

1 HB564
2 134768-4
3 By Representatives Rich and Long (N & P)
4 RFD: Local Legislation
5 First Read: 20-MAR-12

1
2 ENROLLED, An Act,

3 Relating to Marshall County; to provide for the
4 election of four members of the county board of education from
5 four districts within the Marshall County school system and
6 one member elected at-large from the Marshall County school
7 system; to provide for the boundaries of the districts; to
8 authorize the board to change the boundaries of the election
9 districts; and to establish procedures for making changes.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. (a) (1) The several members of the
12 Marshall County Board of Education shall be elected by only
13 those qualified electors in the county who are residing within
14 the jurisdiction of the Marshall County school system as
15 ~~provided in Act 85-989, 1985 Regular Session (Acts 1985, p.~~
16 ~~338)~~. provided in Act 85-988, 1985 Second Special Session
17 (Acts 1985, p. 337).

18 (2) The Marshall County Board of Education shall be
19 composed of five members. Four of the members shall be
20 residents of and represent one of each of four separate
21 districts within the Marshall County school system and shall
22 be elected pursuant to subsection (b) by a majority of the
23 qualified electors of the Marshall County school system voting
24 in the election. One of the members may reside anywhere within
25 the Marshall County school system and shall be elected

1 pursuant to subsection (c) by a majority of the qualified
2 electors of the Marshall County school system voting in the
3 election. The election shall be conducted and the members
4 shall take office and serve in the same manner as currently
5 provided.

6 (b) Districts.

7 (1) That area known as the Marshall County school
8 system and served by the Marshall County Board of Education
9 shall be divided by the board into four districts. The initial
10 boundaries of the districts shall be based upon a map drawn by
11 the board and filed in the Office of the Judge of Probate of
12 Marshall County by the members of the board. The separate
13 districts shall be known as and shall include the following
14 schools:

- 15 a. District 1, Ashbury.
- 16 b. District 2, Douglas.
- 17 c. District 3, Brindlee Mountain.
- 18 d. District 4, DAR.

19 (2) As the terms of current board members expire,
20 members shall be elected to the board to represent those
21 districts without representation on the board. If more than
22 one of those districts is without representation on the board,
23 the board shall designate from which district or districts
24 successor board members shall be elected. In designating the
25 sequence of election of members from the districts, the board

1 shall endeavor to have representation from each of the four
 2 districts as soon as is practicable. After each district is
 3 represented on the board, any successor district member
 4 elected to the board shall be a resident of the district of
 5 the member whose term is expiring.

6 (3) A candidate for election as a district member of
 7 the board shall be a resident of the district which he or she
 8 seeks to represent on the board for at least 90 consecutive
 9 days immediately preceding the deadline date for qualifying as
 10 a candidate, and shall reside in that district during his or
 11 her entire term of office.

12 (c) Marshall County school system at-large member.

13 (1) One member may reside anywhere within the
 14 Marshall County school system and shall be elected to the
 15 board at-large from the Marshall County school system.

16 (2) A candidate for election to the at-large
 17 position shall be a resident of the Marshall County school
 18 system for at least 90 consecutive days immediately preceding
 19 the deadline date for qualifying as a candidate, and shall
 20 reside within the Marshall County school system during his or
 21 her entire term of office.

22 (d) The elections to elect the district members and
 23 the at-large member of the board as provided by this act shall
 24 be held at a time that corresponds to the election cycle used

1 for the members of the board serving on the effective date of
2 this act.

3 (e) (1) Following the release of any federal
4 decennial census, the board, by majority vote, may change the
5 boundaries of the districts in order to create single-member
6 districts that comply with the one-person, one-vote
7 requirement of the United States Constitution and may provide
8 that members be elected from single-member districts, reside
9 within those districts, and be elected by majority vote of the
10 electors voting in the district. Any revised district
11 arrangement to be used, in whole or in part, shall be approved
12 by the board not less than 180 days before the election in
13 which the revised districts shall first be used.

14 (2) No change to the boundaries of existing
15 districts shall be adopted by the board unless the board first
16 shall have advertised in a newspaper of general circulation in
17 Marshall County for at least two consecutive weeks the time
18 and place of the meeting at which the change shall be voted
19 upon. The advertisement shall include either a map of the
20 county indicating the proposed district boundaries, or
21 notification that a map indicating the proposed district
22 boundaries is available for inspection at a specific public
23 location, where the map shall be displayed for at least two
24 consecutive weeks preceding the meeting of the board at which
25 the resolution shall be considered, or both.

1 (3) Any resolution changing district boundaries
2 shall describe the revised district boundaries by reference to
3 standard census units, or county voting precincts, or both.

4 (4) Upon passage of any resolution effecting changes
5 in district boundaries pursuant to this act, the board shall
6 file with the Marshall County Judge of Probate a certified
7 copy of the resolution, together with a map of the county
8 showing the revised district boundaries.

9 (f) A member appointed to fill a district member
10 vacancy on the board for the unexpired term shall be a
11 resident of the district of the vacating member. A member
12 appointed to fill a vacancy to the at-large position on the
13 board for the unexpired term shall be a resident of the
14 Marshall County school system.

15 (g) If the boundaries of a district change, or if
16 redistricting places an incumbent board member outside of his
17 or her district, the member shall nevertheless continue to
18 serve the remainder of the term to which he or she was
19 elected.

20 Section 2. The governing body of Marshall County
21 shall take necessary steps to ensure that this act and any
22 action taken pursuant to this act complies with the Federal
23 Voting Rights Act of 1965, as amended. If the United States
24 Department of Justice does not approve this act, the current

1 board shall continue to operate as provided by law and this
2 act shall have no further effect.

3 Section 3. The provisions of this act shall not
4 apply to the individuals who are currently serving as members
5 of the Marshall County Board of Education.

6 Section 4. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law, and
9 shall become operative only upon the ratification of an
10 amendment to the Constitution of Alabama of 1901, authorizing
11 its provisions.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 03-APR-12 and was passed again as
amended by Executive Amendment 01-MAY-12.
Yeas 79, Nays 0, Abstains 0

Greg Pappas
Clerk

Senate	19-APR-12	Passed
Senate	03-MAY-12	Passed, as amended by Executive Amendment Yeas 27, Nays 0, Ab- stains 2
