

House Bill 757

By: Representative Shanahan of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Gordon 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 certain boards and officers; to provide for meetings and procedures; to
7 provide powers and duties of such board; to provide for board employees and their
8 compensation; to provide for expenditures of public funds for certain purposes; to provide
9 for compensation of the members of the board and elections supervisor; to provide for offices
10 and equipment; to provide for the board's performance of certain functions and duties for
11 certain municipalities; to provide for the meaning of certain terms; to provide for the specific
12 repeal of an Act providing for the board of elections of Gordon County, approved April 9,
13 1999 (Ga. L. 1999, p. 4106); to provide for effective dates; to repeal conflicting laws; and
14 for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

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

22 **SECTION 2.**

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

1 (b)(1) Two members shall be appointed by the governing authority of Gordon County
2 from a list of not less than five persons selected by the chairperson of the county
3 executive committee of the political party whose candidate at the last preceding general
4 election held for the election of Governor received the largest number of votes in this
5 state for Governor, and two members shall be appointed by the governing authority of
6 Gordon County from a list of not less than five persons selected by the chairperson of the
7 county executive committee of the political party whose candidate at such election
8 received the next largest number of such votes; provided, however, that none of such
9 persons may be members of each such respective executive committee.

10 (2) The fifth member of the board shall be appointed by and serve at the pleasure of such
11 governing authority, shall be a full-time county employee, and shall be the chairperson
12 of the board.

13 (c) The first party appointed members of the board shall be appointed for initial terms of
14 office beginning July 1, 2001, and ending December 31, 2004. After the initial terms of
15 office, successors to such members whose terms are to expire shall be appointed to take
16 office on the first day of January immediately following the expiration of such initial terms
17 of office and shall serve for terms of four years each and until their successors are duly
18 appointed and qualified.

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

23 SECTION 3.

24 (a) The appointment of each member shall be made by the governing authority's filing with
25 the clerk of the Superior Court of Gordon County an affidavit which states the name and
26 residential address of the person appointed and certifies that such member has been duly
27 appointed as provided in this Act. The affidavit for the member who has been appointed as
28 chairperson of the board shall also specify that member's position as chairperson. The clerk
29 of the superior court shall record each such certification on the minutes of the court and shall
30 certify the name of each such member to the Secretary of State and provide for the issuance
31 of appropriate commissions to the members and chairperson within the same time and in the
32 same manner as provided by law for registrars.

33 (b) If the governing authority does not, in conformity with this Act, certify an appointment
34 to the board within 30 days after the beginning of a term of office or within 30 days after the
35 creation of a vacancy in that office, the judge of the Probate Court of Gordon County shall
36 immediately fill that vacancy by making the appointment thereto and shall certify it as

1 provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired
2 term of office.

3 **SECTION 4.**

4 Each member of the board shall be eligible to succeed himself or herself without limitation
5 and shall have the right to resign at any time by giving written notice of his or her resignation
6 to the governing authority and to the clerk of the Superior Court of Gordon County. Each
7 member shall be subject to removal from the board by the governing authority of Gordon
8 County at any time for cause after notice and hearing.

9 **SECTION 5.**

10 Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs
11 in the office of any member of the board by removal, death, resignation, or otherwise, except
12 by expiration of term, the governing authority shall appoint a successor for the remainder of
13 the unexpired term. The clerk of the superior court shall be notified of interim appointments
14 and record and certify such appointments in the same manner as the regular appointment of
15 members.

16 **SECTION 6.**

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

20 **SECTION 7.**

21 On July 1, 2001, the board of elections of Gordon County and the board of registrars of
22 Gordon County shall be relieved of all powers and duties to which the board succeeds by the
23 provisions of this Act; and they shall deliver thereafter to the chairperson of the board, upon
24 his or her written request, the custody of all equipment, supplies, materials, books, papers,
25 records, and facilities of every kind pertaining to such powers and duties. Also, at such time,
26 the board of elections, the board of registrars, and the office of chief registrar of Gordon
27 County shall be abolished.

28 **SECTION 8.**

29 (a) The board shall be authorized to organize itself, elect its officers, determine its
30 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
31 employees, and otherwise take such action as is appropriate for the management of the affairs

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

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

4 **SECTION 9.**

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

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

15 **SECTION 10.**

16 The chairperson of the board shall administer and supervise the conduct of elections,
17 primaries, and registration of electors for the county.

18 **SECTION 11.**

19 With the consent of the governing authority of Gordon County, the board shall be authorized
20 to employ such full-time and part-time employees as deemed necessary for the efficient
21 conduct of elections, primaries, and registration of electors for the county.

22 **SECTION 12.**

23 With the consent of the governing authority of Gordon County, the board of elections and
24 registration shall be authorized to expend public funds for the purpose of distributing sample
25 ballots, voter information booklets, and other material designed to inform and instruct
26 adequately the electors of the county with regard to elections. No material distributed by the
27 board shall contain or express, in any manner or form, any commentary or expression of
28 opinion or request for support with respect to any political issue or matter of political
29 concern.

30 **SECTION 13.**

31 Compensation for the members of the board, employees of the board, and the chairperson of
32 the board shall be recommended by the board to the governing authority of Gordon County

1 and shall be subject to the approval of the governing authority. Such compensation shall be
2 paid from county funds.

3 **SECTION 14.**

4 The governing authority of Gordon County shall provide the board and the elections
5 supervisor with proper and suitable offices and equipment.

6 **SECTION 15.**

7 The board is authorized to perform for any municipality located wholly or partially within
8 Gordon County any functions and duties which election superintendents and boards of
9 registrars are authorized by general law to perform on behalf of municipalities under such
10 conditions as provided by general law.

11 **SECTION 16.**

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

16 **SECTION 17.**

17 An Act providing for the board of elections of Gordon County, approved April 9, 1999 (Ga.
18 L. 1999, p. 4106), shall stand repealed in its entirety on July 1, 2001.

19 **SECTION 18.**

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

22 **SECTION 19.**

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