

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MATHEW WHITEST, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CASE NO.: 1:17-CV-109 (LAG)
	:	
CRISP COUNTY SCHOOL DISTRICT, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

This case began in June 2017, when Plaintiffs Mathew Whitest and Curtis Lucas, Jr. (collectively, the Whitest Plaintiffs), and *pro se* Plaintiffs Crandall Postell, Sarah Williamson, Kenya Williamson, Betty Jean Williamson, and George Whitehead Jr. challenged the at-large method of election for the Crisp County Board of Education. (Doc. 1). The Complaint alleged that the at-large election system diluted the voting strength of Black voters in Crisp County in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. (*Id.* ¶¶ 3, 27–28). After attempts to settle the case failed, the Whitest Plaintiffs moved for summary judgment. (Doc. 110). Defendants, the Crisp County School District and the Crisp County Board of Elections and Registration, conceded liability and stipulated to facts satisfying the three *Gingles* preconditions and several Senate factors. (*See* Docs. 110-1, 113); *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986). On August 20, 2021, the Court concluded that the at-large election method of electing all six members of the Board of Education violated Section 2 and granted the Whitest Plaintiffs’ Motion for Summary Judgment. (Doc. 119 at 9). The Court found that the at-large election system denied Black voters in Crisp County an equal opportunity to participate in the electoral process and to elect candidates of their choice. (*Id.*).

To ensure no future elections would be conducted under the unlawful at-large plan, the Court outlined a timeline and procedures for implementing an appropriate remedial

plan for the 2022 elections. (*Id.* at 9–11). In accordance with well-established precedent that the legislature should have the first opportunity to create a remedial plan, the Court directed Defendants to confer with Crisp County’s legislative delegation about devising a remedy for the 2022 elections. (*Id.* at 10); *see Lawyer v. Dep’t of Just.*, 521 U.S. 567, 576 (1997). At a status conference held on December 8, 2021, the Court directed the Parties to prepare and submit proposed remedial plans by January 7, 2022. (Doc. 131 at 22:24–23:1). The Court subsequently received two proposed remedial plans. Defendant Crisp County School District submitted draft legislation, House Bill (HB) 956, that it developed in coordination with the Georgia Legislative Reapportionment Office. (Doc. 133 at 2–4; Doc. 136-1). This legislation would decrease the size of the Board to five members, with one to be elected at-large and four to be elected by district—two from the City of Cordele and two from the rest of Crisp County. (Doc. 133 at 2). Plaintiff Postell submitted a plan maintaining the size of the Board and creating six single-member districts. (Doc. 135 at 2–3). The Whitest Plaintiffs stated that they do not oppose the School District’s remedial proposal but noted that their “non-opposition is entirely dependent on the Georgia General Assembly actually adopting the School District’s plan.” (Doc. 134 at 1).

After reviewing the Parties’ submissions, the Court raised several concerns about the Parties’ proposals and the lack of supporting materials provided. (Doc. 143 at 2–4). In an Order issued February 9, 2022, and during the subsequent hearing on the matter, the Court explained that the Parties’ filings omitted essential information needed for the Court to fulfill its obligation to “ensure that any remedial plan it enacts provides a full and complete remedy of the Section 2 violation and that the remedial plan itself complies with the Constitution, the Voting Rights Act, and applicable case law.” (*Id.* at 2 (citing *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 996 F. Supp. 2d 1353, 1358–59 (N.D. Ga. 2014)); Doc. 148 at 3:4–5:16). Further, the Court expressed concern that the School District’s proposal appeared to maintain the at-large election method for all five Board of Education members and merely imposed residency requirements on four of the five members. (Doc. 143 at 1 n.1; Doc. 148 at 4:14–24). At the hearing held on February 15, 2022, the Court identified documentation and information the Parties needed

to submit so the Court could adequately evaluate their proposals; and all Parties agreed to supplement their filings. (Doc. 148 at 41:25–46:22). The Court issued an Order that afternoon detailing the specific materials needed from each Party. (Doc. 147 at 1–2).

Thereafter, the School District submitted a copy of the General Assembly’s website showing the dates for actions taken by the House and Senate on HB 956, which the School District described as “the history of the bill.” (Doc. 149 at 1; Doc. 149-1). The School District also provided a general description of the process followed in drawing the legislation and the criteria applied but did not include the supporting documents the Court requested, such as transcripts, meeting minutes, or other records of hearings, discussions, debates, or other relevant testimony related to the plan. (Doc. 149 at 2–4; Doc. 147 at 2). In response to the Court’s concern about the legislation’s language suggesting all five Board members would be elected at-large, the School District provided a copy of draft legislation, HB 1430, clarifying “that the four district, one at-large plan requires that a board member be elected to represent each of the four districts and only by the voters within each of those districts.” (Doc. 149 at 1; Doc. 149-2). HB 1430 was passed by the Georgia General Assembly and signed into law by the Governor of Georgia on March 22, 2022.¹ The legislation does not become fully effective, however, unless the voters of Crisp County vote to rescind a 1956 local amendment to the Georgia Constitution that providing for the current at-large election method for the Board of Education. (See Doc. 113 at 1–2; Doc. 133 at 4). A referendum on this matter will be held on May 24, 2022, in conjunction with the primary election. (Doc. 149 at 2; Doc. 150 ¶ 4).

Defendant Crisp County Board of Elections and Registration also provided transcripts of testimony given by officials from the Georgia Secretary of State’s office about the timeline and process for November 2022 election preparations. (Docs. 150-1, 150-2). Given the Court’s ruling that the existing at-large election method violates federal law and the fact that a legislative remedy was passed by the Georgia General Assembly, the Board of Elections and Registration advised the Court that it started updating the

¹ See GA. GEN. ASSEMB., *HB 1430*, <https://www.legis.ga.gov/legislation/62329> (last visited Apr. 28, 2022). Copies of HB 1430, district maps, and a population summary by district are attached to this Order.

voter-registration database with the HB 1430 districts so that the May primaries may be conducted under the new plan and the legislation may be promptly implemented for future elections upon approval by the voters. (Doc. 149 at 2 n.1; Doc. 150 ¶ 4). The Board of Elections and Registration also represented that it would “send new precinct cards to all Crisp County voters indicating their new districts for the School District and will have maps for the new School District boundaries available in its office for candidates and voters to review.” (Doc. 150 ¶ 5).

