

House Bill 1363 (AS PASSED HOUSE AND SENATE)

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

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.

