

House Bill 46EX

By: Representative James of the 135th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the board of education for the Macon County School District,
2 approved March 27, 1985 (Ga. L. 1985, p. 4112), as amended, so as to revise the districts for
3 the election of members of the board of education; to provide for definitions and inclusions;
4 to provide for submission of this Act for preclearance pursuant to Section 5 of the federal
5 Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective
6 dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act providing for the board of education for the Macon County School District, approved
10 March 27, 1985 (Ga. L. 1985, p. 4112), as amended, is amended by revising subsections (b)
11 and (c) of Section 1 as follows:

12 "(b) For the purpose of electing members of the board of education, the Macon County
13 School District shall be divided into five education districts. The five districts shall be and
14 correspond to those five numbered districts established pursuant to the final order entered
15 on August 26, 2002, in *Macon County, Georgia, et al v. McCarthy*, Case Number
16 5:02-cv-255-4(HL), United States District Court for the Middle District of Georgia, Macon
17 Division, but as modified by the descriptions in and attached to and made a part of this Act
18 and further identified as: 'Plan: maconccsb-2011 Plan Type: Local User: bak'.

19 (c)(1) When used in such attachment, the term 'VTD' (voting tabulation district) shall
20 mean and describe the same geographical boundaries as provided in the report of the
21 Bureau of the Census for the United States decennial census of 2010 for the State of
22 Georgia.

23 (2) The separate numeric designations in a district description which are underneath a
24 VTD heading shall mean and describe individual Blocks within a VTD as provided in the
25 report of the Bureau of the Census for the United States decennial census of 2010 for the
26 State of Georgia. Any part of the Macon County School District which is not included

27 in any such district described in that attachment shall be included within that district
28 contiguous to such part which contains the least population according to the United States
29 decennial census of 2010 for the State of Georgia.

30 (3) Any part of the Macon County School District which is described in that attachment
31 as being in a particular district shall nevertheless not be included within such district if
32 such part is not contiguous to such district. Such noncontiguous part shall instead be
33 included within that district contiguous to such part which contains the least population
34 according to the United States decennial census of 2010 for the State of Georgia.

35 (4) Except as otherwise provided in the description of any education district, whenever
36 the description of such district refers to a named city, it shall mean the geographical
37 boundaries of that city as shown on the census map for the United States decennial census
38 of 2010 for the State of Georgia."

39 **SECTION 2.**

40 The Board of Education of Macon County which existed on December 31, 2012, is continued
41 in existence but on and after January 1, 2013, shall be constituted as provided in this Act.
42 The Board of Education of Macon County so continued and constituted, sometimes referred
43 to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and
44 liabilities of that board as existed immediately prior to January 1, 2013.

45 **SECTION 3.**

46 It shall be the duty of the Board of Education of Macon County to require the attorney
47 therefor to submit this Act for approval pursuant to Section 5 of the federal Voting Rights
48 Act of 1965, as amended. If, as of the first date upon which candidates may begin qualifying
49 for the general primary in 2012, implementation of this Act is not permissible under the
50 federal Voting Rights Act of 1965, as amended, then as of such date this Act shall be void
51 and stand repealed in its entirety.

52 **SECTION 4.**

53 The provisions of this section and Section 3 of this Act relating to and necessary for the
54 regular election in 2012 of members of the Board of Education of Macon County shall
55 become effective upon its approval by the Governor or upon its becoming effective without
56 such approval; and this Act shall otherwise become effective January 1, 2013.

57 **SECTION 5.**

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