

House Bill 657 (AS PASSED HOUSE AND SENATE)

By: Representatives Yates of the 85<sup>th</sup>, Post 1, Lunsford of the 85<sup>th</sup>, Post 2, and Howell of the 92<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a board of elections for Spalding County, approved March 19,  
2 1987 (Ga. L. 1987, p. 4432), so as to change the board of elections to a board of elections and  
3 registration; to change the name of such board; to provide that the board shall have the  
4 powers and duties of the board of registrars; to provide for the transfer of powers and duties  
5 and all equipment, supplies, books, records, and materials pertaining to such powers and  
6 duties from the board of registrars to the board of elections and registration; to provide for  
7 the selection and training of poll workers; to abolish the board of registrars; to provide for  
8 an elections supervisor and the powers and duties of such elections supervisor; to provide for  
9 the employment of additional full-time and part-time employees; to delete obsolete  
10 provisions regarding the duties of the board; to provide for expenditures of public funds for  
11 certain purposes; to provide for compensation of the members of the board, elections  
12 supervisor, and clerical and other employees; to provide for offices, furniture, and  
13 equipment; to provide for the promulgation of certain rules and regulations by the board; to  
14 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
15 other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 An Act to provide a board of elections for Spalding County, approved March 19, 1987  
19 (Ga. L. 1987, p. 4432), is amended by striking Section 1 of the Act and inserting in lieu  
20 thereof a new Section 1 to read as follows:

21 "SECTION 1.

22 There is created a board of elections and registration for Spalding County which shall have  
23 jurisdiction over the conduct of primaries and elections and voter registration in such  
24 county."

**SECTION 2.**

Said Act is further amended by striking Section 2 of the Act and inserting in lieu thereof a new Section 2 to read as follows:

**"SECTION 2.**

The board of elections and registration shall be composed of five members, each of whom shall be at least 21 years of age and an elector of Spalding County and each of whom shall be appointed as provided in this Act. Two members shall be appointed by the chairperson of the county executive committee of the political party whose candidates at the last preceding general election received the largest number of votes in this state for members of the General Assembly. Two members shall be appointed by the chairperson of the county executive committee of the political party whose candidates at such election received the next largest number of votes. The fifth member of the board shall be selected by the other four members of the board. Each of the appointments by political parties shall be made and certified as follows: The member shall be nominated by the chairperson and ratified by the county executive committee of each of the above-designated political parties at least 40 days before the beginning of the term of office, or within 40 days after the creation of a vacancy in the office, and the certification of the appointment of each member shall be made by the executive committee filing an affidavit with the clerk of the superior court no 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 selection and appointment of the fifth member of the board shall be made at least 30 days before the beginning of his or her term of office, or within 30 days after the creation of a vacancy in the office, and certification of the appointment of such member shall be made by any of the other members of the board filing an affidavit with the clerk of superior court no later than 20 days preceding the date on 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 selected and appointed as provided in this Act. If the appointment of any such member of the board of elections and registration is not made and certified as provided in this Act, such member shall be appointed forthwith by the governing authority of Spalding County and, within five days after such appointment, certification thereof shall be made by any member of the governing authority filing an affidavit with the clerk of superior court stating the name and residential address of the person appointed and certifying that such member has been duly selected and appointed as provided in this Act."

**SECTION 3.**

Said Act is further amended by striking Section 4 of the Act and inserting in lieu thereof a new Section 4 to read as follows:

**"SECTION 4.**

No person who holds an elective public office shall be eligible to serve as a member of the board of elections and registration during the term of his or her elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate in any primary or election for public office. No person shall be eligible to serve as a member of the board of elections and registration while holding any public office to which he or she was appointed or while he or she is a salaried employee of the governing authority of Spalding County or of any municipality within the county or of any board of education or commission, board, or authority appointed by the governing authority of the county or any municipality within the county, except that members of the board of elections and registration shall be eligible for reappointment."

