

The House Committee on Education offers the following substitute to SB 84:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to revise provisions relating to eligibility for
3 election as a local board of education member; to provide for legislative findings; to limit the
4 size of local boards of education; to revise provisions relating to per diem and expenses of
5 local board of education members; to revise certain provisions relating to the secretary of
6 local boards of education; to provide for the fundamental roles of local boards of education
7 and local school superintendents; to prohibit certain conflicts of interest of board members;
8 to provide for a code of ethics for local board of education members; to provide for removal
9 of board members under certain circumstances; to revise provisions relating to eligibility for
10 appointment as a school superintendent; to revise provisions relating to training of local
11 board of education members; to provide for submission of certain provisions of this Act for
12 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related
13 matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
17 secondary education, is amended by adding a new Code section to Article 3, relating to local
18 boards of education, to read as follows:

19 "20-2-49.

20 The General Assembly finds that local boards of education play a critical role in setting the
21 policies that lead to the operation and success of local school systems. School board
22 members hold special roles as trustees of public funds, including local, state, and federal
23 funds, while they focus on the singular objective of ensuring each student in the local
24 school system receives a quality basic education. Board duties require specialized skills
25 and training in the performance of vision setting, policy making, approving multimillion
26 dollar budgets, and hiring a qualified superintendent. The motivation to serve as a member

27 of a local board of education should be the improvement of schools and academic
 28 achievement of all students. Service on a local board of education is important citizen
 29 service. Given the specialized nature and unique role of membership on a local board of
 30 education, this elected office should be characterized and treated differently from other
 31 elected offices where the primary duty is independently to represent constituent views.
 32 Local board of education members should abide by a code of conduct and conflict of
 33 interest policy modeled for their unique roles and responsibilities. And although there are
 34 many measures of the success of a local board of education, one is clearly essential:
 35 maintaining accreditation and the opportunities it allows the school system's students."

36

SECTION 2.

37 Said chapter is further amended by revising Code Section 20-2-51, relating to election of
 38 county board of education members, persons ineligible to be members or superintendent,
 39 ineligibility for local boards of education, and ineligibility for other offices, as follows:

40 "20-2-51.

41 (a) No person shall be eligible for election as a member of a local board of education who
 42 is not a resident of the school district in which that person seeks election and of the election
 43 district which such person seeks to represent. Whenever there is in a portion of any county
 44 a local school system having a board of education of its own, receiving its pro rata of the
 45 public school fund directly from the State School Superintendent and having no dealings
 46 whatever with the local board, then the members of the board of such county shall be
 47 selected from that portion of the county not embraced within the territory covered by such
 48 local system.

49 (b) Whenever a member of a local board of education moves that person's domicile from
 50 the district which that person represents, such person shall cease to be a member of such
 51 local board of education, and a vacancy shall occur. The member shall provide notice of
 52 such move to the secretary of the local board of education and the election superintendent
 53 within ten days of such move.

54 (c)(1) No person ~~employed by or~~ serving on the governing body of a private elementary
 55 or secondary educational institution shall be eligible to serve as a member of a local
 56 board of education.

57 (2) No person employed by a local board of education shall be eligible to serve as a
 58 member of that board of education.

59 (3) No person employed by the Department of Education or serving as a member of the
 60 State Board of Education shall be eligible to serve as a member of a local board of
 61 education.

62 (4)(A) No person who has an immediate family member sitting on a local board of
 63 education or serving as the local school superintendent or as a principal, assistant
 64 principal, or system administrative staff in the local school system shall be eligible to
 65 serve as a member of such local board of education. As used in this paragraph, the term
 66 'immediate family member' means a spouse, child, sibling, or parent or the spouse of
 67 a child, sibling, or parent. This paragraph shall not apply to local board of education
 68 members elected or appointed prior to July 1, 2009, if in office on June 30, 2009, even
 69 if reelected or reappointed after July 1, 2009. Nothing in this Code section shall affect
 70 the employment of any person who is employed by a local school system on or before
 71 July 1, 2009, or who is employed by a local school system when an immediate family
 72 member becomes a local board of education member for that school system.

