

## Senate Bill 32

By: Senators Brown of the 26th, Walker of the 22nd, Thomas of the 10th, Polak of the 42nd and Fort of the 39th

**AS PASSED SENATE****A BILL TO BE ENTITLED****AN ACT**

1 To amend Subpart 1 of Part 1 of Article 2 of Chapter 2 of Title 21 of the Official Code of  
 2 Georgia Annotated, relating to county boards of elections and boards of elections and  
 3 registration, so as to provide for the creation of boards of elections and registration in each  
 4 county in which the General Assembly has not heretofore created such a board by local Act;  
 5 to provide for the membership of such board; to provide for its powers and duties; to provide  
 6 for an elections supervisor, clerical assistants, and other employees; to provide for the  
 7 transfer of duties, powers, and functions of the county election superintendent and registrars  
 8 to the board; to provide for the continuation of salary supplements for certain judges of the  
 9 probate court; to provide for other matters relative thereto; to provide for an effective date;  
 10 to repeal conflicting laws; and for other purposes.

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

12 **SECTION 1.**

13 Subpart 1 of Part 1 of Article 2 of Chapter 2 of Title 21 of the Official Code of Georgia  
 14 Annotated, relating to county boards of elections and boards of elections and registration, is  
 15 amended by adding a new Code Section 21-2-41 to read as follows:

16 "21-2-41.

17 (a) Except as otherwise provided by local Act pursuant to Code Section 21-2-40 or Code  
 18 Section 21-2-45, there is created a board of elections and registration in each county in this  
 19 state. Such board of elections and registration shall be empowered with the powers and  
 20 duties of the election superintendent relating to the conduct of primaries and elections and  
 21 the board of registrars relating to the registration of voters and absentee balloting  
 22 procedures.

23 (b) The county board of elections and registration created under subsection (a) of this Code  
 24 section shall be composed of five members, each of whom shall be an elector of the county.  
 25 The members of the board shall be appointed in the following manner:

1 (1) Two members shall be chosen by the county executive committee of the political  
2 party or the State Political Party in the absence of an organized county political party,  
3 which, at the last preceding regular general election for the election of the Governor,  
4 nominated a candidate and such candidate received the largest number of votes cast  
5 among candidates for the office of Governor. Such members so chosen shall be certified  
6 by the chairperson of the county executive committee of such political party to the  
7 governing authority of the county and such appointment shall be entered upon the  
8 minutes of the governing authority;

9 (2) Two members shall be appointed in like fashion by the county executive committee  
10 of the political party or the State Political Party in the absence of an organized county  
11 political party, which, at such election, nominated a candidate for Governor and such  
12 candidate received the next largest number of votes cast among candidates for the office  
13 of Governor. Such appointees shall be certified by the chairperson of the county  
14 executive committee of that political party to the governing authority of said county and  
15 such certification shall be entered upon the minutes of the governing authority; and

16 (3) The fifth member of the board of elections and registration shall be appointed by the  
17 chief judge of superior court of the county from a list of one or more nominees submitted  
18 by a majority of the other four members of such board and shall be deemed the member  
19 at large. In the event a majority of the four members of such board is unable to nominate  
20 one or more persons to the chief judge of superior court of the county within the time  
21 specified in subsection (d) of this Code section for appointments, the chief judge of  
22 superior court of said county shall be authorized to make the appointment without any  
23 nominations from the members of the board of elections and registration. Any  
24 appointment made under the provisions of this paragraph shall also be entered upon the  
25 minutes of the superior court.

26 (c) No person who holds elective public office shall be eligible to serve as a member of  
27 any such board of elections during the term of such elective office and the position of any  
28 member of such board shall be deemed vacant upon such member qualifying as a candidate  
29 for elective public office.

