

The House Committee on Governmental Affairs offered the following substitute to SB 32:

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  
4 each county in which the General Assembly has not heretofore created such a board by  
5 local Act; to provide for the membership of such board; to provide for its powers and  
6 duties; to provide for an elections supervisor, clerical assistants, and other employees; to  
7 provide for the transfer of duties, powers, and functions of the county election  
8 superintendent and registrars to the board; to provide that the General Assembly may  
9 provide by local law for the judge of the probate court to serve as election superintendent  
10 and have voter registration handled by a board of registrars; to provide for other matters  
11 relative thereto; to provide for an effective date; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

18 "21-2-41.

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

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

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

13 (2) Two members shall be appointed in like fashion by the county executive  
14 committee of the political party or body, or the state executive committee of the  
15 political party or body in the absence of an organized county executive committee of  
16 the political party or body, which, at such election, nominated a candidate for  
17 Governor and such candidate received the next largest number of votes cast among  
18 candidates for the office of Governor. Such appointees shall be certified by the  
19 chairperson of the appropriate executive committee of that political party or body to  
20 the governing authority of said county and such certification shall be entered upon the  
21 minutes of the governing authority;

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

32 (4) In the event that the candidate for Governor who received the highest number or  
33 next highest number of votes for the office of Governor at the last election for that  
34 office was an independent candidate, the appointments that would otherwise have  
35 been made by the appropriate executive committee of a political party or body shall be  
36 made by the chief judge of superior court of the county.

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

5 (d) Initial appointments to the board of elections and registration under this Code  
6 section shall be made by the respective appointing authorities no later than January 1  
7 next following the end of the term of office of the judge of the probate court existing on  
8 July 1, 2002. In the event of a vacancy on such board with respect to a member  
9 appointed by one of the political parties or bodies as provided in subsection (b) of this  
10 Code section, such political party or body shall appoint a successor within 60 days after  
11 the date such vacancy is created, such successor to be appointed in like manner as the  
12 person whose position is vacant for his or her unexpired term. In the event such  
13 political party or body fails to make an initial appointment by January 1 next following  
14 the end of the term of office of the judge of the probate court existing on July 1, 2002,  
15 or within 60 days after a vacancy occurs, the position shall be filled by the chief judge  
16 of the superior court of the county. In the event of a vacancy on such board with  
17 respect to a member appointed as provided in paragraph (4) of subsection (b) of this  
18 Code section, the chief judge of the superior court of the county shall appoint a  
19 successor within 60 days after the date such vacancy is created, such successor to be  
20 appointed in like manner as the person whose position is vacant for his or her unexpired  
21 term. In the event of a vacancy on such board with respect to the member at large, the  
22 remaining members of such board shall submit the names of one or more nominees to  
23 fill the unexpired term, such nomination to be made within 60 days after the vacancy  
24 occurs. The chief judge of superior court of the county shall select and appoint the  
25 successor member at large from the nominee or nominees whose names are submitted  
26 by a majority of the remaining members of such board. In the event of the failure of  
27 such board to submit the names of such nominee or nominees within 60 days after the  
28 vacancy occurs, the chief judge of superior court of the county may fill the vacancy on  
29 his or her own motion.

30 (e) Initial appointees under this Code section shall take office upon appointment and  
31 shall serve until December 31 of the fourth year following their appointment and until a  
32 successor is appointed and qualified. The successors of the initial appointees shall serve  
33 for four-year terms beginning on January 1 in odd-numbered years and shall continue in  
34 office for such terms and until their successors are chosen and qualified. Each member  
35 shall be eligible to succeed himself or herself and shall have the right to resign at any  
36 time by giving notice to the body which appointed him or her and to the chief judge of  
37 the superior court of the county, if such judge was not the appointing authority. Each

1 member shall be subject to removal from the board at any time in the same manner and  
2 by the same authority provided for removal of registrars under the provisions of Code  
3 Section 21-2-212 as now or hereafter amended. Upon removal of a member as  
4 provided by law, a vacancy shall be deemed to exist and shall be filled for the unexpired  
5 term as provided in this Code section. Until the initial members of the board of  
6 elections and registration take office, the judge of probate court shall continue to  
7 perform the duties of county election superintendent under this chapter and the  
8 registrars shall continue to perform their duties under this chapter.

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

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

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

17 (g) The board of elections and registration shall be authorized and empowered to  
18 organize itself, elect its officers, determine its procedural rules and regulations, adopt  
19 bylaws, specify the functions and duties of its employees, and otherwise take such  
20 action as is appropriate to the management of the affairs committed to its supervision;  
21 provided, however, that no such action shall conflict with state law.

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

30 (i) The board of elections and registration shall appoint a person whose title shall be  
31 elections supervisor who shall be the chief administrative officer of the board of  
32 elections and registration and who shall have such duties and functions as may be  
33 prescribed by such board. The elections supervisor may be a member of the board of  
34 elections and registration.

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

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

6 (l) The General Assembly may provide by local law that the judge of the probate court  
7 of a county shall be the election superintendent of such county and that voter  
8 registration in such county shall be conducted by a board of registrars in accordance  
9 with Code Section 21-2-212."

10

**SECTION 2.**

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