

House Resolution 405

By: Representatives Teasley of the 37th, Casas of the 107th, Cantrell of the 22nd, Brockway of the 102nd, Setzler of the 35th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to provide for the
 2 election of members of the State Board of Education; to provide for related matters; to
 3 provide for the submission of this amendment for ratification or rejection; and for other
 4 purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article VIII, Section II of the Constitution is amended by revising Paragraph I as follows:

8 "Paragraph I. *State Board of Education.* (a) There shall be a State Board of Education
 9 which shall consist of one member from each congressional district in the state ~~appointed~~
 10 ~~by the Governor and confirmed by the Senate~~ elected as provided in subparagraph (b) of
 11 this Paragraph. ~~The Governor shall not be a member of said board.~~ The ten members in
 12 office on ~~June 30, 1983;~~ January 1, 2019, shall serve out the remainder of their respective
 13 terms. As each term of office expires, ~~the Governor shall appoint~~ a successor shall be
 14 elected as herein provided. Each member of the board shall be a resident of the
 15 congressional district which he or she represents. In the event any person who is an officer,
 16 agent, official, or employee of the state or of any county, municipality, or other political
 17 subdivision thereof or who is a member of the General Assembly is elected as a member
 18 of the board, such person shall resign as such officer, agent, official, employee, or member
 19 prior to taking office as a member of the board. The terms of office of all members
 20 ~~appointed~~ elected after the effective date of this Constitution shall be for seven years.
 21 Members shall serve until their successors are ~~appointed~~ elected and qualified.

22 (b) The member of the board from each congressional district shall be elected by a
 23 majority vote of the members of the House of Representatives and Senate whose respective
 24 districts are embraced or partly embraced within such congressional district, meeting in
 25 caucus at the regular session of the General Assembly immediately preceding the
 26 expiration of the term of office of each such board member. Such caucus shall be called
 27 at the state capitol by the Speaker of the House of Representatives and the President of the

28 Senate within the first ten days of the convening of the General Assembly in regular
 29 session by mailing to the members of the General Assembly who are affected written
 30 notice at least four days before the caucus, which notice shall state the time, place, and
 31 purpose of said caucus. Within 15 days after each such election, the Speaker of the House
 32 of Representatives and the President of the Senate shall jointly transmit a certificate of such
 33 election to the Secretary of State who, upon receipt thereof, shall immediately issue his or
 34 her commission thereon, with the great seal of the state affixed thereto. Any member of
 35 the board shall be subject to recall at any time by a majority vote of the legislative caucus
 36 that elected the member.

37 (c) In the event of a vacancy on the board by death, resignation, removal, or any reason
 38 other than expiration of a member's term, the ~~Governor shall fill such~~ vacancy shall be
 39 filled by a member elected by a majority vote of those members of the General Assembly
 40 whose respective districts are embraced or partly embraced within the congressional district
 41 where the vacancy occurred, in the same manner as provided in subparagraph (b) of this
 42 Paragraph for the election of board members. In the event that any vacancy for any cause
 43 shall occur in the membership of the board while the General Assembly is not in session,
 44 the remainder of the unexpired term shall be filled by a member elected by a majority vote
 45 of those members of the General Assembly whose respective districts are embraced or
 46 partly embraced within the congressional district where the vacancy occurred, at a meeting
 47 which shall be called by the Speaker of the House of Representatives and the President of
 48 the Senate at some convenient location and in the same manner as provided in
 49 subparagraph (b) of this Paragraph for the election of board members; and the person so
 50 appointed ~~elected~~ shall serve until confirmed by the Senate and, upon confirmation, shall
 51 serve for the unexpired term of office.

52 ~~(b)~~(d) The State Board of Education shall have such powers and duties as provided by
 53 law.

54 ~~(e)~~(e) The State Board of Education may accept bequests, donations, grants, and transfers
 55 of land, buildings, and other property for the use of the state educational system.

56 ~~(d)~~(f) The qualifications, compensation, and removal from office of the members of the
 57 board of education shall be as provided by law."

58 SECTION 2.

59 The above proposed amendment to the Constitution shall be published and submitted as
 60 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 61 above proposed amendment shall have written or printed thereon the following:

62 " YES Shall the Constitution of Georgia be amended so as to provide for the election
63 NO of members of the State Board of Education from congressional districts by
64 the members of the General Assembly from such congressional district?"

65 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

66 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
67 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
68 become a part of the Constitution of this state