Despite agreeing to do so, Plaintiff Postell did not submit any of the requested information or documentation for his proposed remedial plan. (*See* Doc. 151). During the February 15, 2022 hearing, Plaintiff Postell told the Court that he could provide the data used to create his remedial proposal within one week (Doc. 148 at 8:2–12, 39:20–40:7, 41:14–17); but, in his supplemental filing, he stated that “the time allowed [was] not enough.” (Doc. 151 at 1). Plaintiff Postell has since made no effort to provide this information to the Court. The Whitest Plaintiffs provided a declaration from Dr. Stephen Popick, an expert in the statistical analysis of voting behaviors, who analyzed the School District’s remedial proposal. (Docs. 144, 144-1).

The Parties each ask the Court to take certain actions in connection with their remedial proposals. Plaintiff Postell urges the Court to adopt his “six district plan that would give [B]lack people in [Crisp County] four districts out of six.” (Doc. 151 at 1–2). The Whitest Plaintiffs ask for an order “(1) enjoining the defendants from conducting any further elections under the unlawful at-large election plan; (2) enjoining the defendants from failing to conduct a primary election . . . [on] May 24, 2022, in accordance with the plan set out in House Bill 956,” as modified by House Bill 1430, and “(3) retaining jurisdiction to enter such further relief as necessary to ensure that school board elections go forward in 2022 under a plan that complies with the Voting Rights Act.” (Doc. 144 at 5). The School District requests “that the Court only enter an injunction enforcing its previous liability order as it relates to the 1956 local constitutional amendment and the subsequent implementing legislation.” (Doc. 149 at 6).

LEGAL STANDARD

Congress passed the Voting Rights Act “to help effectuate the Fifteenth Amendment’s guarantee that no citizen’s right to vote shall ‘be denied or abridged . . . on account of race, color, or previous condition of servitude.’” *Voinovich v. Quilter*, 507 U.S. 146, 152 (1993) (omission in original) (quoting U.S. Const. amend. XV, § 1); *see also Chisom v. Roemer*, 501 U.S. 380, 403 (1991) (“Congress enacted the Voting Rights Act of 1965 for the broad remedial purpose of ‘rid[ding] the country of racial discrimination in voting.’” (alteration in original) (citation omitted)). Section 2 of the Voting Rights Act was designed to “eradicat[e] voting practices that ‘minimize or cancel out the voting strength and political effectiveness of minority groups’” and prohibits “*all* States and their political subdivisions from maintaining any voting ‘standard, practice, or procedure’ that ‘results in a denial or abridgement of the right . . . to vote on account of race or color.’” *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 479 (1997) (omission in original) (first quoting S. Rep. No. 97-417, at 28 (1982); and then quoting 42 U.S.C. § 1973(a) (current version at 52 U.S.C. § 10301(a))). “The essence of a § 2 claim is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters to elect their preferred representatives.” *Gingles*, 478 U.S. at 47.

If a Section 2 violation is established, the court has an obligation to “‘exercise its traditional equitable powers to fashion the relief so that it completely remedies’ the § 2 violation and ‘fully provides equal opportunity for minority citizens to participate and to elect candidates of their choice.’” *Ga. State Conf. of NAACP*, 996 F. Supp. 2d at 1358 (quoting *United States v. Dallas Cnty. Comm’n*, 850 F.2d 1433, 1437–38 (11th Cir. 1988)). The Supreme Court has repeatedly emphasized, however, that “redistricting and reapportioning legislative bodies is a legislative task which the federal courts should make every effort not to pre-empt.” *Wise v. Lipscomb*, 437 U.S. 535, 539 (1978) (plurality opinion) (citations omitted); *see North Carolina v. Covington*, 138 S. Ct. 2548, 2554–55 (2018) (per curiam) (“[S]tate legislatures have primary jurisdiction over legislative reapportionment.” (alteration in original) (quoting *White v. Weiser*, 412 U.S. 783, 795

(1973)); *Perry v. Perez*, 565 U.S. 388, 392 (2012) (per curiam) (“Redistricting is ‘primarily the duty and responsibility of the State.’” (quoting *Chapman v. Meier*, 420 U.S. 1, 27 (1975))). Consequently, when a district court finds that an election scheme violates the Voting Rights Act, it should allow the state legislature a “reasonable opportunity” to remedy the violation “by adopting a substitute measure rather than . . . devise and order into effect its own plan.” *Lawyer*, 521 U.S. at 576 (omission in original) (quoting *Wise*, 437 U.S. at 540). Because “reapportionment is primarily the duty and responsibility of the State through its legislature or other body, rather than of a federal court,” a state’s “redistricting responsibility should be accorded primacy to the extent possible when a federal court exercises remedial power.” *Id.* (citation omitted). “[J]udicial relief becomes appropriate only when a legislature fails to re[district] according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.” *Upham v. Seamon*, 456 U.S. 37, 41 (1982) (per curiam) (quoting *Weiser*, 412 U.S. at 794–95).

When the state takes the opportunity to cure a Section 2 violation and enacts a new election plan, that legislative remedy is owed substantial deference. *Wise*, 437 U.S. at 540; *Tallahassee Branch of NAACP v. Leon County*, 827 F.2d 1436, 1438 (11th Cir. 1987) (“[F]ederal courts must defer to the judgment of a state legislative body in the area of reapportionment. Principles of federalism and common sense mandate deference to a plan which has been legislatively enacted.”). If the legislative remedy does not violate the Constitution or the Voting Rights Act, the “district court is ‘not free . . . to disregard the political program of’ a state legislature on other bases.” *Covington*, 138 S. Ct. at 2554–55 (omission in original) (quoting *Upham*, 456 U.S. at 42). The “district court is precluded from substituting even what it considers to be an objectively superior plan for an otherwise constitutionally and legally valid plan that has been proposed and enacted by the appropriate state governmental unit.” *Seastrunk v. Burns*, 772 F.2d 143, 151 (5th Cir. 1985) (citing *Wise*, 437 U.S. at 540–41). Nevertheless, “any remedy sanctioned by the Court must completely remedy ‘the prior dilution of minority voting strength and provide equal opportunity for minority citizens to participate and to elect candidates of their choice.’” *United States v. Osceola County*, 474 F. Supp. 2d 1254, 1256 (M.D. Fla. 2006) (quoting

