

House Bill 1716

By: Representatives Massey of the 24th and Elrod of the 25th

A BILL TO BE ENTITLED
AN ACT

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

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

13 **SECTION 1.**

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

20 **SECTION 2.**

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

SECTION 3.

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2 The board shall be composed of three members, each of whom shall be an elector and
3 resident of the county and who shall be appointed as provided in this section. One member
4 of the board shall be appointed by the political party which received the highest number of
5 votes within the county for its candidate for Governor in the general election immediately
6 preceding the appointment of such member. One member of the board shall be appointed
7 by the political party which received the second highest number of votes within the county
8 for its candidate for Governor in the general election immediately preceding the appointment
9 of such member. Each of these two respective members appointed by political parties shall
10 be nominated by the chairperson and ratified by the county executive committee of the
11 respective political party at least 30 days before the beginning of the term of office or within
12 30 days after the creation of a vacancy in the office. In the event that a political party entitled
13 to appoint a member of the board does not have a county executive committee, such
14 appointment shall be made by the state executive committee of such political party. One
15 member shall be appointed by the chief judge of the Superior Court of Barrow County. The
16 chief judge of the Superior Court of Barrow County shall appoint one of the members of the
17 board to serve as chairperson. In making the initial appointments to the board, the members
18 shall be selected at least 30 days prior to July 1, 2004. Initial members and their successors
19 shall be appointed for terms of four years and until their successors are duly appointed and
20 qualified. The term of each initial member shall commence on July 1, 2004.

SECTION 4.

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

SECTION 5.

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26 The chief judge of the Superior Court of Barrow County shall certify the appointment of each
27 member by filing an affidavit with the clerk of the superior court no later than 15 days
28 preceding the date upon which such members are to take office, stating the name and
29 residential address of the person appointed and certifying such member has been duly
30 appointed as provided in this Act. The clerk of the superior court shall record each of such
31 certifications on the minutes of the superior court and shall certify the name of each such
32 appointed member to the Secretary of State and provide for the issuance of appropriate
33 commissions to the members within the same time and in the same manner as provided by
34 law for registrars.

SECTION 6.

Each member of the board shall be eligible to serve successive terms, shall have the right to resign at any time by giving written notice of such resignation to the appointing body and to the clerk of the superior court, and shall be subject to removal from the board by the appointing body at any time, for cause, after notice and hearing.

SECTION 7.

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the original appointing body shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with the laws of this state. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and 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.

(b) 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 meetings and shall meet not fewer than three times per year. Any specially called meeting shall be called by the chairperson or any two members. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

SECTION 10.

The board shall have the authority to contract with any municipality located within Barrow County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

Compensation for the members of the board, clerical assistants, and other employees of the board shall be fixed by the Board of Commissioners of Barrow County. Such compensation shall be paid wholly from county funds.

SECTION 12.

The chairperson of the board shall be the chief executive officer of the board and shall generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction.

SECTION 13.

The Board of Commissioners of Barrow County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the Board of Commissioners of Barrow County deems appropriate.

SECTION 14.

This Act shall become effective July 1, 2004, except that for purposes of making initial appointments to the board only, Sections 3 and 5 shall become effective June 1, 2004. On July 1, 2004, the Superintendent of Elections of Barrow County and the Board of Registrars of Barrow County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.

SECTION 15.

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