

House Bill 1496 (AS PASSED HOUSE AND SENATE)

By: Representatives Wiedower of the 121st and Gaines of the 120th

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute the Board of Education of Oconee County; to provide for continuation in
2 office of current members; to provide for election and terms of office of subsequent
3 members; to provide for a referendum, effective dates, and automatic repeal, mandatory
4 execution of election, and judicial remedies regarding failure to comply; to repeal a local
5 constitutional amendment proposed by a certain resolution act; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The Board of Education of Oconee County which existed on December 31, 2024, is
10 continued in existence but on and after January 1, 2025, shall be constituted as provided in
11 this Act. The Board of Education of Oconee County so continued and constituted,
12 sometimes referred to in this Act as the "board," shall continue to have the powers, duties,
13 rights, obligations, and liabilities of that board as they existed immediately prior to
14 January 1, 2025.

15

SECTION 2.

16 (a) Those members of the Board of Education of Oconee County who are serving as such
17 on January 1, 2025, and any person selected to fill a vacancy in any such office shall
18 continue to serve as such members until the regular expiration of their respective terms of
19 office and upon the election and qualification of their respective successors. On and after
20 January 1, 2025, the Board of Education of Oconee County shall consist of five members
21 elected at large for numbered posts.

22 (b) At the time of qualifying for election as a member of the board, each candidate for such
23 office shall specify the post for which that person is a candidate. Such posts shall be
24 designated by numbers, beginning with post number 1 and ending with post number 5.

25 (c) As of January 1, 2025, the board shall elect, by majority vote of the full membership, a
26 chairperson from among its membership who shall serve for a term to be determined by the
27 board or until a new chairperson is elected by a majority vote of the full board's membership.

28

SECTION 3.

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

32 (b) Each member of the board elected for a numbered post may reside anywhere within the
33 Oconee County School District and, if elected, must receive the number of votes cast for that
34 office as required by general law in the entire school district. Each such member must
35 continue to reside within the school district during that person's term of office or that office
36 shall become vacant.

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SECTION 4.

38 (a) The members of the reconstituted Board of Education of Oconee County shall be elected
39 as provided in this subsection. The first members from board posts 1, 4, and 5 shall be

40 elected at the general election on the Tuesday next following the first Monday in November,
41 2024. Those members of the board elected thereto from board posts 1, 4, and 5 in 2024 shall
42 take office the first day of January immediately following that election and shall serve for
43 initial terms of office which expire December 31, 2028, and upon the election and
44 qualification of their respective successors. The first members from board posts 2 and 3 shall
45 be elected at the general election on the Tuesday next following the first Monday in
46 November, 2026. Those members of the board elected thereto from board posts 2 and 3 in
47 2026 shall take office the first day of January immediately following that election and shall
48 serve for initial terms of office which expire December 31, 2030, and upon the election and
49 qualification of their respective successors. Those and all future successors to members of
50 the board whose terms of office are to expire shall be elected at the time of the state-wide
51 general election immediately preceding the expiration of such terms, shall take office the first
52 day of January immediately following that election, and shall serve for terms of office of four
53 years each. Members of the board shall serve for the terms of office specified therefor in this
54 subsection and until their respective successors are elected and qualified.

55 (b) All members of the board who are elected thereto shall be nominated and elected in
56 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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

59 **SECTION 5.**

60 The election superintendent of Oconee County shall call and conduct an election as provided
61 in this section for the purpose of submitting this Act to the electors of the Oconee County
62 School District for approval or rejection. The election superintendent shall conduct that
63 election on the Tuesday following the first Monday in November, 2024, and shall issue the
64 call and conduct that election as provided by general law. The election superintendent shall
65 cause the date and purpose of the election to be published once a week for two weeks

66 immediately preceding the date thereof in the official organ of Oconee County. The ballot
67 shall have written or printed thereon the words:

68 "() YES Shall the Act be approved which reconstitutes the Board of Education of
69 Oconee County, provides for five members of the board to be elected at
70 () NO large to numbered posts for staggered terms, provides for the board to select
71 a chairperson from among its members, and repeals that constitutional
72 amendment relating to the election of the chairman and members of the
73 Board of Education of Oconee County which was proposed by Resolution
74 Act No. 135 of the 1964 General Assembly (Ga. L. 1964, p. 911) and duly
75 ratified at the 1964 election, as amended?"

76 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
77 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
78 such question are for approval of the Act, then Sections 1 through 4 and Section 6 of this Act
79 shall become of full force and effect on January 1, 2025. If the Act is not so approved or if
80 the election is not conducted as provided in this section, Sections 1 through 4 and Section 6
81 of this Act shall not become effective and this Act shall be automatically repealed on the first
82 day of January immediately following that election date. The expense of such election shall
83 be borne by Oconee County. It shall be the election superintendent's duty to certify the result
84 thereof to the Secretary of State. The provisions of this section shall be mandatory upon the
85 election superintendent and are not intended as directory. If the election superintendent fails
86 or refuses to comply with this section, any elector of the Oconee County School District may
87 apply for a writ of mandamus to compel the election superintendent to perform his or her
88 duties under this section. If the court finds that the election superintendent has not complied
89 with this section, the court shall fashion appropriate relief requiring the election
90 superintendent to call and conduct such election on the date required by this section.

91 **SECTION 6.**

92 That constitutional amendment relating to the election of the chairman and members of the
93 Board of Education of Oconee County which was proposed by Resolution Act No. 135 of
94 the 1964 General Assembly (Ga. L. 1964, p. 911), duly ratified at the 1964 election, and
95 continued in force and effect as part of the Constitution of the State of Georgia by an Act
96 approved March 25, 1986 (Ga. L. 1986, p. 4562), as amended, is hereby repealed.

97 **SECTION 7.**

98 Except as otherwise provided in Section 5 of this Act, this Act shall become effective upon
99 its approval by the Governor or upon its becoming law without such approval.

100 **SECTION 8.**

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