

Senate Bill 278

By: Senators Jones of the 10th and Starr of the 44th

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the Henry County Board of Elections and Registration; to provide for the  
2 board as a successor to the boards created under prior law; to provide for the powers and  
3 duties of the board; to provide for the appointment, resignation, and removal of its members;  
4 to provide an administrative office for elections and registrations; to staff such office with  
5 an administrative director, clerical assistants, and other employees; to provide compensation  
6 for administrative personnel and members of the board; to terminate the former board of  
7 elections and board of registrars; to repeal a specific Act; to provide an effective date; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 There shall be a Henry County Board of Elections and Registration which shall have  
12 jurisdiction over the conduct of primaries and elections and the registration of electors in  
13 such county, in accordance with the provisions of this Act. The board shall be a continuation  
14 of and a successor to the boards created under prior law.

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

16 Such board shall be composed of five members. Each member of the Henry County Board  
17 of Elections and Registration shall be an elector and a resident of the county and shall be  
18 selected in the following manner:

19 (1) Two members shall be appointed by the chairperson of the county executive  
20 committee of the political party whose candidates at the last preceding regular general  
21 election held for the election of all members of the General Assembly received the largest  
22 number of votes in this state for members of the General Assembly, and two members  
23 shall be appointed by the chairperson of the county executive committee of the political  
24 party whose candidates at such election received the next largest number of such votes;  
25 provided, however, each such appointment shall have been ratified by a majority of the

1 members of each respective executive committee voting at a regularly scheduled meeting  
2 of such executive committee or a meeting duly called and held for such purposes. In the  
3 event such appointments are not ratified by a majority of the members of such executive  
4 committees at least 60 days preceding the date on which such members are to take office,  
5 then the members of the respective executive committees may elect such members by a  
6 two-thirds' majority of the membership of such executive committees at a regularly  
7 scheduled meeting or at a meeting duly called and held for such purposes. In the event  
8 the members of said executive committees fail to elect such members at least 30 days  
9 preceding the date on which such members are to take office, then such members shall  
10 be appointed in accordance with the provisions of Section 5 of this Act.

11 (2) The fifth member of the board shall be appointed by a majority vote of the other four  
12 members of the board. Said fifth member shall be appointed within 30 days of the party  
13 appointed members taking office. The fifth member so selected shall be deemed to be  
14 a member at large. Any appointment made under the provisions of this paragraph shall  
15 also be entered upon the minutes of the governing authority. The appointment of the  
16 member at large shall not be governed by the provisions of Section 5 of this Act.

### 17 **SECTION 3.**

18 No person who holds public office, whether elective or appointive, shall be eligible to serve  
19 as a member of the board during the term of such office, and the position of membership of  
20 any member shall be deemed vacant upon such member qualifying as a candidate for any  
21 elective public office. Neither the acting elections supervisor nor the elections supervisor  
22 shall be eligible to serve as a member of the board, nor shall either of them be appointed or  
23 elected to serve as a member of the board.

### 24 **SECTION 4.**

25 The appointment or election of each appointed or elected member shall be made by the  
26 respective appointing or electing authority by filing an affidavit with the clerk of the superior  
27 court no later than 30 days preceding the date at which such member is to take office that  
28 states the name and residential address of the person appointed or elected and certifying that  
29 such member has been duly appointed or elected as provided in this Act. The appointment  
30 of the fifth member of the board, known as the member at large, shall be made by the other  
31 four members of the board by filing an affidavit with the clerk of the superior court no later  
32 than 15 days preceding the date at which such member is to take office that states the name  
33 and residential address of the person appointed and certifying that such member has been  
34 duly appointed as provided in this Act. The clerk of the superior court shall record each such  
35 certification on the minutes of the court and shall certify the name of each appointed or

1 elected member to the Secretary of State and provide for the issuance of appropriate  
2 commissions to the members as provided by law for registrars.

3 **SECTION 5.**

4 In the event any appointing or electing authority fails: (1) to make a regular appointment or  
5 election within the times specified in Section 2 or Section 4 of this Act, or (2) to make an  
6 interim appointment or election to fill a vacancy within 90 days after the creation of such  
7 vacancy, such regular member or the member to fill such vacancy shall be appointed  
8 forthwith by the governing authority of said county. This section shall not apply to the  
9 selection process of the member at large.

10 **SECTION 6.**

11 Each appointed or elected member of the board shall:

12 (1) Serve for a term of two years and until his or her successor is appointed or elected  
13 and qualified, except in the event of resignation or removal as hereinafter provided;

14 (2) Be eligible to succeed himself or herself and have the right to resign at any time by  
15 giving written notice of his or her resignation to the respective appointing or electing  
16 authority and to the clerk of the superior court; and

17 (3) Be subject to removal from the board at any time for cause, after notice and hearing,  
18 in the same manner and by the same authority as is provided for the removal of registrars.

