

House Bill 43EX

By: Representatives Yates of the 73rd and Knight of the 126th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to establish the Griffin-Spalding County School System Board of
2 Education, approved February 25, 1953 (Ga. L. 1953, Jan-Feb. Sess., p. 2563), as amended,
3 particularly by a local constitutional amendment (Ga. L. 1982, p. 2680) which was continued
4 in force and effect as a part of the Constitution of the State of Georgia by an Act approved
5 February 18, 1987 (Ga. L. 1987, p. 3545) and by an Act approved March 7, 2002 (Ga. L.
6 2002, p. 3566), so as to reconstitute the Board of Education of Griffin-Spalding County; to
7 change the description of the education districts; to provide for definitions and inclusions;
8 to provide for continuation in office of certain current board members; to provide for election
9 and terms of office of subsequent members; to repeal the former descriptions of education
10 districts; to provide for a referendum; to provide for submission of this Act for preclearance
11 under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 An Act to establish the Griffin-Spalding County School System Board of Education,
16 approved February 25, 1953 (Ga. L. 1953, Jan-Feb. Sess., p. 2563), as amended, particularly
17 by a local constitutional amendment (Ga. L. 1982, p. 2680) which was continued in force and
18 effect as a part of the Constitution of the State of Georgia by an Act approved February 18,
19 1987 (Ga. L. 1987, p. 3545), and by an Act approved March 7, 2002 (Ga. L. 2002, p. 3566),
20 is amended by revising Sections 2 and 3 as follows:

21 "SECTION 2.

22 (a) The administration of the Griffin-Spalding County School System shall be vested in
23 a board to be known and designated as the 'Griffin-Spalding County Board of Education.'
24 Said board shall consist of five members, each of whom shall be a person of good moral
25 character and at least 25 years of age at the time of assuming office as a member of said

26 board. Each of the five education districts hereinafter created and described shall be
 27 represented by one member of such board who shall have been a resident of the district he
 28 or she represents for at least six months prior to the date of his or her election or
 29 appointment to said board. Such members shall be elected in a nonpartisan general election
 30 held at the time of the general primary in each even-numbered year.

31 (b) For the purpose of electing members of the board from education districts, Spalding
 32 County shall be divided into five education districts. One member of the board shall be
 33 elected from each such district. Those districts shall be and correspond to those five
 34 numbered districts described in and attached to and made a part of this Act and further
 35 identified as 'Plan: spaldingccsb2011 Plan Type: Local User: admin'.

36 (c)(1) When used in such attachment, the term 'VTD' (voting tabulation district) shall
 37 mean and describe the same geographical boundaries as provided in the report of the
 38 Bureau of the Census for the United States decennial census of 2010 for the State of
 39 Georgia.

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

47 (3) Any part of the Griffin-Spalding County School District which is described in that
 48 attachment as being in a particular district shall nevertheless not be included within such
 49 district if such part is not contiguous to such district. Such noncontiguous part shall
 50 instead be included within that district contiguous to such part which contains the least
 51 population according to the United States decennial census of 2010 for the State of
 52 Georgia.

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

57 SECTION 3.

58 (a) The members of the board who are in office on January 1, 2011, and any person
 59 selected to fill a vacancy on such board shall continue in office until the regular expiration
 60 of their respective terms of office and until successors are elected and qualified as provided
 61 herein, and at that time such members' terms of office shall end.

62 (b) The first members of the reconstituted Griffin-Spalding County Board of education
 63 from Education Districts 2 and 4 shall be elected in the nonpartisan general election held
 64 in conjunction with the general primary in 2012. Such members shall take office on
 65 January 1 following their election for terms of four years and until their successors are
 66 elected and qualified. The first members of the reconstituted Griffin-Spalding County
 67 Board of Education from Education Districts 1, 3, and 5 shall be elected in the nonpartisan
 68 general election held in conjunction with the general primary in 2014. Such members shall
 69 take office on January 1 following their election for a term of four years and until their
 70 successors are elected and qualified.

71 (c) Successors to members elected under subsection (b) of this section shall be elected at
 72 the nonpartisan general election next preceding the expiration of such terms of office and
 73 shall take office on January 1 following their election for terms of four years and until their
 74 successors are elected and qualified. All members of the board shall be nominated and
 75 elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the
 76 'Georgia Election Code,' as now or hereafter amended, except as otherwise provided under
 77 the local constitutional amendment found at Ga. L. 1982, p. 2680, which was continued in
 78 force and effect as a part of the Constitution of the State of Georgia by an Act approved
 79 February 18, 1987 (Ga. L. 1987, p. 3545).

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

85 **SECTION 2.**

86 Said Act is further amended by repealing the attachments thereto containing the former
 87 descriptions of education districts which are identified as 'Plan Name: spaldcc5 Plan Type:
 88 Local User: Linda Administrator: Spalding' and 'Plan Name SPALDCCALTSBR Plan Type:
 89 Local User: Linda Administrator: Spalding'.

90 **SECTION 3.**

91 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 92 superintendent shall call and conduct an election as provided in this section for the purpose
 93 of submitting this Act to the electors of Spalding County for approval or rejection. The
 94 election superintendent shall conduct this election at the next presidential preference primary
 95 in February 2012 as authorized by Code Section 21-2-540 of the O.C.G.A. The election
 96 superintendent shall issue the call and conduct the election as provided by general law. The

97 superintendent shall cause the date and purpose of the election to be published once a week
 98 for two weeks immediately preceding the date of the election in the official organ of
 99 Spalding County. The ballot shall have written or printed thereon the words:

100 "() YES Shall the Griffin-Spalding County Board of Education be permitted to
 101 () NO change the description of the education districts in accordance with the
 102 report of the Bureau of the Census for the United States decennial census
 103 of 2010 so as to comply with the federal law?"

104 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 105 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 106 such question are for approval of the Act, Sections 1 and 2 of this Act shall become of full
 107 force and effect as of March 1, 2012. If the Act is not so approved or if the election is not
 108 conducted as provided in this section, Sections 1 and 2 of this Act shall not become effective,
 109 and this Act shall be automatically repealed on the first day of March immediately following
 110 that election date. The expense of such election shall be borne by Griffin-Spalding County.
 111 It shall be the election superintendent's duty to certify the result thereof to the Secretary of
 112 State.

113 **SECTION 4.**

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

119 **SECTION 5.**

120 This section and Sections 3 and 4 of this Act and those provisions of this Act necessary for
 121 the election of members of the Board of Education of Griffin-Spalding County in 2012 shall
 122 become effective upon the approval of this Act by the Governor or upon its becoming law
 123 without such approval. The remaining provisions of this Act shall become effective March 1,
 124 2012, unless otherwise repealed in accordance with the provisions of this Act.

125 **SECTION 6.**

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