White v. Alabama, 74 F.3d 1058, 1069 (11th Cir. 1996)); *see also Dillard v. Crenshaw County*, 831 F.2d 246, 252 (11th Cir. 1987) (The “[c]ourt cannot authorize an element of an election proposal that will not with certitude *completely* remedy the Section 2 violation.”). The court must also ensure that the remedial plan “itself conform[s] with Section 2.” *Dallas Cnty. Comm’n*, 850 F.2d at 1437–38 (quoting *Dillard*, 831 F.2d at 249).

DISCUSSION

As explained above, the Court previously found that the at-large method for electing all six Crisp County Board of Education members violated Section 2 of the Voting Rights Act and now turns to the question of remedy. The School District and the Whitest Plaintiffs assert that HB 1430 cures the Section 2 violation because this remedial plan provides Black voters a meaningful opportunity to elect candidates of their choice in two of the five districts, which is roughly proportional to the Black share of Crisp County’s voting-age population. (Doc. 133 at 2–4; Doc. 141 at 2; Doc. 144 at 3); *see Johnson v. De Grandy*, 512 U.S. 997, 1000 (1994) (holding that proportionality “is a relevant fact in the totality of circumstances” analysis when evaluating “whether members of a minority group have ‘less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice’”). The materials submitted by the School District and Dr. Popick’s report, submitted by the Whitest Plaintiffs, support this position.

According to the U.S. Census Bureau’s 2020 census data, Crisp County has a total population of 20,128 persons. (Doc. 133-1 at 4; Doc. 144-1 at 18). The census results show that 9,892 (49.15%) persons in the County are non-Hispanic White, 9,194 (45.68%) are Black (alone or in combination), and 1,042 (5.18%) are members of other racial or ethnic groups. (Doc. 144-1 at 25). Crisp County has a total voting-age population of 15,570 persons, of whom 8,248 (52.97%) are non-Hispanic White, 6,603 (42.41%) are Black, and 719 (4.62%) are members of other racial or ethnic groups. (*Id.* at 33). To assess “whether Black voters would have a meaningful opportunity to elect candidates of their choice” to the Board of Education, Dr. Popick analyzed the 2020 census results and data on current voter registration and voter turnout in the 2018 and 2020 general elections. (*Id.* at 5). Specifically, he used a “census-block equivalency file for the defendant’s remedial

proposal and geocoded census block information for each voter [to] assign[] each voter to the remedial district in which the voter resides and aggregated voters by district to determine turnout by race for the 2020 and 2018 general elections.” (*Id.* at 5–6). The results of Dr. Popick’s analysis of the School District’s proposed districts, as detailed in HB 1430, are summarized in Table 1. (*Id.* at 6; Doc. 144 at 3).

Table 1: Analysis of Voter Registration and Turnout in School District’s Remedial Proposal/HB 1430

District	Black Voting-Age Population	Black Registration	2018 Black Turnout	2020 Black Turnout
1	13.68%	10.37%	9.00%	9.22%
2	65.11%	66.77%	61.52%	61.09%
3	62.94%	61.22%	54.44%	54.22%
4	31.67%	26.08%	21.02%	20.09%
5 (at-large)	42.38%	39.11%	32.11%	31.62%

Dr. Popick estimates that Black voters are a majority of the registered voters in two of the districts described in HB 1430: Districts 2 and 3. (Doc. 144-1 at 6). In both districts, Black voters were also a majority of the turnout in the 2018 and 2020 general elections. (*Id.*). Thus, Black voters would likely constitute a majority of both registration and turnout in at least two of the districts in the School District’s remedial plan. (*Id.*). Dr. Popick therefore concludes that “Black voters would have a meaningful opportunity to elect candidates of their choice in two (40%) of the five districts included in the defendant’s remedial proposal, a share that is roughly proportional to the Black share of [Crisp] [C]ounty’s voting-age population.” (*Id.* at 6–7).

Plaintiff Postell objects to the School District’s proposed plan on three grounds. First, Plaintiff Postell contends that reducing the number of Board seats hurts Black voters because “the smaller the districts, the better the . . . chance [for Black voters] to put in office who they want in office.” (Doc. 148 at 36:4–6). He argues that Defendants have

“produced no evidence . . . to support changing from six districts to five districts.” (Doc. 151 at 1). The School District responds that a five-member Board “is consistent with the vast majority of school boards in the State and avoids the potential for a tie vote and a stalemate on the governing body of the school district on some important issue.” (Doc. 136 at 3). Although “federal courts may not *mandate* as a section 2 remedy that a state or political subdivision alter the size of its elected bodies,” the Court is not necessarily precluded “from *approving* a change in the size of the electoral body as part of a legislatively enacted Section 2 remedy.” *Osceola County*, 474 F. Supp. 2d at 1255–56 (first citing *Holder v. Hall*, 512 U.S. 874, 881 (1994) (plurality opinion); and then citing *Nipper v. Smith*, 39 F.3d 1494, 1532 (11th Cir. 1994) (en banc)).