19 **SECTION 7.**

20 In the event a vacancy occurs in the office of any appointed or elected member before the  
21 expiration of his or her term by removal, death, resignation, or otherwise, the respective  
22 appointing or electing authority shall appoint or elect a successor to serve for the remainder  
23 of the unexpired term. The clerk of the superior court shall be notified of interim  
24 appointments or elections and record and certify such appointments or elections in the same  
25 manner as the regular appointment or election of members.

26 **SECTION 8.**

27 (a) The board members shall take office on July 1 of odd-numbered years. The board shall  
28 take no official action until the member at large has been certified to the clerk of the superior  
29 court.

30 (b) Before entering upon his or her duties, each member shall take substantially the same  
31 oath as required by law for registrars and shall have the same privileges from arrest.

**SECTION 9.**

The board shall:

(1) With regard to the preparation for and conduct of elections, succeed to and exercise all duties and powers granted to and incumbent upon the Henry County Board of Elections or probate judge by general or local law of whatever nature and kind;

(2) With regard to preparation for and conduct of primaries, succeed to all the duties and powers granted to and incumbent upon the Henry County Board of Elections or probate judge by general or local law of whatever nature and kind; and

(3) With regard to the registration of electors, succeed to and exercise all powers, duties, and responsibilities conferred upon and incumbent upon the Henry County Board of Registrars pursuant to general law of whatever nature and kind.

**SECTION 10.**

Any rule or regulation promulgated by a county executive committee with regard to the conduct of primaries shall be null and void if in conflict with a valid rule or regulation of the Board of Elections and Registration.

**SECTION 11.**

Nothing in this Act shall be construed to require or prohibit joint primaries or to require or prohibit the governing authority or any other public agency to bear any expense of conducting primaries not otherwise required by law.

**SECTION 12.**

With the consent of the governing authority, the board shall be authorized to expend public funds for the purpose of preparing and distributing material solely to adequately inform and instruct 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.**

(a) The board shall be authorized and empowered to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws, 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.

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

1 (c) The board shall maintain a written record of policy decisions that shall be amended to  
2 include additions or deletions. Such written record shall be made available for the public to  
3 review.

4 **SECTION 14.**

5 This board shall fix and establish by appropriate resolution entered on its minutes directives  
6 governing the execution of matters within its jurisdiction. The board shall hold regular  
7 monthly meetings to be held at the county courthouse. Any special called meetings, held  
8 pursuant to the bylaws adopted by the board, shall be held only after written notification of  
9 the time and place of such meeting has been communicated in writing to the person  
10 designated by the county governing authority to provide public information. All meetings  
11 of whatever kind of the board shall be open to the public.

12 **SECTION 15.**

13 The board shall be responsible for the selection and appointment of an administrative  
14 director, to be known as the elections supervisor, to administer and supervise conduct of  
15 elections, primaries, and registration of electors for the county. Compensation shall be  
16 determined in accordance with and under the merit system established by the governing  
17 authority of the county. Compensation for the elections supervisor shall be paid by the  
18 governing authority under the merit system wholly from county funds.

19 **SECTION 16.**

20 The governing authority of the county shall expend public funds to provide the elections  
21 supervisor with such proper and suitable administrative offices and with such clerical  
22 assistants and other employees as the governing authority shall deem appropriate in  
23 accordance with the merit system. Compensation for such administrative personnel shall be  
24 paid by the governing authority under the merit system wholly from county funds.

25 **SECTION 17.**

26 The board shall be responsible for the selection, appointment, and training of poll workers  
27 in elections. Such workers shall be appointed, insofar as practical, from lists provided by the  
28 county executive committees of the two major political parties appointing members to the  
29 Board of Elections and Registration.

30 **SECTION 18.**

31 Compensation for members on the board shall be set at \$200.00 a month. Said compensation  
32 shall be paid by the governing authority wholly from county funds.

**SECTION 19.**

The words "election," "elector," "political party," "primary," "public office," "special election," and "special primary" shall have the same meaning ascribed to those words by general state law, as amended, unless otherwise clearly apparent from the text of this Act.

**SECTION 20.**

Effective on the date the board can first take official action under Section 8 of this Act, the Henry County Board of Elections and the Board of Registrars of Henry County shall be relieved from all powers and duties to which the board of elections and registration succeeds by the provisions of this Act and shall deliver thereafter to the chair of the board, upon the chair's written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

**SECTION 21.**

This Act shall become effective July 1, 2005, except that for purposes of appointment of board members, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 22.**

An Act creating the Henry County Board of Elections (Ga. L. 1995, p. 4198) is specifically repealed.

**SECTION 23.**

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