

House Bill 1716 (AS PASSED HOUSE AND SENATE)

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 supervisor, and compensation; to provide
9 for the board's performance of certain functions and duties for certain municipalities; to
10 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
11 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 January 1, 2005, the Board of Elections and Registration of Barrow County,
16 hereinafter referred to as "the board." The board shall have the powers and duties of the
17 former Superintendent of Elections of Barrow County relating to the conduct of primaries
18 and elections and shall have the powers and duties of the former Board of Registrars of
19 Barrow 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 five members, each of whom shall be an elector and resident
3 of the county and who shall be appointed as provided in this section. Two members of the
4 board shall be appointed by the political party which received the highest number of votes
5 within the county for its candidate for Governor in the general election immediately
6 preceding the appointment of such member. Two members 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 the members appointed by political parties shall be nominated by
10 the chairperson and ratified by the county executive committee of the respective political
11 party at least 30 days before the beginning of the term of office or within 30 days after the
12 creation of a vacancy in the office. In the event that a political party entitled to appoint a
13 member of the board does not have a county executive committee, such appointment shall
14 be made by the state executive committee of such political party. One member shall be
15 appointed by the chief judge of the Superior Court of Barrow County. The chief judge of the
16 Superior Court of Barrow County shall appoint one of the members of the board to serve as
17 chairperson. In making the initial appointments to the board, the members shall be selected
18 at least 30 days prior to January 1, 2005. Initial members and their successors shall be
19 appointed for terms of four years and until their successors are duly appointed and qualified.
20 The term of each initial member shall commence on January 1, 2005.

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.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

16
17 (a) The board shall be authorized to organize itself, determine its procedural rules and
18 regulations, adopt bylaws, and otherwise take such action as is appropriate to the
19 management of the affairs committed to its supervision; provided, however, that no such
20 action shall conflict with the laws of this state. Action and decision by the board shall be by
21 a majority of the members of the board. The board shall be responsible for the selection,
22 appointment, and training of poll workers in primaries and elections, and such workers shall
23 be appointed, insofar as practicable, from lists provided to the board by the county executive
24 committee of each political party.

25 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
26 directives governing the execution of matters within its jurisdiction. The board shall hold
27 regular meetings and shall meet not fewer than three times per year. Any specially called
28 meeting shall be called by the chairperson or any two members. The board shall maintain
29 a written record of policy decisions amended to include additions or deletions. Such written
30 records shall be made available for the public to review.

SECTION 10.

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

SECTION 11.

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

SECTION 12.

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10 The supervisor of elections and registration for Barrow County shall not be a member of the
11 board. The supervisor shall be appointed and removed by the governing authority of Barrow
12 County in the same manner as department heads. The supervisor shall provide daily
13 employee supervision, serve as staff support for the board, attend all meetings of the board,
14 carry out the duties of voter registration and elections as required by law, and be a full-time
15 employee of Barrow County.

SECTION 13.

16
17 The Board of Commissioners of Barrow County shall provide the board with such proper and
18 suitable offices, equipment, materials, and supplies and with such clerical assistance and
19 other employees as the Board of Commissioners of Barrow County deems appropriate.

SECTION 14.

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21 This Act shall become effective January 1, 2005, except that for purposes of making initial
22 appointments to the board only, Sections 3 and 5 shall become effective December 1, 2004.
23 On January 1, 2005, the Superintendent of Elections of Barrow County and the Board of
24 Registrars of Barrow County shall be relieved of all powers and duties to which the board
25 succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies,
26 materials, books, papers, records, and facilities pertaining to such powers and duties.

SECTION 15.

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