

House Bill 1363

By: Representatives Broome of the 141<sup>st</sup>, Post 2, Sholar of the 141<sup>st</sup>, Post 1, and Greene of the 134<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Decatur County and provide for its powers  
2 and duties; to provide for definitions; to provide for the composition of the board and the  
3 selection and appointment of members; to provide for the qualification, terms, and removal  
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and  
5 vacancies; to provide for expenditures of public funds; to provide for compensation of  
6 members of the board; to provide for offices and equipment; to provide for personnel and  
7 their compensation including a chief election official; to provide for the board's performance  
8 of certain functions and duties for certain municipalities; to provide for related matters; to  
9 provide for a certain submission; to provide an effective date; to repeal conflicting laws; and  
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created,  
14 effective July 1, 2004, the Decatur County Board of Elections and Registration, hereinafter  
15 referred to as "the board." The board shall have powers and duties relating to the conduct  
16 of primaries and elections and to the registration of voters and absentee balloting procedures.

17 style="text-align:center">**SECTION 2.**

18 The terms "election," "elector," "political party," "primary," and "public office" shall have  
19 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election  
20 Code," unless otherwise clearly apparent from the text of this Act, and the term  
21 "commissioners" means the Board of Commissioners of Decatur County and "county" means  
22 "Decatur County."

**SECTION 3.**

(a) The board shall be composed of five members, each of whom shall be an elector and a resident of Decatur County and shall be selected in the following manner:

(1) Two members of the board shall be appointed by the chairperson of the county executive committee of the Republican Party. Two members of the board shall be appointed by the chairperson of the county executive committee of the Democratic Party. Each appointment shall have been ratified by a majority of the members of each of such respective executive committees voting at a regularly scheduled meeting of such executive committees or a meeting duly called and held for such purpose. In the event the members of said executive committees fail to appoint such members at least 30 days preceding the date on which such members are to take office, such members shall be appointed by the commissioners; and

(2) The fifth member of the board shall be appointed by the commissioners.

(b) The board shall select a chairperson from among its members.

(c) The initial terms of office of the member appointed by the commissioners and one member appointed by the chairperson of the county executive committee of each political party shall expire December 31, 2006, and upon the appointment and qualification of their respective successors. The initial terms of office of the remaining members of the board shall expire December 31, 2004, and upon the appointment and qualification of their respective successors.

**SECTION 4.**

The board shall appoint a person to serve as the chief election official of Decatur County. Such position shall be full time and such person shall be paid a salary to be set by the board and payable from county funds. The chief election official shall generally direct and control the administration of elections and voter registration in Decatur County. The chief election official shall be supervised by the board and shall be subject to removal from office by the board, with or without cause.

**SECTION 5.**

Each member of the board shall:

(1) Serve for a term of four years and until a successor is appointed and qualified, except that initial terms of office shall be as provided in subsection (c) of Section 3 of this Act;

(2) Be eligible to be reappointed to succeed such member and shall have the right to resign at any time by giving written notice of such resignation to the commissioners and to the clerk of the Superior Court of Decatur County; and

1 (3) Be subject to removal from the board at any time for cause, after notice and hearing,  
2 by the judge of the Superior Court of Decatur County.

### 3 SECTION 6.

4 (a) The appointment of each member shall be evidenced by the appointing authority filing  
5 an affidavit with the clerk of the Superior Court of Decatur County no later than 30 days  
6 preceding the date on which such member is to take office, stating the name and residence  
7 address of the person appointed and certifying that such member has been duly appointed  
8 as provided in this Act. The clerk of the Superior Court of Decatur County shall be notified  
9 of interim appointments and shall record and certify such appointments in the same manner  
10 as the regular appointment of members.

11 (b) The clerk of the Superior Court of Decatur County shall record each such certification  
12 on the minutes of that superior court and shall certify the name of each member to the  
13 Secretary of State and provide for the issuance of appropriate commissions to the members  
14 as provided by law for county registrars.

### 15 SECTION 7.

16 In the event a vacancy occurs in the office of any member, before the expiration of a term  
17 by reason of removal, death, resignation, or otherwise, the appointing authority which is  
18 required under Section 3 of this Act to make the appointment to the office upon expiration  
19 of the term shall appoint a successor to serve for the remainder of the unexpired term in the  
20 manner set forth in Section 3 of this Act. If the vacancy in office under subsection (a) of  
21 Section 3 of this Act is not filled within 60 days after it occurs, the vacancy shall be filled for  
22 the remainder of the unexpired term by the commissioners.

### 23 SECTION 8.

24 (a) The first members of the board under this Act shall be appointed as provided in this Act  
25 to take office on July 1, 2004. The board shall take no official action until all members have  
26 been certified to the clerk of the Superior Court of Decatur County.