73 (B) Notwithstanding subsection (b) of Code Section 20-2-244, the State Board of
 74 Education shall be authorized to waive this paragraph upon the request of a local board
 75 of education or an individual attempting to qualify to run for local board of education
 76 member and in accordance with the provisions of subsections (d) and (e) of Code
 77 Section 20-2-244. The State Board of Education shall approve or deny a waiver request
 78 no later than 45 days after receipt of such waiver request.

79 ~~This subsection shall not apply to institutions above the high school level.~~

80 (d) In all counties of this state having a population of not less than 500,000 or more than
 81 600,000 according to the United States decennial census of 1990 or any future such census,
 82 the members of the county boards of education taking office after December 1, 1975, shall
 83 not hold any other elective governmental office. If any member of any such board should
 84 qualify at any time after December 1, 1975, for nomination or election to any other elective
 85 governmental office other than for membership on such county board, such member's
 86 position on such county board shall thereby become vacant. Such vacancy shall be filled
 87 as provided by the law applicable to any such county board.

88 (e) No person shall be eligible for election as a member of a local board of education
 89 unless he or she:

90 (1) Is a citizen of the United States;

91 (2) Is a registered voter;

92 (3) Has read and understands the code of ethics and the conflict of interest provisions
 93 applicable to members of local boards of education and has agreed to abide by them; and

94 (4) Has agreed to annually disclose compliance with the State Board of Education's
 95 policy on training for members of local boards of education, the code of ethics of the
 96 local board of education, and the conflict of interest provisions applicable to members of
 97 local boards of education.

98 Each person offering his or her candidacy for election as a member of a local board of
 99 education shall file an affidavit with the officer before whom such person has qualified for
 100 such election prior to or at the time of qualifying, which affidavit shall affirm that he or she
 101 meets all of the qualifications required pursuant to this subsection. This subsection shall
 102 apply only to local board of education members elected or appointed on or after July 1,
 103 2009.

104 (f) No person who has been judicially determined to be mentally incompetent shall be
 105 eligible for election as a member of a local board of education unless the disability
 106 determination has been removed. This subsection shall apply only to local board of
 107 education members elected or appointed on or after July 1, 2009."

108 SECTION 3.

109 Said chapter is further amended by revising Code Section 20-2-52, relating to terms of office
 110 of members of local boards of education, as follows:

111 "20-2-52.

112 (a) Members of local boards of education shall be elected for terms of four years unless
 113 their terms are otherwise provided by local Act or constitutional amendment.

114 (b)(1) Each local board of education shall have no more than seven members as provided
 115 by local Act.

116 (2) This subsection shall not apply to a local board of education whose board size
 117 exceeds seven members as provided by local constitutional amendment or federal court
 118 order or pursuant to a local law in effect prior to July 1, 2009; provided, however, that if
 119 the local law of any such local board of education is amended to revise the number of
 120 members on such board, paragraph (1) of this subsection shall apply."

121 SECTION 4.

122 Said chapter is further amended by revising subsection (a) of Code Section 20-2-55, relating
 123 to per diem, insurance, and expenses of local board members, as follows:

124 "(a)(1) In any local school system for which no local Act is passed, members of the local
 125 board of education shall, when approved by the local board affected, receive a per diem
 126 of \$50.00 for each day of attendance at meetings of the board and while meeting and
 127 traveling within or outside the state as a member of a committee of the board on official
 128 business first authorized by a majority of the board, plus reimbursement for actual
 129 expenses necessarily incurred in connection therewith; provided, however, that in any
 130 independent school system with a full-time equivalent (FTE) program count of less than
 131 4,000 students for which no local Act is passed, members of the local board of education
 132 may, when approved by the affected local board, receive a per diem of not less than

