

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 146:

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 for submission for
10 preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to
11 provide effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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."
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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.
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SECTION 3.

1
2 (a) The board shall be composed of five members who shall be appointed as provided in this
3 section.

4 (b) Two members of the board shall be appointed by the chairperson of the county executive
5 committee of the political party which received the highest number of votes within the
6 county for its candidate for Governor in the general election immediately preceding the
7 appointment of such member. Two members of the board shall be appointed by the
8 chairperson of the political party which received the second highest number of votes within
9 the county for its candidate for Governor in the general election immediately preceding the
10 appointment of such member. Each appointment shall have been ratified by a majority of
11 the members of each of such respective executive committees voting at a regularly scheduled
12 meeting of such executive committees or a meeting duly called and held for such purpose.
13 In the event that the members of said executive committees fail to appoint such members at
14 least 30 days preceding the date on which such members are to take office, such members
15 shall be appointed by the governing authority of Putnam County. In the event that there is
16 no county executive committee of a political party, the appointments on behalf of such
17 political party shall be made by the state executive committee of such party.

18 (c) One member of the board shall be selected by the governing authority of Putnam County.

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

21 (e) The initial appointees to the board shall take office on July 1, 2005. The member
22 appointed by the governing authority of Putnam County and one of the two members
23 appointed by each political party shall serve terms beginning on July 1, 2005, and ending on
24 June 30, 2009, and until his or her respective successor is duly appointed and qualified.
25 Successors to each such member shall thereafter be appointed by the appropriate appointing
26 authority to serve a term of office of four years beginning July 1, 2009, and until his or her
27 respective successor is duly appointed and qualified. The other appointee of each political
28 party shall serve a term beginning on July 1, 2005, and ending on June 30, 2007, and until
29 his or her respective successor is duly appointed and qualified. Successors to such members
30 shall thereafter be appointed by the appropriate appointing authority to serve terms of office
31 of four years beginning July 1, 2007, and until their successors are duly appointed and
32 qualified. Thereafter, all members shall be appointed to serve four-year terms of office. The
33 executive committees of each political party making the initial appointments under this
34 section shall designate which term each appointee shall serve.

35 (f) The member of the board appointed by the governing authority of Putnam County shall
36 serve as chairperson.

SECTION 4.

1 The board shall be authorized to appoint a person to serve as the election supervisor of
 2 Putnam County. Such position shall be full-time and such person shall be paid a salary to
 3 be set by the board and payable from county funds. The election supervisor shall generally
 4 direct and control the administration of the affairs of the board pursuant to law and duly
 5 adopted resolutions of the board. The election supervisor shall be supervised by the board
 6 and shall be subject to removal from office by the board, with or without cause, and shall be
 7 subject to removal from office by the Board of Commissioners of Putnam County pursuant
 8 to the Putnam County personnel policy in effect at the time, hereby making the election
 9 supervisor subject to such personnel policy.
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SECTION 5.

11 Each member of the board shall:

- 12 (1) Be eligible to be reappointed to succeed such member up to a total of two full
 13 four-year terms of office;
- 14 (2) Have the right to resign at any time by giving written notice of such resignation to
 15 the governing authority of Putnam County and to the clerk of the superior court; and
- 16 (3) Be subject to removal from the board at any time, for cause, after notice and hearing,
 17 by the chief judge of the Superior Court of Putnam County.
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SECTION 6.

19 (a) The appointing authority shall certify the appointment of each member of the board by
 20 filing an affidavit with the clerk of the superior court no later than 30 days preceding the date
 21 upon which such members are to take office, stating the name and residential address of the
 22 person appointed and certifying such member has been duly appointed as provided in this
 23 Act.
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25 (b) The clerk of the superior court shall record each of such certifications on the minutes of
 26 the superior court and shall certify the name of each such appointed member to the Secretary
 27 of State and provide for the issuance of appropriate commissions to the members within the
 28 same time and in the same manner as provided by law for registrars.

SECTION 7.

29 In the event a vacancy occurs in the office of any member before the expiration of his or her
 30 term, by removal, death, resignation, or otherwise, the appointing authority which is required
 31 under Section 3 of this Act to make the appointment to the office upon the expiration of the
 32 term shall appoint a successor to serve the remainder of the unexpired term as provided for
 33 in Section 3 of this Act. If the vacancy in office is not filled within 60 days after it occurs,
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1 the vacancy shall be filled for the remainder of the term by the governing authority of
2 Putnam County. The clerk of the superior court shall be notified of such interim
3 appointments and record and certify such appointments in the same manner as the regular
4 appointment of members.

5 **SECTION 8.**

6 (a) The first members of the board under this Act shall be appointed as provided in this Act
7 to take office on July 1, 2005. The board shall take no official action until all members have
8 been certified to the clerk of the Superior Court of Putnam County.

9 (b) Before entering upon the member's duties, each member shall take substantially the
10 same oath as required by law for registrars and shall have the same privileges from arrest.

11 **SECTION 9.**

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

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

19 **SECTION 10.**

20 (a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require
21 or prohibit the commissioners or any other public agency to bear any expense of conducting
22 primaries not otherwise required by law.

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

26 **SECTION 11.**

27 With the approval of the commissioners, the board shall be authorized to expend public funds
28 for the purpose of preparing and distributing material solely to inform and instruct electors
29 of the county adequately with regard to elections. No material distributed by the board shall
30 contain or express, in any manner or form, any commentary or expression of opinion or
31 request for support with respect to any political issue or matter of political concern.

SECTION 12.

(a) The board shall be authorized and empowered to organize itself, elect from among its members a vice chairperson, 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 its affairs; 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.

SECTION 13.

(a) 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 meetings at the county courthouse or at the place of meeting of the commissioners. Any specially called meetings held pursuant to the bylaws adopted by the board shall be held only after notification of the time and place of the holding of such special meeting has been communicated in writing to the election supervisor to provide public notice of the meeting as required by law. All meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A.

(b) 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 pursuant to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.

SECTION 14.

(a) The chairperson of the board of elections and registration shall chair all meetings of the board and be the spokesperson for the board.

(b) Compensation for the members of the board shall be fixed by the commissioners.

(c) All amounts payable under this section shall be paid from the funds of Putnam County.

SECTION 15.

Subject to appropriation of funds by the commissioners, the board shall be authorized to expend public funds to provide for such proper and suitable administrative offices and for such clerical assistants and other employees as the board shall deem appropriate. Such clerical assistants and other employees shall be subject to removal from office by the Board of Commissioners of Putnam County pursuant to the Putnam County personnel policy in effect at the time, hereby making such clerical assistants and other employees subject to such personnel policy. Compensation for such administrative personnel shall be paid by the board under the county personnel system wholly from county funds. This section shall not be

1 construed so as to require the board to expend any funds simply because it is authorized to
2 do so under this Act.

3 **SECTION 16.**

4 The board shall be responsible for the selection, appointment, and training of poll workers.

5 **SECTION 17.**

6 The Board of Commissioners of Putnam County shall cause, through its legal counsel, this
7 Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of
8 1965, as amended, within 45 days after the date on which this Act is approved by the
9 Governor or otherwise becomes law without such approval.

10 **SECTION 18.**

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

18 **SECTION 19.**

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