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House Bill 1159 (AS PASSED HOUSE AND SENATE)

By: Representatives Amerson of the 9th and Reece of the 27th

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Board of Elections and Registration of Lumpkin County, approved June 3, 2003 (Ga. L. 2003, p. 4354), so as to change certain provisions relating to duties of the board; to change certain provisions relating to appointment and terms of office of members; to change certain provisions relating to qualifications of members; to change certain provisions relating to vacancies; to provide for removal of members; to change certain provisions regarding appointment and duties of the election supervisor and chief registrar; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Board of Elections and Registration of Lumpkin County, approved June 3, 2003 (Ga. L. 2003, p. 4354), is amended by striking Sections 1 and 2 and inserting in their place new Sections 1 and 2 to read as follows:

"SECTION 1.

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

SECTION 2.

(a) The Board of Elections and Registration of Lumpkin County shall be composed of five members, each of whom shall be an elector and resident of Lumpkin County and who shall be selected as provided in this section.

(b) Two members shall be appointed by the Lumpkin County executive committee of the political party or body, or the state executive committee of the political party or body in the absence of an organized county executive committee of a political party or body, which, at the last preceding general election for the election of the Governor, nominated a candidate for Governor and such candidate received the largest number of votes cast in this state among candidates for the office of Governor. Such appointees shall be certified by the chairperson of the appropriate executive committee of such political party or body to the governing authority of the county and such certification shall be entered upon the minutes of the governing authority. Those two members of the board who are serving as such on December 31, 2005, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office on December 31, 2008, and upon the appointment and qualification of their respective successors.

Successors to those initial members of the board shall be appointed as provided in this subsection. One of such members shall be designated as Seat 1 and shall be appointed and shall take office the first day of January immediately following that appointment and shall serve for an initial term of office which expires December 31, 2010, and upon the appointment and qualification of his or her successor. One of such members shall be designated as Seat 2 shall be appointed and shall take office the first day of January immediately following that appointment and shall serve for an initial term of office which expires December 31, 2012, and upon the appointment and qualification of his or her successor. Those and all future successors to such members of the board whose terms of office are to expire shall be appointed immediately preceding the expiration of such terms, shall take office the first day of January immediately following that appointment, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are appointed and qualified.

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

minutes of the governing authority. Those two members of the board who are serving as such on December 31, 2005, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office on December 31, 2006, and upon the appointment and qualification of their respective successors. Successors to those initial members of the board shall be appointed as provided in this subsection. One of such members shall be designated as Seat 3 and shall be appointed and shall take office the first day of January immediately following that appointment and shall serve for an initial term of office which expires December 31, 2008, and upon the appointment and qualification of his or her successor. One of such members shall be designated as Seat 4 and shall be appointed and shall take office the first day of January immediately following that appointment and shall serve for an initial term of office which expires December 31, 2010, and upon the appointment and qualification of his or her successor. Those and all future successors to members of the board whose terms of office are to expire shall be appointed immediately preceding the expiration of such terms, shall take office the first day of January immediately following that appointment, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

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

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

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

(f) Appointments to the board shall be made by the respective appointing authorities. In the event of a vacancy on the board with respect to a member appointed by one of the political parties or bodies as provided in subsections (a) and (b) of this section, such political party or body shall appoint a successor within 60 days after the date such vacancy is created, such successor to be appointed in like manner as the person whose position is vacant for his or her unexpired term. In the event such political party or body fails to make an appointment within 60 days after the date such vacancy is created, the position shall be filled by the governing authority of the county. In the event of a vacancy on the board with respect to a member appointed as provided in subsection (d) of this section, the governing authority of the county shall appoint a successor within 60 days after the date such vacancy is created, such successor to be appointed in like manner as the person whose position is vacant for his or her unexpired term.

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

(h) In the event that any citizen determines that sufficient cause exists to demand the removal of a member of the board from his or her office, such matter shall be brought first before the Board of Elections and Registration of Lumpkin County by signed affidavit under oath stating such cause as is known. The board shall investigate and shall make its determination within 30 days of the filing, unless such time is for good cause extended. If the action of the Board of Elections and Registration of Lumpkin County is not satisfactory to any party, then the matter shall by motion be brought before the Superior Court of Lumpkin County for a determination of good cause shown by a preponderance of the evidence.

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

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

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

(j) The board shall be authorized and empowered to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws,

specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law.

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

(l) The governing authority of the county shall appoint a person who shall be a full-time employee of the county and whose title shall be the election supervisor and chief registrar. This person shall be responsible for the day-to-day operations of the office. This person may also be the person appointed as a board member as provided by subsection (d) of this section; if so appointed, the appointment shall be contingent on the employment, and termination of the employment shall act to terminate the appointment as a member of the board.

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

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

SECTION 2.

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