

The House Committee on State Planning and Community Affairs - Local Legislation offers the following substitute to HB 673:

**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 **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 **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.

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SECTION 3.

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 nominate one
5 member to the board. Each nominee shall be approved by a majority vote of the Board of
6 Commissioners of Coffee County.

7 (c) All appointments to the board shall be promptly submitted to the chief judge of the
8 Superior Court of the Waycross Judicial Circuit for confirmation by a majority vote of the
9 judges of the superior court of the Waycross Judicial Circuit who shall certify them to the
10 clerk of the Superior Court of Coffee County.

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

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

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SECTION 4.

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

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

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

28 (d) No member of the board shall have been convicted of any felony involving moral
29 turpitude or election fraud or have been found by any civil or administrative court or tribunal
30 to have committed election fraud. Upon indictment of any felony involving election fraud
31 or moral turpitude, a member shall stand immediately terminated as a matter of law.

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SECTION 5.

33 The appointing authorities shall certify the appointment of each member of the board by
34 filing an affidavit with the chief judge of the Superior Court of the Waycross Judicial Circuit

1 no later than 15 days preceding the date upon which such members are to take office, stating
2 the name and residential address of the person appointed and certifying such member has
3 been duly appointed as provided in this Act. Upon confirmation by the chief judge, the clerk
4 of the superior court shall record each of such certifications on the minutes of the superior
5 court and shall certify the name of each such appointed member to the Secretary of State and
6 provide for the issuance of appropriate commissions to the members within the same time
7 and in the same manner as provided by law for registrars.

SECTION 6.

9 Each member of the board shall be eligible to serve successive terms, shall have the right to
10 resign at any time by giving written notice of such resignation to the appointing body and to
11 the clerk of the superior court, and shall be subject to removal from the board at any time,
12 for cause, after notice and hearing, by the board or by the chief judge of the Superior Court
13 of the Waycross Judicial Circuit.

SECTION 7.

In the event a vacancy occurs in the office of any board member before the expiration of his or her term, by removal, death, resignation, or otherwise, and there is more than one year remaining in the member's term of office, the nominating member of the board of commissioners shall nominate a successor within ten business days after the occurrence of the vacancy to serve the remainder of the unexpired term as provided for in Section 3 of this Act. Otherwise, the vacancy shall be filled by appointment by the chief judge of the Superior Court of the Waycross Judicial Circuit within ten business days after the occurrence of the vacancy. Notwithstanding any other provision of this section to the contrary, if the vacancy occurs within 45 days of a primary election or is brought on by the return of an indictment against a member, the vacancy shall be filled by appointment by the chief judge of the Superior Court of the Waycross Judicial Circuit within ten business days following the occurrence of such vacancy; provided, however, that if the vacancy occurs within 45 days of an election in which the chief judge of the Superior Court of the Waycross Judicial Circuit is on the ballot for election, such vacancy shall be filled by appointment by the judge of the Superior Court of the Waycross Judicial Circuit who is most senior in time of service and who is not on the ballot for election. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

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

SECTION 9.

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

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

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

SECTION 10.

27 The board shall have the authority to contract with any municipality located within Coffee
28 County for the holding by the board of any primary or election to be conducted within such
29 municipality.

SECTION 11.

31 (a) The board shall, with the approval of the commissioners, appoint an elections supervisor
32 who shall generally supervise, direct, and control the administration of the affairs of the
33 board pursuant to law and duly adopted resolutions of the board. The election supervisor
34 shall not be a member of the board. The election supervisor shall be considered an employee

1 of Coffee County and shall be entitled to the same benefits as other employees of Coffee
2 County. The election supervisor shall be subject to all personnel and policy procedures of
3 Coffee County. The election supervisor shall maintain regular office hours as directed by
4 the governing authority of Coffee County.

5 (b) The supervisor of elections shall not be an active member of any political party or body.
6 (c) Upon indictment of any felony involving election fraud or moral turpitude, the election
7 supervisor shall be terminated from the position as a matter of law. Such vacancy shall be
8 filled by appointment of the board within ten business days following the occurrence of such
9 vacancy.

10 (d) The board is authorized, with the approval of the commissioners, to employ additional
11 clerical assistants as needed to carry out the duties and functions of the board. All such
12 clerical assistants shall be considered to be employees of Coffee County and shall be entitled
13 to the same benefits as other employees of Coffee County. Any clerical assistants shall be
14 subject to all personnel and policy procedures of Coffee County. Upon indictment of any
15 felony involving election fraud or moral turpitude, a clerical assistant shall resign or be
16 terminated from his or her position.

17 **SECTION 12.**

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

21 **SECTION 13.**

22 (a) The Board of Commissioners of Coffee County shall provide the board with such proper
23 and suitable offices, equipment, materials, and supplies and with such clerical assistance and
24 other employees as the Board of Commissioners of Coffee County deems appropriate.
25 (b) The commissioners shall also cause periodic audits to be made of the board and its
26 offices.

27 **SECTION 14.**

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

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SECTION 15.

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