Second, Plaintiff Postell argues that the School District’s plan is not a complete remedy because this lawsuit was brought to challenge the Board’s at-large election method, but HB 1430 retains one at-large Board seat. (Doc. 148 at 34:16–20). The Supreme Court has explained that “when district courts are forced to fashion apportionment plans, single-member districts are preferable to large multi-member districts.” *Connor v. Johnson*, 402 U.S. 690, 692 (1971) (per curiam). But when a remedial plan is developed by the state legislature, “at-large districts that do not offend either the constitution or the statute should not be rejected in the court-ordered remedy.” *Edge v. Sumter Cnty. Sch. Dist.*, 775 F.2d 1509, 1512 (11th Cir. 1985) (per curiam) (citation omitted); *cf. Dallas Cnty. Comm’n*, 850 F.2d at 1438 (“[A]t-large procedures that are discriminatory in the context of one election scheme are not necessarily discriminatory under another scheme.” (citing *Dillard*, 831 F.2d at 250)). A state “legislature’s ‘freedom of choice to devise substitutes for an apportionment plan found’” to violate Section 2 “‘should not be restricted beyond the clear commands’ of federal law,” and the Court cannot reject the legislature’s policy choices on other grounds. *Covington*, 138 S. Ct. at 2554–55. Plaintiff Postell has not pointed to—and the Court has not identified—any evidence in the record indicating that the HB 1430 violates either the Voting Rights Act or the Constitution by retaining one at-large district. Accordingly, the Court must defer to the legislative judgments the School District’s plan reflects. *See Voinovich*, 507 U.S. at 156; *Leon County*, 827 F.2d at 1438.

Plaintiff Postell also objects to the School District’s plan because it provides for only two Black-majority districts, while his six-district plan would purportedly create four majority-Black districts. (Doc. 151 at 1–2). Without support, he asserts that the districts in his plan would have the demographic makeup summarized in Table 2. (Doc. 135 at 2–3).

**Table 2: Racial Makeup of Total Population
in Plaintiff Postell’s Proposed Districts**

District	White	Black	Hispanic	Asian	Native American
1	33%	64%	2%	0%	1%
2	46%	48%	4%	2%	1%
3	17%	76%	6%	1%	1%
4	27%	67%	3%	2%	1%
5	86%	9%	3%	1%	1%
6	86%	11%	1%	1%	1%

Plaintiff Postell failed to provide any of the documents or information the Court instructed him to submit in support of his plan, including the methods or data he used to develop these districts and the demographic makeup of the voting-age population, rather than total population, in his proposed districts. (*See* Doc. 147 at 1). Even if a majority of the total population in four of Plaintiff Postell’s six proposed districts were Black, that does not mean that Black voters make up a majority of the voting-age population in those districts or that Black voters would have a realistic opportunity of electing their candidate of choice under the plan. *See Ga. State Conf. of NAACP*, 996 F. Supp. 2d at 1360 n.7 (collecting cases holding that voting-age population, not total population, is the proper statistic when evaluating majority-minority districts under Section 2). Thus, there is no basis for concluding that Plaintiff Postell’s plan would remedy the existing Section 2 violation. Moreover, a “complete” Section 2 remedy does not necessarily guarantee Black voters in Crisp County the opportunity to elect a certain number of members for the Board of Education. Both the Supreme Court and the Eleventh Circuit have explained that “the

right guaranteed by [S]ection 2 ‘is equality of opportunity, not a guarantee of electoral success for minority-preferred candidates of whatever race.’” *Wright v. Sumter Cnty. Bd. of Elections & Registration*, 979 F.3d 1282, 1308 (11th Cir. 2020) (quoting *De Grandy*, 512 U.S. at 1014 n.11, 1020).

The Georgia General Assembly has taken the opportunity to remedy the Section 2 violation by enacting legislation reconstituting the composition and election of the Crisp County Board of Education. This legislation, HB 1430, responds to the Court’s finding of a Section 2 violation by eliminating the at-large election scheme for all six Board members and establishing a five-member Board with four single-member districts and one at-large district. While the Parties have not fully complied with the Court’s Orders and have failed to provide all the information requested, upon consideration of the current record and given the timing of the upcoming primary and general elections, the Court concludes that the School District’s plan, HB 1430, is an appropriate remedy for the existing Section 2 violation and provides Black voters in Crisp County an equal opportunity to participate and to elect their candidates of choice to the Board of Education. Nothing in the record before the Court at this time suggests that HB 1430 violates the Constitution or the Voting Rights Act. The Court will therefore defer to this legislative remedy and avoid “intrud[ing] upon state policy any more than [is] necessary” to remedy the Section 2 violation. *See Upham*, 456 U.S. at 41–42 (citation omitted); *Covington*, 138 S. Ct. at 2554–55.

CONCLUSION

Having previously concluded that the existing at-large election method for the election of Crisp County Board of Education members violates Section 2 of the Voting Rights Act, the Court hereby **ENJOINS** the Crisp County School District and Board of Elections and Registration from conducting any future Crisp County Board of Education elections under that unlawful plan. The remedial plan proposed by the School District and enacted by the Georgia General Assembly, HB 1430, is **ADOPTED** as the interim remedial plan for the 2022 primary and general elections for the Crisp County Board of Education. Attached to this Order is a copy of HB 1430, as well as maps of the new district boundaries and a population summary by district that were provided by the School District.

This remedial plan shall remain in effect until the 1956 local amendment to the Georgia Constitution is rescinded by the voters of Crisp County and HB 1430 becomes fully effective. The Crisp County School District and Board of Elections and Registration are **ORDERED** to implement the remedial plan described in HB 1430 promptly and in accordance with the Constitution and laws of the United States. Except as modified by HB 1430 or this Order, all applicable federal, state, and local election-related laws shall remain in effect. The Court shall retain jurisdiction to enforce the provisions of this Order and for such further relief as may be appropriate.

SO ORDERED, this 28th day of April, 2022.

/s/ Leslie A. Gardner
LESLIE A. GARDNER, JUDGE
UNITED STATES DISTRICT COURT

House Bill 1430 (AS PASSED HOUSE AND SENATE)

By: Representative Williams of the 148th

A BILL TO BE ENTITLED

AN ACT

1 To reconstitute the Board of Education of Crisp County; to provide for legislative purpose;
2 to provide for the composition and election of said board; to provide for election districts;
3 to provide for terms of office; to provide for qualifications for office; to provide for
4 vacancies; to provide for meetings and quorums; to provide compensation; to provide for
5 continuation in office of current members; to provide for election and terms of office of
6 subsequent members; to provide for compensation of board members; to abolish the current
7 Board of Education of Crisp County on a date certain and shorten the terms of office of
8 certain members of such board; to provide for a referendum; to provide for effective dates;
9 to repeal a local constitutional amendment proposed by a certain resolution act; to repeal
10 specific acts; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 The purpose of this Act is to repeal the 1956 amendment to the Constitution relating to the
14 merger of the independent school system of the City of Cordele and the school district in the
15 County of Crisp lying outside the corporate limits of said city into one school district and to
16 reconstitute the Crisp County Board of Education.

