as such on December 31, 2011, and any person selected to fill a vacancy in any
22 such office shall continue to serve as such members until the regular expiration of their
23 respective terms of office and upon the election and qualification of their respective
24 successors. On and after January 1, 2012, the Board of Education of Oglethorpe County
25 shall consist of five members, all of whom shall be elected from education districts
26 described in this Act.

27 (c)(1) For purposes of electing members of the board of education, the Oglethorpe
 28 County School District is divided into five education districts. One member of the board
 29 shall be elected from each such district. The five education districts shall be and
 30 correspond to those five numbered districts described in and attached to and made a part
 31 of this Act and further identified as 'Plan: olgethorpeccsb-2011 Plan Type: Local User:
 32 bak'.

33 (2) When used in such attachment, the term 'VTD' (voting tabulation district) shall mean
 34 and describe the same geographical boundaries as provided in the report of the Bureau
 35 of the Census for the United States decennial census of 2010 for the State of Georgia.

36 (3) The separate numeric designations in a district description which are underneath a
 37 VTD heading shall mean and describe individual Blocks within a VTD as provided in the
 38 report of the Bureau of the Census for the United States decennial census of 2010 for the
 39 State of Georgia. Any part of the Oglethorpe County School District which is not
 40 included in any such district described in that attachment shall be included within that
 41 district contiguous to such part which contains the least population according to the
 42 United States decennial census of 2010 for the State of Georgia.

43 (4) Any part of the Oglethorpe County School District which is described in that
 44 attachment as being in a particular district shall nevertheless not be included within such
 45 district if such part is not contiguous to such district. Such noncontiguous part shall
 46 instead be included within that district contiguous to such part which contains the least
 47 population according to the United States decennial census of 2010 for the State of
 48 Georgia.

49 (5) Except as otherwise provided in the description of any education district, whenever
 50 the description of such district refers to a named city, it shall mean the geographical
 51 boundaries of that city as shown on the census map for the United States decennial census
 52 of 2010 for the State of Georgia."

53 **SECTION 2.**

54 Said Act is further amended by revising Section 4 as follows:

55 "SECTION 4.

56 (a) The members of the reconstituted Board of Education of Oglethorpe County shall be
 57 elected as provided in this subsection. The first members from Education Districts 3 and
 58 5 shall be elected at the general election on the Tuesday next following the first Monday
 59 in November, 2014. Those members of the board elected thereto from Education Districts
 60 3 and 5 in 2014 shall take office the first day of January immediately following that

61 election and shall serve for initial terms of office which expire December 31, 2018, and
 62 upon the election and qualification of their respective successors. The first members from
 63 Education Districts 1, 2, and 4 shall be elected at the general election on the Tuesday next
 64 following the first Monday in November, 2012. Those members of the board elected
 65 thereto from Education Districts 1, 2, and 4 in 2012 shall take office the first day of January
 66 immediately following that election and shall serve for initial terms of office which expire
 67 December 31, 2016, and upon the election and qualification of their respective successors.
 68 Those and all future successors to members of the board whose terms of office are to expire
 69 shall be elected at the time of the state-wide general election immediately preceding the
 70 expiration of such terms, shall take office the first day of January immediately following
 71 that election, and shall serve for terms of office of four years each. Members of the board
 72 shall serve for the terms of office specified therefor in this subsection and until their
 73 respective successors are elected and qualified.

74 (b) Education Districts 1 through 5, as they exist on December 31, 2011, shall continue to
 75 be designated as Education Districts 1 through 5, respectively, but as newly described
 76 under this Act, and on and after January 1, 2012, such members of the board serving from
 77 those former education districts shall be deemed to be serving from and representing their
 78 respective districts as newly described under this Act."

79

SECTION 3.

80 Said Act is further amended by repealing the attachment thereto containing the former
 81 descriptions of education districts which is identified as "Plan Name: oglethccsbwk2 Plan
 82 Type: Local User: Angela Administrator: Oglethorpe".

83

SECTION 4.

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

89

SECTION 5.

90 This section and Section 4 of this Act and those provisions of this Act necessary for the
 91 election of members of the Board of Education of Oglethorpe County in 2012 shall become
 92 effective upon the approval of this Act by the Governor or upon its becoming law without
 93 such approval. The remaining provisions of this Act shall become effective January 1, 2012.

94

SECTION 6.

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