

House Bill 489

By: Representative Reece of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Chattooga County and provide for its  
2 powers and duties; to provide for the composition of the board and the appointment,  
3 qualification, and terms of its members; to provide for resignation, succession, and removal  
4 of members and for filling vacancies; to provide for oaths and privileges; to relieve certain  
5 boards and officers of certain powers and duties and provide for the transfer of certain items  
6 to the newly created board; to abolish a certain board and office; to provide for the  
7 chairperson and the powers and duties of such chairperson; to provide for board employees  
8 and their compensation; to provide for expenditures of public funds for certain purposes; to  
9 provide for compensation of the chairperson and members of the board; to provide for offices  
10 and equipment; to provide for the meaning of certain terms; to provide for effective dates;  
11 to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Pursuant to Code Section 21-2-40 of the O.C.G.A., there is created the Chattooga County  
15 Board of Elections and Registration. The board shall have the powers and duties of the  
16 election superintendent of Chattooga County with regard to the conduct of primaries and  
17 elections and shall have the powers and duties of the board of registrars relating to the  
18 registration of voters and absentee balloting procedures.

19 **SECTION 2.**

20 (a) The board shall be composed of five members, each of whom shall be an elector and  
21 resident of Chattooga County.

22 (b) No person who holds or is a candidate for an elective public office or who serves as an  
23 officer, employee, committee member, or other representative of either a political campaign  
24 of a candidate for elected public office or a political party, or who makes a financial  
25 contribution to a candidate or party, or who is engaged on behalf of any candidate for an

1 elective public office in the solicitation of votes for such candidate shall be eligible to serve  
2 as a member of the board during the term of such elective office or within two years after  
3 such active political participation as described in this subsection, and the position of any  
4 member of the board shall be deemed vacant upon such member's qualifying as a candidate  
5 for elective public office or upon such member's engaging in such political activity described  
6 in this subsection. This subsection shall not prohibit a nonelective employee of the county  
7 governing authority from serving as a member of the board of elections and registration.

8 (c) The first members of the board shall be appointed as follows:

9 (1) Two members shall be appointed for initial terms beginning July 1, 2001, and  
10 expiring December 31, 2004; and

11 (2) Three members shall be appointed for initial terms beginning July 1, 2001, and  
12 expiring December 31, 2002.

13 (d) After the initial terms of office, successors to members whose terms are about to expire  
14 shall be appointed to take office on the first day of January immediately following the  
15 expiration of a term of office and shall serve for terms of four years each and until their  
16 successors are duly appointed and qualified.

17 (e) All members of the Chattooga County Board of Elections and Registration shall be  
18 appointed by the chief judge of the superior court of the judicial circuit that includes  
19 Chattooga County.

20 (f) The chief judge of the superior court of the judicial circuit that includes Chattooga  
21 County shall select one of the members to serve as chairperson.

### 22 SECTION 3.

23 The appointment of each member shall be made by the appointing authority's filing with the  
24 clerk of the Superior Court of Chattooga County an affidavit which states the name and  
25 residential address of the person appointed and certifies that such member has been duly  
26 appointed as provided in this Act. The clerk of the superior court shall record each of such  
27 certifications on the minutes of the court and shall certify the name of each such member to  
28 the Secretary of State and provide for the issuance of appropriate commissions to the  
29 members and chairperson within the same time and in the same manner as provided by law  
30 for registrars. If any appointing authority does not, in conformity with this Act, certify an  
31 appointment to the board no later than 30 days after the beginning of a term of office or  
32 within 30 days after the creation of a vacancy in that office, a vacancy shall be deemed to  
33 have been thereby created and the Governor, pursuant to Article V, Section II, Paragraph  
34 VIII(a) of the Constitution of the State of Georgia, shall fill that vacancy by making the  
35 appointment thereto and shall certify it as provided in this section. Any person appointed to  
36 fill a vacancy shall serve out the unexpired term of office.

