

House Bill 1390

By: Representative Birdsong of the 123<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration in Twiggs County; to provide definitions  
2 related thereto; to provide for authority; to empower said board with the powers and duties  
3 of the election superintendent relating to the conduct of elections; to empower said board  
4 with the powers and duties of the board of registrars relating to the registration of voters and  
5 absentee balloting procedures; to provide for the qualifications and terms of the members of  
6 said board; to provide a method for the appointment or election, resignation, and removal of  
7 its members; to provide for a chairperson and operating budget of the board and for offices,  
8 clerical assistants, and employees; to define its powers, duties, and responsibilities; to  
9 provide for compensation for the members of said board; to provide for other matters relative  
10 to the foregoing; to provide an effective date; to repeal conflicting laws; and for other  
11 purposes.

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

13 **SECTION 1.**

14 (a) Pursuant to the authorization contained in subsection (b) of Code Section 21-2-40 of the  
15 O.C.G.A., there is created a Twiggs County Board of Elections and Registration and said  
16 board is empowered with the powers and duties of the election superintendent relating to the  
17 conduct of elections and with the powers and duties of the board of registrars relating to the  
18 registration of voters and absentee balloting procedures in and for Twiggs County, Georgia.  
19 (b) For the purposes of this Act, the terms "election," "elector," "political party," "primary,"  
20 "public office," "special election," and "special primary" shall have the meanings ascribed  
21 to those words by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent  
22 from the text of this Act; the term "board" means the Twiggs County Board of Elections and  
23 Registration created by subsection (a) of this section; the term "county" means Twiggs  
24 County; and the term "superior court" means the Superior Court of Twiggs County.

**SECTION 2.**

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2 (a) The Twiggs County Board of Elections and Registration shall be composed of five  
3 members, each of whom shall be an elector and a resident of Twiggs County, and who shall  
4 be selected in the following manner:

5 (1) One member of the board shall be appointed by the political party which received the  
6 highest number of votes within the county for its candidate for Governor in the general  
7 election immediately preceding the appointment of the member. One member of the  
8 board shall be appointed by the political party which received the second highest number  
9 of votes within the county for its candidate for Governor in the general election  
10 immediately preceding the appointment of such member. Each of these two respective  
11 members appointed by political parties shall be nominated by the chairperson and ratified  
12 by the county executive committee of the respective political party at least 30 days before  
13 the beginning of the term of office or within 30 days after the creation of a vacancy in the  
14 office; and

15 (2) Three members shall be appointed by the governing authority of Twiggs County,  
16 Georgia, and one of said members shall be designated by said governing authority as  
17 supervisor of registration and elections and that person shall be the administrator and  
18 chairperson of the board and shall carry out all duties of voter registration and elections;  
19 provided, however, that with respect to initial appointments, the board shall appoint only  
20 two members to said board, and the person serving as chief registrar in Twiggs County  
21 shall be designated as one of the appointed members of the board. Such chief registrar  
22 shall serve as a member of the Twiggs County Board of Elections and Registration for  
23 the remainder of the term of office to which he or she was appointed as chief registrar.

24 (b) Except for the chief registrar, in making the initial appointments to the board, the  
25 members shall be selected at least 30 days prior to January 1, 2003.

26 (c) Initial members, except for the chief registrar, and all successors including the successor  
27 to the chief registrar shall be appointed for terms of four years and until their successors are  
28 duly appointed and qualified. The term of each initial member shall commence on January 1,  
29 2003.

**SECTION 3.**

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31 No person who holds elective public office shall be eligible to serve as a member during the  
32 term of such elective office, and the position of any member shall be deemed vacant upon  
33 such member's qualifying as a candidate for elective public office.

**SECTION 4.**

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2 The Board of Commissioners of Twiggs County shall certify the appointment of each  
3 member by filing an affidavit with the clerk of the superior court no later than 15 days  
4 preceding the date upon which such members are to take office, stating the name and  
5 residential address of the person appointed and certifying such member has been duly  
6 appointed as provided in this Act. The clerk of superior court shall record each of such  
7 certifications on the minutes of the superior court and shall certify the name of each such  
8 appointed member to the Secretary of State and provide for the issuance of appropriate  
9 commissions to the members within the same time and in the same manner as provided by  
10 law for registrars.

**SECTION 5.**

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12 Each member of the board shall be eligible to serve successive terms, shall have the right to  
13 resign at any time by giving written notice of such resignation to the appointing body and to  
14 the clerk of the superior court, and shall be subject to removal from the board by the  
15 appointing body at any time, for cause, after notice and hearing, in the same manner and by  
16 the same authority as provided for removal of registrars.

