



Things to Know About Senate Bill 5EX and its Potential Impact on Gwinnett County and Our Schools

In November, the General Assembly began meeting in a special session to address reapportionment of U.S. Congressional Districts and the redistricting of the Georgia General Assembly House and Senate Districts. In an unexpected move, an individual member of the Gwinnett Delegation introduced legislation (Senate Bill 5EX) to redraw the lines of the Gwinnett County Board of Education districts and change the way these positions are elected, from partisan to nonpartisan. The map and legislation were proposed without consulting his colleagues who serve in the Gwinnett Delegation or the members of the Gwinnett County Board of Education.

In addition to the concerning manner in which this bill was developed and introduced, SB 5EX is moving through the legislative process quickly, with limited opportunities for public review and input. The proposed bill disregards rules and processes already in place for both the Gwinnett Legislative Delegation and the Georgia Senate, and raises concerns regarding the proposed new districts and possible constitutional violations to the Voting Rights law.

As it stands, the proposal directly affects approximately 278,000 residents and has an impact on voters across the county, with limited opportunity for the public to learn more about the proposal or give their input. As noted, the districts created in this proposed legislation have raised concerns by some groups that there may be possible violations of the Voting Rights law.

What to know about Senate Bill 5EX...

There are procedural concerns about the way this bill was submitted.

- The legislation was not shared with either the Gwinnett Delegation or the Gwinnett County Board of Education prior to its introduction.
- Gwinnett Delegation Bylaws were not followed in introducing this legislation. The delegation's rules stipulate that bills and resolutions that affect Gwinnett should come before the full delegation and have a majority vote before moving on to committee. This did not occur.
- State Senate rules were not followed. These rules call for local legislation to be supported by a majority of the senators representing that political subdivision (in this case, Gwinnett County) prior to a proposed bill making its way to committee. Again, this bill was not placed before the Gwinnett Delegation for discussion, and no vote was taken by the delegation's members. This proposed local legislation does not have the support of the majority of Gwinnett's senators.
- This redistricting proposal does not appear to meet the criteria outlined by Gov. Brian Kemp for items to be addressed by this special session. The governor's proclamation indicated the special session was for reapportionment of U.S. Congressional Districts and the redistricting of the Georgia General Assembly House and Senate Districts. While the proclamation provided for consideration of local legislation under a hardship clause, claims of hardship by the bill's author do not appear to meet the standard. Qualifying for School Board candidates falls in March, whether elections are held in May (non-partisan as proposed) or in November (partisan as is the case now). In addition, county election officials already will be conducting a primary in May so there's no case for a rushed bill to address the proposed change.

This legislation was crafted in isolation without input from the Gwinnett Delegation or the Gwinnett County Board of Education and is being considered in a special session rather than during the regularly scheduled General Session.

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There are concerns about the actual plan for the redrawing of School Board district lines.

- As of November 12, 2021, two days after the plan was introduced, Gwinnett County Public Schools has yet to receive an official copy of the plan, including the accompanying data associated with the proposed Board of Education districts and proposed map.
- This plan calls for significant movement of population among districts—movement that is unnecessary and will create confusion among constituents.
 - Based on the 2020 Census, only about 15,000–20,000 residents need to be moved to another BOE district and have a new Board representative in order to ensure equity among the population of each Board district. In other words, less than 2% of the total population in Gwinnett needs to be moved to another district to ensure equity in the size of the Board of Education districts.
 - Based on our analysis of this plan, almost 280,000 residents will have a new School Board representative, which is almost 30% of the population served by Gwinnett County Public Schools.
- The proposed map renumbers the districts in a way that could create confusion for voters. (District IV is referred to as District II; District V is referred to as District III; District III is referred to as District IV; and District II is referred to as District V.)
- School Board members represent districts based on their home address. Under the proposed map, a current Board member has been drawn out of the district that individual represents. The proposed District II would be without a current Board Member representative. In addition, the proposed District III would contain two current Board members, based on each member's address.

Is the Board of Education trying to avoid redistricting?

No. In fact, the Board of Education is following an established process, established by law, and had voted in its October business meeting to address redistricting when the General Session begins in January. Abiding by Georgia law (O.C.G.A. § 28-1-14.1), the School Board voted to engage with the Legislative and Congressional Reapportionment Office for the purpose of redrawing Board members' districts. Once the maps have been developed, they will be presented to the General Assembly for consideration in the next legislative session (2022). This action, which was passed unanimously in bipartisan fashion, would allow the Board to use U.S. Census 2020 data to create and recommend new School Board district boundaries in accordance with established procedures and in an open and transparent way. Again, these recommendations would be made with the support and expertise of the Reapportionment Office.

Is there a need to address this in the Special Session?

No. Many of the Board of Education and County Commission seats in the state that need to be redistricted based on 2020 Census numbers hold elections on the same cycle as Gwinnett County Public Schools. All other local governance redistricting has been set for January as Gwinnett's governance team had planned.

Will there be opportunities for public input on this important piece of legislation that could have a significant impact on the Board of Education?

Despite numerous requests from a number of members of the Gwinnett Delegation to allow for more time before this matter is considered by the full Senate and the Georgia House, it appears that this legislation is continuing to move through the legislative process without opportunity for widespread public input.

Once this bill proceeds through the House and Senate, there will be no additional opportunities for input. Please contact your local legislator to share your input on Senate Bill 5 EX.