

House Bill 786

By: Representative Skipper of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Sumter County and provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members; to provide for the qualification, terms, and removal
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of
6 functions to the newly created board; to provide for expenditures of public funds; to provide
7 for compensation of members of the board; to provide for offices and equipment; to provide
8 for personnel, including a chief election official, and compensation; to provide for the
9 board's performance of certain functions and duties for certain municipalities; to provide for
10 submission; to provide for related matters; to provide an effective date; to repeal conflicting
11 laws; and for other purposes.

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

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created,
15 effective January 1, 2002, the Sumter County Board of Elections and Registration,
16 hereinafter referred to as "the board." The board shall have the powers and duties of the
17 former Sumter County election superintendent relating to the conduct of primaries and
18 elections and shall have the powers and duties of the Sumter County Board of Registrars
19 relating to the registration of voters and absentee balloting procedures.

20 **SECTION 2.**

21 The terms "election," "elector," "political party," "primary," and "public office" shall have
22 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
23 Code," unless otherwise clearly apparent from the text of this Act, and the term
24 "commissioners" means the Board of Commissioners of Sumter County and "county" means
25 Sumter County.

SECTION 3.

(a) The board shall be composed of five members, each of whom shall be an elector and a resident of Sumter County. All members of the board shall be appointed by the Board of Commissioners of Sumter County. The Sumter County Board of Elections and Registration shall select a chairperson from among its members.

(b) The initial terms of office of three members shall expire December 31, 2003, and upon the appointment and qualification of their respective successors. The initial terms of office of the remaining members of the board shall expire December 31, 2005, and upon the appointment and qualification of their respective successors.

SECTION 4.

The board shall appoint a person to serve as the chief election official of Sumter County. Such position shall be full time and such person shall be paid a salary to be set by the board and payable from county funds. The chief election official shall generally direct and control the administration of elections and voter registration in Sumter County. The chief election official shall be supervised by the board and shall be subject to removal from office by the board, with or without cause. The chief election official shall not be a member of the board nor an elected official.

SECTION 5.

Each member of the board shall:

(1) Serve for a term of four years and until a successor is appointed and qualified, except that initial terms of office shall be as provided in subsection (b) of Section 3 of this Act;

(2) Be eligible to be reappointed to succeed such member and shall have the right to resign at any time by giving written notice of such resignation to the commissioners and to the clerk of the Superior Court of Sumter County; and

(3) Be subject to removal from the board at any time for cause, after notice and hearing, by the judge of the Superior Court of Sumter County.

SECTION 6.

(a) The appointment of each member shall be evidenced by the appointing authority filing an affidavit with the clerk of the Superior Court of Sumter County no later than 30 days preceding the date on which such member is to take office, stating the name and residence address of the person appointed and certifying that such member has been duly appointed as provided in this Act. The clerk of the Superior Court of Sumter County shall be notified of interim appointments and shall record and certify such appointments in the same manner as the regular appointment of members.

1 (b) The clerk of the Superior Court of Sumter County shall record each such certification on
2 the minutes of that superior court and shall certify the name of each member to the Secretary
3 of State and provide for the issuance of appropriate commissions to the members as provided
4 by law for county registrars.

5 **SECTION 7.**

6 In the event a vacancy occurs in the office of any member, before the expiration of a term
7 by reason of removal, death, resignation, or otherwise, the appointing authority which is
8 required under Section 3 of this Act to make the appointment to the office upon expiration
9 of the term shall appoint a successor to serve for the remainder of the unexpired term in the
10 manner set forth in Section 3 of this Act.

11 **SECTION 8.**

12 (a) The first members of the board under this Act shall be appointed as provided in this Act
13 to take office on January 1, 2002. The board shall take no official action until all members
14 have been certified to the clerk of the Superior Court of Sumter County.

15 (b) Before entering upon the duties of office, each member shall take substantially the same
16 oath as required by law for county registrars and shall have the same privileges from arrest.

17 **SECTION 9.**

18 (a) The Sumter County Board of Elections and Registration shall be empowered with all the
19 powers and duties relating to the conduct of primaries and elections as election
20 superintendents pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the
21 "Georgia Election Code."

22 (b) The board is empowered with all the powers and duties relating to the registration of
23 voters and absentee balloting procedures as boards of registrars pursuant to the provisions
24 of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

25 (c) This Act is intended to implement the provisions of subsection (b) of Code Section
26 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose.

