

House Bill 673

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Coffee 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 and compensation; to provide for the board's  
9 performance of certain functions and duties for certain municipalities; to provide for related  
10 matters; to provide effective dates; to 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 Coffee County, hereinafter referred to as "the board."  
15 The board shall have the powers and duties of the former superintendent of elections of  
16 Coffee County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"  
17 relating to the conduct of primaries and elections and the former board of registrars of Coffee  
18 County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," relating  
19 to the registration of electors and absentee voting.

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

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

**SECTION 3.**

1  
2 (a) The board shall be composed of five members, each of whom shall be an elector and  
3 resident of the county and who shall be appointed as provided in this section.

4 (b) Each member of the Board of Commissioners of Coffee County shall appoint one  
5 member to the board.

6 (c) All appointments to the board shall be promptly submitted to the chief judge of the  
7 Superior Court of Coffee County who shall confirm such appointments and certify them to  
8 the clerk of the Superior Court of Coffee County.

9 (d) In making the initial appointments to the board, the members shall be selected by not  
10 later than June 1, 2005. Each person appointed to the board shall serve a term of office that  
11 is concurrent with the term of the member of the Board of Commissioners of Coffee County  
12 that appointed such person.

13 (e) At their first meeting in each odd-numbered year, the board shall elect from its members  
14 a chairperson.

**SECTION 4.**

15  
16 (a) No person who holds elective public office shall be eligible to serve as a member of the  
17 board during the term of such elective office, and the position of any member of the board  
18 shall be deemed vacant upon such member's qualifying as a candidate for elective public  
19 office.

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

23 (c) No member of the board shall be related by blood or marriage closer than first cousins  
24 to any elected official in Coffee County nor shall any member of the board be employed by  
25 or work directly for any agency of state government or Coffee County.

26 (d) No member of the board shall have been convicted of any crime involving moral  
27 turpitude or election fraud or have been found by any civil or administrative court or tribunal  
28 to have committed election fraud. Upon indictment of any crime involving election fraud  
29 or involving moral turpitude, a member shall resign from the board or be terminated.

**SECTION 5.**

30  
31 The appointing authorities shall certify the appointment of each member of the board by  
32 filing an affidavit with the chief judge of the superior court no later than 15 days preceding  
33 the date upon which such members are to take office, stating the name and residential address  
34 of the person appointed and certifying such member has been duly appointed as provided in

1 this Act. Upon confirmation by the chief judge, the clerk of the superior court shall record  
2 each of such certifications on the minutes of the superior court and shall certify the name of  
3 each such appointed member to the Secretary of State and provide for the issuance of  
4 appropriate commissions to the members within the same time and in the same manner as  
5 provided by law for registrars.

6 **SECTION 6.**

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

12 **SECTION 7.**

13 In the event a vacancy occurs in the office of any appointed member before the expiration  
14 of his or her term, by removal, death, resignation, or otherwise, and there is more than one  
15 year remaining in the member's term of office, the appointing member of the board of  
16 commissioners shall appoint a successor within ten business days after the occurrence of the  
17 vacancy to serve the remainder of the unexpired term as provided for in Section 3 of this Act.  
18 Otherwise, the vacancy shall be filled by appointment by the chief judge of the Superior  
19 Court of Coffee County within ten business days after the occurrence of the vacancy.  
20 Notwithstanding any other provision of this section to the contrary, if the vacancy occurs  
21 within 45 days of a primary election or is brought on by the return of an indictment against  
22 a member, the vacancy shall be filled by appointment by the chief judge of the Superior  
23 Court of Coffee County within ten business days following the occurrence of such vacancy;  
24 provided, however, that if the vacancy occurs within 45 days of an election in which the chief  
25 judge of the Superior Court of Coffee County is on the ballot for election, such vacancy shall  
26 be filled by appointment by the judge of the Superior Court of Coffee County who is most  
27 senior in time of service and who is not on the ballot for election. The clerk of the superior  
28 court shall be notified of such interim appointments and record and certify such appointments  
29 in the same manner as the regular appointment of members.