**SECTION 6.**

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18 In the event a vacancy occurs in the office of any appointed member before the expiration  
19 of his or her term, by removal, death, resignation, or otherwise, the original appointing body  
20 shall appoint a successor to serve the remainder of the unexpired term as provided for in  
21 Section 2 of this Act. The clerk of the superior court shall be notified of interim  
22 appointments and record and certify such appointments in the same manner as the regular  
23 appointment of members.

**SECTION 7.**

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25 Before entering upon the member's duties, each member shall take substantially the same  
26 oath as required by law for registrars and shall have the same privileges from arrest.

**SECTION 8.**

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28 (a) The board shall be authorized to organize itself, determine its procedural rules and  
29 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise  
30 take such action as is appropriate to the management of the affairs committed to its  
31 supervision; provided, however, no such action shall conflict with state law. Action and  
32 decision by the board shall be by a majority of the members of the board. The board shall  
33 be responsible for the selection, appointment, and training of poll workers in primaries and

1 elections and such workers shall be appointed, insofar as practicable, from lists provided to  
2 the board by the county executive committee of each political party.

3 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,  
4 directives governing the execution of matters within its jurisdiction. The board shall hold  
5 regular meetings and shall meet not fewer than six times per year. Any specially called  
6 meeting shall be called by the chairperson or any two members. The board shall maintain a  
7 written record of policy decisions amended to include additions or deletions. Such written  
8 records shall be made available for the public to review.

9 (c) The board shall have the authority to contract with any municipality located within  
10 Twiggs County for the holding by the board of any primary or election to be conducted  
11 within such municipality.

12 **SECTION 9.**

13 (a) The chairperson of the board shall receive an annual salary of not less than \$18,500.00  
14 nor more than \$20,500.00, the exact amount to be determined by the Board of  
15 Commissioners of Twiggs County, to be paid in equal monthly installments from county  
16 funds. The other members of the board shall be compensated at a rate of not less than \$12.00  
17 per hour to be fixed by the board subject to the approval of the Board of Commissioners of  
18 Twiggs County.

19 (b) The compensation of clerical assistants and other employees of the board of elections  
20 and registration shall be at a rate of not less than \$9.00 per hour to be fixed by the board  
21 subject to the approval of the Board of Commissioners of Twiggs County.

22 **SECTION 10.**

23 (a) The Twiggs County Board of Elections and Registration shall be empowered with all  
24 powers and duties relating to the conduct of elections as election superintendent pursuant to  
25 provisions of Title 21 of the O.C.G.A.

26 (b) The Twiggs County Board of Elections and Registration is empowered with all of the  
27 powers and duties relating to the registration of voters and absentee balloting procedures as  
28 board of registrars pursuant to the provisions of Title 21 of the O.C.G.A.

29 (c) This Act is intended to implement the provisions of subsection (b) of Code Section  
30 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose.

31 (d) The board shall propose an annual budget to the county governing authority for approval  
32 or negotiation detailing the expenditures necessary for the execution of its duties.

**SECTION 11.**

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2 The board shall be responsible for the selection, appointment, and training of poll workers  
3 in primaries and elections, and such workers shall be appointed, insofar as practicable, from  
4 lists provided to the board by the county executive committee of each political party.

**SECTION 12.**

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6 The chairperson of the board of elections and registration shall be the chief executive officer  
7 and shall generally supervise, direct, and control the administration of the affairs of the board  
8 pursuant to law and duly adopted resolutions of the board. The board shall fix and establish,  
9 by appropriate resolution entered on its minutes, directives governing the execution of  
10 matters within its jurisdiction.

**SECTION 13.**

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12 The Board of Commissioners of Twiggs County shall provide the board with such proper and  
13 suitable offices, equipment, materials, and supplies and with such clerical assistance and  
14 other employees as the Board of Commissioners of Twiggs County shall deem appropriate.

**SECTION 14.**

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16 This Act shall become effective on January 1, 2003. On January 1, 2003, the superintendent  
17 of elections and the board of registrars shall be relieved of all powers and duties to which the  
18 Twiggs County Board of Elections and Registration succeeds by the provisions of this Act  
19 and shall deliver to the board all equipment, supplies, materials, books, papers, records, and  
20 facilities pertaining to such powers and duties. At such time, the Board of Registrars of  
21 Twiggs County shall stand abolished.

**SECTION 15.**

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