

House Bill 1370 (AS PASSED HOUSE AND SENATE)

By: Representative Parrish of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Emanuel County and provide for its
2 powers and duties; to provide for the composition of the board and the selection,
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 certain boards and officers; to provide for meetings
7 and procedures; to provide powers and duties of such board; to provide for board employees
8 and their compensation; to provide for expenditures of public funds for certain purposes; to
9 provide for compensation of the members of the board and elections supervisor; to provide
10 for offices and equipment; to provide for the board’s performance of certain functions and
11 duties for certain municipalities; to provide for the meaning of certain terms; to provide for
12 effective dates; to 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 Emanuel County Board of Elections and Registration. The board shall have the powers and
17 duties of the election superintendent relating to the conduct of primaries and elections and
18 shall have the powers and duties of the board of registrars relating to the registration of voters
19 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 Emanuel County.
23 (b) Three members shall be appointed by the governing authority of Emanuel County, one
24 member shall be appointed by the Emanuel County executive committee of the political party
25 whose candidate at the last preceding general election received the largest number of votes

1 in this state for Governor, and one member shall be appointed by the Emanuel County
2 executive committee of the political party whose candidate at the last preceding general
3 election received the next largest number of votes in this state for Governor; provided,
4 however, that none of such persons may be members of each such respective executive
5 committee.

6 (c) The first party appointed members of the board shall be appointed for initial terms of
7 office beginning July 1, 2004, and ending December 31, 2007. After the initial terms of
8 office, successors to such members whose terms are to expire shall be appointed to take
9 office on the first day of January immediately following the expiration of such initial terms
10 of office and shall serve for terms of four years each and until their successors are duly
11 appointed and qualified.

12 (d) No person who holds public office, whether elective or appointive, shall be eligible to
13 serve as a member of the board during the term of such office, and the position of any
14 member of the board shall be deemed vacant upon such member's qualifying as a candidate
15 for elective public office or appointment to public office.

16 **SECTION 3.**

17 (a) The appointment of each member shall be made by the governing authority's filing with
18 the clerk of the Superior Court of Emanuel County an affidavit which states the name and
19 residential address of the person appointed and certifies that such member has been duly
20 appointed as provided in this Act. The affidavit for the member who has been appointed as
21 chairperson of the board shall also specify that member's position as chairperson. The clerk
22 of the superior court shall record each such certification on the minutes of the court and shall
23 certify the name of each such member to the Secretary of State and provide for the issuance
24 of appropriate commissions to the members and chairperson within the same time and in the
25 same manner as provided by law for registrars.

26 (b) If the governing authority does not, in conformity with this Act, certify an appointment
27 to the board within 30 days after the beginning of a term of office or within 30 days after the
28 creation of a vacancy in that office, the judge of the Probate Court of Emanuel County shall
29 immediately fill that vacancy by making the appointment thereto and shall certify it as
30 provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired
31 term of office.

32 **SECTION 4.**

33 Each member of the board shall be eligible to succeed himself or herself without limitation
34 and shall have the right to resign at any time by giving written notice of his or her resignation
35 to the governing authority and to the clerk of the Superior Court of Emanuel County. Each

1 member shall be subject to removal from the board by the governing authority of Emanuel
2 County at any time for cause after notice and hearing.

3 **SECTION 5.**

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

10 **SECTION 6.**

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

14 **SECTION 7.**

15 On July 1, 2004, the election superintendent and the board of registrars of Emanuel County
16 shall be relieved of all powers and duties to which the board succeeds by the provisions of
17 this Act; and they shall deliver thereafter to the chairperson of the board, upon his or her
18 written request, the custody of all equipment, supplies, materials, books, papers, records, and
19 facilities of every kind pertaining to such powers and duties. Also, at such time, the board
20 of registrars and the office of chief registrar of Emanuel County shall be abolished.

21 **SECTION 8.**

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

27 (b) Action and decision by the board shall be by a majority of the members of the board.

28 **SECTION 9.**

29 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
30 directives governing the execution of matters within its jurisdiction. The board shall hold
31 regular monthly meetings at the county courthouse. Any specially called meetings, held
32 pursuant to the bylaws adopted by the board, shall be held only after written notification of

1 the time and place of the holding of such meeting has been communicated in writing to the
2 person designated by the county governing authority to provide public information. All
3 meetings of the board, without limitation, shall be open to the public.

4 (b) The board shall maintain a written record of policy decisions that shall be amended to
5 include additions or deletions. Such written record shall be made available for the public to
6 review.

7 **SECTION 10.**

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

10 **SECTION 11.**

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

14 **SECTION 12.**

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

22 **SECTION 13.**

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

27 **SECTION 14.**

28 The governing authority of Emanuel County shall provide the board and the elections
29 supervisor with proper and suitable offices and equipment.

