

Senate Bill 209

By: Senators Henson of the 41st and Stokes of the 43rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for the DeKalb County Board of Registrations and Elections; to provide for the
2 board as a successor to the board created under prior law; to provide for the powers and
3 duties of the board; to provide for the appointment, resignation, and removal of its members;
4 to provide an administrative office for elections and registrations; to staff such office with
5 an administrative director, clerical assistants, and other employees; to provide compensation
6 for administrative personnel and members of the board; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 There shall be a DeKalb County Board of Registrations and Elections which shall have
11 jurisdiction over the conduct of primaries and elections and the registration of electors in
12 such county, in accordance with the provisions of this Act. The board shall be a continuation
13 of and a successor to the board created under prior law.

14 **SECTION 2.**

15 Such board shall be composed of five members. The board members in office on the
16 effective date of this Act shall serve out the remainder of the terms for which they were
17 selected. Each member of the board shall be an elector and a resident of the county and shall
18 be selected in the following manner:

19 (a) Two members shall be appointed by the chairperson of the county executive
20 committee of the political party whose candidates at the last preceding regular general
21 election held for the election of all members of the General Assembly received the largest
22 number of votes in this state for members of the General Assembly, and two members shall
23 be appointed by the chairperson of the county executive committee of the political party
24 whose candidates at such election received the next largest number of such votes; provided,
25 however, each such appointment shall have been ratified by a majority of the members of

1 each respective executive committee voting at a regularly scheduled meeting of such
2 executive committee or a meeting duly called and held for such purposes. In the event such
3 appointments are not ratified by a majority of the members of such executive committees
4 at least 60 days preceding the date on which such members are to take office, then the
5 members of the respective executive committees may elect such members by a two-thirds'
6 majority of the membership of such executive committees at a regularly scheduled meeting
7 or at a meeting duly called and held for such purposes. In the event the members of said
8 executive committees fail to elect such members at least 30 days preceding the date on
9 which such members are to take office, then such members shall be appointed in
10 accordance with the provisions of Section 5 of this Act.

11 (b) The fifth member of the board shall be appointed by a majority vote of the other four
12 members of the board. Said fifth member shall be appointed within 30 days of the party
13 appointed members taking office. The fifth member so selected shall be deemed to be a
14 member at large. Any appointment made under the provisions of this paragraph shall also
15 be entered upon the minutes of the governing authority. The appointment of the member
16 at large shall not be governed by the provisions of Section 5 of this Act.

17 **SECTION 3.**

18 No person who holds public office, whether elective or appointive, shall be eligible to serve
19 as a member of the board during the term of such office, and the position of membership of
20 any member shall be deemed vacant upon such member qualifying as a candidate for any
21 elective public office. Neither the acting elections supervisor nor the elections supervisor
22 shall be eligible to serve as a member of the board, nor shall either of them be appointed or
23 elected to serve as a member of the board.

24 **SECTION 4.**

25 The appointment or election of each appointed or elected member shall be made by the
26 respective appointing or electing authority by filing an affidavit with the clerk of the superior
27 court no later than 30 days preceding the date at which such member is to take office that
28 states the name and residential address of the person appointed or elected and certifying that
29 such member has been duly appointed or elected as provided in this Act. The appointment
30 of the fifth member of the board, known as the member at large, shall be made by the other
31 four members of the board by filing an affidavit with the clerk of the superior court no later
32 than 15 days preceding the date at which such member is to take office that states the name
33 and residential address of the person appointed and certifying that such member has been
34 duly appointed as provided in this Act. The clerk of the superior court shall record each such
35 certification on the minutes of the court and shall certify the name of each appointed or

1 elected member to the Secretary of State and provide for the issuance of appropriate
2 commissions to the members as provided by law for registrars.

3
4 **SECTION 5.**

5 In the event any appointing or electing authority fails (1) to make a regular appointment or
6 election within the times specified in Section 2 or Section 4 or (2) to make an interim
7 appointment or election to fill a vacancy within 90 days after the creation of such vacancy,
8 such regular member or the member to fill such vacancy shall be appointed forthwith by the
9 governing authority of said county. This section shall not apply to the selection process of
10 the member at large; and if the member at large is not appointed in a timely manner, the
11 position of that member shall remain vacant until filled as provided in subsection (b) of
12 Section 2 of this Act.

13 **SECTION 6.**

14 Each appointed or elected member of the board shall:

- 15 (1) Serve for a term of two years and until his or her successor is appointed or elected and
16 qualified, except in the event of resignation or removal as hereinafter provided and except
17 that the member at large shall not hold over after the expiration of his or her term of office
18 and that position shall be vacant if not filled in a timely manner until it is filled as provided
19 in subsection (b) of Section 2 of this Act;
- 20 (2) Be eligible to succeed himself or herself and have the right to resign at any time by
21 giving written notice of his or her resignation to the respective appointing or electing
22 authority and to the clerk of the superior court; and
- 23 (3) Be subject to removal from the board at any time for cause, after notice and hearing,
24 in the same manner and by the same authority as is provided for the removal of registrars.

