

House Bill 1128 (AS PASSED HOUSE AND SENATE)

By: Representative Cheokas of the 138th

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute the Chattahoochee County Board of Education with staggered terms and
2 nonpartisan elections for members; to repeal the amendment to the Constitution of Georgia
3 creating a new board of education for Chattahoochee County, approved March 25, 1958 (Ga.
4 L. 1958, p. 603), which was continued under the 1983 Constitution of the State of Georgia
5 by an Act approved March 20, 1986 (Ga. L. 1986, p. 4311); to provide for a referendum with
6 respect to the foregoing; to provide for a contingent effective date; to provide for a
7 contingent automatic repeal; to provide for related matters; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 (a) The Chattahoochee County Board of Education in effect prior to the effective date of
12 this Act is hereby abolished.

13 (b) There is created a new board, to be known as the Chattahoochee County Board of
14 Education, which shall have the same powers and duties as the board herein abolished. The
15 County of Chattahoochee shall constitute one school district and shall be confined to the
16 control and management of the Chattahoochee County Board of Education.

17 (c) To be eligible to hold office as a member of the Chattahoochee County Board of
18 Education, a person shall have the qualifications provided by law. The members of the
19 Chattahoochee County Board of Education shall be elected by the people at the same time
20 as other county officers of Chattahoochee County are elected and shall hold their offices
21 until their successors are elected and qualified.

22 (d) There shall be elected to serve on the Chattahoochee County Board of Education five
23 at-large members from within the county.

24 (1) The terms of office of the members of the board of education from Posts 1, 3, and 5
25 elected in 2016 shall continue in office for the terms and posts to which they were elected
26 and until their successors are elected and qualified as provided herein. Successors to such

27 members from Posts 1, 3, and 5 shall be elected in the 2020 nonpartisan election and shall
 28 take office on January 1, 2021, for terms of four years which shall end on December 31,
 29 2024.

30 (2) The terms of office of the members of the board of education from Posts 2 and 4
 31 elected in 2016 shall continue in office for the terms and posts to which they were elected
 32 and until their successors are elected and qualified as provided herein. Successors to such
 33 members from Posts 2 and 4 shall be elected in the 2020 nonpartisan election and shall
 34 take office on January 1, 2021, for terms of two years which shall end on December 31,
 35 2022.

36 (3) Thereafter, successors to the members of the board of education whose terms are to
 37 expire shall be elected at the time of the nonpartisan election immediately preceding the
 38 expiration of such terms, shall take office the first day of January immediately following
 39 that election, and shall serve for terms of office of four years each.

40 (4) The members of the board shall serve for the terms of office specified in this
 41 subsection and until their respective successors are elected and qualified.

42 (e) The members of the board shall be nominated and elected in accordance with Chapter
 43 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' in nonpartisan elections as
 44 provided in Code Section 21-2-139.

45 (f) Vacancies on the board shall be filled as provided by law.

46 **SECTION 2.**

47 (a) The amendment to the Constitution of Georgia creating a new board of education for
 48 Chattahoochee County, approved March 25, 1958 (Ga. L. 1958, p. 603), which was
 49 continued under the 1983 Constitution of the State of Georgia by an Act approved March
 50 20, 1986 (Ga. L. 1986, p. 4311), is hereby repealed.

51 (b) The Act continuing that constitutional amendment proposed by Resolution Act No. 172
 52 (Senate Resolution No. 88) of the General Assembly (Ga. L. 1958, p. 603), relating to
 53 creation of a new board of education for Chattahoochee County, approved March 20, 1986
 54 (Ga. L. 1986, p. 4311), is hereby repealed.

55 **SECTION 3.**

56 The election superintendent of Chattahoochee County shall call and conduct an election as
 57 provided in this section for the purpose of submitting this Act to the electors of
 58 Chattahoochee County for approval or rejection. The election superintendent shall conduct
 59 such election on the Tuesday next following the first Monday in November, 2016. The
 60 election superintendent shall issue the call and conduct such election as provided by general
 61 law. The superintendent shall cause the date and purpose of the election to be published once

62 a week for two weeks immediately preceding the date thereof in the official organ of
63 Chattahoochee County. The ballot shall have written or printed thereon the words:

64 "() YES Shall the Act be approved which reconstitutes the Chattahoochee County
65 Board of Education with staggered terms for members and repeals the
66 () NO amendment to the Constitution of Georgia creating a new board of
67 education for Chattahoochee County?"

68 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
69 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
70 such question are for approval of the Act, Sections 1 and 2 of this Act shall become of full
71 force and effect on January 1, 2017. If this Act is not so approved or if the election is not
72 conducted as provided in this section, Sections 1 and 2 of this Act shall not become effective,
73 and this Act shall be automatically repealed on January 1, 2017. The expense of such
74 election shall be borne by Chattahoochee County. It shall be the election superintendent's
75 duty to certify the result thereof to the Secretary of State.

76 **SECTION 4.**

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