COUNTY DEPARTMENT AGENDA REQUEST

Department:	County Attorney	Presenter(s):	Scott Bennett, County Attorney
Meeting Date:	Thursday, December 9, 2010	Type of Request:	New Business

Wording for the Agenda:

Consideration of Resolution No. 2010-22 to revise the local legislation pertaining to the Elections Board.

Background/History/Details:

The Board of Elections is the only board in the County wherein the members of the board are not approved by the Board of Commissioners. This proposed change to the local legislation would require political party nominees to be subject to confirmation by the Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Approval of Resolution No. 2010-22.

If this item requires funding, please describe:

Has this issue come before the Commissioners in the past?		If so, when?	
Do you need audio-visual for the presentation?		Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

A BILL TO BE ENTITLED
AN ACT

To amend an Act re-creating the Fayette County Board of Elections, approved April 13, 1994 (Ga. L. 1994, Vol. 2, p. 3712), so as to change the manner in which members of the board of elections are nominated and confirmed; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the State Court of Fayette County, approved April 13, 1994 (Ga. L. 1994, p. 4980), is amended by striking in its entirety Section 2. and inserting in its place the following:

Section 2. The board of elections for Fayette County shall be composed of three members, each of whom shall be an elector and resident of the county. Members of the board of elections in office on the effective date of this Act shall serve out their remaining terms. When their respective terms have expired, the process of appointment of new members to the board of elections shall occur consistent with the direction of this section. The three members of the board of elections authorized by this Act shall be appointed to the board as follows: one member shall be nominated by the political party which received the highest number of votes within the county for its candidate for Governor in the general election preceding the appointment of the member and shall be subject to conformation by the governing authority of the county; one member shall be nominated by the political party which received the second-highest number of votes within the county for its candidate for Governor in the general election preceding the appointment of the member and shall be subject to conformation by the governing authority of the county; and one member shall be appointed by the county governing authority. Each of the above nominations from the political parties shall be made as follows: the member shall be nominated by the chairperson and ratified by the county executive committee of each of the above-designated political parties at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office. Should the nominee's confirmation be denied by the governing authority of the county, the respective political party shall nominate a different nominee within 30 days of the vote of the governing authority denying confirmation. As each member serves his or her term, successors shall be appointed for terms of four years. Appointments or nominations shall be made by the respective bodies which appointed or nominated the members of the board of elections originally. Terms of office shall begin on the first day of February following the expiration of the immediately preceding term of office. The board shall select one of its members to serve as chairperson at the pleasure of the board.

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

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

State of Georgia;
County of Fayette

Resolution No. 2010-22

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA RELATING TO AMENDING LOCAL LEGISLATION RELATIVE TO THE BOARD OF ELECTIONS

WHEREAS, in 1994, the General Assembly approved the Re-creation of the Fayette County Board of Elections; and

WHEREAS, the Fayette County Board of Commissioners has determined that there exists a need to change certain provisions of this local legislation relating to the confirmation of the board of elections members; and

WHEREAS, the Board of commissioners have spent much time and effort in reviewing the changes to the Board of Elections; and

WHEREAS, the Fayette County Board of Commissioners has concluded that these changes will enhance the fair and expeditious operation of the Fayette County Board of Elections.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, that the Georgia General Assembly be requested to introduce and pass appropriate legislation to effectuate these changes, as proposed by said Board of Commissioners.

So resolved this 9th day of December, 2010, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Jack R. Smith, Chairman

Attest:

_____
Clerk/Deputy Clerk