30 **SECTION 8.**

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

**SECTION 9.**

1  
2 (a) The board shall be authorized to organize itself, determine its procedural rules and  
3 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise  
4 take such action as is appropriate to the management of the affairs committed to its  
5 supervision; provided, however, that no such action shall conflict with state law. Action and  
6 decision by the board shall be by a majority of the members of the board. The board shall be  
7 responsible for the selection, appointment, and training of poll workers in primaries and  
8 elections and such workers shall be appointed, insofar as practicable, from lists provided to  
9 the board by the county executive committee of each political party.

10 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,  
11 directives governing the execution of matters within its jurisdiction. The board shall hold  
12 regular meetings on the first Tuesday of each month and more often if needed in the opinion  
13 of the members. The time of such meetings shall be set by the board. Any specially called  
14 meeting shall be called by the chairperson or any three members of the board. The board  
15 shall maintain a written record of policy decisions amended to include additions or deletions.  
16 Such written records shall be made available for the public to review.

17 (c) Members of the board shall receive not less than \$100.00 per month compensation for  
18 service on the board. The chairperson shall receive not less than \$200.00 per month  
19 compensation. On primary and election days and during the period of advance voting  
20 pursuant to subsection (b) of Code Section 21-2-380 of the O.C.G.A., the chairperson and  
21 members of the board shall be compensated at the rate of \$10.00 per hour. The hours of  
22 service shall be certified to the commissioners by the chairperson of the board.

**SECTION 10.**

23  
24 The board shall have the authority to contract with any municipality located within Coffee  
25 County for the holding by the board of any primary or election to be conducted within such  
26 municipality.

**SECTION 11.**

27  
28 (a) The board shall, with the approval of the commissioners, appoint an elections supervisor  
29 who shall generally supervise, direct, and control the administration of the affairs of the  
30 board pursuant to law and duly adopted resolutions of the board. The election supervisor  
31 shall not be a member of the board. The election supervisor shall be considered an employee  
32 of Coffee County and shall be entitled to the same benefits as other employees of Coffee  
33 County. The election supervisor shall maintain regular office hours as directed by the  
34 governing authority of Coffee County.

35 (b) The supervisor of elections shall not be an active member of any political party or body.

1 (c) Upon indictment of any crime involving election fraud or involving moral turpitude, the  
2 election supervisor shall resign or be terminated from the position. Such vacancy shall be  
3 filled by appointment of the board within ten business days following the occurrence of such  
4 vacancy.

5 (d) The board is authorized, with the approval of the commissioners, to employ additional  
6 clerical assistants as needed to carry out the duties and functions of the board. All such  
7 clerical assistants shall be considered to be employees of Coffee County and shall be entitled  
8 to the same benefits as other employees of Coffee County. Upon indictment of any crime  
9 involving election fraud or involving moral turpitude, a clerical assistant shall resign or be  
10 terminated from his or her position.

11 **SECTION 12.**

12 Compensation for the members of the board, election superintendent, clerical assistants, and  
13 other employees shall be fixed by the board of commissioners in accordance with the  
14 provisions of this Act. Such compensation shall be paid wholly from county funds.

15 **SECTION 13.**

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

19 (b) The commissioners shall also cause periodic audits to be made of the board and its  
20 offices.

21 **SECTION 14.**

22 This Act shall become effective upon its approval by the Governor or upon its becoming law  
23 without such approval for purposes of making initial appointments to the board only. This  
24 Act shall become fully effective on July 1, 2005. Upon this Act becoming fully effective,  
25 the superintendent of elections of Coffee County and the board of registrars of Coffee County  
26 shall be relieved of all powers and duties to which the board succeeds by the provisions of  
27 this Act and shall deliver to the board all equipment, supplies, materials, books, papers,  
28 records, and facilities pertaining to such powers and duties.

29 **SECTION 15.**

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