

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 489:

ADOPTED SENATE

**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
26 elective public office in the solicitation of votes for such candidate shall be eligible for
27 appointment by the chief judge of superior court to serve as a member of the board during
28 the term of such elective office or within two years after such active political participation,

1 and the position of any such member of the board shall be deemed vacant upon such
2 member's qualifying as a candidate for elective public office or upon such member's
3 engaging in such political activity. No person who holds or is a candidate for an elective
4 public office or who is engaged on behalf of any candidate for an elective public office in the
5 solicitation of votes for such candidate shall be eligible for appointment by a political party
6 to serve as a member of the board during the term of such elective office or within two years
7 after such active political participation, and the position of any such member of the board
8 shall be deemed vacant upon such member's qualifying as a candidate for elective public
9 office or upon such member's engaging in such political activity. This subsection shall not
10 prohibit a nonelective employee of the county governing authority from serving as a member
11 of the board of elections and registration.

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

13 (1) Two members shall be appointed by the chief judge of the superior court of the
14 judicial circuit that includes Chattooga County for initial terms beginning July 1, 2001,
15 and expiring December 31, 2004;

16 (2) One member shall be appointed for an initial term beginning July 1, 2001, and
17 expiring December 31, 2002, by the county executive committee of the political party
18 that, at the last preceding regular general election for the election of the Governor,
19 nominated a candidate and such candidate received the largest number of votes cast
20 among candidates for the office of Governor in such election;

21 (3) One member shall be appointed for an initial term beginning July 1, 2001, and
22 expiring December 31, 2002, by the county executive committee of the political party
23 that, at the last preceding regular general election for the election of the Governor,
24 nominated a candidate and such candidate received the next largest number of votes cast
25 among candidates for the office of Governor in such election; and

26 (4) The fifth member shall be appointed by the chief judge of superior court of the circuit
27 that includes Chattooga County from a list of one or more nominees submitted by a
28 majority of the other four members of such board for an initial term beginning July 1,
29 2001, and expiring December 31, 2002.

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

34 (e) If the four members of the Chattooga County Board of Elections and Registration shall
35 be unable to agree upon a nominee or nominees to fill the fifth position on the board within
36 60 days after July 1, 2001, or within 60 days after the expiration of subsequent terms of
37 office or within 60 days after the occurrence of a vacancy in such position, such position
38 shall be filled by appointment by the chief judge of the superior court of the judicial circuit

1 that includes Chattooga County without the necessity of the board agreeing upon any such
2 nominee or nominees.

3 (f) The members of the board shall select one member to serve as chairperson at the first
4 meeting of each year and as necessary in the event of a vacancy.

5 **SECTION 3.**

6 The appointment of each member shall be made by the appointing authority's filing with the
7 clerk of the Superior Court of Chattooga County an affidavit which states the name and
8 residential address of the person appointed and certifies that such member has been duly
9 appointed as provided in this Act. The clerk of the superior court shall record each of such
10 certifications on the minutes of the court and shall certify the name of each such member to
11 the Secretary of State and provide for the issuance of appropriate commissions to the
12 members and chairperson within the same time and in the same manner as provided by law
13 for registrars. If any appointing authority does not, in conformity with this Act, certify an
14 appointment to the board no later than 60 days after the beginning of a term of office or
15 within 60 days after the creation of a vacancy in that office, a vacancy shall be deemed to
16 have been thereby created and the chief judge of the superior court of the judicial circuit that
17 includes Chattooga County shall fill that vacancy by making the appointment thereto and
18 shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve
19 out the unexpired term of office.

20 **SECTION 4.**

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

28 **SECTION 5.**

29 In the event a vacancy occurs in the office of any member of the board by removal, death,
30 resignation, or otherwise, except by expiration of term, such vacancy shall be filled by
31 appointment of a successor by the appointing authority that appointed the member whose
32 position is vacant, except as provided in Section 3 of this Act. Such person so appointed
33 shall serve the remainder of the unexpired term. The clerk of the superior court shall be
34 notified of all interim appointments and record and certify such appointments in the same
35 manner as the regular appointment of members.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

SECTION 11.

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

SECTION 12.

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

SECTION 13.

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

SECTION 14.

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

SECTION 15.

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18 This Act shall become effective July 1, 2001, except that for purposes of making initial
19 appointments to the board only, Sections 2 and 3 of this Act shall become effective upon its
20 approval by the Governor or upon its becoming law without such approval.

SECTION 16.

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