

House Bill 1721

By: Representative Boggs of the 145th

A BILL TO BE ENTITLED
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Pursuant to subsection (a) of Code Section 21-2-40 of the O.C.G.A., there is created the
14 Board of Elections of Ware County, hereinafter referred to as "the board." The board shall
15 have the powers and duties of the former superintendent of elections of Ware County relating
16 to the conduct of primaries and elections.

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 Ware County and "county" means
22 Ware County.

SECTION 3.

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2 (a) The board shall be composed of five members, each of whom shall be an elector and
3 resident of the county and who shall be appointed as provided in this section.

4 (b) Two members of the board shall be appointed by the political party which received the
5 highest number of votes within the county for its candidate for Governor in the general
6 election immediately preceding the appointment of such member. Two members of the
7 board shall be appointed by the political party which received the second highest number of
8 votes within the county for its candidate for Governor in the general election immediately
9 preceding the appointment of such member. Each of these respective members appointed
10 by political parties shall be nominated by the party chairperson and ratified by the county
11 executive committee of the respective political party at least 30 days before the beginning
12 of the term of office or within 30 days after the creation of a vacancy in the office. In the
13 event that a political party entitled to appoint a member of the board does not have a county
14 executive committee, such appointment shall be made by the state executive committee of
15 such political party.

16 (c) The fifth member shall be selected by the four members of the board appointed by the
17 political parties and shall serve as chairperson. In the event that the four members appointed
18 by the political parties cannot agree on a fifth member, such members shall submit to the
19 chief judge of the Superior Court of Ware County a list of not more than four names of
20 persons eligible for such position and the chief judge shall select the fifth member from such
21 list based upon the information and qualifications of each candidate submitted by the four
22 members appointed by the political parties.

23 (d) All appointments to the board shall be promptly certified to the clerk of the Superior
24 Court of Ware County.

25 (e) In making the initial appointments to the board, the four members appointed by the
26 political parties shall be selected by political parties not later than June 1, 2004. Each
27 political party shall designate one of its appointees to serve a term beginning on July 1, 2004,
28 and ending on June 30, 2005, and until their successors are duly appointed and qualified.
29 Successors to such members shall thereafter be appointed to serve terms of office of four
30 years beginning July 1, 2005, and until their successors are duly appointed and qualified.
31 The other appointees of each political party shall serve terms beginning on July 1, 2004, and
32 ending on June 30, 2007, and until their successors are duly appointed and qualified.
33 Successors to such members shall thereafter be appointed to serve terms of office of four
34 years beginning July 1, 2007, and until their successors are duly appointed and qualified.

35 (f) The fifth member shall be selected by the four members appointed by the parties no later
36 than ten days after such four members take office and such fifth member shall serve from the
37 date of his or her appointment until June 30, 2007, and until his or her successor is duly

1 appointed and qualified. Successors shall be appointed in the same manner as the initial
2 appointment for a term of office of four years and until a successor is duly appointed and
3 qualified.

4 **SECTION 4.**

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

8 **SECTION 5.**

9 The appointing authorities shall certify the appointment of each member by filing an affidavit
10 with the clerk of the superior court no later than 15 days preceding the date upon which such
11 members are to take office, stating the name and residential address of the person appointed
12 and certifying such member has been duly appointed as provided in this Act. The clerk of
13 the superior court shall record each of such certifications on the minutes of the superior court
14 and shall certify the name of each such appointed member to the Secretary of State and
15 provide for the issuance of appropriate commissions to the members within the same time
16 and in the same manner as provided by law for registrars.

17 **SECTION 6.**

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

22 **SECTION 7.**

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

29 **SECTION 8.**

30 Before entering upon the member's duties, each member shall take substantially the same
31 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 state law. 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 three members of the board. 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 Ware County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

The board shall be authorized to appoint an elections supervisor who 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 election supervisor shall not be a member of the board.

SECTION 12.

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

SECTION 13.

The Board of Commissioners of Ware 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 Ware County deems appropriate.

SECTION 14.

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2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval for purposes of making initial appointments to the board only. This
4 Act shall become fully effective on July 1, 2004. Upon this Act becoming fully effective,
5 the superintendent of elections of Ware County shall be relieved of all powers and duties to
6 which the board succeeds by the provisions of this Act and shall deliver to the board all
7 equipment, supplies, materials, books, papers, records, and facilities pertaining to such
8 powers and duties.

SECTION 15.

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