

House Bill 47EX

By: Representative James of the 135th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners for Macon County, approved August 26,
2 1872 (Ga. L. 1872, p. 434), as amended, so as to revise the districts for the election of
3 members of the board of commissioners; to provide for definitions and inclusions; to provide
4 for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights
5 Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating a board of commissioners for Macon County, approved August 26, 1872
10 (Ga. L. 1872, p. 434), as amended, is amended by revising subsections (b) and (c) of Section
11 1 as follows:

12 "(b) For the purpose of electing members of the board of commissioners, Macon County
13 shall be divided into five commissioner districts. The five commission districts shall be
14 and correspond to those five numbered districts established pursuant to the final order
15 entered 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 Macon County which is not included in any such district

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

30 (3) Any part of Macon County which is described in that attachment as being in a
31 particular district shall nevertheless not be included within such district if such part is not
32 contiguous to such district. Such noncontiguous part shall instead be included within that
33 district contiguous to such part which contains the least population according to the
34 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 Commissioners of Macon County which existed on December 31, 2012, is
41 continued in existence but on and after January 1, 2013, shall be constituted as provided in
42 this Act. The Board of Commissioners of Macon County so continued and constituted,
43 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,
44 rights, obligations, and liabilities of that board as existed immediately prior to January 1,
45 2013.

46 **SECTION 3.**

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

53 **SECTION 4.**

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

58 **SECTION 5.**

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