25 **SECTION 7.**

26 In the event a vacancy occurs in the office of any appointed or elected member before the
27 expiration of his or her term by removal, death, resignation, or otherwise, the respective
28 appointing or electing authority shall appoint or elect a successor to serve for the remainder
29 of the unexpired term. The clerk of the superior court shall be notified of interim
30 appointments or elections and record and certify such appointments or elections in the same
31 manner as the regular appointment or election of members.

32 **SECTION 8.**

1 (a) The board members shall take office on July 1 of odd numbered years. The board shall
2 take no official action until the member at large has been certified to the clerk of the superior
3 court.

4 (b) Before entering upon his or her duties, each member shall take substantially the same
5 oath as required by law for registrars and shall have the same privileges from arrest.

6 **SECTION 9.**

7 The board shall:

8 (1) With regard to the preparation for and conduct of elections, succeed to and exercise all
9 duties and powers granted to and incumbent upon the judge of the probate court by general
10 law of whatever nature and kind;

11 (2) With regard to preparation for and conduct of primaries, succeed to all the duties and
12 powers granted to and incumbent upon the judge of the probate court by general law of
13 whatever nature and kind; and

14 (3) With regard to the registration of electors, succeed to and exercise all powers, duties,
15 and responsibilities conferred upon and incumbent upon the board of registrars pursuant
16 to general law of whatever nature and kind.

17 **SECTION 10.**

18 Any rule or regulation promulgated by a county executive committee with regard to the
19 conduct of primaries shall be null and void if in conflict with a valid rule or regulation of the
20 Board of Registrations and Elections.

21 **SECTION 11.**

22 Nothing in this Act shall be construed to require or prohibit joint primaries or to require or
23 prohibit the governing authority or any other public agency to bear any expense of
24 conducting primaries not otherwise required by law.

25 **SECTION 12.**

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

31 **SECTION 13.**

1 (a) The board shall be authorized and empowered to organize itself, elect its officers,
2 determine its procedural rules and regulations, adopt bylaws, specify the functions and duties
3 of its employees, and otherwise take such action as is appropriate to the management of the
4 affairs committed to its supervision; provided, however, that no such action shall conflict
5 with state law.

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

7 (c) The board shall maintain a written record of policy decisions that shall be amended to
8 include additions or deletions. Such written record shall be made available for the public to
9 review.

10 **SECTION 14.**

11 This board shall fix and establish by appropriate resolution entered on its minutes directives
12 governing the execution of matters within its jurisdiction. The board shall hold regular
13 monthly meetings to be held at the county courthouse or at such other facility as may be
14 provided by the county for the board's meetings. Any special called meetings, held pursuant
15 to the bylaws adopted by the board, shall be held only after written notification of the time
16 and place of such meeting has been communicated in writing to the person designated by the
17 county governing authority to provide public information. All meetings of whatever kind of
18 the board shall be open to the public.

19 **SECTION 15.**

20 The board shall be responsible for the selection and appointment of an administrative
21 director, to be known as the elections supervisor, to administer and supervise conduct of
22 elections, primaries, and registration of electors for the county. Compensation shall be
23 determined in accordance with and under the merit system established by the governing
24 authority of the county. Compensation for the elections supervisor shall be paid by the
25 governing authority under the merit system wholly from county funds.

26 **SECTION 16.**

27 The governing authority of the county shall expend public funds to provide the elections
28 supervisor with such proper and suitable administrative offices and with such clerical
29 assistants and other employees as the governing authority shall deem appropriate in
30 accordance with the merit system. Compensation for such administrative personnel shall be
31 paid by the governing authority under the merit system wholly from county funds.

32 **SECTION 17.**

1 The board shall be responsible for the selection, appointment, and training of poll workers
2 in elections. Such workers shall be appointed, insofar as practical, from lists provided by the
3 county executive committees of the two major political parties appointing members to the
4 Board of Registrations and Elections.

5 **SECTION 18.**

6 Compensation for members on the board shall be set at \$100.00 a month. Said compensation
7 shall be paid by the governing authority wholly from county funds.

8 **SECTION 19.**

9 The words "election," "elector," "political party," "primary," "public office," "special
10 election," and "special primary" shall have the same meaning ascribed to those words by
11 general state law, as amended, unless otherwise clearly apparent from the text of this Act.

12 **SECTION 20.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval.