

House Bill 922 (AS PASSED HOUSE AND SENATEE))

By: Representatives Carpenter of the 4th, Ridley of the 6th, and Tarvin of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To revise and restate the law relating to the Whitfield County Board of Education; to provide
2 for the number of members of the board; to provide for eligibility, manner of election, and
3 filling of vacancies; to provide for a chairperson; to provide for quorums; to repeal the
4 amendment to the Constitution providing for the division of Whitfield County into school
5 districts and for the election of members of the County Board of Education from such
6 districts, which amendment was proposed by 1964 House Resolution No. 483-1200,
7 Resolution Act No. 160 (Ga. L. 1964, p. 978), and was continued in force and effect by an
8 Act approved February 27, 1987 (Ga. L. 1987, p. 3707); to provide for related matters; to
9 provide for effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The purpose of this Act is to repeal the 1964 amendment to the Constitution to provide for
13 the division of Whitfield County into school districts and for the election of members of the
14 County Board of Education from such districts and to revise and restate the law relating to
15 the Whitfield County Board of Education.

16 **SECTION 2.**

17 (a) The members of the Whitfield County Board of Education in office on
18 December 31, 2020, shall serve out the remainder of the terms for which they were elected.
19 Thereafter, their successors shall be elected quadrennially for terms of four years or when
20 successors or elected and qualified.

21 (b) In the event of any vacancy in the term of office of one of the board members referred
22 to in subsection (a) of this section, such vacancy shall be filled for the remainder of the
23 unexpired term in the manner provided by Section 4 of this Act.

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SECTION 3.

25 (a) The board of education of Whitfield County shall be composed of five members to be
26 elected as provided in this Act.

27 (b) Except as provided in Section 2 of this Act, the term of each board member shall be four
28 years.

29 (c) For the purpose of electing such members, Whitfield County is divided into those
30 education districts as presently constituted on the effective date of this Act, excluding any
31 area of Whitfield County within the incorporated limits of the City of Dalton, which includes
32 four education districts and one education district at-large. The reference to education
33 districts in this Act shall refer to those education districts described in an Act entitled "An
34 Act shortening the terms of office and providing for the election of members of the Board
35 of Education of Whitfield County" approved April 4, 1991 (Ga. L. 1991, p. 3638), as now
36 or hereafter amended, particularly by an Act approved February 27, 2012 (Ga. L. 2012,
37 p. 3754).

38 (d) Each member shall be elected by the voters of Whitfield County registered and qualified
39 to vote for members of the General Assembly with the exception of those voters residing
40 within the incorporated limits of the City of Dalton.

41 (e) Any person in order to be eligible for membership on the board must have resided in
42 Whitfield County for at least one year immediately preceding the date of the election and
43 must reside in the district from which he or she offers as a candidate for at least six months
44 immediately preceding the date of the election.

45 (f) At the first meeting of the board of education in January of each year, the board shall
46 elect a chairperson, who shall be eligible to succeed himself or herself.

47 (g) A quorum of the board shall be three members.

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SECTION 4.

49 In the event a person who represents an education district moves his or her residence from
50 such district, a vacancy shall exist from such district. In the event of a vacancy on the board
51 for any reason other than the expiration of a term of office, the vacancy shall be filled by the
52 appointment of a successor by the remaining members of the board of education to serve
53 until the next general election in which members of the General Assembly are elected, in
54 which election a successor shall be elected to serve out the unexpired term of office in which
55 the vacancy occurs; provided, however, that if a vacancy occurs within two years and 90
56 days of the expiration of the term of office, the person appointed shall serve out the
57 remainder of the term.

58 **SECTION 5.**

59 Except as otherwise provided in this Act, the board of education shall be subject to all
60 constitutional and statutory provisions relative to county boards of education.

61 **SECTION 6.**

62 That amendment to the Constitution to provide for the division of Whitfield County into
63 school districts and for the election of members of the County Board of Education from such
64 districts, which amendment was proposed by 1964 House Resolution No. 483-1200,
65 Resolution Act No. 160 (Ga. L. 1964, p. 978), and was continued in force and effect by an
66 Act approved February 27, 1987 (Ga. L. 1987, p. 3707), is repealed.

67 **SECTION 7.**

68 The election superintendent of Whitfield County shall call and conduct an election as
69 provided in this section for the purpose of submitting this Act to the electors of Whitfield
70 County for approval or rejection. The election superintendent shall conduct that election on
71 the Tuesday after the first Monday in November, 2020, and shall issue the call and conduct
72 that election as provided by general law. The superintendent shall cause the date and purpose
73 of the election to be published once a week for two weeks immediately preceding the date
74 thereof in the official organ of Whitfield County. The ballot shall have written or printed
75 thereon the words:

76 "() YES Shall the Act to revise and restate the law relating to the Whitfield County
77 () NO Board of Education and to repeal that amendment to the Constitution
78 providing for the division of Whitfield County into school districts and for
79 the election of members of the County Board of Education from such
80 districts, which amendment was proposed by 1964 House Resolution
81 No. 483-1200, Resolution Act No. 160 (Ga. L. 1964, p. 978), and was
82 continued in force and effect by an Act approved February 27, 1987 (Ga.
83 L. 1987, p. 3707), be approved?"

84 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
85 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
86 cast on such question are for approval of the Act, Sections 1 through 6 of this Act shall
87 become of full force and effect on January 1, 2021. If the Act is not so approved or if the
88 election is not conducted as provided in this section, then Sections 1 through 6 of this Act
89 shall not become effective, and this Act shall be automatically repealed on the first day of
90 January immediately following that election date. The expense of such election shall be
91 borne by Whitfield County. It shall be the election superintendent's duty to certify the result
92 thereof to the Secretary of State.

93

SECTION 8.

94 This section and Sections 7 and 9 of this Act shall become effective upon the approval of this
95 Act by the Governor or upon its becoming law without such approval. Except as otherwise
96 provided in Section 7 of this Act, the remaining sections of this Act shall become effective
97 on January 1, 2021.

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SECTION 9.

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