133 \$50.00 and not more than \$100.00 for each day of attendance at meetings of the board
 134 and while meeting and traveling within or outside the state as a member of a committee
 135 of the board, plus reimbursement for actual expenses. The accounts for such service and
 136 expenses shall be submitted for approval to the local school superintendent. In all school
 137 districts, the compensation of members of local boards shall be paid only from the local
 138 tax funds available to local boards for educational purposes. This paragraph shall apply
 139 only to local board of education members elected or appointed prior to July 1, 2009.
 140 (2) In any local school system for which no local Act is passed, members of the local
 141 board of education shall, when approved by the local board affected, receive a per diem
 142 of \$50.00 for each day of attendance at a meeting, as defined in paragraph (2) of
 143 subsection (a) of Code Section 50-14-1, of the board, plus reimbursement for actual
 144 expenses necessarily incurred in connection therewith; provided, however, that in any
 145 independent school system with a full-time equivalent (FTE) program count of less than
 146 4,000 students for which no local Act is passed, members of the local board of education
 147 may, when approved by the affected local board, receive a per diem of not less than
 148 \$50.00 and not more than \$100.00 for each day of attendance at a meeting, as defined in
 149 paragraph (2) of subsection (a) of Code Section 50-14-1, of the board, plus
 150 reimbursement for actual expenses. The accounts for such service and expenses shall be
 151 submitted for approval to the local school superintendent. In all school districts, the
 152 compensation of members of local boards shall be paid only from the local tax funds
 153 available to local boards for educational purposes. This paragraph shall apply only to
 154 local board of education members elected or appointed on or after July 1, 2009."

155 **SECTION 5.**

156 Said chapter is further amended by revising subsection (a) of Code Section 20-2-57, relating
 157 to organization of county boards of education, as follows:

158 "(a) Unless otherwise provided by local law or, in the absence of local law, by local board
 159 policy, upon being called together by one of their number, the members of the local board
 160 shall organize by selecting one of their number as chairperson to serve as such during the
 161 term for which that person was chosen as a member of the local board. The local school
 162 superintendent shall act as secretary of the local board, ex officio. A majority of the local
 163 board shall constitute a quorum for the transaction of business. The votes of a majority of
 164 the members present shall be necessary for the transaction of any business or discharge of
 165 any duties of the local board of education, provided there is a quorum present. Any action
 166 taken by less than a majority of the board members may be rescinded by a majority of the
 167 board members at the next regular meeting or within 30 days of such action, whichever is
 168 later. It shall be the duty of the superintendent ~~or the board's nominee~~ as secretary to be

169 present at the meetings of the local board, to keep the minutes of its meetings and make a
 170 permanent record of them, and to do any other clerical work it may direct the
 171 superintendent to do. The superintendent ~~or the board's nominee~~ shall ~~record~~ cause to be
 172 recorded in a book, to be provided for the purpose, all official proceedings of the local
 173 board, which shall be a public record open to the inspection of any person interested
 174 therein; and all such proceedings, when so recorded, shall be signed by the chairperson and
 175 countersigned by the secretary."

176 **SECTION 6.**

177 Said chapter is further amended by revising Code Section 20-2-61, which is reserved, as
 178 follows:

179 "20-2-61.

180 ~~Reserved.~~

181 (a) The fundamental role of a local board of education shall be to establish policy for the
 182 local school system with the focus on student achievement. The fundamental role of a
 183 local school superintendent shall be to implement the policy established by the local board.
 184 It shall not be the role of the local board of education or individual members of such board
 185 to micromanage the superintendent in executing his or her duties, but it shall be the duty
 186 of the local board to hold the local school superintendent accountable in the performance
 187 of his or her duties. Local board of education members should work together with the
 188 entire local board of education and shall not have authority as independent elected officials
 189 but shall only be authorized to take official action as members of the board as a whole.
 190 Nothing in this subsection shall be construed to alter, limit, expand, or enlarge any powers,
 191 duties, or responsibilities of local boards of education, local board members, or local school
 192 superintendents.

193 (b) Except as may be allowed by law, no local board of education shall delegate or attempt
 194 to delegate its policy-making functions."

195 **SECTION 7.**

196 Said chapter is further amended by revising Code Section 20-2-63, which is reserved, as
 197 follows:

198 "20-2-63.

199 ~~Reserved.~~

200 (a)(1) No local board of education member or member of his or her immediate family
 201 shall have an interest in a business organization or engage in any business, transaction,
 202 or professional activity which is in substantial conflict with the proper discharge of his

203 or her duties in the public interest. Compliance with Code Section 20-2-505 shall not
204 constitute a violation of this paragraph.

205 (2) No local board of education member shall use or attempt to use his or her official
206 position to secure unwarranted privileges, advantages, or employment for himself or
207 herself, members of his or her immediate family, or others.

208 (3) No local board of education member shall act in his or her official capacity in any
209 matter where he or she, a member of his or her immediate family, or a business
210 organization in which he or she has an interest has a direct or material indirect financial
211 interest that might reasonably be expected to impair his or her objectivity or
212 independence of judgment.

