

House Bill 1479

By: Representative Reece of the 11<sup>th</sup>

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 a referendum; to  
11 provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and  
12 for other purposes.

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

14 **SECTION 1.**

15 Pursuant to Code Section 21-2-40 of the O.C.G.A., there is created the Chattooga County  
16 Board of Elections and Registration. The board shall have the powers and duties of the  
17 election superintendent of Chattooga County with regard to the conduct of primaries and  
18 elections and shall have the powers and duties of the board of registrars relating to the  
19 registration of voters and absentee balloting procedures.

20 **SECTION 2.**

21 (a) The board shall be composed of three members, each of whom shall be an elector and  
22 resident of Chattooga County.

23 (b) No person who holds or is a candidate for an elective public office or who serves as an  
24 officer, employee, committee member, or other representative of either a political campaign  
25 of a candidate for elected public office or a political party, or who makes a financial

26 contribution to a candidate or party, or who is engaged on behalf of any candidate for an  
27 elective public office in the solicitation of votes for such candidate shall be eligible for  
28 appointment to serve as a member of the board during the term of such elective office or  
29 within two years after such active political participation, and the position of any member of  
30 the board shall be deemed vacant upon such member's qualifying as a candidate for elective  
31 public office or upon such member's engaging in such political activity. No person shall be  
32 eligible for appointment to serve as a member of the board who is related by blood or  
33 marriage closer than first cousins to anyone holding elected public office.

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

35 (1) Not later than September 1, 2010, the county executive committee of the political  
36 party whose candidate for the office of Governor received the highest number of votes  
37 within the county in the last general election to fill such office and the political party  
38 whose candidate for the office of Governor received the second highest number of votes  
39 within the county in the last general election to fill such office shall each submit five  
40 nominees to the grand jury of Chattooga County without stating any preferences;

41 (2) Not later than November 1, 2010, the grand jury shall select one person from each  
42 of the lists of nominees submitted by the political parties to serve on the board;

43 (3) Not later than December 1, 2010, the two members appointed by the grand jury shall  
44 meet and select the third member of the board. The members may select any qualified  
45 person residing in Chattooga County. If by such date the two members cannot agree on  
46 a third member, the chief judge of the judicial circuit containing Chattooga County shall  
47 select the third member not later than December 31, 2010; and

48 (4) The grand jury shall specify which of the two initial members appointed by the grand  
49 jury shall receive an initial two-year term of office and which shall receive an initial  
50 three-year term of office. The member selected by the two members appointed by the  
51 grand jury shall receive an initial one-year term of office which shall begin on January  
52 1, 2011, and end on December 31, 2011, and upon the appointment and qualification of  
53 a successor. As specified by the grand jury in making the initial appointments, one  
54 member shall serve an initial term of office beginning January 1, 2011, and ending on  
55 December 31, 2012, and upon the appointment and qualification of a successor; and one  
56 member shall serve an initial term of office beginning January 1, 2011, and ending on  
57 December 31, 2013, and upon the appointment and qualification of a successor.

58 (d) Successors to the initial members shall be selected as follows:

59 (1) Not later than October 1 immediately prior to the expiration of the term of office of a  
60 member who was the nominee of a political party, the political party that made such  
61 nomination shall submit five nominees without stating any preferences to the grand jury  
62 of Chattooga County from which the grand jury shall select a successor to the member

63 whose term is expiring. The incumbent members shall be eligible to succeed themselves.  
64 The successor so appointed shall take office on the first day of January following such  
65 appointment and shall serve for a term of office of three years and until a successor is  
66 appointed and qualified; and

67 (2) Not later than December 1 immediately prior to the expiration of the term of office of  
68 the member who is appointed by the agreement of the members who were chosen by the  
69 grand jury, the two members chosen by the grand jury shall select a successor to such  
70 member whose term is expiring. An incumbent member shall be eligible to succeed  
71 himself or herself. The successor so appointed shall take office on the first day of January  
72 following such appointment and shall serve for a term of office of three years and until a  
73 successor is appointed and qualified. If the two members chosen by the grand jury cannot  
74 agree, the chief judge of the judicial circuit containing Chattooga County shall appoint a  
75 person to succeed such member not later than December 15 immediately prior to the  
76 expiration of the term of office of such member whose term is expiring.

