

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Marshall County; to provide for the
14 election of four members of the county board of education from
15 four districts within the Marshall County school system and
16 one member elected at-large from the Marshall County school
17 system; to provide for the boundaries of the districts; to
18 authorize the board to change the boundaries of the election
19 districts; and to establish procedures for making changes.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) (1) The several members of the
22 Marshall County Board of Education shall be elected by only
23 those qualified electors in the county who are residing within
24 the jurisdiction of the Marshall County school system as
25 provided in Act 85-989, 1985 Regular Session (Acts 1985, p.
26 338).

1 (2) The Marshall County Board of Education shall be
2 composed of five members. Four of the members shall be
3 residents of and represent one of each of four separate
4 districts within the Marshall County school system and shall
5 be elected pursuant to subsection (b) by a majority of the
6 qualified electors of the Marshall County school system voting
7 in the election. One of the members may reside anywhere within
8 the Marshall County school system and shall be elected
9 pursuant to subsection (c) by a majority of the qualified
10 electors of the Marshall County school system voting in the
11 election. The election shall be conducted and the members
12 shall take office and serve in the same manner as currently
13 provided.

14 (b) Districts.

15 (1) That area known as the Marshall County school
16 system and served by the Marshall County Board of Education
17 shall be divided by the board into four districts. The initial
18 boundaries of the districts shall be based upon a map drawn by
19 the board and filed in the Office of the Judge of Probate of
20 Marshall County by the members of the board. The separate
21 districts shall be known as and shall include the following
22 schools:

- 23 a. District 1, Ashbury.
- 24 b. District 2, Douglas.
- 25 c. District 3, Brindlee Mountain.
- 26 d. District 4, DAR.

1 (2) As the terms of current board members expire,
2 members shall be elected to the board to represent those
3 districts without representation on the board. If more than
4 one of those districts is without representation on the board,
5 the board shall designate from which district or districts
6 successor board members shall be elected. In designating the
7 sequence of election of members from the districts, the board
8 shall endeavor to have representation from each of the four
9 districts as soon as is practicable. After each district is
10 represented on the board, any successor district member
11 elected to the board shall be a resident of the district of
12 the member whose term is expiring.

13 (3) A candidate for election as a district member of
14 the board shall be a resident of the district which he or she
15 seeks to represent on the board for at least 90 consecutive
16 days immediately preceding the deadline date for qualifying as
17 a candidate, and shall reside in that district during his or
18 her entire term of office.

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

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

23 (2) A candidate for election to the at-large
24 position shall be a resident of the Marshall County school
25 system for at least 90 consecutive days immediately preceding
26 the deadline date for qualifying as a candidate, and shall

1 reside within the Marshall County school system during his or
2 her entire term of office.

3 (d) The elections to elect the district members and
4 the at-large member of the board as provided by this act shall
5 be held at a time that corresponds to the election cycle used
6 for the members of the board serving on the effective date of
7 this act.

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

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

1 location, where the map shall be displayed for at least two
2 consecutive weeks preceding the meeting of the board at which
3 the resolution shall be considered, or both.

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

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

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

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

23 Section 2. The governing body of Marshall County
24 shall take necessary steps to ensure that this act and any
25 action taken pursuant to this act complies with the Federal
26 Voting Rights Act of 1965, as amended. If the United States
27 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. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law, and
6 shall become operative only upon the ratification of an
7 amendment to the Constitution of Alabama of 1901, authorizing
8 its provisions.