SECTION 2.

17

18 (a) The Board of Education of Crisp County shall be composed of five members to be
19 elected as provided in this Act. In order to be elected as a member of the board from an
20 education district, a person must have resided in that district for at least 12 months prior to
21 election thereto and must receive a majority of the votes cast for such office in that district.
22 Only electors who are residents of that education district may vote for a member of the board
23 for that district. At the time of qualifying for election as a member of the board from an
24 education district, each candidate for such office shall specify the education district for which
25 that person is a candidate. A person elected as a member of the board from an education
26 district must continue to reside in that district during the person's term of office or such office
27 shall thereupon become vacant. The at-large member of the board from District 5 may reside
28 anywhere within the Crisp County School District and must receive a majority of the votes
29 cast for such office in all of that district.

30 (b) For the purpose of electing members of the board of education, the Crisp County School
31 District shall be divided into five education districts. Districts 1, 2, 3, and 4 shall be and
32 correspond to those four numbered districts described in Appendix A attached to and made
33 a part of this Act and further identified as 'User: Crisp SB Plan Name: CrispSB-2022 Plan
34 Type: Local'. Education District 5 shall be composed of the entire geographic area of the
35 Crisp County School District.

36 (c)(1) For the purposes of such plan:

37 (A) The term 'VTD' shall mean and describe the same geographical boundaries as
38 provided in the report of the Bureau of the Census for the United States decennial
39 census of 2020 for the State of Georgia. The separate numeric designations in a district
40 description which are underneath a VTD heading shall mean and describe individual
41 Blocks within a VTD as provided in the report of the Bureau of the Census for the
42 United States decennial census of 2020 for the State of Georgia; and

43 (B) Except as otherwise provided in the description of any district, whenever the
44 description of any district refers to a named city, it shall mean the geographical
45 boundaries of that city as shown on the census maps for the United States decennial
46 census of 2020 for the State of Georgia.

47 (2) Any part of the Crisp County School District which is not included in any district
48 described in subsection (b) of this section shall be included within that district contiguous
49 to such part which contains the least population according to the United States decennial
50 census of 2020 for the State of Georgia.

51 (3) Any part of the Crisp County School District which is described in subsection (b) of
52 this section as being included in a particular district shall nevertheless not be included
53 within such district if such part is not contiguous to such district. Such noncontiguous
54 part shall instead be included within that district contiguous to such part which contains
55 the least population according to the United States decennial census of 2020 for the State
56 of Georgia

57 (d) All members of the board who are elected thereto shall be nominated and elected in
58 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Each
59 member shall be elected by the voters of Crisp County registered and qualified to vote for
60 members of the General Assembly.

61 **SECTION 3.**

62 (a) Except as provided in subsection (b) of this section, the term of each board member shall
63 be four years beginning on January 1 of the year following the election of the member.

64 (b)(1) The terms of office of the initial members elected to represent Districts 1 and 2
65 and the at-large District 5 position shall be two years, beginning January 1, 2023, and
66 ending December 31, 2024. Thereafter, all successors to such members shall serve
67 four-year terms.

68 (2) The initial terms of office of the members elected to represent Districts 3 and 4 shall
69 be four years, beginning January 1, 2023, and ending December 31, 2026. Thereafter,
70 all successors to such members shall serve four-year terms.

71 **SECTION 4.**

72 Any person, to be eligible for membership on the board, must have resided in Crisp County
73 for at least one year immediately preceding the date of the election and must reside in the
74 district from which he or she offers as a candidate for at least 12 months immediately
75 preceding the date of the election.

76 **SECTION 5.**

77 In the event a person who represents an education district moves his or her residence from
78 such district, a vacancy shall exist for such district. In the event of a vacancy on the board
79 for any reason other than the expiration of a term of office, the remaining members of the
80 board of education shall appoint a successor to serve until the next general election in which
81 members of the General Assembly are elected, in which election a successor shall be elected
82 to serve out the unexpired term of office in which the vacancy occurs; provided, however,
83 that, if a vacancy occurs within two years and 90 days of the expiration of the term of office,
84 the person appointed shall serve out the remainder of the term.

85 **SECTION 6.**

86 (a) At the first meeting of the board of education in January of each year, the board shall
87 elect a chairperson, who shall be eligible to succeed himself or herself.
88 (b) A quorum of the board shall be three members.

89 **SECTION 7.**

90 Each member of the board of education shall be compensated in the amount of \$250.00 for
91 each day of attendance at meetings of the board and training sessions and conferences
92 approved by the board.

93 **SECTION 8.**

94 (a) Those members of the Board of Education of Crisp County who are serving as such on
95 the effective date of this Act and any person selected to fill a vacancy in any such office shall
96 continue to serve as such members until the member of the board elected pursuant to the
97 provisions of this Act take office on January 1, 2023.

98 (b) The two members of the Board of Education of Crisp County who are serving as such
99 on the effective date of this Act whose terms expire on December 31, 2022, pursuant to an
100 Act providing for the merger of the existing independent school system of the City of
101 Cordele and the existing school districts in the County of Crisp lying outside the corporate
102 limits of said city, approved February 11, 1957 (Ga. L. 1957, p. 2066), as amended, shall
103 serve out the terms to which they were elected.

104 (c) Except for members provided for in subsection (b) of this section, the terms of office of
105 the members of the Board of Education of Crisp County who are serving as such on the
106 effective date of this Act shall be shortened and shall end on December 31, 2022.