30 (d) Initial appointments to the board of elections and registration under this Code section  
31 shall be made by the respective appointing authorities no later than January 1 next  
32 following the end of the term of office of the judge of probate court existing on July 1,  
33 2002. In the event of a vacancy on such board with respect to a member appointed by one  
34 of the political parties as provided in subsection (b) of this Code section, such political  
35 party shall appoint a successor within 60 days after the date such vacancy is created, such  
36 successor to be appointed in like manner as the person whose position is vacant for his or  
37 her unexpired term. In the event such political party fails to make an initial appointment

1 by January 1 next following the end of the term of office of the judge of probate court  
2 existing on July 1, 2002, or within 60 days after a vacancy occurs, the position shall be  
3 filled by the chief judge of the superior court of the county. In the event of a vacancy on  
4 such board with respect to the member at large, the remaining members of such board shall  
5 submit the names of one or more nominees to fill the unexpired term, such nomination to  
6 be made within 60 days after the vacancy occurs. The chief judge of superior court of the  
7 county shall select and appoint the successor member at large from the nominee or  
8 nominees whose names are submitted by a majority of the remaining members of such  
9 board. In the event of the failure of such board to submit the names of such nominee or  
10 nominees within 60 days after the vacancy occurs, the chief judge of superior court of the  
11 county may fill the vacancy on his or her own motion.

12 (e) Initial appointees under this Code section shall take office upon appointment and shall  
13 serve until December 31 of the fourth year following their appointment and until a  
14 successor is appointed and qualified. The successors of the initial appointees shall serve  
15 for four-year terms beginning on January 1 in odd-numbered years and shall continue in  
16 office for such terms and until their successors are chosen and qualified. Each member  
17 shall be eligible to succeed himself or herself and shall have the right to resign at any time  
18 by giving notice to the body which appointed him or her and to the chief judge of the  
19 superior court of the county, if such judge was not the appointing authority. Each member  
20 shall be subject to removal from the board at any time in the same manner and by the same  
21 authority provided for removal of registrars under the provisions of Code Section 21-2-212  
22 as now or hereafter amended. Upon removal of a member as provided by law, a vacancy  
23 shall be deemed to exist and shall be filled for the unexpired term as provided in this Code  
24 section. Until the initial members of the board of elections and registration take office, the  
25 judge of probate court shall continue to perform the duties of county election  
26 superintendent under this chapter and the registrars shall continue to perform their duties  
27 under this chapter.

28 (f) The board of elections and registration shall have the following powers and duties:

29 (1) It shall succeed to and exercise all of the duties granted to and incumbent upon the  
30 county election superintendent under the provisions of this title and any other provision  
31 of law with respect thereto; and

32 (2) It shall succeed to and exercise all of the duties and powers granted to and incumbent  
33 on the chief registrar and the county registrars of the county under the provisions of this  
34 title and any other provision of law with respect to their duties and powers.

35 (g) The board of elections and registration shall be authorized and empowered to organize  
36 itself, elect its officers, determine its procedural rules and regulations, adopt bylaws,  
37 specify the functions and duties of its employees, and otherwise take such action as is

1 appropriate to the management of the affairs committed to its supervision; provided,  
2 however, that no such action shall conflict with state law.

3 (h) On January 1 next following the end of the term of office of the judge of probate court  
4 existing on July 1, 2002, the board of elections and registration shall organize and the  
5 county election superintendent and the chief registrar and county registrars shall be relieved  
6 of all powers and duties to which such board succeeds by virtue of the provisions of this  
7 Code section, and the county election superintendent and the registrars shall deliver to such  
8 board upon request of its chairperson custody of all equipment, supplies, materials, books,  
9 papers, records, and facilities of every kind pertaining to such powers and duties.

10 (i) The board of elections and registration shall appoint a person whose title shall be  
11 elections supervisor who shall be the chief administrative officer of the board of elections  
12 and registration and who shall have such duties and functions as may be prescribed by such  
13 board. The elections supervisor may be a member of the board of elections and  
14 registration.

15 (j) Compensation for members of the board of elections and registration, elections  
16 supervisor, clerical assistants, and other employees of such board shall be such as may be  
17 fixed from time to time by the governing authority of the county.

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

23 (l) Notwithstanding any provision of law to the contrary, each judge of probate court in  
24 office on July 1, 2002, who receives a salary supplement pursuant to Code Section 15-9-64  
25 for holding and conducting elections shall continue to receive such supplement as long as  
26 such judge continues to serve as judge of the probate court regardless of whether such  
27 judge holds and conducts elections. However, successors to such judge who are elected  
28 to terms of office subsequent to the term of office existing on July 1, 2002, shall not receive  
29 such supplement."

## 30 SECTION 2.

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