

Senate Bill 206

By: Senators Crotts of the 17th and Brush of the 24th

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

20 **SECTION 2.**

21 (a) The board shall be composed of five members, each of whom shall be an elector and  
22 resident of Butts County. All members of the board shall be appointed by the Board of  
23 Commissioners of Butts County. The board of commissioners shall make its appointments  
24 in such a manner that the members of the board shall include two members appointed from

1 a list of persons nominated by the political party that received the most votes for Governor  
2 in the county for the gubernatorial election immediately preceding the appointment and two  
3 members appointed from a list of persons nominated by the political party that received the  
4 second largest number of votes for Governor in the county for the gubernatorial election  
5 immediately preceding the appointment. The lists of persons nominated by political parties  
6 shall include at least three persons. The Butts County Board of Elections and Registration  
7 shall select a chairperson from among its members.

8 (b) The initial terms of office of three members shall expire December 31, 2004, and upon  
9 the appointment and qualification of their respective successors. The initial terms of office  
10 of the remaining members of the board shall expire December 31, 2006, and upon the  
11 appointment and qualification of their respective successors. Successors to members of the  
12 board whose terms of office are to expire shall be appointed to take office on the first day of  
13 January immediately following the expiration of such terms of office and shall serve for  
14 terms of four years each and until their successors are duly appointed and qualified.

15 (c) No person who holds public office, whether elective or appointive, shall be eligible to  
16 serve as a member during the term of such office, and the position of any member shall be  
17 deemed vacant upon such member's qualifying as a candidate for elective public office or  
18 appointment to public office.

19

### SECTION 3.

20 (a) The appointment of each member of the board shall be made by the governing authority's  
21 filing with the clerk of the Superior Court of Butts County an affidavit which states the name  
22 and residential address of the person appointed and certifies that such member has been duly  
23 appointed as provided in this Act. The clerk of the Superior Court of Butts County shall  
24 record each such certification on the minutes of the court and shall certify the name of each  
25 such member of the Secretary of State and provide for the issuance of appropriate  
26 commissions to the members within the same time and in the same manner as provided by  
27 law for registrars.

28 (b) If the governing authority does not, in conformity with this Act, certify an appointment  
29 to the board within 30 days after the beginning of a term of office or within 30 days after the  
30 creation of a vacancy in that office, the judge of the Superior Court of Butts County shall  
31 immediately fill that vacancy by making the appointment thereto and shall certify it as  
32 provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired  
33 term of office.

34

### SECTION 4.

1 Each member of the board shall be eligible to succeed himself or herself without limitation  
2 and shall have the right to resign at any time by giving written notice of his or her resignation  
3 to the governing authority and to the clerk of the Superior Court of Butts County. Each  
4 member shall be subject to removal from the board by the governing authority of Butts  
5 County at any time for cause after notice and hearing.

6 **SECTION 5.**

7 Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs  
8 in the office of any member of the board by removal, death, resignation, or otherwise, except  
9 by expiration of term, the governing authority shall appoint a successor for the remainder of  
10 the unexpired term. The clerk of the Superior Court of Butts County shall be notified of  
11 interim appointments and record and certify such appointments in the same manner as the  
12 regular appointment of members.

13 **SECTION 6.**

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

17 **SECTION 7.**

18 On July 1, 2003, the election superintendent of Butts County and the board of registrars of  
19 Butts County shall be relieved of all powers and duties to which the board succeeds by the  
20 provisions of this Act; and they shall deliver thereafter to the chairperson of the board, upon  
21 his or her written request, the custody of all equipment, supplies, materials, books, papers,  
22 records, and facilities of every kind pertaining to such powers and duties. Also, at such time,  
23 the board of registrars and the office of chief registrar of Butts County shall be abolished.

24 **SECTION 8.**

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

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

31 **SECTION 9.**

1 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,  
2 directives governing the execution of matters within its jurisdiction. The board shall hold  
3 regular monthly meetings at the Butts County courthouse. Any specially called meeting,  
4 held pursuant to the bylaws adopted by the board, shall be held only after written notification  
5 of the time and place of the holding of such meeting has been communicated in writing to  
6 the person designated by the county governing authority to provide public information. All  
7 meetings of the board, without limitation, shall be open to the public.

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

11 **SECTION 10.**

12 The chairperson of the board shall administer and supervise the conduct of elections,  
13 primaries, and registration of electors for the county.

14 **SECTION 11.**

15 With the consent of the governing authority of Butts County, the board shall be authorized  
16 to employ such full-time and part-time employees as deemed necessary for the efficient  
17 conduct of elections, primaries, and registration of electors for the county.

18 **SECTION 12.**

19 With the consent of the governing authority of Butts County, the board of elections and  
20 registration shall be authorized to expend public funds for the purpose of distributing sample  
21 ballots, voter information booklets, and other material designed to inform and instruct  
22 adequately the electors of the county with regard to elections. No material distributed by the  
23 board shall contain or express, in any manner or form, any commentary or expression of  
24 opinion or request for support with respect to any political issue or matter of political  
25 concern.

26 **SECTION 13.**

27 Compensation for the members of the board, employees of the board, and the chairperson of  
28 the board shall be recommended by the board to the governing authority of Butts County and  
29 shall be subject to the approval of the governing authority. Such compensation shall be paid  
30 from county funds.

31 **SECTION 14.**

1 The governing authority of Butts County shall provide the board and the elections supervisor  
2 with proper and suitable offices and equipment. The office of the board shall maintain an  
3 office open to the public during normal hours for five days a week.

4 **SECTION 15.**

5 The board is authorized to perform for any municipality located wholly or partially within  
6 Butts County any functions and duties which election superintendents and boards of  
7 registrars are authorized by general law to perform on behalf of municipalities under such  
8 conditions as provided by general law.

9 **SECTION 16.**

10 The words "election," "elector," "political party," "primary," "public office," "special  
11 election," and "special primary" shall have the same meanings ascribed to those words by  
12 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this  
13 Act. The term "board" shall mean the Butts County Board of Elections and Registration  
14 created by this Act and the term "governing authority" shall mean the governing authority  
15 of Butts County.

16 **SECTION 17.**

17 This Act shall become effective July 1, 2003, except that for purposes of making initial  
18 appointments to the board, it shall become effective on May 1, 2003.

19 **SECTION 18.**

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