27 **SECTION 10.**

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

SECTION 11.

Any rule or regulation promulgated by a county executive committee of a political party under the provisions of subsection (c) of Code Section 21-2-111 of the O.C.G.A., with regard to the conduct of primaries, shall be null and void if in conflict with a valid rule or regulation of the board.

SECTION 12.

(a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require or prohibit the commissioners or any other public agency to bear any expense of conducting primaries not otherwise required by law.

(b) The board shall have the authority to serve as municipal registrar and to conduct municipal elections and primaries for any municipal corporation located within Sumter County if such municipal corporation has entered into a contract for that purpose with the Sumter County Board of Commissioners.

SECTION 13.

With the approval of the commissioners, the board shall be authorized to expend public funds for the purpose of preparing and distributing material solely to inform and instruct electors of the county adequately with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.

SECTION 14.

(a) The board shall be authorized and empowered to organize itself, may elect from among its membership a vice chairperson, shall determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such actions as are appropriate to the management of its affairs; provided, however, that no such action shall conflict with general law.

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

SECTION 15.

(a) The board shall fix and establish by appropriate resolution entered on its minutes directives governing the execution of matters within its jurisdiction. The board shall hold meetings at the county courthouse or at the place of meeting of the commissioners. These meetings shall be held quarterly in years in which there is no county-wide election and monthly in years in which there is a county-wide election. Any specially called meetings

1 held pursuant to the bylaws adopted by the board shall be held only after notification of the
2 time and place of the holding of such meeting has been communicated in writing to the chief
3 election official to provide public notice of the meeting as required by law. All meetings of
4 whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the
5 O.C.G.A., relating to open meetings.

6 (b) The board shall maintain a written record of policy decisions that shall be amended to
7 include additions or deletions. Such written record shall be subject to Article 4 of Chapter
8 18 of Title 50 of the O.C.G.A., relating to inspection of public records.

9 **SECTION 16.**

10 (a) The chairperson of the board of elections and registration shall chair all meetings of the
11 board and be the spokesperson for the board.

12 (b) The members of the board shall receive no compensation for their service as members
13 of the board but shall be reimbursed for their actual and necessary expenses incurred in the
14 performance of their duties.

15 (c) All amounts payable under this section shall be paid from the funds of Sumter County.

16 **SECTION 17.**

17 Subject to appropriation of funds by the commissioners, the board shall be authorized to
18 expend public funds to provide for such proper and suitable administrative offices and for
19 such clerical assistants and other employees as the board shall deem appropriate.
20 Compensation for such administrative personnel shall be paid by the board under the county
21 personnel system wholly from county funds. This section shall not be construed so as to
22 require the board to expend any funds simply because they are authorized to do so under this
23 Act. Employees of the board shall be considered county employees for purposes of pay,
24 benefits, sick leave, vacation, and for other purposes.

25 **SECTION 18.**

26 The board shall be responsible for the selection, appointment, and training of poll workers
27 in elections. Such workers shall be appointed, insofar as practicable, from lists provided by
28 the county executive committees of any political party whose nominee for President of the
29 United States received at least 10 percent of the vote in Sumter County during the most
30 recent general election for that office. It shall be the responsibility of any such political party
31 to provide said list to the board in a timely fashion and to supplement said list upon a
32 reasonable request to do so.

SECTION 19.

1
2 Effective on the date the board can first take official action under Section 7 of this Act, the
3 election superintendent of Sumter County and the Board of Registrars of Sumter County
4 shall be relieved from all powers and duties to which the board of elections and registration
5 succeeds by the provisions of this Act and shall deliver thereafter to the chairperson of the
6 board, upon the chairperson's written request, the custody of all equipment, supplies,
7 materials, books, papers, records, and facilities of every kind pertaining to such powers and
8 duties.

SECTION 20.

9
10 It shall be the duty of the governing authority of Sumter County to require the attorney
11 therefor to submit this Act for approval pursuant to Section 5 of the federal Voting Rights
12 Act of 1965, as amended. If implementation of this Act is not permissible under the federal
13 Voting Rights Act of 1965, as amended, then as of July 1, 2002, this Act shall be void and
14 stand repealed in its entirety.

SECTION 21.

15
16 This Act shall become effective upon its approval by the Governor or upon its becoming law
17 without such approval.

SECTION 22.

18
19 All laws and parts of laws in conflict with this Act are repealed.