

House Bill 305

By: Representative Pinholster of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Pickens County and provide for its powers
2 and duties; to provide for the composition of the board and the selection, qualification, and
3 terms of its members; to provide for resignation, succession, and removal of members and
4 for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers
5 of certain powers and duties and provide for the transfer of certain items to the newly created
6 board; to abolish a certain board and officers; to provide for meetings and procedures; to
7 provide for the elections supervisor and the powers and duties of such elections supervisor;
8 to provide for board employees and their compensation; to provide for expenditures of public
9 funds for certain purposes; to provide for compensation of the members of the board and
10 elections supervisor; to provide for offices and equipment; to provide for the board's
11 performance of certain functions and duties for certain municipalities; to provide for the
12 meaning of certain terms; to provide for effective dates; to repeal conflicting laws; and for
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
17 Pickens County Board of Elections and Registration. The board shall have the powers and
18 duties of the election superintendent relating to the conduct of primaries and elections and
19 shall have the powers and duties of the board of registrars relating to the registration of voters
20 and absentee balloting procedures.

21 **SECTION 2.**

22 (a) The board shall be composed of five members, each of whom shall be an elector and
23 resident of Pickens County.

24 (b)(1) Two members shall be appointed by the chairperson of the county executive
25 committee of the political party whose candidate at the last preceding general election

1 held for the election of Governor received the largest number of votes in this state for
2 Governor, and two members shall be appointed by the chairperson of the county
3 executive committee of the political party whose candidate at such election received the
4 next largest number of such votes; provided, however, each such appointment shall have
5 been ratified by a majority of the members of each such respective executive committee
6 voting at a regularly scheduled meeting of such executive committee or a meeting duly
7 called and held for such purpose. In the event such appointments are not ratified by a
8 majority of the members of such executive committees at least 60 days preceding the date
9 on which such members are to take office, the members of the respective executive
10 committees may elect such members by a two-thirds' majority of the membership of such
11 executive committees present at regularly scheduled meetings or at meetings duly called
12 and held for such purpose. In the event the members of said executive committees fail
13 to elect such members at least 30 days preceding the date on which such members are to
14 take office, such members shall be appointed in accordance with the provisions of
15 subsection (b) of Section 3 of this Act.

16 (2) The person serving as chief registrar of Pickens County, or his or her successor, in
17 office on January 1, 2001, shall serve as the fifth member of the board until June 30,
18 2003. Effective July 1, 2003, the fifth member of the board shall be appointed by a
19 majority vote of the other four members of the board. The initially appointed fifth
20 member shall be appointed not later than July 1, 2003. Any successor to such fifth
21 member shall be appointed within 30 days of the party appointed members taking office.
22 The fifth member shall be deemed to be a member at large and shall be the chairperson
23 of the board. Any appointment made under the provisions of this paragraph shall also be
24 entered upon the minutes of the governing authority. The appointment of the member at
25 large shall not be governed by the provisions of subsection (b) of Section 3 of this Act.

26 (c) The first party appointed members of the board shall be appointed for initial terms of
27 office beginning July 1, 2001, and ending December 31, 2004. The first appointed fifth
28 member succeeding the chief registrar shall be appointed for an initial term beginning July
29 1, 2003, and ending December 31, 2004. After the initial terms of office, successors to
30 members whose terms are to expire shall be appointed to take office on the first day of
31 January immediately following the expiration of such initial terms of office and shall serve
32 for terms of four years each and until their successors are duly appointed and qualified.

33 (d) No person who holds public office, whether elective or appointive, shall be eligible to
34 serve as a member of the board during the term of such office, and the position of any
35 member of the board shall be deemed vacant upon such member's qualifying as a candidate
36 for elective public office or appointment to public office.

SECTION 3.

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2 (a) The appointment or election of each member shall be made by the respective appointing
3 or electing authority's filing with the clerk of the Superior Court of Pickens County an
4 affidavit which states the name and residential address of the person appointed or elected and
5 certifies that such member has been duly appointed or elected as provided in this Act. The
6 affidavit for the member who has been appointed as chairperson of the board shall also
7 specify that member's position as chairperson. The clerk of the superior court shall record
8 each such certification on the minutes of the court and shall certify the name of each such
9 member to the Secretary of State and provide for the issuance of appropriate commissions
10 to the members and chairperson within the same time and in the same manner as provided
11 by law for registrars.

12 (b) If any appointing or electing authority does not, in conformity with this Act, certify an
13 appointment or election to the board within 30 days after the beginning of a term of office
14 or within 30 days after the creation of a vacancy in that office, the judge of the Probate Court
15 of Pickens County shall immediately fill that vacancy by making the appointment thereto and
16 shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve
17 out the unexpired term of office.

SECTION 4.