77 (e) The members of the board shall select one of their number to serve as chairperson at the  
78 first meeting of each year and as necessary in the event of a vacancy. If the members cannot  
79 agree on a chairperson by February 1, the chief judge of the judicial circuit containing  
80 Chattooga County shall designate one of the members of the board to serve as chairperson.

81 **SECTION 3.**

82 The appointment of each member shall be made by the appointing authority's filing with the  
83 clerk of the Superior Court of Chattooga County an affidavit which states the name and  
84 residential address of the person appointed and certifies that such member has been duly  
85 appointed as provided in this Act. The clerk of the superior court shall record each of such  
86 certifications on the minutes of the court and shall certify the name of each such member to  
87 the Secretary of State and provide for the issuance of appropriate commissions to the  
88 members within the same time and in the same manner as provided by law for registrars.

89 **SECTION 4.**

90 Each member of the board shall be eligible to succeed himself or herself without limitation  
91 and shall have the right to resign at any time by giving written notice of his or her resignation  
92 to the appointing authority and to the clerk of the Superior Court of Chattooga County. Each  
93 member shall be subject to removal from the board by the chief judge of the judicial circuit  
94 containing Chattooga County at any time, for cause, after notice of the right to have a timely  
95 hearing, in the same manner and by the same authority as provided for removal of registrars.

96

**SECTION 5.**

97 (a) In the event a single vacancy occurs in the office of any member of the board by  
 98 removal, death, resignation, or otherwise, except by expiration of term, such vacancy shall  
 99 be filled by appointment of a successor by the remaining members of the board. If the  
 100 remaining members cannot agree on a successor within 30 days following such vacancy, the  
 101 successor shall be appointed by the chief judge of the judicial circuit containing Chattooga  
 102 County. Such person so appointed shall serve the remainder of the unexpired term.

103 (b) In the event of multiple vacancies on the board as a result of removal, death, resignation,  
 104 or otherwise, except by expiration of term, such vacancies shall be filled by appointment by  
 105 the chief judge of the judicial circuit containing Chattooga County. Such persons so  
 106 appointed shall serve the remainder of the respective unexpired terms of the members whom  
 107 they succeed.

108 (c) The clerk of the superior court shall be notified of all interim appointments and record  
 109 and certify such appointments in the same manner as the regular appointment of members.

110

**SECTION 6.**

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

114

**SECTION 7.**

115 On January 1, 2011, the election superintendent and board of registrars of Chattooga County  
 116 shall be relieved from all powers and duties to which the board succeeds by the provisions  
 117 of this Act. On and after January 1, 2011, neither the election superintendent nor any  
 118 member of the board of registrars shall be entitled to any salary or salary supplement to  
 119 which he or she may have been entitled as a result of holding such position, including the  
 120 supplement authorized in Code Section 15-9-64 of the O.C.G.A., relating to the salary  
 121 supplement for judges of the probate courts who hold and conduct elections. The election  
 122 superintendent and board of registrars of Chattooga County shall deliver thereafter to the  
 123 chairperson of the board, upon his or her written request, the custody of all equipment,  
 124 supplies, materials, books, papers, records, and facilities of every kind pertaining to such  
 125 powers and duties. Also, at such time, the board of registrars and the office of chief registrar  
 126 of Chattooga County shall be abolished.

127

**SECTION 8.**

128 The chairperson of the board shall be the chief executive officer of the board and shall  
 129 generally supervise, direct, and control the administration of the affairs of the board pursuant

130 to law and duly adopted resolutions of the board. The board shall fix and establish by  
 131 appropriate resolution entered on its minutes directives governing the execution of matters  
 132 within its jurisdiction.

