

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 32:

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 1 of Part 1 of Article 2 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to county boards of elections and boards of elections and registration, so as to provide for the creation of boards of elections and registration in each county in which the General Assembly has not heretofore created such a board by local Act; to provide for the membership of such board; to provide for its powers and duties; to provide for an elections supervisor, clerical assistants, and other employees; to provide for the transfer of duties, powers, and functions of the county election superintendent and registrars to the board; to provide for the continuation of salary supplements for certain judges of the probate court; to provide for other matters relative thereto; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"21-2-41.

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

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

1 (1) Two members shall be chosen by the county executive committee of the political
2 party which, at the last preceding regular general election for the election of the
3 Governor, nominated a candidate and such candidate received the largest number of
4 votes cast among candidates for the office of Governor. Such members so chosen
5 shall be certified by the chairperson of the county executive committee of such
6 political party to the governing authority of the county and such appointment shall be
7 entered upon the minutes of the governing authority;

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

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

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

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

1 the judge of probate court existing on July 1, 2001, or within 60 days after a vacancy
2 occurs, the position shall be filled by the chief judge of the superior court of the county.
3 In the event of a vacancy on such board with respect to the member at large, the
4 remaining members of such board shall submit the names of one or more nominees to
5 fill the unexpired term, such nomination to be made within 60 days after the vacancy
6 occurs. The chief judge of superior court of the county shall select and appoint the
7 successor member at large from the nominee or nominees whose names are submitted
8 by a majority of the remaining members of such board. In the event of the failure of
9 such board to submit the names of such nominee or nominees within 60 days after the
10 vacancy occurs, the chief judge of superior court of the county may fill the vacancy on
11 his or her own motion.

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

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

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

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

36 (g) The board of elections and registration shall be authorized and empowered to
37 organize itself, elect its officers, determine its procedural rules and regulations, adopt

1 bylaws, specify the functions and duties of its employees, and otherwise take such
2 action as is appropriate to the management of the affairs committed to its supervision;
3 provided, however, that no such action shall conflict with state law.

4 (h) On January 1 next following the end of the term of office of the judge of probate
5 court existing on July 1, 2001, the board of elections and registration shall organize and
6 the county election superintendent and the chief registrar and county registrars shall be
7 relieved of all powers and duties to which such board succeeds by virtue of the
8 provisions of this Code section, and the county election superintendent and the
9 registrars shall deliver to such board upon request of its chairperson custody of all
10 equipment, supplies, materials, books, papers, records, and facilities of every kind
11 pertaining to such powers and duties.

12 (i) The board of elections and registration shall appoint a person whose title shall be
13 elections supervisor who shall be the chief administrative officer of the board of
14 elections and registration and who shall have such duties and functions as may be
15 prescribed by such board. The elections supervisor may be a member of the board of
16 elections and registration.

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

20 (k) The governing authority of the county shall provide the board of elections and
21 registration with such proper and suitable offices and with such clerical assistants and
22 other employees as the governing authority shall deem appropriate. The elections
23 supervisor and other employees functioning under his or her supervision shall be
24 deemed to be employees of the county.

25 (l) Notwithstanding any provision of law to the contrary, each judge of probate court in
26 office on July 1, 2001, who receives a salary supplement pursuant to Code Section 15-
27 9-64 for holding and conducting elections shall continue to receive such supplement as
28 long as such judge continues to serve as judge of the probate court regardless of
29 whether such judge holds and conducts elections. However, successors to such judge
30 who are elected to terms of office subsequent to the term of office existing on July 1,
31 2001, shall not receive such supplement."

32 **SECTION 2.**

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