

House Bill 795

By: Representative Twiggs of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To provide for the board of elections of Towns County; to provide for the rights, powers,
2 duties, and authority of the board; to provide for appointment and terms of members; to
3 provide for a chairperson; to provide for qualifications; to provide for appointment
4 procedures; to provide for vacancies; to provide for resignation or removal of members; to
5 provide for succession to certain powers and duties and to relieve the election superintendent
6 of such powers and duties; to provide for certain oaths and privileges; to provide for
7 compensation, offices, assistants, and employees; to provide for definitions; to provide for
8 certain submissions; to provide for other matters relative to the foregoing; to provide for
9 effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Pursuant to Code Section 21-2-40 of the O.C.G.A., there is created the board of elections of
13 Towns County which shall have jurisdiction over the conduct of primaries and elections in
14 Towns County in accordance with the provisions of this Act, which board of elections is
15 sometimes referred to as "board" in this Act.

16 **SECTION 2.**

17 The board of elections of Towns County shall be composed of five members, each of whom
18 shall be an elector and resident of Towns County and who shall be selected in the following
19 manner:

20 (1) Two members of the board shall be selected by the chairperson of the county
21 executive committee of the political party which received the highest number of votes
22 within the county for its candidate for President of the United States in the general
23 election immediately preceding the appointment of the member. Each selection shall
24 have been ratified by a majority of the members of the executive committee voting at a
25 regularly scheduled meeting or at a meeting duly called and held for such purpose.

1 Selected names shall be submitted to the governing authority of Towns County for
2 appointment as members of the board of elections for Towns County;

3 (2) Two members of the board shall be selected by the chairperson of the county
4 executive committee of the political party which received the second highest number of
5 votes within the county for its candidate for President of the United States in the general
6 election immediately preceding the appointment of the member. Each selection shall
7 have been ratified by a majority of the members of the executive committee voting at a
8 regularly scheduled meeting or at a meeting duly called and held for such purpose.

9 Selected names shall be submitted to the governing authority of Towns County for
10 appointment as members of the board of elections for Towns County; and

11 (3) The fifth member of the board of elections shall be appointed by the governing
12 authority of Towns County. Said member shall not be an officer or member of the
13 executive committee of any political party at the time of such member's selection or at
14 any time during such member's term of office as a member of the board of elections.

15 **SECTION 3.**

16 The members of the board of elections shall elect one of the members of the board to serve
17 as chairperson of the board.

18 **SECTION 4.**

19 In making the initial appointments to the board, the governing authority of Towns County
20 shall appoint two members, one from each political party, for an initial term beginning on
21 September 1, 2001, and ending on December 31, 2002, and two members for an initial term
22 beginning on September 1, 2001, and ending on December 31, 2003. The one member
23 appointed pursuant to paragraph (3) of Section 2 of this Act shall be appointed for an initial
24 term beginning on September 1, 2001, and ending on December 31, 2004. Each member
25 shall serve until a successor is appointed and qualified. Thereafter, a successor to each
26 member of the board whose term of office is to expire shall be appointed to take office
27 January 1 immediately following the expiration of such term and shall serve for a term of
28 four years and until his or her successor is appointed and qualified

29 **SECTION 5.**

30 No person who holds elective public office shall be eligible to serve as a member during the
31 term of such elective office and the position of any member shall be deemed vacant upon
32 such member's qualifying as a candidate for elective public office. Further, no immediate
33 family member of an elected public official shall be eligible to serve as a member during the
34 elected official's term of office.

SECTION 6.

The appointment of each member shall be made by the appointing authority by filing an affidavit with the clerk of the Superior Court of Towns County not later than 30 days preceding the date at which such member is to take office, stating the name and residential 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 shall record each of such certifications on the minutes of the court, shall certify the name of each appointed member of the Secretary of State, and shall provide for the issuance of appropriate commissions to the members within the same time and in a manner as provided by law for registrars. If any appointing authority does not, in conformity with this Act, certify an appointment to the board within 30 days after the beginning of a term of office or within 30 days after the creation of a vacancy in that office, a vacancy shall be deemed to have been thereby created and the Governor, pursuant to Article V, Section II, Paragraph VIII(a) of the Constitution of the State of Georgia, shall fill that vacancy by making the appointment thereto and shall certify it as provided in this section.

SECTION 7.

Each member of the board shall serve until his or her successor is appointed and qualified, except in the event of resignation or removal as provided in this Act, and shall:

- (1) Be eligible to succeed himself or herself and have the right to resign at any time by giving written notice of his or her resignation to the governing authority of Towns County and to the clerk of the Superior Court of Towns County; and
- (2) Be subject to removal from the board at any time, for cause after notice and hearing, in the same manner and by the same authority as provided for removal of registrars.

SECTION 8.

In the event a vacancy occurs in the office of any member before the expiration of his or her term, by removal, death, resignation, or otherwise, the governing authority of Towns County shall appoint a successor to serve the remainder of the unexpired term, in the same manner as an original appointment to such post.

SECTION 9.

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

SECTION 10.

The board of elections shall, with regard to the preparation for and conduct and administration of elections and primaries, succeed to and exercise all duties and powers granted to and incumbent upon the judge of the probate court pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as the same now exists or may hereafter be amended, or any other provision of law.

SECTION 11.

On September 1, 2001, the election superintendent of Towns County shall be relieved from all powers and duties to which the board succeeds by the provisions of this Act and shall deliver thereafter to the chairperson of the board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

SECTION 12.

The board shall be responsible for the selection, appointment, and training of poll workers in elections, and such workers shall be appointed, insofar as practicable, from lists provided to the board by the county executive committee of each political party.

SECTION 13.

The chairperson of the board of elections shall be the chief executive officer of the board of elections and shall generally supervise, direct, and control the administration of the affairs of the board of elections pursuant to law and duly adopted resolutions of the board of elections. The board of elections shall fix and establish by appropriate resolution entered on its minutes, directives governing the executions of matters within its jurisdiction.

SECTION 14.

Compensation for the members of the board of elections shall be in the same manner as registrars as prescribed in subsection (d) of Code Section 21-2-212 of the O.C.G.A. Compensation for clerical assistants and other employees shall be such as may be fixed by the governing authority of Towns County. Said compensation shall be paid wholly from the funds of Towns County.

SECTION 15.

The governing authority of Towns County shall provide the board of elections with such proper and suitable offices and with such clerical assistants and other employees as the governing authority shall deem appropriate.

SECTION 16.

The words "election," "elector," "political party," "primary," "public office," "special election," and "special primary" shall have the same meaning ascribed to those words by Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as the same now exists or may hereafter be amended, unless otherwise clearly apparent from the context of this Act.

SECTION 17.

It shall be the duty of the governing authority of Towns County to require the attorney therefor to submit this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

SECTION 18.

Only for purposes of making initial appointments to the board, this Act shall become effective July 1, 2001. For all other purposes, this Act shall become effective on September 1, 2001.

SECTION 19.

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