

House Bill 333 (AS PASSED HOUSE AND SENATE)

By: Representatives Forster of the 3rd, Post 1, Joyce of the 2nd, and White of the 3rd, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of elections and registration for Catoosa County, approved
2 March 22, 1990 (Ga. L. 1990, p. 4371), as amended, particularly by an Act approved April 4,
3 1991 (Ga. L. 1991, p. 3779), so as to provide for the composition of the board and the
4 method of appointment, qualification, and terms of its members; to provide for resignation,
5 succession, and removal of members and for filling vacancies; to provide for training and
6 selection of poll workers; to authorize the board to formulate, adopt, and promulgate certain
7 rules and regulations; to provide for the meaning of certain terms; to provide for other related
8 matters; to provide for submission; to provide for effective dates; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating a board of elections and registration for Catoosa County, approved March
13 22, 1990 (Ga. L. 1990, p. 4371), as amended, particularly by an Act approved April 4, 1991
14 (Ga. L. 1991, p. 3779), is amended by striking Section 2 and inserting in lieu thereof a new
15 Section 2 to read as follows:

16 "SECTION 2.

17 The board shall be composed of five members, each of whom shall be an elector of Catoosa
18 County, shall have been a resident of Catoosa County for a period of two years, shall be
19 at least 25 years of age at the time of assuming office, and shall be qualified and selected
20 in the following manner:

21 (1) Two members shall be appointed by the Catoosa County executive committee of the
22 political party whose candidate at the last preceding general election received the largest
23 number of votes in this state for the office of Governor;

1 (2) Two members shall be appointed by the Catoosa County executive committee of the
2 political party whose candidate at the last preceding general election received the next
3 largest number of votes in this state for the office of Governor;

4 (3) Each of the appointments made by the respective executive committees shall have
5 been ratified by a majority of the members of each of such respective executive
6 committees voting at a meeting duly called and held for such purposes. In the event such
7 appointments are not ratified by a majority of the members of such executive committees,
8 then such members shall be appointed in accordance with the provisions of Section 3 of
9 this Act;

10 (4) The fifth member of the Catoosa County Board of Elections and Registration shall
11 be appointed by the Catoosa County executive committee of the political party or body
12 whose candidate at the last preceding general election received the third highest number
13 of votes in this state for the office of Governor, provided that such number is at least 10
14 percent of the total number of votes cast for such office. Otherwise, the fifth member of
15 the Catoosa County Board of Elections and Registration shall be appointed by the judge
16 of the probate court of Catoosa County;

17 (5) At the first meeting of each calendar year, the members of the Catoosa County Board
18 of Elections and Registration shall select one of the members of the board to serve as
19 chairperson;

20 (6) No person who holds or is a candidate for an elective public office or who serves as
21 an officer, employee, committee member, or other representative of either a political
22 campaign of a candidate for elective public office or a political party or who is engaged
23 on behalf of any candidate for an elective public office in the solicitation of votes for such
24 candidate shall be eligible to serve as a member of the board during the term of such
25 elective office or within two years after such active political participation as described
26 in this paragraph, and the position of any member of the board shall be deemed vacant
27 upon such member's qualifying as a candidate for elective public office or upon such
28 member's engaging in such political activity described in this paragraph. This paragraph
29 shall not prohibit a nonelective employee of the county governing authority from serving
30 as a member of the board of elections and registration;

31 (7) The current members of the board shall serve until December 31, 2003. Successors
32 to the current board members shall be appointed as follows:

33 (A) Two members shall be appointed by the executive committee of the political party
34 whose candidate at the last preceding general election received the largest number of
35 votes in this state for the office of Governor. One of the persons so appointed, who
36 shall be designated by the executive committee, shall serve a term of office beginning
37 on January 1, 2004, and expiring on December 31, 2006, and one of the persons so

1 appointed, who shall be designated by the executive committee, shall serve a term of
2 office beginning on January 1, 2004, and expiring on December 31, 2008;

3 (B) Two members shall be appointed by the executive committee of the political party
4 whose candidate at the last preceding general election received the next largest number
5 of votes in this state for the office of Governor. One of the persons so appointed, who
6 shall be designated by the executive committee, shall serve a term of office beginning
7 on January 1, 2004, and expiring on December 31, 2006, and one of the persons so
8 appointed, who shall be designated by the executive committee, shall serve a term of
9 office beginning on January 1, 2004, and expiring on December 31, 2008;

10 (C) One member shall be appointed as provided in paragraph (4) of this section to a
11 term of office beginning January 1, 2004, and expiring December 31, 2008; and

12 (D) All such appointments shall be made prior to December 31, 2003. All such
13 persons so appointed shall serve for the initial terms specified and until their successors
14 are duly appointed and qualified; and

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

19 **SECTION 2.**

20 Said Act is further amended by striking Section 3 of the Act and inserting in lieu thereof a
21 new Section 3 to read as follows:

22 "SECTION 3.

23 The appointment of each member shall be made by the appointing authority's filing with
24 the clerk of the Superior Court of Catoosa County an affidavit which states the name and
25 residential address of the person appointed and certifying 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
28 to 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 within 30 days after the beginning of a term of office or within
32 30 days after the creation of a vacancy in that office, a vacancy shall be deemed to have
33 been thereby created and the judge of the probate court of Catoosa County shall fill that
34 vacancy by making the appointment thereto and shall certify it as provided in this section.
35 Any person appointed to fill a vacancy shall serve out the unexpired term of office."

SECTION 3.

1
2 Said Act is further amended by inserting a new Section 13A to read as follows:

"SECTION 13A.

3
4 The board shall be responsible for the selection, appointment, and training of poll workers
5 in elections; and such workers shall be appointed, insofar as practicable, from lists provided
6 the board by the county executive committee of each political party. The board shall also
7 formulate, adopt, and promulgate rules and regulations, consistent with law and the rules
8 and regulations of the state executive committee of each political party, governing the
9 conduct of primaries to the end that, insofar as practicable, all primaries shall be uniformly
10 conducted by the board, poll workers shall be properly trained, and voters shall be
11 adequately informed and instructed."

SECTION 4.

12
13 The governing authority of Catoosa County shall through its legal counsel cause this Act to
14 be submitted for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965,
15 as amended, and such submission shall be made to the United States Department of Justice
16 or filed with the appropriate court no later than 45 days after the date on which this Act is
17 approved by the Governor or otherwise becomes law without such approval.

SECTION 5.

18
19 This Act shall become effective on January 1, 2004, except that for purposes of making
20 initial appointments to the board, it shall become effective upon its approval by the Governor
21 or upon its becoming law without such approval.

SECTION 6.

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