

## Redistricting the Bibb County School District

*Miller v. Bibb County School District*  
(*Hugh Lawson, M.D. Ga. 5:12-cv-239*)

A June 26, 2012, federal complaint alleged malapportionment for a county board of education. The district judge delayed the pending primary election until the day scheduled for a possible runoff primary election to give the county enough time to adopt a precleared redistricting plan. By consent order, the judge awarded the plaintiffs attorney fees and costs.

*Subject:* District lines. *Topics:* Malapportionment; enjoining elections; section 5 preclearance; attorney fees.

Three voters, including a school board member and two school board candidates, filed a federal complaint in the Middle District of Georgia on June 26, 2012, alleging malapportionment of districts for the Bibb County Board of Education.<sup>1</sup> With their complaint, the plaintiffs filed a motion for an injunction against planned July 31 elections until the county adopted a precleared redistricting plan adopted by Georgia's legislature.<sup>2</sup>

Judge Hugh Lawson set the matter for hearing on June 29.<sup>3</sup> That day, he enjoined the county from using old district lines for the school board, and he delayed the primary elections for the school board from July 31 until August 21, the day for primary runoffs for other offices.<sup>4</sup>

By consent order, on December 7, Judge Lawson awarded the plaintiffs \$60,000 in attorney fees and costs.<sup>5</sup>

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1. Complaint, *Miller v. Bibb Cty. School Dist.*, No. 5:12-cv-239 (M.D. Ga. June 26, 2012), D.E. 1; Stipulation, *id.* (June 28, 2012), D.E. 7; see Andrea Castillo, *Suit Challenging Bibb BOE Voting Maps Filed in Federal Court*, Macon Telegraph, June 26, 2012.

2. Injunction Motion, *Miller*, No. 5:12-cv-239 (M.D. Ga. June 26, 2012), D.E. 3, 2012 WL 2529440; see also Andrea Castillo, *Department of Justice Approves Bibb School Board Maps*, Macon Telegraph, June 19, 2012 (reporting that the school district had qualified candidates for the upcoming election under the old map while preclearance of the new map was pending).

3. Order, *Miller*, No. 5:12-cv-239 (M.D. Ga. June 26, 2012), D.E. 4.

4. Injunction, *id.* (June 29, 2012), D.E. 9; see *id.* at 5 (finding that a runoff primary election would be unlikely for the school board but setting September 18 as the date for one if necessary); see also Georgia Senate, *Bibb School Board, Other Runoff Races on Tuesday's Ballots*, Macon Telegraph, Aug. 21, 2012; Amy Leigh Womack, *Bibb County School Board Elections Delayed*, Macon Telegraph, June 29, 2012.

5. Consent Order, *Miller*, No. 5:12-cv-239 (M.D. Ga. Dec. 7, 2012), D.E. 33; see Andrea Castillo, *Bibb BOE, County Government Expected to Split Attorneys Fees*, Macon Telegraph, Dec. 4, 2012.