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19 Each member of the board shall be eligible to succeed himself or herself without limitation
20 and shall have the right to resign at any time by giving written notice of his or her resignation
21 to the appointing or electing authority and to the clerk of the Superior Court of Pickens
22 County. Each member shall be subject to removal from the board by the governing authority
23 of Pickens County at any time, for cause after notice and hearing, in the same manner and
24 by the same authority as provided for removal of registrars.

SECTION 5.

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26 Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs
27 in the office of any member of the board by removal, death, resignation, or otherwise, except
28 by expiration of term, the respective appointing or electing authority which appointed or
29 elected the member whose position is vacant shall appoint or elect a successor for the
30 remainder of the unexpired term. The clerk of the superior court shall be notified of interim
31 appointments or elections and record and certify such appointments or elections in the same
32 manner as the regular appointment or election of members.

SECTION 6.

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1 Before entering upon his or her duties, each member of the board shall take substantially the
2 same oath as required by law for registrars. Each member of the board shall have the same
3 privileges from arrest as registrars.

4 **SECTION 7.**

5 On July 1, 2001, the election superintendent of Pickens County and the board of registrars
6 of Pickens County shall be relieved of all powers and duties to which the board succeeds by
7 the provisions of this Act; and they shall deliver thereafter to the chairperson of the board,
8 upon his or her written request, the custody of all equipment, supplies, materials, books,
9 papers, records, and facilities of every kind pertaining to such powers and duties. Also, at
10 such time, the board of registrars and the office of chief registrar of Pickens County shall be
11 abolished.

12 **SECTION 8.**

13 (a) The board shall be authorized to organize itself, elect its officers, determine its
14 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
15 employees, and otherwise take such action as is appropriate for the management of the affairs
16 committed to its supervision; provided, however, that no such action shall conflict with state
17 law.

18 (b) Action and decision by the board shall be by a majority of the members of the board.

19 **SECTION 9.**

20 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
21 directives governing the execution of matters within its jurisdiction. The board shall hold
22 regular monthly meetings at the county courthouse. Any specially called meetings, held
23 pursuant to the bylaws adopted by the board, shall be held only after written notification of
24 the time and place of the holding of such meeting has been communicated in writing to the
25 person designated by the county governing authority to provide public information. All
26 meetings of the board, without limitation, shall be open to the public.

27 (b) The board shall maintain a written record of policy decisions that shall be amended to
28 include additions or deletions. Such written record shall be made available for the public to
29 review.

30 **SECTION 10.**

31 (a) The board shall be responsible for the selection and appointment of an administrative
32 director, to be known as the elections supervisor, to administer and supervise conduct of
33 elections, primaries, and registration of electors for the county. The elections supervisor

1 shall serve at the pleasure of the board. The board shall act within 60 days of its members
2 taking office under this Act to retain or appoint an elections supervisor who shall be hired
3 by the board from a job description drawn by said board.

4 (b) In the event the board fails to appoint or retain an elections supervisor to fill a vacancy
5 within the time specified in subsection (a) of this section, an acting elections supervisor who
6 shall fill temporarily such vacancy shall be appointed by the governing authority to serve
7 until the board fills the vacancy.

8 **SECTION 11.**

9 The board shall be authorized to employ such full-time and part-time employees, including
10 a full-time chief clerk, as the board shall deem necessary. The governing authority of
11 Pickens County shall have the right to approve the hiring of any such employee.

12 **SECTION 12.**

13 With the consent of the governing authority of Pickens County, the board of elections and
14 registration shall be authorized to expend public funds for the purpose of distributing sample
15 ballots, voter information booklets, and other material designed to inform and instruct
16 adequately the electors of the county with regard to elections. No material distributed by the
17 board shall contain or express, in any manner or form, any commentary or expression of
18 opinion or request for support with respect to any political issue or matter of political
19 concern.

20 **SECTION 13.**

21 Compensation for the members of the board, employees of the board, and the elections
22 supervisor shall be fixed by the board with the approval of the governing authority of Pickens
23 County. Such compensation shall be paid from county funds.

24 **SECTION 14.**

25 The governing authority of Pickens County shall provide the board and the elections
26 supervisor with proper and suitable offices and equipment.

27 **SECTION 15.**

28 The board is authorized to perform for any municipality located wholly or partially within
29 Pickens County any functions and duties which election superintendents and boards of
30 registrars are authorized by general law to perform on behalf of municipalities under such
31 conditions as provided by general law.

SECTION 16.

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2 The words "election," "elector," "political party," "primary," "public office," "special
3 election," and "special primary" shall have the same meanings ascribed to those words by
4 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this
5 Act.

SECTION 17.

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7 This Act shall become effective on July 1, 2001, except that, for purposes of making initial
8 appointments to the board, it shall become effective upon May 1, 2001.

SECTION 18.

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