

**CALL OF SPECIAL ELECTION TO BE HELD ON MARCH 21, 2023, AND
CALL OF QUALIFYING FOR THE PURPOSE OF FILLING A VACANCY
IN THE SEAT OF COMMISSIONER FOR DISTRICT 2**

WHEREAS, on February 17, 2022, Governor Kemp signed HB 890 into law for the purposes of amending the Charter for the Unified Government of Athens-Clarke County, approved March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved March 20, 2012 (Ga. L. 2012, p. 4441), (the “Charter”), so as to change the composition and description of the districts from which the members of the Commission of Athens-Clarke County are elected; and

WHEREAS, on September 8, 2022, Mariah Parker, District 2 Commissioner for the Unified Government of Athens-Clarke County, Georgia, resigned, thereby creating a vacancy in said office; and

WHEREAS, Section 2-106 (b) of the Charter requires that a special election be held if such vacancy will continue for more than 180 days; and

WHEREAS, the remaining term of the office of District 2 Commissioner is more than 180 days from the date of creation of such vacancy; and

WHEREAS, Section 6-103 of the Charter provides for the conduct of special elections and mandates that they be held and conducted in accordance with applicable provisions of chapter 2 of title 21 of the O.C.G.A. [§ 21-2-1 et seq.], the Georgia Election Code, that govern the conduct of county elections; and

WHEREAS, on September 15, 2022, the Mayor and Commission of Athens-Clarke County adopted a resolution requesting that the Board of Elections of Athens-Clarke County issue the call for a special election to be held on Tuesday, March 21, 2023, for the purpose of filling the vacancy in the position of Commissioner for District 2 of the Unified Government of Athens-Clarke County using the new district lines for Commission District 2; and

WHEREAS, the Athens-Clarke County Board of Elections desires that such special election be held on the third Tuesday in March of 2023—i.e., Tuesday, March 21, 2023—for the following reasons:

1. To provide that the special election to fill the anticipated vacancy in District 2 will be held using the new Commission District lines for District 2, given that we are now firmly past the implementation of those lines; and
2. To provide any prospective candidate(s) time to consider whether they desire to serve and time to prepare for the election; and

3. Due to the difficulty in holding the special election separate and apart from the November general election, particularly the fact that the Athens-Clarke County Board of Elections does not currently have sufficient equipment to hold both elections; and
4. Due to the legal uncertainty created by HB 890 regarding whether the old or new district lines should be used for a November special election to fill a vacancy; and
5. Due to the potential for voter confusion in holding the special election in November created by HB 890 given the existence of two sets of lines for District 2—i.e. the old district lines and the new district lines; and
6. Due to the administrative challenges associated with recreating a voter list for District 2 voters under the old district lines.

WHEREAS, the Athens-Clarke County Board of Elections hereby determines and establishes that the reasons set forth above are factual findings that support holding the special election on the third Tuesday in March of 2023 – i.e., Tuesday, March 21, 2023; and

WHEREAS, O.C.G.A. Sec. 21-2-540 (d) provides that the Superintendent of each county or municipality shall publish the call of the special primary or special election; and

WHEREAS, the Athens-Clarke County Board of Elections and Registration is empowered with all the powers and duties of election superintendents relating to the conduct of primaries and elections pursuant to the provisions of Title 21 of the O.C.G.A.; and

NOW, THEREFORE, by the authority vested in the undersigned by the laws of the State of Georgia, it is hereby ORDERED that a Special Election be held on Tuesday, March 21, 2023, for the purpose of filling the vacancy in the Commissioner for District 2 using the new district lines for Commission District 2.

IT IS FURTHER ORDERED, that all persons desiring to qualify as candidates in said election must reside and be registered to vote in Athens-Clarke County, Georgia, new Commission District 2 (District 2 lines after redistricting) and shall be elected by registered voters of new Commission District 2.

IT IS FURTHER ORDERED, that all person desiring to qualify as candidates in said election do so by filing notice of their candidacy with the Board of Elections of Athens-Clarke County, Georgia, and by paying the qualifying fee established by law of \$450.00, as provided by O.C.G.A. Sec. 21-2-131(a)(1). The qualifying period shall begin at 9:00 am on Monday, December 19, 2022, and shall end at 12:00 noon on Wednesday, December 21, 2022.

IT IS FURTHER ORDERED, that this Call of a Special Election shall publish in the official organ of Athens-Clarke County, Georgia on September 30, 2022, and once a week for five weeks immediately preceding the date of the election, such dates being February 13, 20, and 27, and March 6 and 13, in addition to Election Day, March 21, 2023.

IT IS FURTHER ORDERED, that the Board of Elections and Voter Registration shall cease taking applications from persons desiring to register to vote in this election on February 20, 2023.

IT IS FURTHER ORDERED, that the said Election shall be conducted on March 21, 2023, from 7am until 7pm, with the place of the county polling location. Absentee Ballots will be mailed no earlier than February 28, 2023. Early/Advance Voting will begin on February 27, 2023.

IT IS FURTHER ORDERED, that the Board of Elections and Voter Registration make the findings discussed in the "Whereas" paragraphs part of the factual findings of said Board.

Witness our hands and seal this _____ day of _____, 2022.

Rocky Raffle, Chairperson

Ann Till, Vice Chairperson

Adam Shirley, Secretary

Willa Fambrough, Member

Hunaid Qadir, Member

Charlotte Sosebee, Director