

House Bill 756 (AS PASSED HOUSE AND SENATE)

By: Representatives DeLoach of the 127<sup>th</sup>, Mosley of the 129<sup>th</sup>, Post 1, Smith of the 129<sup>th</sup>, Post 2, Barnard of the 121<sup>st</sup>, Post 1, Oliver of the 121<sup>st</sup>, Post 2, and others

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Liberty County and provide for its powers  
2 and duties; to provide for the composition of the board and the selection, qualification, and  
3 terms of its members; to provide for resignation, succession, and removal of members and  
4 for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers  
5 of certain powers and duties and provide for the transfer of certain items to the newly created  
6 board; to abolish certain boards and officers; to provide for meetings and procedures; to  
7 provide for the elections supervisor and the powers and duties of such elections supervisor;  
8 to provide for board employees and their compensation; to provide for expenditures of public  
9 funds for certain purposes; to provide for compensation of the members of the board and  
10 elections supervisor; to provide for offices and equipment; to provide for the board's  
11 performance of certain functions and duties for certain municipalities; to provide for the  
12 meaning of certain terms; to provide for the specific repeal of an Act providing for the board  
13 of elections of Liberty County, approved March 19, 1993 (Ga. L. 1993, p. 4174), as  
14 amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

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

22 **SECTION 2.**

23 (a) The board shall be composed of seven members, each of whom shall be an elector and  
24 resident of Liberty County.

1 (b)(1) One member shall be appointed by the Liberty 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 Liberty 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) Five members shall be appointed by the governing authority of Liberty County.

14 (5) The governing authority of Liberty County shall select one of the members of the  
15 board to serve as chairperson.

16 (c) The first members of the board shall be appointed for initial terms of office beginning  
17 July 1, 2003, and ending December 31, 2006. After the initial terms of office, successors to  
18 members whose terms are to expire shall be appointed to take office on the first day of  
19 January immediately following the expiration of such initial terms of office and shall serve  
20 for terms of four years each and until their successors are duly appointed and qualified.

21 (d) No person who holds public office, whether elective or appointive, shall be eligible to  
22 serve as a member of the board during the term of such office, and the position of any  
23 member of the board shall be deemed vacant upon such member's qualifying as a candidate  
24 for elective public office or appointment to public office.

### 25 SECTION 3.

26 (a) The appointment of each member shall be made by the governing authority's filing with  
27 the clerk of the Superior Court of Liberty County an affidavit which states the name and  
28 residential address of the person appointed and certifies that such member has been duly  
29 appointed as provided in this Act. The affidavit for the member who has been appointed as  
30 chairperson of the board shall also specify that member's position as chairperson. The clerk  
31 of the superior court shall record each such certification on the minutes of the court and shall  
32 certify the name of each such member to the Secretary of State and provide for the issuance  
33 of appropriate commissions to the members and chairperson within the same time and in the  
34 same manner as provided by law for registrars.

35 (b) If the governing authority does not, in conformity with this Act, certify an appointment  
36 to the board within 30 days after the beginning of a term of office or within 30 days after the

1 creation of a vacancy in that office, the judge of the Probate Court of Liberty County shall  
2 immediately fill that vacancy by making the appointment thereto and shall certify it as  
3 provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired  
4 term of office.

5 **SECTION 4.**

6 Each member of the board shall be eligible to succeed himself or herself without limitation  
7 and shall have the right to resign at any time by giving written notice of his or her resignation  
8 to the governing authority and to the clerk of the Superior Court of Liberty County. Each  
9 member shall be subject to removal from the board by the governing authority of Liberty  
10 County at any time, for cause after notice and hearing, in the same manner and by the same  
11 authority as provided for removal of registrars.

12 **SECTION 5.**

13 Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs  
14 in the office of any member of the board by removal, death, resignation, or otherwise, except  
15 by expiration of term, the governing authority shall appoint a successor for the remainder of  
16 the unexpired term. The clerk of the superior court shall be notified of interim appointments  
17 and record and certify such appointments in the same manner as the regular appointment of  
18 members.

19 **SECTION 6.**

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

23 **SECTION 7.**

24 On July 1, 2003, the board of elections of Liberty County and the board of registrars of  
25 Liberty County shall be relieved of all powers and duties to which the board succeeds by the  
26 provisions of this Act; and they shall deliver thereafter to the chairperson of the board, upon  
27 his or her written request, the custody of all equipment, supplies, materials, books, papers,  
28 records, and facilities of every kind pertaining to such powers and duties. Also, at such time,  
29 the board of elections, the board of registrars, and the office of chief registrar of Liberty  
30 County shall be abolished.

**SECTION 8.**

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

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

**SECTION 9.**

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

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

**SECTION 10.**

(a) The board shall be responsible for the selection and appointment of 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. The elections supervisor shall serve at the pleasure of the board. The board shall act within 60 days of its members taking office under this Act to retain or appoint an elections supervisor who shall be hired by the board from a job description drawn by said board.

(b) In the event the board fails to appoint or retain an elections supervisor to fill a vacancy within the time specified in subsection (a) of this section, an acting elections supervisor who shall fill temporarily such vacancy shall be appointed by the governing authority to serve until the board fills the vacancy.

**SECTION 11.**

The board shall be authorized to employ such full-time and part-time employees, including a full-time chief clerk, as the board shall deem necessary. The governing authority of Liberty County shall have the right to approve the hiring of any such employee.

**SECTION 12.**

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2 With the consent of the governing authority of Liberty County, the board of elections and  
3 registration shall be authorized to expend public funds for the purpose of distributing sample  
4 ballots, voter information booklets, and other material designed to inform and instruct  
5 adequately the electors of the county with regard to elections. No material distributed by the  
6 board shall contain or express, in any manner or form, any commentary or expression of  
7 opinion or request for support with respect to any political issue or matter of political  
8 concern.

**SECTION 13.**

9  
10 Compensation for the members of the board, employees of the board, and the elections  
11 supervisor shall be fixed by the board with the approval of the governing authority of Liberty  
12 County. Such compensation shall be paid from county funds.

**SECTION 14.**

13  
14 The governing authority of Liberty County shall provide the board and the elections  
15 supervisor with proper and adequate offices and equipment.

**SECTION 15.**

16  
17 The board is authorized to perform for any municipality located wholly or partially within  
18 Liberty County any functions and duties which election superintendents and boards of  
19 registrars are authorized by general law to perform on behalf of municipalities under such  
20 conditions as provided by general law.

**SECTION 16.**

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

**SECTION 17.**

26  
27 An Act providing for the board of elections of Liberty County, approved March 19, 1993  
28 (Ga. L. 1993, p. 4174), as amended, shall stand repealed in its entirety on July 1, 2003.

**SECTION 18.**

29  
30 This Act shall become effective on July 1, 2003, except that, for purposes of making initial  
31 appointments to the board, it shall become effective upon May 1, 2003.

1

**SECTION 19.**

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