213 (4) No local board of education member shall undertake any employment or service,
214 whether compensated or not, which might reasonably be expected to prejudice his or her
215 independence of judgment in the exercise of his or her official duties.

216 (5) No local board of education member, or member of his or her immediate family, or
217 business organization in which he or she has an interest shall solicit or accept any gift,
218 favor, loan, political contribution, service, promise of future employment, or other thing
219 of value based upon an understanding that the gift, favor, loan, contribution, service,
220 promise, or other thing of value was given or offered for the purpose of influencing him
221 or her, directly or indirectly, in the discharge of his or her official duties. This paragraph
222 shall not apply to the solicitation or acceptance of contributions to the campaign of an
223 announced candidate for elective public office if the local board of education member has
224 no knowledge or reason to believe that the campaign contribution, if accepted, was given
225 with the intent to influence the local board of education member in the discharge of his
226 or her official duties. For purposes of this paragraph, a gift, favor, loan, contribution,
227 service, promise, or other thing of value shall not include the items contained in
228 subparagraphs (a)(2)(A) through (a)(2)(J) of Code Section 16-10-2.

229 (6) No local board of education member shall use, or allow to be used, his or her official
230 position or any information not generally available to the members of the public which
231 he or she receives or acquires in the course of and by reason of his or her official position
232 for the purpose of securing financial gain for himself or herself, any member of his or her
233 immediate family, or any business organization with which he or she is associated.

234 (7) No local board of education member or business organization in which he or she has
235 an interest shall represent any person or party other than the local board of education or
236 local school system in connection with any cause, proceeding, application, or other matter
237 pending before the local school system in which he or she serves or in any proceeding
238 involving the local school system in which he or she serves.

239 (8) No local board of education member shall be prohibited from making an inquiry for
240 information on behalf of a constituent if no fee, reward, or other thing of value is
241 promised to, given to, or accepted by the local board of education member or a member
242 of his or her immediate family, whether directly or indirectly, in return therefor.

243 (9) No local board of education member shall disclose or discuss any information which
244 is subject to attorney-client privilege belonging to the local board of education to any
245 person other than other board members, the board attorney, the local school
246 superintendent, or persons designated by the local school superintendent for such
247 purposes unless such privilege has been waived by a majority vote of the whole board.

248 (10) No member of a local board of education may jointly serve as an officer of that local
249 board and, at the same time, be an officer of any organization that sells goods or services
250 to that local school system, except as provided in Code Section 20-2-505 and excluding
251 nonprofit membership organizations.

252 (11) No local board of education member shall be deemed in conflict with this
253 subsection if, by reason of his or her participation in any matter required to be voted
254 upon, no material or monetary gain accrues to him or her as a member of any profession,
255 occupation, or group to any greater extent than any gain could reasonably be expected to
256 accrue to any other member of that profession, occupation, or group.

257 (b) Upon a motion supported by a two-thirds vote, a local board of education may choose
258 to conduct a hearing concerning the violation by a local board of education member of any
259 conflict of interest provision in subsection (a) of this Code section. The local board of
260 education member accused of violating said provision shall have 30 days notice prior to a
261 hearing on the matter. Said accused member may bring witnesses on his or her behalf, and
262 the local board of education may call witnesses to inquire into the matter. If it is found by
263 a vote of two-thirds of all the members of the board that the accused member has violated
264 a conflict of interest provision contained in subsection (a) of this Code section, the local
265 board shall determine an appropriate sanction, up to and including removal from office.
266 A board member removed from office pursuant to this Code section may, within 30 days
267 of such removal vote, appeal such decision to the State Board of Education, which shall be
268 empowered to affirm or reverse the decision to remove such board member. The State
269 Board of Education shall promulgate rules governing such appeal process. If a sanctioned
270 member appeals his or her removal to the State Board of Education, that member shall
271 remain a board member with full voting rights unless and until the State Board of
272 Education upholds his or her removal. If the sanctioned member is removed from office,
273 the resulting vacancy shall be filled in accordance with Code Section 20-2-54.1. The
274 accused member shall abstain from any vote taken pursuant to this subsection. This

275 subsection shall apply only to local board of education members elected or appointed on
 276 or after July 1, 2009.
 277 (c) As used in this Code section, the term 'immediate family member' means a spouse,
 278 child, sibling, or parent or the spouse of a child, sibling, or parent."

