

House Bill 682 (AS PASSED HOUSE AND SENATE)

By: Representatives Amerson of the 9th and Ralston of the 6th

A BILL TO BE ENTITLED
AN ACT

1 To create a Board of Elections and Registration of Lumpkin County; to provide for the rights,
2 powers, duties, and authority of the board; to provide for appointment and terms of members;
3 to provide for qualifications; to provide for appointment procedures; to provide for
4 vacancies; to provide for resignation or removal of members; to provide for succession to
5 certain powers and duties; to provide for compensation, offices, assistants, and employees;
6 to provide for definitions; to provide for other matters relative to the foregoing; to provide
7 for effective dates; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Pursuant to Code Section 21-2-40 of the O.C.G.A., there is created the Board of Elections
11 and Registration of Lumpkin County which shall have jurisdiction over voter registration and
12 absentee balloting procedures and the conduct of primaries and elections in Lumpkin County
13 in accordance with the provisions of this Act, which board of elections and registration is
14 sometimes referred to as "board" in this Act.

15 **SECTION 2.**

16 (a) The Board of Elections and Registration of Lumpkin County shall be composed of five
17 members, each of whom shall be an elector and resident of Lumpkin County and who shall
18 be selected in the following manner:

19 (1) Two members shall be appointed by the Lumpkin County executive committee of the
20 political party or body, or the state executive committee of the political party or body in
21 the absence of an organized county executive committee of a political party or body,
22 which, at the last preceding general election for the election of the Governor, nominated
23 a candidate for Governor and such candidate received the largest number of votes cast in
24 this state among candidates for the office of Governor. Such appointees shall be certified
25 by the chairperson of the appropriate executive committee of such political party or body

1 to the governing authority of the county and such certification shall be entered upon the
2 minutes of the governing authority;

3 (2) Two members shall be appointed by the Lumpkin County executive committee of the
4 political party or body, or the state executive committee of the political party or body in
5 the absence of an organized county executive committee of the political party or body,
6 which, at the last preceding general election for the election of the Governor, nominated
7 a candidate for Governor and such candidate received the next largest number of votes
8 cast in this state among candidates for the office of Governor. Such appointees shall be
9 certified by the chairperson of the appropriate executive committee of that political party
10 or body to the governing authority of the county and such certification shall be entered
11 upon the minutes of the governing authority; and

12 (3) The fifth member shall be appointed by the governing authority of the county. Said
13 member shall serve as the county registrar and elections superintendent and shall not be
14 an officer or member of the executive committee of any political party at the time of such
15 member's selection or at any time during such member's term of office as a member of
16 the board.

17 (b)(1) No person who holds elective public office shall be eligible to serve as a member
18 of the board during the term of such elective office, and the position of any member of
19 the board shall be deemed vacant upon such member qualifying as a candidate for
20 elective public office. Further, no immediate family member or employee of an elected
21 public official shall be eligible to serve as a member of the board during the elected
22 official's term of office.

23 (2) For the purposes of this subsection, immediate family members shall be defined as
24 a spouse, mother, father, stepmother, stepfather, grandmother, grandfather, child,
25 stepchild, brother, sister, stepbrother, stepsister, half brother, half sister, mother-in-law,
26 father-in-law, brother-in-law, or sister-in-law.

27 (c) Initial appointments to the board shall be made by the respective appointing authorities
28 no later than July 1, 2003. In the event of a vacancy on the board with respect to a member
29 appointed by one of the political parties or bodies as provided in subsection (a) of this
30 section, such political party or body shall appoint a successor within 60 days after the date
31 such vacancy is created, such successor to be appointed in like manner as the person whose
32 position is vacant for his or her unexpired term. In the event such political party or body fails
33 to make an initial appointment by July 1, 2003, or within 60 days after the date such vacancy
34 is created, the position shall be filled by the governing authority of the county. In the event
35 of a vacancy on the board with respect to a member appointed as provided in paragraph (3)
36 of subsection (a) of this section, the governing authority of the county shall appoint a
37 successor within 60 days after the date such vacancy is created, such successor to be

1 appointed in like manner as the person whose position is vacant for his or her unexpired
2 term. In the event of a vacancy on the board with respect to the member appointed under
3 paragraph (3) of subsection (a) of this section, the remaining members of the board shall
4 submit the names of one or more nominees to fill the unexpired term, such nomination to be
5 made within 60 days after the date such vacancy is created. The governing authority of the
6 county shall select and appoint the successor member at large from the nominee or nominees
7 whose names are submitted by a majority of the remaining members of the board.

8 (d) The first members of the board shall serve as follows:

9 (1) The two members appointed under paragraph (1) of subsection (a) of this section
10 shall be appointed for initial terms beginning July 1, 2003, and expiring December 31,
11 2004; and

12 (2) The other three members appointed under paragraphs (2) and (3) of subsection (a)
13 of this section shall be appointed for initial terms beginning July 1, 2003, and expiring
14 December 31, 2006.

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

19 (f) The governing authority of the county shall file with the clerk of the Superior Court of
20 Lumpkin County an affidavit that states the name and residential address of the person
21 appointed and certifies that such member has been duly appointed as provided in this Act.
22 The clerk of the superior court shall record each such certification on the minutes of the court
23 and shall certify the name of each such member to the Secretary of State and provide for the
24 issuance of appropriate commissions to the members within the same time and in the same
25 manner as provided by law for registrars.

26 (g) The board shall have the following powers and duties:

27 (1) It shall succeed to and exercise all of the duties and powers granted to and incumbent
28 upon the election superintendent of Lumpkin County with regard to the conduct of
29 primaries and elections; and

30 (2) It shall succeed to and exercise all of the duties and powers granted to and incumbent
31 on the chief registrar and the registrars of Lumpkin County with regard to the registration
32 of voters and absentee balloting procedures.

33 (h) The board shall be authorized and empowered to organize itself, elect its officers,
34 determine its procedural rules and regulations, adopt bylaws, specify the functions and duties
35 of its employees, and otherwise take such action as is appropriate to the management of the
36 affairs committed to its supervision; provided, however, that no such action shall conflict
37 with state law.

1 (i) On July 1, 2003, the board shall organize and the election superintendent and the chief
2 registrar and the board of registrars of Lumpkin County shall be relieved of all powers and
3 duties to which the board succeeds by virtue of the provisions of this Act. The election
4 superintendent and the board of registrars shall deliver to the board upon request of its
5 chairperson custody of all equipment, supplies, materials, books, papers, records, and
6 facilities of every kind pertaining to such powers and duties. At such time the offices of
7 election superintendent, the board of registrars, and the chief registrar of Lumpkin County
8 shall be abolished.

9 (j) The governing authority of the county shall appoint a person whose title shall be elections
10 supervisor who shall be the chief administrative officer of the board and who shall have such
11 duties and powers as may be prescribed by the board. The elections supervisor may be a
12 member of the board.

13 (k) Compensation for board members, elections supervisor, clerical assistants, and other
14 employees of the board shall be such as may be fixed from time to time by the governing
15 authority of the county. Such compensation shall be paid from county funds.

16 (l) The governing authority of the county shall provide the board with such proper and
17 suitable offices and with such clerical assistants and other employees as the governing
18 authority of the county shall deem appropriate. The elections supervisor and other
19 employees functioning under his or her supervision shall be deemed to be employees of the
20 county.

21 **SECTION 3.**

22 This Act shall become effective on July 1, 2003, except that, for making initial appointments
23 to the board, it shall become effective May 1, 2003.

24 **SECTION 4.**

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