107 **SECTION 9.**

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

110 **SECTION 10.**

111 The election superintendent of Crisp County shall call and conduct an election as provided
112 in this section for the purpose of submitting this Act to the electors of the Crisp County

113 School District for approval or rejection. The election superintendent shall conduct that
 114 election on the date of the 2022 general primary and shall issue the call and conduct that
 115 election as provided by general law. The election superintendent shall cause the date and
 116 purpose of the election to be published once a week for two weeks immediately preceding
 117 the date thereof in the official organ of Crisp County. The ballot shall have written or printed
 118 thereon the words:

119 " YES Shall the Act be approved which revises and restates the law relating to the
 120 Board of Education of Crisp County, shortens the terms of the current board
 121 NO of education, provides for the election of a new board of education, and
 122 repeals that constitutional amendment relating to the merger of the
 123 independent school system of the City of Cordele and the school district in
 124 the County of Crisp lying outside the corporate limits of said city, into one
 125 school district which was proposed by Resolution Act No. 20-64(e) of the
 126 1956 General Assembly (Ga. L. 1956, p. 111) and duly ratified at the 1956
 127 election?"

128 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 129 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 130 such question are for approval of the Act, then Sections 1 through 9 and Section 11 of this
 131 Act shall become of full force and effect on July 1, 2022. If the Act is not so approved or if
 132 the election is not conducted as provided in this section, Sections 1 through 9 and Section 11
 133 of this Act shall not become effective and this Act shall be automatically repealed on the first
 134 day of July immediately following that election date. The expense of such election shall be
 135 borne by Crisp County. It shall be the election superintendent's duty to certify the result
 136 thereof to the Secretary of State.

137 **SECTION 11.**

138 (a) The constitutional amendment relating to the merger of the independent school system
139 of the City of Cordele and the school district in the County of Crisp lying outside the
140 corporate limits of said city into one school district, which was proposed by Resolution Act
141 No. 20-64(e) of the 1956 General Assembly (Ga. L. 1956, p. 111) and duly ratified at the
142 1956 election and continued in force and effect as part of the Constitution of the State of
143 Georgia by an Act approved February 18, 1987 (Ga. L. 1987, p. 3552), is hereby repealed.

144 (b) An Act providing for the merger of the independent school system of the City of Cordele
145 and the school districts in the County of Crisp lying outside the corporate limits of said city,
146 so as to constitute one school district or system coextensive with the limits of said county,
147 approved February 11, 1957 (Ga. L. 1957, p. 2066), is hereby repealed in its entirety, and all
148 amendatory acts thereto are likewise repealed in their entirety.

149 (c) An Act to reconstitute the Board of Education of Crisp County, approved
150 February 17, 2022, (2022 HB 956, Act No. 408), is hereby repealed in its entirety.

151 **SECTION 12.**

152 Except as otherwise provided in Section 10 of this Act, this Act shall become effective upon
153 its approval by the Governor or upon its becoming law without such approval.

154 **SECTION 13.**

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

156

APPENDIX A

157 User: Crisp SB

158 Plan Name: CrispSB-2022

159 Plan Type: Local

160 District 001

161 County Crisp GA

162 VTD ARABI

163 Block 010300:

164 2089 2090 2091 2092 2095 2096 2097 2098 2099 2100 2102 2103

165 2104 2105 2106 2107 2108 2109 2110 2111 2115 2116 2117 2118

166 Block 010500:

167 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

168 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

169 1024 1025 1026 1030 1031 1032 1033 1034 1035 1036 1037 1038

170 1039 1044 1045 1047 1048 1056 1057 1060 1061 1062 1063 1064

171 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076

172 1077 1078 1079 1080 1081 1082 1083 1087 1088 1089 1090 1091

173 1092 1093 1094 1095 1098 2011 2012 2013 2014 2015 2018 2019

174 2020 2024 2025 2026 2027 2028 2031 2033 2034 2035 2036 2037

175 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049

176 2050 2051 2052 2053 2056 2057 2058

177 VTD CORDELE

178 Block 010100:

179 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020

180 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032

22

LC 47 1656/AP

181 1033 1034 1035 1036 1045 1046 1047 1050 1051 1052 1053 1054

182 1055 1056 1057 1058 2000 2001 2002 2003 2004 2005 2006 2007

183 2008 2009 2010 2011 2012 2013 2016 2029 2030 2064

184 Block 010300:

185 1000 1001 1007 1008 1053 1055 1056 1072 1073 2011 2053 2069

186 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081

187 2082 2112 2113 2114 2120

188 Block 010400:

189 1000 1001 1002 1003 1004 1027 1029 1030 1034 1035 1036 1037

190 1038 1039 1040 1042 1043 1044 1045 1046 1047 1048 1049 1050

191 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062

192 1063 1064 1065 1066 1067 1068 1069 1070 1076 1077 4001 4002

193 4004 4005 4009 4010 4011 4012 4013 4014 4047

194 Block 010500:

195 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2029

196 2030 2032 2054 2055

197 VTD LISTONIA

198 District 002

199 County Crisp GA

200 VTD CORDELE

201 Block 010100:

202 1048 1049 1059 1060 1061 1063 1064 2014 2015 2017 2018 2019

203 2020 2021 2022 2023 2024 2025 2026 2027 2028 2031 2032 2033

204 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045

205 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057

206 2058 2059 2060 2061 2062 2063 3000 3001 3002 3003 3004 3005

22

LC 47 1656/AP

207	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017
208	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028	3029
209	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039	3040	3041
210	3042	3043	3044	3045	3046	3047	3048	3049	3050	3051	3052	3053
211	3054	3055	3056	3057	3058	3059						
212	Block 010202:											
213	1041	2005	2007	2008	2009	2010	2011	2012	2015	2016	2017	2018
214	2019	2020	2021	2022	2023	2024	2026	2027	2028	2029	2030	2031
215	2033	2034	2038	2039	2040	2041	2042	2043	2044	2050	2051	3000
216	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
217	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024
218	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	3036
219	3037	3038										
220	Block 010300:											
221	1002	1003	1004	1005	1006	1009	1010	1011	1012	1013	1014	1015
222	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
223	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039
224	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051
225	1052	1054	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066
226	1067	1068	1069	1070	1071	1074	3000	3001	3002	3003	3004	3005
227	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017
228	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028	3029
229	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039	3040	3041
230	3042	3043	3044	3045	3046	3047	3048	3049	3050	3051	3052	3053
231	3054	3055	3056	3057	3058	3059	3060	3061	3062	3063	3064	3065
232	3066	3067	3068	3069	3070	3071	3072	3073	3074	3075	3076	3077
233	3078	3079										