279 SECTION 8.

280 Said chapter is further amended by adding new Code sections to Article 3, relating to local
 281 boards of education, to read as follows:

282 "20-2-72.

283 (a) The State Board of Education shall adopt a model code of ethics for members of local
 284 boards of education. Such model code of ethics shall also include appropriate
 285 consequences for violation of a provision or provisions of such code. The State Board of
 286 Education may periodically adopt revisions to such model code as it deems necessary.

287 (b) Within three months of adoption by the State Board of Education of a model code of
 288 ethics pursuant to subsection (a) of this Code section, each local board of education shall
 289 adopt a code of ethics that includes, at a minimum, such model code of ethics. Each local
 290 board of education shall incorporate into its code of ethics any revisions adopted by the
 291 State Board of Education to the model code of ethics pursuant to subsection (a) of this
 292 Code section within three months of adoption of such revisions.

293 20-2-73.

294 (a) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the contrary,
 295 if a local school system or school is placed on the level of accreditation immediately
 296 preceding loss of accreditation for school board governance related reasons by one or more
 297 accrediting agencies included in subparagraph (6.1)(A) of Code Section 20-3-519, the
 298 Governor may, in his or her sole discretion, suspend all eligible members of the local board
 299 of education with pay and, in consultation with the State Board of Education, appoint
 300 temporary replacement members who shall be otherwise qualified to serve as members of
 301 such board.

302 (b) Any local board of education member suspended under this Code section may petition
 303 the Governor for reinstatement no earlier than 60 days following suspension and no later
 304 than 90 days following suspension. In the event that a suspended member does not petition
 305 for reinstatement within the allotted time period, his or her suspension shall be converted
 306 into permanent removal, and the temporary replacement member shall become a permanent
 307 member and serve out the remainder of the term of the removed member.

308 (c) Upon petition for reinstatement by a suspended local board of education member, the
 309 Governor or his or her designated agent shall conduct a hearing for the purpose of receiving

310 evidence relative to whether the local board of education member's continued service on
 311 the local board of education is more likely than not to improve the ability of the local
 312 school system or school to retain its accreditation. The appealing member shall be given
 313 at least 30 days notice prior to such hearing. Such hearing shall be held not later than 60
 314 days after the petition is filed and in accordance with Chapter 13 of Title 50, the 'Georgia
 315 Administrative Procedure Act,' except that the individual conducting the hearing shall have
 316 the power to call witnesses and request documents on his or her own initiative. For
 317 purposes of said chapter and any hearing conducted pursuant to this Code section, the
 318 Governor shall be considered the 'agency' and the Attorney General or his or her designee
 319 shall represent the interests of the Governor in the hearing. If it is determined that it is
 320 more likely than not that the local board of education member's continued service on the
 321 local board of education improves the ability of the local school system or school to retain
 322 its accreditation, the member shall be immediately reinstated; otherwise, the member shall
 323 be permanently removed, and the temporary replacement member shall become a
 324 permanent member and serve out the remainder of the term of the removed member.
 325 Judicial review of any such decision shall be in accordance with Chapter 13 of Title 50.
 326 (d) This Code section shall apply only to a local school system or school which is placed
 327 on the level of accreditation immediately preceding loss of accreditation on or after July
 328 1, 2009.
 329 (e) This Code section shall apply only to local board of education members elected or
 330 appointed on or after July 1, 2009."

331 **SECTION 9.**

332 Said chapter is further amended by revising subsection (b) of Code Section 20-2-101, relating
 333 to appointment of county school superintendents, as follows:

334 "(b)(1) No person shall be eligible to be appointed or employed as superintendent of
 335 schools of any county or independent school system unless such person is of good moral
 336 character, has never been convicted of any crime involving moral turpitude, and
 337 possesses acceptable business or management experience as specified by the Professional
 338 Standards Commission or the minimum valid certificate or a letter of eligibility for said
 339 certificate required by the Professional Standards Commission.

