

House Bill 146

By: Representatives Channell of the 116th, Parham of the 141st, and Hudson of the 124th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Putnam 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 certain expenditures of
7 public funds; to provide for compensation of members of the board and personnel; to provide
8 for offices and equipment; to provide for the board's performance of certain functions and
9 duties for certain municipalities; to provide for related matters; to provide effective dates; to
10 repeal conflicting laws; and 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 the
14 Board of Elections and Registration of Putnam County, hereinafter referred to as "the board."
15 The board shall have the powers, duties, and responsibilities of the judge of the probate court
16 of Putnam County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"
17 and the powers, duties, and responsibilities of the board of registrars of Putnam County
18 under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

19 style="text-align:center">**SECTION 2.**

20 The terms "election," "elector," "political party," "primary," and "public office" shall have
21 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
22 Code," unless otherwise clearly apparent from the text of this Act, and the term
23 "commissioners" means the Board of Commissioners of Putnam County and "county" means
24 Putnam County.

SECTION 3.

(a) The board shall be composed of three members who shall be appointed as provided in this section.

(b) The members of the board shall be appointed by the governing authority of Putnam County. In making such appointments, the governing authority shall appoint at least one member from the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member and at least one member from the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member.

(c) One member of the board shall be selected by the governing authority of Putnam County to serve as chairperson of the board who shall serve as such during his or her term of office.

(d) All appointments to the board shall be promptly certified by the governing authority of Putnam County to the clerk of the Superior Court of Putnam County.

(e) In making the initial appointments to the board, the members shall be appointed by the governing authority of Putnam County not later than June 1, 2005. The governing authority shall designate one of the initial appointees to serve a term beginning on July 1, 2005, and ending on June 30, 2007, and until his or her successor is duly appointed and qualified. Successors to such member shall thereafter be appointed to serve a term of office of four years beginning July 1, 2007, and until his or her successor is duly appointed and qualified. The other appointees shall serve terms beginning on July 1, 2005, and ending on June 30, 2009, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning July 1, 2009, and until their successors are duly appointed and qualified. Thereafter, all members shall be appointed to serve four-year terms of office.

SECTION 4.

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

(b) Members of the board must be residents of Putnam County and must have been registered voters in Putnam County for a period of at least one year prior to the date of their appointment to the board.

SECTION 5.

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2 The governing authority of Putnam County shall certify the appointment of each member of
3 the board by filing an affidavit with the clerk of the superior court no later than 15 days
4 preceding the date upon which such members are to take office, stating the name and
5 residential address of the person appointed and certifying such member has been duly
6 appointed as provided in this Act. The clerk of the superior court shall record each of such
7 certifications on the minutes of the superior court and shall certify the name of each such
8 appointed member to the Secretary of State and provide for the issuance of appropriate
9 commissions to the members within the same time and in the same manner as provided by
10 law for registrars.

SECTION 6.

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12 Each member of the board shall be eligible to serve two full four-year terms of office, shall
13 have the right to resign at any time by giving written notice of such resignation to the
14 governing authority of Putnam County and to the clerk of the superior court, and shall be
15 subject to removal from the board by the governing authority of Putnam County at any time,
16 for cause, after notice and hearing.

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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28 (a) The board shall be authorized to organize itself, determine its procedural rules and
29 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
30 take such action as is appropriate to the management of the affairs committed to its
31 supervision; provided, however, that no such action shall conflict with state law. Action and
32 decision by the board shall be by a majority of the members of the board. The board shall

1 be responsible for the selection, appointment, and training of poll workers in primaries and
2 elections.

3 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
4 directives governing the execution of matters within its jurisdiction. Any specially called
5 meeting shall be called by the chairperson or any two members of the board. The board shall
6 maintain a written record of policy decisions amended to include additions or deletions.
7 Such written records shall be made available for the public to review.

8 **SECTION 10.**

9 The board shall have the authority to contract with any municipality located within Putnam
10 County for the holding by the board of any primary or election to be conducted within such
11 municipality.

12 **SECTION 11.**

13 (a) The governing authority of Putnam County shall be authorized to appoint an election
14 supervisor to generally supervise, direct, and control the administration of the affairs of the
15 board pursuant to law and duly adopted resolutions of the board. The election supervisor
16 shall not be a member of the board. The election supervisor shall be considered an employee
17 of Putnam County and shall be entitled to the same benefits as other employees of Putnam
18 County.

19 (b) The governing authority of Putnam County is authorized to employ additional clerical
20 assistants as needed to carry out the duties and functions of the board. All such clerical
21 assistants shall be considered to be employees of Putnam County and shall be entitled to the
22 same benefits as other employees of Putnam County.

23 **SECTION 12.**

24 Compensation for the members of the board, election supervisor, clerical assistants, and other
25 employees shall be fixed by the governing authority of Putnam County. Such compensation
26 shall be paid wholly from county funds.

27 **SECTION 13.**

28 The governing authority of Putnam County shall provide the board with such proper and
29 suitable offices, equipment, materials, and supplies and with such clerical assistance and
30 other employees as the governing authority of Putnam County deems appropriate.

SECTION 14.

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2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval for purposes of making initial appointments to the board only. This
4 Act shall become fully effective on July 1, 2005. Upon this Act becoming fully effective,
5 the superintendent of elections of Putnam County and the board of registrars of Putnam
6 County shall be relieved of all powers and duties to which the board succeeds by the
7 provisions of this Act and shall deliver to the board all equipment, supplies, materials, books,
8 papers, records, and facilities pertaining to such powers and duties.

SECTION 15.

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