**SECTION 4.**

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2 Each member of the board shall be eligible to succeed himself or herself without limitation  
3 and shall have the right to resign at any time by giving written notice of his or her resignation  
4 to the appointing authority and to the clerk of the Superior Court of Chattooga County. Each  
5 member shall be subject to removal from the board by the chief judge of the superior court  
6 of the judicial circuit that includes Chattooga County at any time, for cause, after notice of  
7 the right to have a timely hearing, in the same manner and by the same authority as provided  
8 for removal of registrars.

**SECTION 5.**

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10 In the event a vacancy occurs in the office of any member of the board by removal, death,  
11 resignation, or otherwise, except by expiration of term, the chief judge of the superior court  
12 of the judicial circuit that includes Chattooga County shall appoint a successor for the  
13 remainder of the unexpired term. The clerk of the superior court shall be notified of interim  
14 appointments and record and certify such appointments in the same manner as the regular  
15 appointment of members.

**SECTION 6.**

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17 Before entering upon his or her duties, each member of the board shall take substantially the  
18 same oath as required by law for registrars. Each member of the board shall have the same  
19 privileges from arrest as registrars.

**SECTION 7.**

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21 On July 1, 2001, the election superintendent and board of registrars of Chattooga County  
22 shall be relieved from all powers and duties to which the board succeeds by the provisions  
23 of this Act. On and after July 1, 2001, neither the election superintendent nor any member  
24 of the board of registrars shall be entitled to any salary or salary supplement to which he or  
25 she may have been entitled as a result of holding such position, including the supplement  
26 authorized in Code Section 15-9-64 of the O.C.G.A., relating to the salary supplement for  
27 judges of the probate courts who hold and conduct elections. The election superintendent and  
28 board of registrars of Chattooga County shall deliver thereafter to the chairperson of the  
29 board, upon his or her written request, the custody of all equipment, supplies, materials,  
30 books, papers, records, and facilities of every kind pertaining to such powers and duties.  
31 Also, at such time, the board of registrars and the office of chief registrar of Chattooga  
32 County shall be abolished.

**SECTION 8.**

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2 The chairperson of the board shall be the chief executive officer of the board and shall  
3 generally supervise, direct, and control the administration of the affairs of the board pursuant  
4 to law and duly adopted resolutions of the board. The board shall fix and establish by  
5 appropriate resolution entered on its minutes directives governing the execution of matters  
6 within its jurisdiction.

**SECTION 9.**

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8 The board shall be authorized to employ such full-time and part-time employees, including  
9 a full-time chief clerk, as the board shall deem necessary. The governing authority of  
10 Chattooga County shall have the right to approve the number of employees to be hired by the  
11 board.

**SECTION 10.**

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13 The board shall propose an annual budget to the county governing authority for approval or  
14 negotiation detailing the expenditures necessary for the execution of its duties. With the  
15 consent of the governing authority of Chattooga County, the board of elections and  
16 registration shall be authorized to expend public funds for the purpose of distributing sample  
17 ballots, voter information booklets, and other material designed to inform and instruct  
18 adequately the electors of the county with regard to elections.

**SECTION 11.**

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20 Compensation for the chairperson and other members of the board and for employees of the  
21 board shall be fixed by the board with the approval of the governing authority of Chattooga  
22 County. Such compensation shall be paid from county funds.

**SECTION 12.**

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24 The governing authority of Chattooga County shall provide the board with proper and  
25 suitable offices and equipment.

**SECTION 13.**

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27 The Chattooga County Board of Elections and Registration shall have the authority to  
28 contract with any municipal corporation located within the county for the holding by the  
29 board of any primary or election to be conducted within the municipal corporation.

**SECTION 14.**

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2 The words "election," "elector," "political party," "primary," "public office," "special  
3 election," and "special primary" shall have the same meaning ascribed to those words by  
4 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this  
5 Act.

**SECTION 15.**

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7 This Act shall become effective July 1, 2001, except that for purposes of making initial  
8 appointments to the board only, Sections 2 and 3 of this Act shall become effective June 1,  
9 2001.

**SECTION 16.**

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