

House Bill 761

By: Representatives Carter of the 159th, Stephens of the 164th, Day of the 163rd, and Jackson of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create the Board of Elections of Chatham County, approved March 29,
2 1984 (Ga. L. 1984, p. 3784), as amended, particularly by an Act approved April 19, 2000
3 (Ga. L. 2000, p. 3784), so as to change the name of the board; to convert the board from a
4 board of elections to a combined board of elections and registration; to change the manner
5 of selecting members of the board; to provide for the filling of vacancies; to provide for the
6 qualifications of members of the board; to provide for the transfer of all records, equipment,
7 and other items of the board of registrars to the combined board; to abolish the board of
8 registrars; to provide for related matters; to provide an effective date; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act to create the Board of Elections of Chatham County, approved March 29, 1984
13 (Ga. L. 1984, p. 3784), as amended, particularly by an Act approved April 19, 2000
14 (Ga. L. 2000, p. 3784), by striking subsection (a) of Section 1 and inserting in lieu thereof
15 the following:

16 "(a) Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created
17 the Board of Elections and Registration of Chatham County, hereinafter referred to as 'the
18 board.' The board shall have the powers, duties, and responsibilities of the former Board
19 of Elections of Chatham County under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
20 Election Code,' and the powers, duties, and responsibilities of the board of registrars of
21 Chatham County under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

22 **SECTION 2.**

23 Said Act is further amended by striking Section 2 and inserting in lieu thereof a new Section
24 2 to read as follows:

"SECTION 2.

(a) The Board of Elections and Registration of Chatham County shall be the successor to the former Board of Elections of Chatham County. The members of the former Board of Elections of Chatham County shall continue to serve out the terms to which they were appointed or elected and, on July 1, 2005, shall constitute the Board of Elections and Registration of Chatham County. Such members shall serve until December 31, 2006, and then their terms of office shall end and successors to such members shall be selected as provided in this section.

(b) There shall be five members of the board, each of whom shall be an elector of Chatham County, a resident of Chatham County for a period of at least two years, and at least 25 years of age at the time of assuming office.

(c) On and after January 1, 2007, members of the board shall be selected as provided in this section. Two members shall be appointed by the county executive committee of the political party whose candidate at the last preceding general election received the largest number of votes in this state for the office of Governor. Two members shall be appointed by the county executive committee of the political party whose candidate at the last preceding general election received the next largest number of votes in this state for the office of Governor. The four members so appointed by the county executive committees of the political parties shall then by majority vote select a fifth member who shall be the chairperson of the board. Such chairperson shall be appointed by the four board members within 90 days after January 1 in each even-numbered year. If, at the end of such 90 day period, such members have not been able to agree upon the appointment of a chairperson, such chairperson shall be appointed by a majority vote of the governing authority of Chatham County who must make their selection from a list of five names provided by the legislative delegation from Chatham County in the Georgia General Assembly. Such chairperson shall take office upon appointment and shall serve until January 1 of the next even-numbered year and until his or her successor is appointed and qualified.

(d) Of the two initial members appointed by the executive committee of the political party whose candidate at the last preceding general election received the largest number of votes in this state for the office of Governor, one of the persons so appointed, who shall be designated by the executive committee, shall serve a term of office beginning on January 1, 2007, and expiring on December 31, 2008, and one of the persons so appointed, who shall be designated by the executive committee, shall serve a term of office beginning on January 1, 2007, and expiring on December 31, 2010, and until their successors are appointed and qualified. Of the two initial members appointed by the executive committee of the political party whose candidate at the last preceding general election received the next largest number of votes in this state for the office of Governor, one of the persons so

1 appointed, who shall be designated by the executive committee, shall serve a term of office
2 beginning on January 1, 2007, and expiring on December 31, 2008, and one of the persons
3 so appointed, who shall be designated by the executive committee, shall serve a term of
4 office beginning on January 1, 2007, and expiring on December 31, 2010, and until their
5 successors are appointed and qualified. Thereafter, the appointees of the political parties
6 shall serve four year terms of office and until their successors are appointed and qualified.

7 (e) Successors to those members appointed by the political parties shall be appointed in
8 the same manner as the initial appointees. The county executive committee of the political
9 party that appointed a member shall fill by appointment any vacancy that occurs in the
10 office of such member for the remainder of the unexpired term. In the event of a vacancy
11 in the office of chairperson, the four members appointed by the county executive
12 committees of the political parties shall by majority vote select a qualified person to fill the
13 office of chairperson for the unexpired term within 90 days after the occurrence of the
14 vacancy. If, at the end of such 90 day period, such members have not been able to agree
15 upon the appointment of a chairperson, such chairperson shall be appointed by a majority
16 vote of the governing authority of Chatham County who must make their selection from
17 a list of five names provided by the legislative delegation from Chatham County in the
18 Georgia General Assembly.

19 (f) In the event that a political party entitled to appoint members under this section does
20 not have a county executive committee, such appointment shall be made by the state
21 executive committee of such party.

22 (g) The appointment of each member shall be made by the appointing authority's filing
23 with the clerk of the Superior Court of Chatham County an affidavit stating the name and
24 residence address of the person appointed and certifying that such member has been duly
25 appointed as provided in this Act. The clerk of the superior court shall record each of such
26 certifications on the minutes of the court and shall certify the name of each such member
27 to the Secretary of State and provide for the issuance of appropriate commissions to the
28 members and chairperson within the same time and in the same manner as provided by law
29 for registrars.

30 (h) No person who holds or is a candidate for an elective or appointive public office, who
31 is a salaried employee of the governing authority of Chatham County or of a municipality
32 located within such county, or who is a member of any commission appointed by the
33 governing authority of Chatham County or any municipality located within such county
34 shall be eligible for appointment to the board if the person has so served within three
35 months immediately preceding the person's becoming a member of the board; provided,
36 however, that the chairperson and members of the board shall be eligible to succeed
37 themselves.

1 (i) A member of the board may be removed from office for misfeasance or malfeasance
2 in office on the grounds of and in the manner prescribed for the removal of clerks of the
3 superior court as provided in Code Section 15-6-82 of the O.C.G.A."

4 **SECTION 3.**

5 Said Act is further amended by adding a new Section 3A to read as follows:

6 "SECTION 3A.

7 On July 1, 2005, the board of registrars of Chatham County shall be relieved of all powers
8 and duties to which the board succeeds by the provisions of this Act and shall deliver to the
9 board all equipment, supplies, materials, books, papers, records, and facilities pertaining
10 to such powers and duties. On such date, the board of registrars of Chatham County shall
11 be abolished."

12 **SECTION 4.**

13 This Act shall become effective on July 1, 2005.

14 **SECTION 5.**

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