

House Bill 858 (AS PASSED HOUSE AND SENATE)

By: Representatives Scott of the 2nd and Neal of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a board of elections and registration for Walker County and
2 provide for its powers and duties, approved April 4, 1997 (Ga. L. 1997, p. 3657), so as to
3 revise the manner of appointing members of the board; to revise the manner of filling
4 vacancies; to revise the qualifications of members of the board; to provide for related
5 matters; to provide for the submission of this Act for preclearance under the federal Voting
6 Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to create a board of elections and registration for Walker County and provide for its
10 powers and duties, approved April 4, 1997 (Ga. L. 1997, p. 3657), is amended by striking
11 Section 2 and inserting in lieu thereof a new Section 2 to read as follows:

12 "SECTION 2.

13 (a) The board shall be composed of five members, each of whom shall be an elector of
14 Walker County, shall have been a resident of Walker County for a period of two years, and
15 shall be at least 25 years of age at the time of assuming office.

16 (b) The members of the board serving on the effective date of this Act shall serve out the
17 terms to which such members were appointed and until their successors are selected and
18 qualified. Successors to the members serving on the effective date of this Act shall be
19 appointed as follows:

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

23 (2) Two members shall be appointed by the county executive committee of the political
24 party whose candidate at the last preceding general election received the next largest
25 number of votes in this state for the office of Governor; and

1 (3) The fifth member of the Walker County Board of Elections and Registration shall be
2 appointed by the county executive committee of the political party or body whose
3 candidate at the last preceding general election received the third highest number of votes
4 in this state for the office of Governor, provided that such number is at least 1 percent of
5 the total number of votes cast for such office. Otherwise, the fifth member of the Walker
6 County Board of Elections and Registration shall be appointed by the judge of the
7 Probate Court of Walker County.

8 (c) Each of the appointments made by the respective executive committees shall be ratified
9 by a majority of the members of each such respective executive committee voting at a
10 meeting duly called and held for such purpose. In the event such appointments are not
11 ratified by a majority of the members of such executive committees, then such members
12 shall be appointed by the judge of the Probate Court of Walker County. Appointments on
13 behalf of political parties and bodies that do not have county executive committees in
14 Walker County shall be made by the state executive committee of such party or body.

15 (d) At the first meeting of each calendar year, the members of the Walker County Board
16 of Elections and Registration shall select one of the members of the board to serve as
17 chairperson.

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

29 (f)(1) Upon the expiration of the terms of office of the two members whose terms end
30 on December 31, 2005, the executive committee of the political party whose candidate
31 at the last preceding general election received the largest number of votes in this state for
32 the office of Governor shall appoint one successor and the executive committee of the
33 political party whose candidate at the last preceding general election received the next
34 largest number of votes in this state for the office of Governor shall appoint one
35 successor.

36 (2) Upon the expiration of the terms of office of the three members whose terms end on
37 December 31, 2007, the executive committee of the political party whose candidate at the

1 last preceding general election received the largest number of votes in this state for the
 2 office of Governor shall appoint one successor, the executive committee of the political
 3 party whose candidate at the last preceding general election received the next largest
 4 number of votes in this state for the office of Governor shall appoint one successor, and
 5 the county executive committee of the political party or body whose candidate at the last
 6 preceding general election received the third highest number of votes in this state for the
 7 office of Governor, provided that such number is at least 1 percent of the total number
 8 of votes cast for such office, shall appoint one successor. If there is no political party or
 9 body whose candidate at the last preceding general election received the third highest
 10 number of votes in this state for the office of Governor which number was at least 1
 11 percent of the total number of votes cast for such office, the judge of the Probate Court
 12 of Walker County shall make such appointment of a successor for the third member
 13 whose term expires.

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

18 SECTION 2.

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

21 "SECTION 3.

22 The appointment of each member shall be made by the appointing authority's filing with
 23 the clerk of the Superior Court of Walker 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. If any appointing authority does not, in conformity with this Act, certify an
 30 appointment to the board within 30 days after the beginning of a term of office or within
 31 30 days after the creation of a vacancy in that office, a vacancy shall be deemed to have
 32 been thereby created and the judge of the Probate Court of Walker County shall fill that
 33 vacancy by making the appointment thereto and shall certify it as provided in this section.
 34 Any person appointed to fill such vacancy shall serve out the unexpired term of office."

SECTION 3.

1
2 Said Act is further amended by striking Section 5 and inserting in lieu thereof a new Section
3 5 to read as follows:

"SECTION 5.

4
5 In the event a vacancy occurs in the office of any member of the board before the
6 expiration of his or her term by removal, death, resignation, or otherwise, the vacancy shall
7 be filled for the remainder of the unexpired term by the appointing authority for that
8 position on the board. The clerk of the superior court shall be notified of such interim
9 appointments and record and certify such appointments in the same manner as the regular
10 appointment of members."

SECTION 4.

11
12 The governing authority of Walker County shall cause, through its legal counsel, this Act to
13 be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as
14 amended, within 45 days after the date on which this Act is approved by the Governor or
15 otherwise becomes law without such approval.

SECTION 5.

16
17 All laws and parts of laws in conflict with this Act are repealed.