

House Bill 6EX

By: Representatives Lunsford of the 85th, Post 2, Yates of the 85th, Post 1, Maddox of the 59th, Post 2, Barnes of the 84th, Post 2, Mosby of the 59th, Post 3, and others

A BILL TO BE ENTITLED
AN ACT

1 To create the Henry County Board of Elections and Registration; to 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 qualifications, terms, and removal
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of
6 functions to the newly created board; to provide for expenditures of public funds; to provide
7 for compensation of members of the board; to provide for offices and equipment; to provide
8 for personnel, including a chief executive officer, and compensation; to provide for the
9 board's performance of certain functions and duties for certain municipalities; to provide for
10 the repeal of a certain Act; to provide for related matters; to provide an effective date; to
11 repeal conflicting laws; and for 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 the
15 Henry County Board of Elections and Registration, hereinafter referred to as "the board."
16 The board shall have the powers and duties of the former Henry County election
17 superintendent relating to the conduct of primaries and elections and shall have the powers
18 and duties of the Henry County Board of Registrars relating to the registration of voters and
19 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, the term
24 "commissioners" means the Board of Commissioners of Henry County, and the term
25 "county" means Henry County.

SECTION 3.

1
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. One member of the
4 board shall be appointed by the political party that 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. One member of the board shall be appointed
7 by the political party that received the second highest number of votes within the county for
8 its candidate for Governor in the general election immediately preceding the appointment of
9 such member. Each of these two respective members appointed by political parties shall be
10 nominated by the chairperson and ratified by the county executive committee of the
11 respective political party at least 30 days before the beginning of the term of office or within
12 30 days after the creation of a vacancy in the office. Three members of the board shall be
13 appointed by the Board of Commissioners of Henry County. The board shall select a
14 chairperson from among its members. In making the initial appointments to the board, the
15 members shall be selected no later than 30 days after the effective date of this Act. Initial
16 members and their successors shall be appointed for terms of four years and until their
17 successors are duly appointed and qualified. The term of each initial member shall
18 commence on the day such member's appointment is certified by the chief judge of the
19 Superior Court of Henry County as provided in Section 5 of this Act.

SECTION 4.

20
21 No person who holds elective public office shall be eligible to serve as a member during the
22 term of such elective office, and the position of any member shall be deemed vacant upon
23 such member's qualifying as a candidate for elective public office.

SECTION 5.

24
25 The chief judge of the Superior Court of Henry County shall certify the appointment of each
26 member by filing an affidavit with the clerk of the superior court no later than 15 days
27 preceding the date upon which such member is to take office, stating the name and residential
28 address of the person appointed and certifying such member has been duly appointed as
29 provided in this Act. The clerk of the superior court shall record each of such certifications
30 on the minutes of the superior court and shall certify the name of each such appointed
31 member to the Secretary of State and provide for the issuance of appropriate commissions
32 to the members within the same time and in the same manner as provided by law for
33 registrars.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same 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, hire and 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 six 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.

1
2 The board shall have the authority to contract with any municipality located within Henry
3 County for the holding by the board of any primary or election to be conducted within such
4 municipality.

SECTION 11.

5
6 Compensation for the members of the board, clerical assistants, and other employees shall
7 be fixed by the Board of Commissioners of Henry County. Such compensation shall be paid
8 wholly from county funds.

SECTION 12.

9
10 The chairperson of the board shall be the chief executive officer of the board and shall
11 generally supervise, direct, and control the administration of the affairs of the board pursuant
12 to law and duly adopted resolutions of the board.

SECTION 13.

13
14 The Board of Commissioners of Henry County shall provide the board with such proper and
15 suitable offices, equipment, materials, and supplies and with such clerical assistance and
16 other employees as the Board of Commissioners of Henry County deems appropriate. Any
17 employees provided by the Board of Commissioners of Henry County shall be employees
18 of the board.

SECTION 14.

19
20 This Act shall become effective upon its approval by the Governor or upon its becoming law
21 without such approval. Upon this Act becoming effective, the Henry County Board of
22 Elections and the Henry County Board of Registrars shall be relieved of all powers and
23 duties to which the board succeeds by the provisions of this Act and shall deliver to the board
24 all equipment, supplies, materials, books, papers, records, and facilities pertaining to such
25 powers and duties.

SECTION 15.

26
27 The Act providing for the Henry County Board of Elections, approved April 5, 1995
28 (Ga. L. 1995, p. 4198), is repealed in its entirety. It is the intention of the General Assembly
29 that the Henry County Board of Elections and Registration created by this Act shall be the
30 successor to the Henry County Board of Elections.

1

SECTION 16.

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