133 **SECTION 9.**

134 (a) The board shall be responsible for the selection and appointment of an administrative  
 135 director, to be known as the elections supervisor, to administer and supervise the conduct of  
 136 elections and primaries and the registration of electors for the county. The elections  
 137 supervisor shall serve at the pleasure of the board. The board shall act within 60 days of its  
 138 members taking office under this Act to retain or appoint an elections supervisor who shall  
 139 be hired by the board from a job description drawn by said board.

140 (b) In the event the board fails to appoint or retain an elections supervisor to fill a vacancy  
 141 within the time specified in subsection (a) of this section, an acting elections supervisor who  
 142 shall fill temporarily such vacancy shall be appointed by the governing authority to serve  
 143 until the board fills the vacancy.

144 **SECTION 10.**

145 (a) The board shall be authorized to employ such other full-time and part-time employees  
 146 as the board shall deem necessary. The governing authority of Chattooga County shall have  
 147 the right to approve the number of employees to be hired by the board.

148 (b) No person shall be eligible for employment by the board who is related by blood or  
 149 marriage closer than first cousins to anyone holding elected public office.

150 (c) No person who holds or is a candidate for an elective public office or who serves as an  
 151 officer, employee, committee member, or other representative of either a political campaign  
 152 of a candidate for elected public office or a political party, or who makes a financial  
 153 contribution to a candidate or party, or who is engaged on behalf of any candidate for an  
 154 elective public office in the solicitation of votes for such candidate shall be eligible for  
 155 employment by the board during the term of such elective office or within two years after  
 156 such active political participation, and any employee of the board shall be terminated upon  
 157 such employee's qualifying as a candidate for elective public office or upon such employee's  
 158 engaging in such political activity

159 **SECTION 11.**

160 The board shall propose an annual budget to the county governing authority for approval or  
 161 negotiation detailing the expenditures necessary for the execution of its duties. With the  
 162 consent of the governing authority of Chattooga County, the board of elections and  
 163 registration shall be authorized to expend public funds for the purpose of distributing sample

164 ballots, voter information booklets, and other material designed to inform and instruct  
 165 adequately the electors of the county with regard to elections.

166 **SECTION 12.**

167 Compensation for the chairperson and other members of the board and for employees of the  
 168 board shall be fixed by the governing authority of Chattooga County. Such compensation  
 169 shall be paid from county funds.

170 **SECTION 13.**

171 (a) The governing authority of Chattooga County shall provide the board with proper and  
 172 suitable offices and equipment.  
 173 (b) The board shall meet quarterly or as necessary to conduct the affairs of the board.

174 **SECTION 14.**

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

178 **SECTION 15.**

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

183 **SECTION 16.**

184 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
 185 superintendent of Chattooga County shall call and conduct an election as provided in this  
 186 section for the purpose of submitting this Act to the electors of Chattooga County for  
 187 approval or rejection. The election superintendent shall conduct that election on the date of  
 188 and in conjunction with the 2010 general primary and shall issue the call and conduct that  
 189 election as provided by general law. The superintendent shall cause the date and purpose of  
 190 the election to be published once a week for two weeks immediately preceding the date  
 191 thereof in the official organ of Chattooga County. The ballot shall have written or printed  
 192 thereon the words:

193 "( ) YES Shall the Act be approved which creates the Chattooga County Board of  
 194 ( ) NO Elections and Registration?"

195 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
196 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
197 such question are for approval of the Act, then this Act shall become of full force and effect  
198 immediately. If this Act is not so approved or if the election is not conducted as provided  
199 in this section, this Act shall not become effective and this Act shall be automatically  
200 repealed on the first day of January immediately following that election date. The expense  
201 of such election shall be borne by Chattooga County. It shall be the election superintendent's  
202 duty to certify the result thereof to the Secretary of State.

203 **SECTION 17.**

204 Except as otherwise provided in Section 16 of this Act, this Act shall become effective upon  
205 its approval by the Governor or upon its becoming law without such approval.

206 **SECTION 18.**

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