House Bill 1795 (AS PASSED HOUSE AND SENATE)

By: Representatives Butler of the 88th, Post 1, Harper of the 88th, Post 2, Smith of the 87th, and Maxwell of the 27th

A BILL TO BE ENTITLED

AN ACT

To amend an Act relating to the Board of Education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, so as to reconstitute the board of education; to change the descriptions of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for the election and terms of office of subsequent members; to provide for vacancies; to provide for eligibility and qualifications; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for a referendum; to provide for effective dates and automatic repeals; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1A.

An Act relating to the Board of Education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, is amended by striking Section 1 and inserting in its place the following:

″SECTION 1.

(a) The Board of Education of the Carroll County School District which existed on January 1, 2004, is continued in existence, but on and after January 1, 2005, shall be constituted as provided in this Act. The Board of Education of the Carroll County School District so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to January 1, 2005.

(b) Those members of the Board of Education of the Carroll County School District who are serving as such on January 1, 2004, and any person selected to fill a vacancy in any such office shall continue to serve as such members until December 31, 2004, and until the election and qualification of their respective successors and at that time such members´

terms of office shall end. On and after January 1, 2005, the Board of Education of the Carroll County School District shall consist of five members, who shall be elected from education districts described in subsection (c) of this section.

(c) For purposes of electing members of the board of education, the Carroll County School District is divided into five education districts. One member of the board shall be elected from each such district. The five education districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: carrollsbwk5r Plan Type: Local User: Linda Administrator: Carroll.

(d) 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 Carroll 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 Carroll 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.

(e) 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.

(f) In order to be elected as a member of the board from an education district, a person 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.

(g)(1) The first members of the reconstituted Board of Education of the Carroll County School District shall be elected in a special election to be conducted at the general election on the Tuesday next following the first Monday in November, 2004. As soon as practicable after this section becomes effective, the election superintendent of Carroll County shall call a special election for the purpose of electing the members of the board. Such special election shall be conducted in conjunction with the 2004 November general election and shall be called and conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' Those members of the reconstituted board elected thereto from Education Districts 2 and 4 in such special election shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2006, and upon the election and qualification of their respective successors. Those members of the reconstituted board elected thereto from Education Districts 1, 3, and 5 in such special election shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2008, and upon the election and qualification of their respective successors.

(2) All future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(h) All members of the board who are elected thereto shall be elected in nonpartisan elections as provided in Code Section 21-2-139 of the O.C.G.A.

(i) Any vacancy in office upon the board which occurs for any reason shall be filled pursuant to Code Section 20-2-54.1 of the O.C.G.A.″

SECTION 1B.

An Act relating to the Board of Education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, is amended by striking Section 1 and inserting in its place the following:

″SECTION 1.

(a) The Board of Education of the Carroll County School District which existed on January 1, 2004, is continued in existence, but on and after January 1, 2005, shall be constituted as

provided in this Act. The Board of Education of the Carroll County School District so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to January 1, 2005.

(b) Those members of the Board of Education of the Carroll County School District who are serving as such on January 1, 2004, and any person selected to fill a vacancy in any such office shall continue to serve as such members until December 31, 2004, and until the election and qualification of their respective successors and at that time such members´ terms of office shall end. On and after January 1, 2005, the Board of Education of the Carroll County School District shall consist of seven members, who shall be elected from education districts described in subsection (c) of this section.

(c) For purposes of electing members of the board of education, the Carroll County School District is divided into seven education districts. One member of the board shall be elected from each such district. The seven education districts shall be and correspond to those seven numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: carrollsbwk7r Plan Type: Local User: Blake Administrator: Carroll.

(d) 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 Carroll 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 Carroll 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.

(e) 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.

(f) In order to be elected as a member of the board from an education district, a person 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.

(g)(1) The first members of the reconstituted Board of Education of the Carroll County School District shall be elected in a special election to be conducted at the general election on the Tuesday next following the first Monday in November, 2004. As soon as practicable after this section becomes effective, the election superintendent of Carroll County shall call a special election for the purpose of electing the members of the board. Such special election shall be conducted in conjunction with the 2004 November general election and shall be called and conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' Those members of the reconstituted board elected thereto from Education Districts 1, 3, 5, and 7 in such special election shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2008, and upon the election and qualification of their respective successors. Those members of the reconstituted board elected thereto from Education Districts 2, 4, and 6 in such special election shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2006, and upon the election and qualification of their respective successors.

(2) All future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(h) All members of the board who are elected thereto shall be elected in nonpartisan elections as provided in Code Section 21-2-139 of the O.C.G.A.

(i) Any vacancy in office upon the board which occurs for any reason shall be filled pursuant to Code Section 20-2-54.1 of the O.C.G.A.″

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the Carroll County School District for approval or rejection. The election superintendent shall conduct this election in conjunction with the 2004 General Primary. The election superintendent shall issue the call and conduct the election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date of the election in the official organ of Carroll County. The ballot shall have written or printed thereon the words:

"QUESTION NO. 1

( ) YES Shall the Carroll County Board of Education be changed from a six member
( ) NO board to a five or seven member board?

QUESTION NO. 2

If a majority of the votes cast on Question No. 1 are in favor of changing the number of members of the Carroll County Board of Education, select the type of board which you favor by placing a check (✓) mark or (X) in the appropriate space below. Vote for only one of the options below:

OPTION 1

_____ A board of education composed of five members.

OPTION 2

_____ A board of education composed of seven members."

No voter shall vote for more than one of the options in Question No. 2. All persons desiring to vote for approval of changing the composition of the Carroll County Board of Education to a five or seven member board shall vote "Yes" on Question No. 1 and those persons desiring to vote against changing the composition of the Carroll County Board of Education to a five or seven member board shall vote "No" on Question No. 1. If more than one-half of the votes cast on Question No. 1 are for approval of changing the composition of the Carroll County Board of Education to a five or seven member board, then Section 1A or 1B of this Act shall become effective as provided in this section; otherwise, neither Section 1A or 1B of this Act shall become effective and this Act shall be automatically repealed on the first day of January following that election date. If more than one-half of the votes cast on Question No. 1 are for approval of changing the composition of the Carroll County Board of Education to a five or seven member board and more than one-half of the votes cast on Question No. 2 are cast in favor of Option 1 or there is a tie vote between Option 1 and Option 2, then Section 1A of this Act shall become effective immediately for the sole

purpose of conducting the elections required by said section and for all purposes on January 1, 2005, and Section 1B of this Act shall be automatically repealed on January 1, 2005. If more than one-half of the votes cast on Question No. 1 are for approval of changing the composition of the Carroll County Board of Education to a five or seven member board and more than one-half of the votes cast on Question No. 2 are cast in favor of Option 2, then Section 1B of this Act shall become effective immediately for the sole purpose of conducting the elections required by said section and for all purposes on January 1, 2005, and Section 1A of this Act shall be automatically repealed on January 1, 2005. The expense of such election shall be borne by the Carroll County Board of Education. It shall be the duty of the election superintendent to certify the results thereof to the Secretary of State.

SECTION 3.

The Board of Education of Carroll County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, no later than 30 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 4.

Except as otherwise provided in Section 2, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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