

House Bill 1164 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 85th, Post 2, Howell of the 92nd, Jenkins of the 93rd, and Yates of the 85th, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Butts County and provide for its powers
2 and duties; to provide for the composition of the board and the method of appointment,
3 qualification, and terms of its members; to provide for resignation, succession, and removal
4 of members and for filling vacancies; to provide for oaths and privileges; to relieve certain
5 boards and officers of certain powers and duties and provide for the transfer of certain items
6 to the newly created board; to abolish a certain board and office; to provide for the board's
7 organization, powers, and duties; to provide for the chairperson and the powers and duties
8 of such chairperson; to provide for board employees and their compensation; to provide for
9 expenditures of public funds for certain purposes; to provide for compensation of the
10 chairperson and members of the board; to provide for offices and equipment; to provide for
11 the meaning of certain terms; to provide for related matters; to provide an effective date; to
12 repeal conflicting laws; and for other purposes.

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

14 **SECTION 1.**

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

20 **SECTION 2.**

21 (a) The board shall be composed of five members, each of whom shall be an elector and
22 resident of Butts County. All members of the board shall be appointed by the Board of
23 Commissioners of Butts County. The Butts County Board of Elections and Registration shall
24 select a chairperson from among its members.

- 1 (b) The initial terms of office of three members shall begin on the first day of the month
2 following the month in which this Act is approved by the Governor or in which it becomes
3 law without such approval and shall expire December 31, 2004, and upon the appointment
4 and qualification of their respective successors. The initial terms of office of the remaining
5 members of the board shall begin on the first day of the month following the month in which
6 this Act is approved by the Governor or in which it becomes law without such approval and
7 shall expire December 31, 2006, and upon the appointment and qualification of their
8 respective successors. Successors to members of the board whose terms of office are to
9 expire shall be appointed to take office on the first day of January immediately following the
10 expiration of such terms of office and shall serve for terms of four years each and until their
11 successors are duly appointed and qualified.
- 12 (c) No person who holds public office, whether elective or appointive, shall be eligible to
13 serve as a member during the term of such office, and the position of any member shall be
14 deemed vacant upon such member's qualifying as a candidate for elective public office or
15 appointment to public office.

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SECTION 3.

- 17 (a) The appointment of each member of the board shall be made by the governing authority's
18 filing with the clerk of the Superior Court of Butts County an affidavit which states the name
19 and residential address of the person appointed and certifies that such member has been duly
20 appointed as provided in this Act. In addition, upon the board selecting a chairperson, the
21 board shall file an affidavit with the clerk of the Superior Court of Butts County specifying
22 the name of the person so selected as chairperson. The clerk of the Superior Court of Butts
23 County shall record each such certification on the minutes of the court and shall certify the
24 name of each such member to the Secretary of State and provide for the issuance of
25 appropriate commissions to the members within the same time and in the same manner as
26 provided by law for registrars.
- 27 (b) If the governing authority does not, in conformity with this Act, certify an appointment
28 to the board within 30 days after the beginning of a term of office or within 30 days after the
29 creation of a vacancy in that office, the chief judge of the Superior Court of Butts County
30 shall immediately fill that vacancy by making the appointment thereto and shall certify it as
31 provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired
32 term of office.

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SECTION 4.

- 34 Each member of the board shall be eligible to succeed himself or herself without limitation
35 and shall have the right to resign at any time by giving written notice of his or her resignation

1 to the governing authority and to the clerk of the Superior Court of Butts County. Each
2 member shall be subject to removal from the board by the governing authority of Butts
3 County at any time for cause after notice and hearing.

4 **SECTION 5.**

5 Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs
6 in the office of any member of the board by removal, death, resignation, or otherwise, except
7 by expiration of term, the governing authority shall appoint a successor for the remainder of
8 the unexpired term. The clerk of the Superior Court of Butts County shall be notified of
9 interim appointments and record and certify such appointments in the same manner as the
10 regular appointment of members.

11 **SECTION 6.**

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

15 **SECTION 7.**

16 On the first day of the month following the month in which this Act is approved by the
17 Governor or in which it becomes law without such approval, the election superintendent of
18 Butts County and the board of registrars of Butts County shall be relieved of all powers and
19 duties to which the board succeeds by the provisions of this Act; and they shall deliver
20 thereafter to the chairperson of the board, upon his or her written request, the custody of all
21 equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining
22 to such powers and duties. Also, at such time, the board of registrars and the office of chief
23 registrar of Butts County shall be abolished.

24 **SECTION 8.**

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

30 (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 Butts County courthouse. Any specially called meeting 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 records shall be made available for the public to review.

SECTION 10.

The chairperson of the board shall administer and supervise the conduct of elections, primaries, and registration of electors for the county.

SECTION 11.

With the consent of the governing authority of Butts County, the board shall be authorized to employ such full-time and part-time employees as deemed necessary for the efficient conduct of elections, primaries, and registration of electors for the county.

SECTION 12.

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

SECTION 13.

Compensation for the members of the board, employees of the board, and the chairperson of the board shall be recommended by the board to the governing authority of Butts County and shall be subject to the approval of the governing authority. Such compensation shall be paid from county funds.

SECTION 14.

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2 The governing authority of Butts County shall provide the board and the elections supervisor
3 with proper and suitable offices and equipment. The office of the board shall maintain an
4 office open to the public during normal hours for five days a week.

SECTION 15.

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6 The board is authorized to perform for any municipality located wholly or partially within
7 Butts County any functions and duties which election superintendents and boards of
8 registrars are authorized by general law to perform on behalf of municipalities under such
9 conditions as provided by general law.

SECTION 16.

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11 The words "election," "elector," "political party," "primary," "public office," "special
12 election," and "special primary" shall have the same meanings ascribed to those words by
13 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this
14 Act. The term "board" shall mean the Butts County Board of Elections and Registration
15 created by this Act and the term "governing authority" shall mean the governing authority
16 of Butts County.

SECTION 17.

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

SECTION 18.

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