**SECTION 4.**

Said Act is further amended by striking Section 6 of the Act and inserting in lieu thereof a new Section 6 to read as follows:

**"SECTION 6.**

Each member of the board of elections and registration shall be eligible to succeed himself or herself and shall have the right to resign at any time by giving written notice of his or her resignation to the appointing body and to the clerk of superior court. Each member shall 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 the removal of registrars."

**SECTION 5.**

Said Act is further amended by striking Section 9 of the Act and inserting in lieu thereof a new Section 9 to read as follows:

**"SECTION 9.**

The board of elections and registration shall:

- (1) With regard to the preparation for, conduct, and administration of primaries and elections, 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';

(2) With regard to voter registration, succeed to and exercise all duties and powers granted to and incumbent upon the board of registrars pursuant to Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code'; and

(3) Formulate, adopt, and promulgate rules and regulations, consistent with law, governing the conduct of primaries and elections and voter registration."

#### **SECTION 6.**

Said Act is further amended by striking Section 10 and inserting in lieu thereof a new Section 10 to read as follows:

#### **"SECTION 10.**

The board shall be responsible for the selection, appointment, and training of all 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 7.**

Said Act is further amended by adding a new Section 11A to read as follows:

#### **"SECTION 11A.**

On July 1, 2003, the board of registrars of Spalding County shall be relieved from all powers and duties to which the board succeeds by the provisions of this Act. On and after July 1, 2003, no member of the board of registrars shall be entitled to any salary or salary supplement to which he or she may have been entitled as a result of holding such position. The board of registrars 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. Also, at such time, the board of registrars and the office of chief registrar of Spalding County shall be abolished."

#### **SECTION 8.**

Said Act is further amended by striking Section 12 of the Act and inserting in lieu thereof a new Section 12 to read as follows:

#### **"SECTION 12.**

(a) There shall be an administrative director, to be known as the elections supervisor, to administer and supervise conduct of elections, primaries, and registration of electors for the county who shall serve at the pleasure of the board. The board shall act within 60 days of

1 the effective date of this Act, or of the date of any vacancy in such position, to submit one  
2 to three names of qualified individuals to the county manager who shall retain or appoint  
3 an elections supervisor from a job description drawn by said board.

4 (b) In the event the board fails to submit such names of qualified individuals to the county  
5 manager to appoint or retain an elections supervisor to fill a vacancy in the position of  
6 elections supervisor within the time specified in subsection (a) of this section, an acting  
7 elections supervisor who shall fill temporarily such vacancy shall be appointed by the  
8 county manager to serve until the board provides such names to the county manager to fill  
9 the vacancy.

10 (c) Compensation for the elections supervisor shall be set by the board consistent with the  
11 budget of the board approved by the governing authority of Spalding County. Such  
12 compensation shall be paid wholly from county funds.

13 (d) The board shall be authorized to employ such full-time and part-time employees as the  
14 board shall deem necessary consistent with the budget of the board approved by the  
15 governing authority of Spalding County."

#### 16 **SECTION 9.**

17 Said Act is further amended by striking Section 13 of the Act and inserting in lieu thereof a  
18 new Section 13 to read as follows:

#### 19 **"SECTION 13.**

20 The chairperson of the board of elections and registration shall receive \$120.00 per month  
21 in compensation for performing the duties of such office. The other members of the board  
22 of elections and registration shall receive \$100.00 per month in compensation for  
23 performing the duties of such office. Compensation for the clerical assistants and other  
24 employees shall be set by the board consistent with the budget of the board approved by  
25 the governing authority of Spalding County. Such compensation shall be paid wholly from  
26 county funds."

#### 27 **SECTION 10.**

28 Said Act is further amended by striking Section 14 of the Act and inserting in lieu thereof a  
29 new Section 14 to read as follows:

#### 30 **"SECTION 14.**

31 The governing authority of Spalding County shall provide the board with such proper and  
32 suitable offices, furniture, and equipment as the governing authority shall deem  
33 appropriate."

**SECTION 11.**

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2 This Act shall become effective on July 1, 2003; except that Section 8 of this Act shall  
3 become effective upon approval by the Governor or upon this Act becoming law without  
4 such approval.

**SECTION 12.**

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