22

LC 47 1656/AP

234 District 003

235 County Crisp GA

236 VTD CORDELE

237 Block 010201:

238 3002 3005 3006 3007 3008 3009 3010 4000 4001 4002 4003 4005

239 4006 4007 4008 4009 4010 4011 4013 4014 4015 4016 4017 4018

240 4019 4020 4025 4026 4027 4028 4029 4030 4031 4032 4033 4034

241 4035

242 Block 010400:

243 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016

244 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1028 1031

245 1032 1033 1041 1071 1072 1073 1074 1075 2000 2001 2002 2003

246 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015

247 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027

248 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039

249 2040 2041 2042 3000 3001 3002 3003 3004 3005 3006 3007 3008

250 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020

251 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032

252 3033 3034 3035 3036 4000 4003 4006 4007 4008 4015 4016 4017

253 4018 4019 4020 4021 4022 4023 4024 4030 4048 5000 5001 5002

254 5003 5004 5005 5006 5007 5008 5009 5010 5011 5012 5013 5014

255 5015 5016 5017 5018 5019 5020 5021 5022 5023 5024 5025 5026

256 5027 5028 5029 5030 5031 5032 5033 5034 5035 5036 5037 5038

257 5039 5040 5041 5042 5043 5044 5045 5046 5047 5048 5049 5050

258 5051

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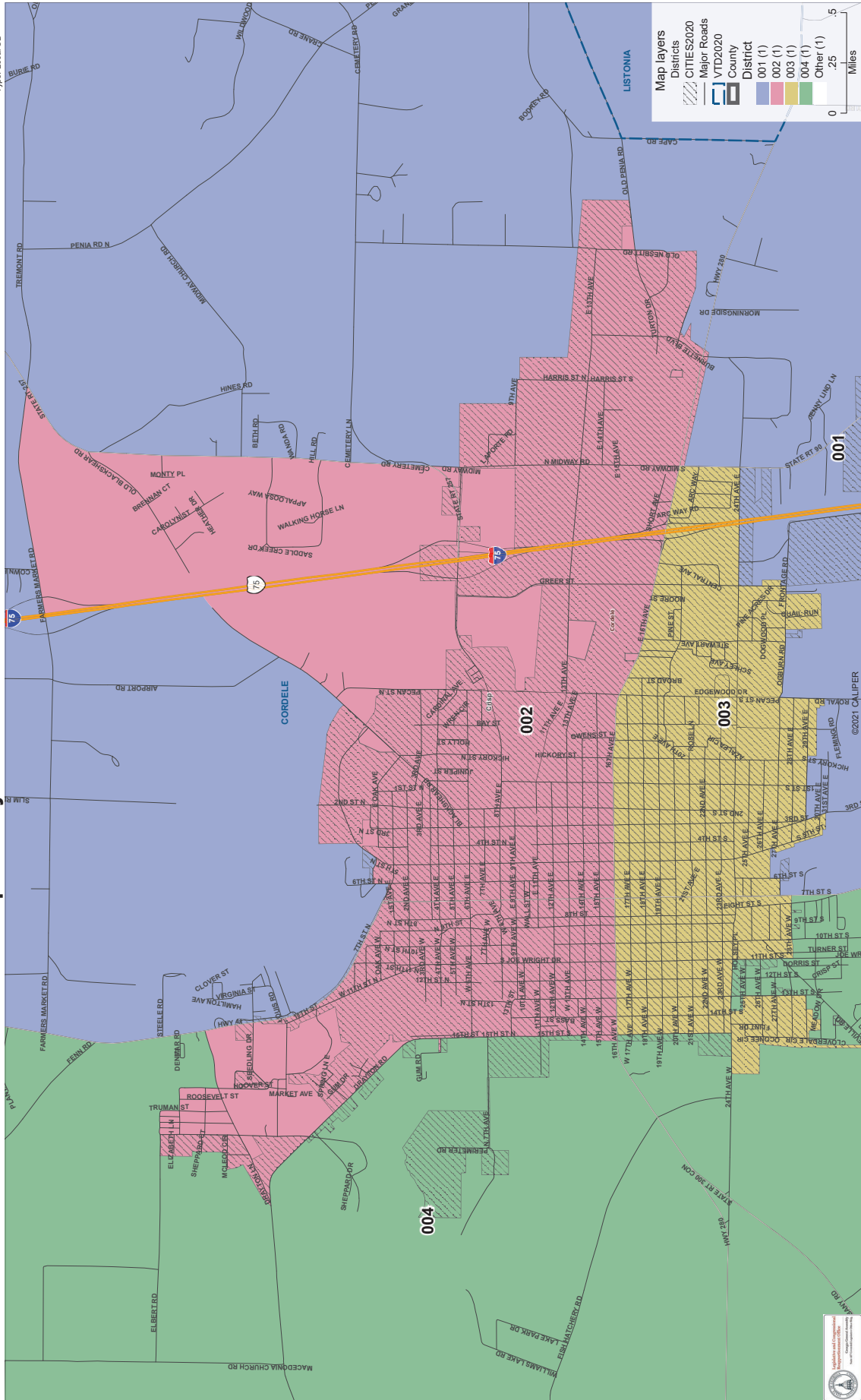
LC 47 1656/AP

259 District 004
 260 County Crisp GA
 261 VTD ARABI
 262 Block 010500:
 263 1027 1028 1029 1040 1041 1042 1043 1046 1049 1050 1051 1052
 264 1053 1054 1055 1058 1059 1084 1085 1086 1096 1097 2016 2021
 265 2022 2023
 266 VTD CONEY
 267 VTD CORDELE
 268 Block 010201:
 269 1000 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010
 270 2016 2017 2079 2080 3000 3001 3003 3004 3011 3012 3013 3014
 271 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026
 272 3027 3028 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038
 273 3039 3040 3041 3042 3043 3044 3045 3046 3047 3048 3049 3050
 274 3051 3052 3053 3054 3055 3056 3057 3058 3059 3060 3061 3062
 275 3063 3064 4004 4012 4021 4022 4023 4024
 276 Block 010202:
 277 1000 1001 1002 1025 1026 1027 1028 1029 1030 1031 1032 1033
 278 1034 1037 1038 1039 1040 1045 2000 2001 2002 2003 2004 2006
 279 2013 2014 2025 2032 2035 2036 2037 2045 2046 2047 2048 2049
 280 Block 010400:
 281 4025 4026 4027 4028 4029 4031 4032 4033 4034 4035 4036 4037
 282 4038 4039 4040 4041 4042 4043 4044 4045 4046
 283 Block 010500:
 284 2017
 285 VTD JAMESTOWN

