

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

LESTER MILLER, GARY
BECHTEL, and BRENDA SUTTON,

Plaintiffs,

v.

BIBB COUNTY SCHOOL
DISTRICT; MACON-BIBB
COUNTY BOARD OF ELECTIONS
AND VOTER REGISTRATION; and
ELAINE CARR, in her official
capacity as Executive Director of the
Bibb County Board of Elections and
Voter Registration,

Defendants.

CIVIL ACTION FILE
NO.: 5:12-cv-239-HL

**PLAINTIFFS' MOTION FOR DECLARATORY
AND INJUNCTIVE RELIEF**

COMES NOW the Plaintiffs and seek declaratory and injunctive relief prohibiting the Defendants from conducting any elections for selection of six (6) of the eight (8) members of the Bibb County Board of Education ("Board") who are elected by voting districts until such time as the Defendants implement the redistricting plan enacted by the 2012 General Assembly (H.B. 963) and pre-

cleared by the United States Department of Justice (“DOJ”), as required by Section 5 of the Voting Rights Act (“VRA”) (42 U.S.C § 1973(c)).

In support of this Motion, Plaintiffs submit their Verified Complaint which includes a copy of the malapportioned voting districts currently being used for the upcoming Board elections together with their current populations based on the 2012 census and each district’s percentage deviation from the ideal district population. **See Complaint EXHIBITS A and A-1.** The evidence of malapportionment is undisputed as the former voting districts still in use do not satisfy the Constitutional “one-person, one-vote” requirement under the Fourteenth Amendment. *See Reynolds v. Sims*, 377 U.S. 533 (1964).

Plaintiffs’ have also submitted the 2012 Act of the General Assembly (H. B. 963) which redrew the district lines to remedy the malapportionment and the preclearance letter from the DOJ dated June 12, 2012 preclearing said legislation under Section 5 of the VRA. **See Complaint EXHIBITS B, C and D.**

The Court is requested to enjoin the Board elections scheduled to occur on July 31, 2012, until H. B. 963 is implemented. The Court is further requested to revise the election schedule to reopen candidate qualification using the H.B. 963 redistricting plan, and establish an election schedule to insure elections are conducted and properly apportioned during the 2012 elections cycle.

Respectfully submitted this 26th day of June, 2012.

/s/ A. Lee Parks

A. Lee Parks

Georgia Bar No. 563750

lparks@pcwlawfirm.com

David F. Walbert

Georgia Bar No. 730450

dwalbert@pcwlawfirm.com

PARKS, CHESIN & WALBERT, P.C.

75 Fourteenth Street, 26th Floor

Atlanta, GA 30309

(404) 873-8000 Telephone

(404) 873-8050 Facsimile

Counsel for Plaintiffs

/s/ Charles E. Cox, Jr.

Charles E. Cox, Jr.

Georgia Bar No. 192305

charles@cecoxjr.com

CHARLES E. COX, JR.

3464 Vineville Avenue

Macon, GA 31204

(478) 757-2990 Telephone

(478) 757-2991 Facsimile

Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

LESTER MILLER, GARY
BECHTEL, and BRENDA SUTTON,

Plaintiffs,

v.

BIBB COUNTY SCHOOL
DISTRICT; MACON-BIBB
COUNTY BOARD OF ELECTIONS
AND VOTER REGISTRATION; and
ELAINE CARR, in her official
capacity as Executive Director of the
Bibb County Board of Elections and
Voter Registration,

Defendants.

CIVIL ACTION FILE

NO.: _____

CERTIFICATE OF SERVICE

I certify that the foregoing pleading is in written in Times New Roman, 14 point font and that I filed the within and foregoing **PLAINTIFFS' MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF** with the Court's electronic filing and service system (CM/ECF). I further certify that I have served the within and foregoing **MOTION** by depositing a copy in the United States mail properly addressed and by electronic mail to the following attorneys:

Virgil L. Adams
ADAMS & JORDAN, P.C.
P. O. Box 928
Macon, GA 31201-0928
Electronic Mail: vadams@adamsjordan.com
Attorney for Macon-Bibb County Board of Elections

Patrick Millsaps
HALL, BOOTH, SMITH & SLOVER, P.C.
2417 Westgate Drive
Albany, GA 31708
Electronic Mail: Patrick@hbss.net
Attorney for Bibb County Board of Education

This 26th day of June, 2012.

/s/ A. Lee Parks
A. Lee Parks
Georgia Bar No. 563750
lparks@pcwlawfirm.com

PARKS, CHESIN & WALBERT, P.C.
75 Fourteenth Street, 26th Floor
Atlanta, GA 30309
(404) 873-8000 Telephone
(404) 873-8050 Facsimile
Counsel for Plaintiffs