

House Bill 819

By: Representative Murphy of the 18<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Haralson County and provide for its  
2 powers and duties; to provide for the composition of the board and the method of  
3 appointment, qualification, and terms of its members; to provide for resignation, succession,  
4 and removal of members and for filling vacancies; to provide for oaths and privileges; to  
5 relieve certain boards and officers of certain powers and duties and provide for the transfer  
6 of certain items to the newly created board; to abolish a certain board and office; to provide  
7 for the chairperson and the powers and duties of such chairperson; to provide for board  
8 employees and their compensation; to provide for expenditures of public funds for certain  
9 purposes; to provide for compensation of the chairperson and members of the board; to  
10 provide for offices and equipment; to provide for the meaning of certain terms; to provide  
11 for other related matters; to provide for effective dates; to repeal conflicting laws; and for  
12 other purposes.

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

14 **SECTION 1.**

15 Pursuant to Code Section 21-2-40 of the O.C.G.A. there is created the Haralson County  
16 Board of Elections and Registration. The board shall have the powers and duties of the  
17 election superintendent of Haralson County with regard to the conduct of primaries and  
18 elections and shall have the powers and duties of the board of registrars relating to the  
19 registration of voters and absentee balloting procedures.

20 **SECTION 2.**

21 The board shall be composed of five members, each of whom shall be an elector of Haralson  
22 County, shall have been a resident of Haralson County for a period of two years, shall be at  
23 least 25 years of age at the time of assuming office, and shall be qualified and selected in the  
24 following manner:

1 (1) One member shall be appointed by the Haralson County executive committee of the  
2 political party whose candidate, at the last preceding general election, received the largest  
3 number of votes in this state for Governor;

4 (2) One member shall be appointed by the Haralson County executive committee of the  
5 political party whose candidate at the last preceding general election received the next  
6 largest number of votes in this state for Governor;

7 (3) Each of the appointments made by the respective executive committees shall have  
8 been ratified by a majority of the members of each of such respective executive  
9 committees voting at a meeting duly called and held for such purposes. In the event such  
10 appointments are not ratified by a majority of the members of such executive committees,  
11 then such members shall be appointed in accordance with the provisions of Section 3 of  
12 this Act;

13 (4) Two members shall be appointed by the last regularly scheduled grand jury convening  
14 in Haralson County preceding the date on which such members are to take office;

15 (5) The fifth member of the Haralson County Board of Elections and Registration shall  
16 be appointed by the judges of the superior court of the judicial circuit that includes  
17 Haralson County;

18 (6) The judges of the superior court of the judicial circuit that includes Haralson County  
19 shall select one of the members of the board to serve as chairperson;

20 (7) No person who holds or is a candidate for an elective public office or who serves as  
21 an officer, employee, committee member, or other representative of either a political  
22 campaign of a candidate for elective public office or a political party, or who is engaged  
23 on behalf of any candidate for an elective public office in the solicitation of votes for such  
24 candidate shall be eligible to serve as a member of the board during the term of such  
25 elective office or within two years after such active political participation as described  
26 in this paragraph, and the position of any member of the board shall be deemed vacant  
27 upon such member's qualifying as a candidate for elective public office or upon such  
28 member's engaging in such political activity described in this paragraph. This paragraph  
29 shall not prohibit a nonelective employee of the county governing authority from serving  
30 as a member of the board of elections and registration;

31 (8) No person who is an employee of the board of elections and registration or who has  
32 previously served as chief registrar shall be eligible to serve as a member of the board;

33 (9) The first members of the board shall serve as follows:

34 (A) The two members appointed by the grand jury shall be appointed for initial terms  
35 beginning July 1, 2001, and expiring December 31, 2002; and

1 (B) The other three members, appointed by the superior court judges and executive  
2 committees of the political parties, shall be appointed for initial terms beginning July  
3 1, 2001, and expiring December 31, 2004; and

4 (10) After the initial terms of office, successors to members whose terms are about to  
5 expire shall be appointed to take office on the first day of January immediately following  
6 the expiration of a term of office and shall serve for terms of four years each and until  
7 their successors are duly appointed and qualified.

