

House Bill 768 (AS PASSED HOUSE AND SENATE)

By: Representative Skipper of the 116th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to reconstitute the Board of Education of Marion County, approved April
2 18, 2002 (Ga. L. 2002, p. 3794), so as to change the description of the education districts; to
3 provide for definitions and inclusions; to provide for continuation in office of current
4 members; to provide for election and terms of office of subsequent members; to provide for
5 submission of this Act for preclearance under the federal Voting Rights Act of 1965, as
6 amended; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to reconstitute the Board of Education of Marion County, approved April 18, 2002
10 (Ga. L. 2002, p. 3794), is amended by striking Sections 2, 3, and 4, and inserting in their
11 place new Sections 2, 3, and 4 to read as follows:

12 **"SECTION 2.**

13 (a) Those members of the Board of Education of Marion County who are serving as such
14 on the effective date of this Act and any person selected to fill a vacancy in any such office
15 shall continue to serve as such members until the regular expiration of their respective
16 terms of office and upon the election and qualification of their respective successors. On
17 and after the effective date of this Act, the Board of Education of Marion County shall
18 consist of five members, four of whom shall be elected from education districts described
19 in subsection (b) of this section and a fifth who is elected at large as provided in Section
20 4 of this Act.

21 (b) For purposes of electing members of the board of education, other than the at-large
22 member, the Marion County School District is divided into four education districts. One
23 member of the board shall be elected from each such district. The four education districts
24 shall be and correspond to those four numbered districts described in and attached to and

made a part of this Act and further identified as Plan Name: marion4 Plan Type: Local
User: staff Administrator: Marion.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the Marion County School District which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the Marion County School District which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any education district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

SECTION 3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Sections 45-2-1 and 20-2-51 of the O.C.G.A. or any other general law applicable to that office.

(b) In order to be elected as a member of the board from an education district, a person must have resided in that district for at least 12 months prior to election thereto and must receive the number of votes cast as required by general law for that office in that district only. Only electors who are residents of that education district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from an education district, each candidate for such office shall specify the education district for which that person is a candidate. A person elected or appointed as a member of the board from an education district must continue to reside in that district during that person's term of office or that office shall become vacant.

(c) The member of the board who is elected at large may reside anywhere within the Marion County School District and must have resided in that school district for at least 12 months prior to election thereto and, if elected, must receive the number of votes cast for

1 that office as required by general law in the entire school district. The at-large member
2 must continue to reside within the school district during that person's term of office or that
3 office shall become vacant.

4 SECTION 4.

5 (a) The members of the reconstituted Board of Education of Marion County shall be
6 elected as provided in this subsection. The first member from Education District 1 and the
7 at-large member shall be elected at a special election in 2003 to be called and conducted
8 by the election superintendent as soon as practicable in accordance with Code Section
9 21-2-540 of the O.C.G.A. following preclearance of this Act under Section 3 of this Act.
10 The member of the board elected thereto from Education District 1 and the member elected
11 from the school district at large in 2003 shall take office immediately following that special
12 election and shall serve for initial terms of office which expire December 31, 2006, and
13 upon the election and qualification of their respective successors. The first members from
14 Education Districts 2, 3, and 4 shall be elected at the general election on the Tuesday next
15 following the first Monday in November, 2004. Those members of the board elected
16 thereto from Education Districts 2, 3, and 4 in 2004 shall take office the first day of January
17 immediately following that election and shall serve for initial terms of office which expire
18 December 31, 2008, and upon the election and qualification of their respective successors.
19 Those and all future successors to members of the board whose terms of office are to expire
20 shall be elected at the time of the state-wide general election immediately preceding the
21 expiration of such terms, shall take office the first day of January immediately following
22 that election, and shall serve for terms of office of four years each. Members of the board
23 shall serve for the terms of office specified therefor in this subsection and until their
24 respective successors are elected and qualified.

25 (b) Education Districts 1, 2, 3, and 4, as they exist immediately prior to the effective date
26 of this Act, shall continue to be designated as Education Districts 1, 2, 3, and 4,
27 respectively, but as newly described under this Act, and on and after the effective date of
28 this Act, such members of the board serving from those former education districts shall be
29 deemed to be serving from and representing their respective districts as newly described
30 under this Act. The member of the board serving from former Education District 5 shall,
31 on and after the effective date of this Act, be deemed to serving from and representing the
32 Marion County school district at large.

33 (c) All members of the board who are elected thereto shall be nominated and elected in
34 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' in
35 nonpartisan elections as provided in Code Section 21-2-139 of the O.C.G.A."

SECTION 2.

Said Act is further amended by striking in its entirety the attachment thereto containing the description of education districts which is identified as Plan Name: marionsbwk3 Plan Type: Local User: staff Administrator: Marion.

SECTION 3.

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

SECTION 4.

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