

Senate Bill 120

By: Senators Brown of the 26<sup>th</sup>, Walker of the 22<sup>nd</sup>, Butler of the 55<sup>th</sup>, Thomas of the 10<sup>th</sup>, Fort of the 39<sup>th</sup> and others

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 other matters relative thereto; to provide for an effective date; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

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

15 "21-2-41.

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

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

25 (1) Two members shall be chosen by the county executive committee of the political  
26 party which, at the last preceding regular general election for the election of the

1 Governor, nominated a candidate and such candidate received the largest number of votes  
2 cast among candidates for the office of Governor. Such members so chosen shall be  
3 certified by the chairperson of the county executive committee of such political party to  
4 the governing authority of the county and such appointment shall be entered upon the  
5 minutes of the governing authority;

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

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

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

26 (d) Initial appointments to the board of elections and registration under this Code section  
27 shall be made by the respective appointing authorities no later than January 1 next  
28 following the end of the term of office of the judge of probate court existing on July 1,  
29 2001. In the event of a vacancy on such board with respect to a member appointed by one  
30 of the political parties as provided in subsection (b) of this Code section, such political  
31 party shall appoint a successor within 60 days after the date such vacancy is created, such  
32 successor to be appointed in like manner as the person whose position is vacant for his or  
33 her unexpired term. In the event such political party fails to make an initial appointment  
34 by January 1 next following the end of the term of office of the judge of probate court  
35 existing on July 1, 2001, or within 60 days after a vacancy occurs, the position shall be  
36 filled by the governing body of the county. In the event of a vacancy on such board with  
37 respect to the member at large, the remaining members of such board shall submit the

1 names of one or more nominees to fill the unexpired term, such nomination to be made  
2 within 60 days after the vacancy occurs. The governing authority of the county shall select  
3 and appoint the successor member at large from the nominee or nominees whose names are  
4 submitted by a majority of the remaining members of such board. In the event of the  
5 failure of such board to submit the names of such nominee or nominees within 60 days  
6 after the vacancy occurs, the governing authority of the county may fill the vacancy on its  
7 own motion.

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

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

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

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

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

36 (h) On January 1 next following the end of the term of office of the judge of probate court  
37 existing on July 1, 2001, the board of elections and registration shall organize and the

1 county election superintendent and the chief registrar and county registrars shall be relieved  
2 of all powers and duties to which such board succeeds by virtue of the provisions of this  
3 Code section, and the county election superintendent and the registrars shall deliver to such  
4 board upon request of its chairperson custody of all equipment, supplies, materials, books,  
5 papers, records, and facilities of every kind pertaining to such powers and duties.

6 (i) The governing authority of the county, upon the recommendation of the board of  
7 elections and registration, shall appoint a person whose title shall be elections supervisor  
8 who shall be the chief administrative officer of the board of elections and registration and  
9 who shall have such duties and functions as may be prescribed by such board. The  
10 elections supervisor may be a member of the board of elections and registration.

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

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

19

## **SECTION 2.**

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