### 8 SECTION 3.

9 The appointment of each member shall be made by the appointing authority's filing with the  
10 clerk of the Superior Court of Haralson County an affidavit which states the name and  
11 residential address of the person appointed and certifying that such member has been duly  
12 appointed as provided in this Act. The clerk of the superior court shall record each of such  
13 certifications on the minutes of the court and shall certify the name of each such member to  
14 the Secretary of State and provide for the issuance of appropriate commissions to the  
15 members and chairperson within the same time and in the same manner as provided by law  
16 for registrars. If any appointing authority does not, in conformity with this Act, certify an  
17 appointment to the board within 30 days after the beginning of a term of office or within 30  
18 days after the creation of a vacancy in that office, a vacancy shall be deemed to have been  
19 thereby created and the Governor, pursuant to Article V, Section II, Paragraph VIII(a) of the  
20 Constitution of the State of Georgia, shall fill that vacancy by making the appointment  
21 thereto and shall certify it as provided in this section. Any person appointed to fill a vacancy  
22 shall serve out the unexpired term of office.

### 23 SECTION 4.

24 Each member of the board shall be eligible to succeed himself or herself without limitation  
25 and shall have the right to resign at any time by giving written notice of his or her resignation  
26 to the appointing authority and to the clerk of the Superior Court of Haralson County. Each  
27 member shall be subject to removal from the board by the chief judge of the superior court  
28 of the judicial circuit that includes Haralson County at any time, for cause, after notice of the  
29 right to have a timely hearing, in the same manner and by the same authority as provided for  
30 removal of registrars.

### 31 SECTION 5.

32 In the event a vacancy occurs in the office of any member of the board by removal, death,  
33 resignation, or otherwise, the authority who selected the vacant member shall appoint a  
34 successor for the remainder of the unexpired term. The clerk of the superior court shall be

1 notified of interim appointments and record and certify such appointments in the same  
2 manner as the regular appointment of members.

3 **SECTION 6.**

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

7 **SECTION 7.**

8 On July 1, 2001, the election superintendent and board of registrars of Haralson County shall  
9 be relieved from all powers and duties to which the board succeeds by the provisions of this  
10 Act; and they shall deliver thereafter to the chairperson of the board, upon his or her written  
11 request, the custody of all equipment, supplies, materials, books, papers, records, and  
12 facilities of every kind pertaining to such powers and duties. Also, at such time, the board  
13 of registrars and the office of chief registrar of Haralson County shall be abolished.

14 **SECTION 8.**

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

20 **SECTION 9.**

21 The board shall be authorized to employ such full-time and part-time employees, including  
22 a full-time chief clerk, as the board shall deem necessary. No member of the board shall  
23 serve as an employee of the board. The governing authority of Haralson County shall have  
24 the right to approve the number of employees to be hired by the board.

25 **SECTION 10.**

26 The board shall propose an annual budget to the county governing authority for approval or  
27 negotiation detailing the expenditures necessary for the execution of its duties. With the  
28 consent of the governing authority of Haralson County, the board of elections and  
29 registration shall be authorized to expend public funds for the purpose of distributing sample  
30 ballots, voter information booklets, and other material designed to inform and instruct  
31 adequately the electors of the county with regard to elections.

**SECTION 11.**

1  
2 The board shall be responsible for the selection, appointment, and training of poll workers  
3 in elections; and such workers shall be appointed, insofar as practicable, from lists provided  
4 the board by the county executive committee of each political party. The board shall also  
5 formulate, adopt, and promulgate rules and regulations, consistent with law and the rules and  
6 regulations of the state executive committee of each political party, governing the conduct  
7 of primaries to the end that, insofar as practicable, all primaries shall be uniformly conducted  
8 by the board, poll workers shall be properly trained, and voters shall be adequately informed  
9 and instructed.

**SECTION 12.**

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11 Compensation for the chairperson and other members of the board and for employees of the  
12 board shall be fixed by the governing authority of Haralson County. Such compensation  
13 shall be paid from county funds.

**SECTION 13.**

14  
15 The governing authority of Haralson County shall provide the board with proper and suitable  
16 offices and equipment.

**SECTION 14.**

17  
18 The Haralson County Board of Elections and Registration shall have the authority to contract  
19 with any municipal corporation located within the county for the holding by the board of any  
20 primary or election to be conducted within the municipal corporation.

**SECTION 15.**

21  
22 The words "election," "elector," "general election," "political party," "primary," and "public  
23 office" shall have the same meaning ascribed to those words by Code Section 21-2-2 of the  
24 O.C.G.A., unless otherwise clearly apparent from the text of this Act.

**SECTION 16.**

25  
26 It shall be the duty of the governing authority of Haralson County to require the attorney  
27 therefor to submit this Act, pursuant to Section 5 of the federal Voting Rights Act of 1965,  
28 as amended, to the United States Attorney General for approval.

1 **SECTION 17.**

2 This Act shall become effective on July 1, 2001, except that for purposes of making initial  
3 appointments to the board, it shall become effective upon its approval by the Governor or  
4 upon its becoming law without such approval.

5 **SECTION 18.**

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