340 (2)(A) No person shall be eligible to be appointed, employed, or to serve as
 341 superintendent of schools of any county or independent school system who has an
 342 immediate family member sitting on the local board of education for such school
 343 system or who has an immediate family member hired as or promoted to a principal,
 344 assistant principal, or system administrative staff on or after July 1, 2009, by that school
 345 system. As used in this subsection, the term 'immediate family member' shall have the

346 same meaning as in subsection (c) of Code Section 20-2-51. Nothing in this Code
 347 section shall affect the employment of any person who is employed by a local school
 348 system on or before July 1, 2009, or who is employed by a local school system when
 349 an immediate family member becomes the superintendent for that school system;
 350 provided, however, that this paragraph shall apply to a superintendent who is employed
 351 by a local school system on or before July 1, 2009, when his or her contract comes up
 352 for renewal.

353 (B) Notwithstanding subsection (b) of Code Section 20-2-244, the State Board of
 354 Education shall be authorized to waive this paragraph upon the request of a local board
 355 of education and in accordance with the provisions of subsections (d) and (e) of Code
 356 Section 20-2-244. The State Board of Education shall approve or deny a waiver request
 357 no later than 45 days after receipt of such waiver request."

358 SECTION 10.

359 Said chapter is further amended by revising subsection (b) of Code Section 20-2-230, relating
 360 to staff development programs, as follows:

361 "(b)(1) The State Board of Education shall adopt a training program for members of local
 362 boards of education. The State Board of Education may periodically adopt revisions to
 363 such training program as it deems necessary.

364 (2) Within three months of adoption by the State Board of Education of a training
 365 program pursuant to paragraph (1) of this subsection, each local board of education and
 366 each governing board of other local units of administration shall adopt a training program
 367 for members of such boards that includes, at a minimum, such training program and
 368 requirements established by the State Board of Education pursuant to paragraph (1) of
 369 this subsection. Each local board of education shall incorporate any revisions adopted
 370 by the State Board of Education to the training program pursuant to paragraph (1) of this
 371 subsection within three months of adoption of such revisions. All new members of
 372 governing boards of local units of administration shall, before or within one year after
 373 assuming office, receive at least 12 hours of orientation to the educational program
 374 objectives of Georgia and instruction in school finance; school law, with special emphasis
 375 on the 'Quality Basic Education Act'; responsiveness to the community; the ethics, duties,
 376 and responsibilities of local governing board members; annual performance evaluation
 377 of the school superintendent and the local board of education; and such other topics as
 378 the State Board of Education may deem to be necessary; provided, however, that at least
 379 six of these 12 hours of training shall be specifically related to education finance,
 380 generally accepted accounting principles, and budgeting. The board of education of the
 381 Department of Juvenile Justice shall be exempt from the six hours of training in education

382 ~~finance, generally accepted accounting principles, and budgeting. All members of boards~~
 383 ~~of local units of administration are required to participate in at least one day of training~~
 384 ~~annually to ensure the effective management and operation of local units of~~
 385 ~~administration. The Georgia Education Leadership Academy is authorized, in~~
 386 ~~cooperation with the Georgia School Boards Association or other agencies and~~
 387 ~~associations, to conduct workshops annually to provide such instruction and to present~~
 388 ~~to each board member completing such annual workshop for the first time an appropriate~~
 389 ~~certificate. The Georgia Education Leadership Academy shall adopt such procedures as~~
 390 ~~may be necessary to verify the attendance at such annual workshops of veteran members~~
 391 ~~of boards of local units of administration.~~

392 (3) All boards of local units of administration are authorized to pay such board members
 393 for attendance at a required training program the same per diem as authorized by local
 394 or general law for attendance at regular ~~or special~~ meetings, as well as reimbursement of
 395 actual expenses for travel, lodging, meals, and registration fees for such ~~workshops~~
 396 training, either before or after such board members assume office."

397 **SECTION 11.**

398 The Attorney General of Georgia shall cause Sections 2, 3, 7, and 8 of this Act to be
 399 submitted for preclearance under the federal Voting Rights Act of 1965, as amended, and
 400 such submission shall be made to the United States Department of Justice or filed with the
 401 appropriate court no later than 45 days after the date on which this Act is approved by the
 402 Governor or becomes law without such approval. If, as of June 30, 2010, implementation
 403 of any of the submitted sections of this Act are not permissible under the Voting Rights Act
 404 of 1965, as amended, then as of such date, such section or sections of this Act shall be void
 405 and shall stand repealed in their entirety.

406 **SECTION 12.**

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