27 (b) Before entering upon the duties of office, each member shall take substantially the same  
28 oath as required by law for county registrars and shall have the same privileges from arrest.

### 29 SECTION 9.

30 (a) The Decatur County Board of Elections and Registration shall be empowered with all  
31 the powers and duties relating to the conduct of primaries and elections as election  
32 superintendents pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the  
33 "Georgia Election Code."

1 (b) The board is empowered with all the powers and duties relating to the registration of  
2 voters and absentee balloting procedures as boards of registrars pursuant to the provisions  
3 of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

4 (c) This Act is intended to implement the provisions of subsection (b) of Code Section  
5 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose.

6 **SECTION 10.**

7 No person who holds elective public office shall be eligible to serve as a member of the  
8 board during the term of such elective public office, and the position of membership of any  
9 member shall be deemed vacant upon such member's qualifying as a candidate for an  
10 elective public office.

11 **SECTION 11.**

12 Any rule or regulation promulgated by a county executive committee of a political party  
13 under the provisions of subsection (c) of Code Section 21-2-111 of the O.C.G.A., with regard  
14 to the conduct of primaries, shall be null and void if in conflict with a valid rule or regulation  
15 of the board.

16 **SECTION 12.**

17 (a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require  
18 or prohibit the commissioners or any other public agency to bear any expense of conducting  
19 primaries not otherwise required by law.

20 (b) The board shall have the authority to conduct municipal elections and primaries for any  
21 municipal corporation located within Decatur County if such municipal corporation has  
22 entered into a contract for that purpose with the Decatur County Board of Commissioners.

23 **SECTION 13.**

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

29 **SECTION 14.**

30 (a) The board shall be authorized and empowered to organize itself, may elect from among  
31 its membership a vice chairperson, shall determine its procedural rules and regulations, shall  
32 adopt bylaws, shall specify the functions and duties of its employees, and otherwise take such

1 actions as are appropriate to the management of its affairs; provided, however, that no such  
2 action shall conflict with general law.

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

5 **SECTION 15.**

6 (a) The board shall fix and establish by appropriate resolution entered on its minutes  
7 directives governing the execution of matters within its jurisdiction. The board shall hold  
8 meetings at the county courthouse or at the place of meeting of the commissioners. These  
9 meetings shall be held quarterly in years in which there is no county-wide election and  
10 monthly in years in which there is a county-wide election. Any specially called meetings  
11 held pursuant to the bylaws adopted by the board shall be held only after notification of the  
12 time and place of the holding of such meeting has been communicated in writing to the chief  
13 election official to provide public notice of the meeting as required by law. All meetings of  
14 whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the  
15 O.C.G.A.

16 (b) The board shall maintain a written record of policy decisions that shall be amended to  
17 include additions or deletions. Such written record shall be subject to Article 4 of Chapter  
18 18 of Title 50 of the O.C.G.A.

19 **SECTION 16.**

20 (a) The chairperson of the board of elections and registration shall chair all meetings of the  
21 board and be the spokesperson for the board.

22 (b) Compensation for the members of the board shall be fixed by the commissioners.

23 (c) All amounts payable under this section shall be paid from the funds of Decatur County.

24 **SECTION 17.**

25 Subject to appropriation of funds by the commissioners, the board shall be authorized to  
26 expend public funds to provide for such proper and suitable administrative offices and for  
27 such clerical assistants and other employees as the board shall deem appropriate.  
28 Compensation for such administrative personnel shall be paid by the board under the county  
29 personnel system wholly from county funds. This section shall not be construed so as to  
30 require the board to expend any funds simply because they are authorized to do so under this  
31 Act.

**SECTION 18.**

1  
2 The board shall be responsible for the selection, appointment, and training of poll workers  
3 in elections. Such workers shall be appointed, insofar as practicable, from lists provided by  
4 the county executive committees of any political party whose nominee for President of the  
5 United States received at least 10 percent of the vote in Decatur County during the most  
6 recent general election for that office. It shall be the responsibility of any such political party  
7 to provide said list to the board in a timely fashion and to supplement said list upon a  
8 reasonable request to do so.

**SECTION 19.**

9  
10 It shall be the duty of the governing authority of Decatur County to require the attorney  
11 therefor to submit this Act for approval pursuant to Section 5 of the federal Voting Rights  
12 Act of 1965, as amended. If implementation of this Act is not permissible under the federal  
13 Voting Rights Act of 1965, as amended, then as of July 1, 2004, this Act shall be void and  
14 stand repealed in its entirety.

**SECTION 20.**

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

**SECTION 21.**

18  
19 All laws and parts of laws in conflict with this Act are repealed.