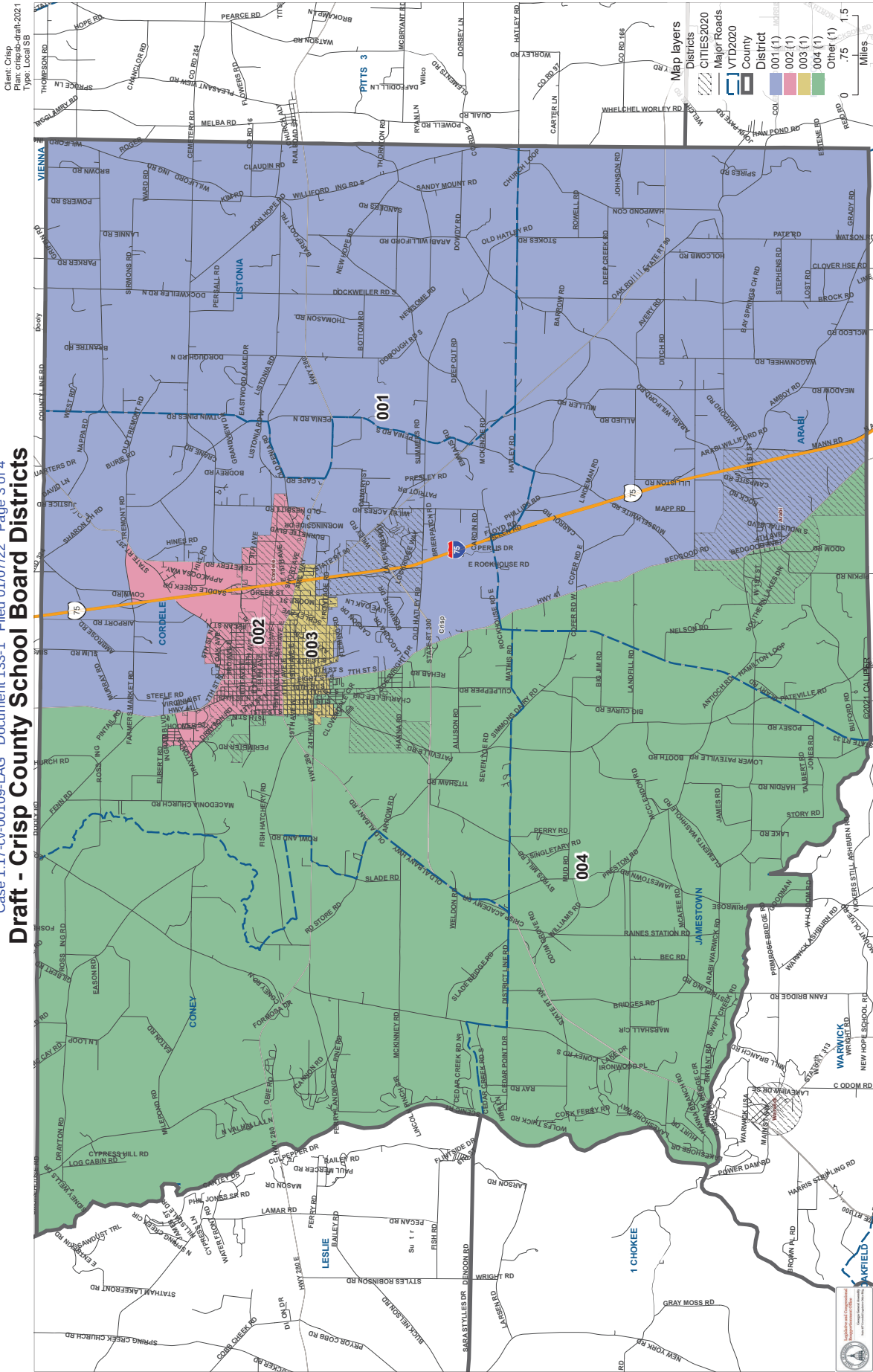
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Plan: crspas-draft-2021
Type: Local SB

Draft - Crisp County School Board Districts 002 & 003

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Draft - Crisp County School Board Districts



User: Crisp

Plan Name: crispsb-draft-2021

Plan Type: Local

Population Summary

Thursday, November 18, 2021

3:56 PM

Summary Statistics:

Population Range: 4,992 to 5,087
 Ratio Range: 0.02
 Absolute Range: -40 to 55
 Absolute Overall Range: 95
 Relative Range: -0.79% to 1.09%
 Relative Overall Range: 1.89%
 Absolute Mean Deviation: 27.50
 Relative Mean Deviation: 0.55%
 Standard Deviation: 34.46

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH_Wht]	[% NH_BlK]	[% Hispanic Origin]	[% NH_Asn]	[% NH_Ind]	[% NH_Hwn]	[% NH_Oth]	[% NH_2+ Races]
001	5,087	55	1.09%	4,057	79.75%	80.4%	13.19%	3.11%	0.47%	0.1%	0%	0.1%	2.63%
002	5,027	-5	-0.10%	3,732	74.24%	24.93%	66.5%	4.69%	0.6%	0.1%	0%	0.24%	2.94%
003	4,992	-40	-0.79%	3,689	73.9%	28.67%	62.8%	2.96%	2.26%	0.04%	0.08%	0.36%	2.82%
004	5,022	-10	-0.20%	4,092	81.48%	62.09%	33.29%	1.83%	0.26%	0.12%	0%	0.58%	1.83%

Total: 20,128

Ideal District: 5,032