

Senate Bill 352

By: Senators Douglas of the 17th and Starr of the 44th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To abolish the Board of Elections for Henry County, as established by an Act approved April
2 5, 1995 (Ga. L. 1995, p. 4198), establishing the same; to create a board of elections and
3 registration for Henry County and provide for its powers and duties; to provide for
4 definitions; to provide for the composition of the board and the selection and appointment
5 of members; to provide for the qualification, terms, and removal of members; to provide for
6 oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain
7 officers of powers and duties and to provide for the transfer of functions to the newly created
8 board; to provide for expenditures of public funds; to provide for compensation of members
9 of the board; to provide for offices and equipment; to provide for personnel, including a chief
10 election official, and compensation; to provide for the board's performance of certain
11 functions and duties for certain municipalities; to provide for related matters; to specifically
12 repeal the law establishing the former board of elections; to provide an effective date; to
13 repeal conflicting laws; and for other purposes.

14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

15 **SECTION 1.**

16 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created,
17 effective upon the approval of this Act, the Henry County Board of Elections and
18 Registration, hereinafter referred to as "the board." The board shall have the powers and
19 duties of the former Henry County election superintendent relating to the conduct of
20 primaries and elections and shall have the powers and duties of the board of registrars
21 relating to the registration of voters and absentee balloting procedures.

22 **SECTION 2.**

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

1 "commissioners" means the Board of Commissioners of Henry County and the term "county"
2 means Henry County.

3 **SECTION 3.**

4 The board shall be composed of three members, each of whom shall be an elector and
5 resident of the county and who shall be appointed as provided in this section. One member
6 of the board shall be appointed by the political party that received the highest number of
7 votes within the county for its candidate for Governor in the general election immediately
8 preceding the appointment of the member. One member of the board shall be appointed by
9 the political party that received the second highest number of votes within the county for its
10 candidate for Governor in the general election immediately preceding the appointment of
11 such member. Each of these two respective members appointed by political parties shall be
12 nominated by the chairperson and ratified by the county executive committee of the
13 respective political party at least 30 days before the beginning of the term of office or within
14 30 days after the creation of a vacancy in the office. One member shall be appointed by the
15 Board of Commissioners of Henry County. The board shall select a chairperson from among
16 its members. In making the initial appointments to the board, the members shall be selected
17 no later than 30 days from the effective date of this Act. Initial members and their successors
18 shall be appointed for terms of four years and until their successors are duly appointed and
19 qualified. The term of each initial member shall commence on the day such member's
20 appointment is certified by the appointing authority as provided in Section 5 of this Act.

21 **SECTION 4.**

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

25 **SECTION 5.**

26 The appointing authority shall certify the appointment of each member by filing an affidavit
27 with the clerk of the superior court no later than 15 days preceding the date upon which such
28 members are to take office, stating the name and residential address of the person appointed
29 and certifying such member has been duly appointed as provided in this Act. The clerk of
30 the superior court shall record each of such certifications on the minutes of the superior court
31 and shall certify the name of each such appointed member to the Secretary of State and
32 provide for the issuance of appropriate commissions to the members within the same time
33 and in the same manner as provided by law for registrars.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, hire and 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. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections and such workers shall be appointed, insofar as practicable, from lists provided to the board by the county executive committee of each political party.

(b) 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 regular meetings and shall meet not fewer than six times per year. Any specially called meeting shall be called by the chairperson or all three members. 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.

SECTION 10.

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2 The board shall have the authority to contract with any municipality located within Henry
3 County for the holding by the board of any primary or election to be conducted within such
4 municipality.

SECTION 11.

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6 Compensation for the members of the board, clerical assistants, and other employees shall
7 be fixed by the Board of Commissioners of Henry County. Such compensation shall be paid
8 wholly from county funds.

SECTION 12.

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10 The chairperson of the board shall be the chief executive officer of the board and shall
11 generally supervise, direct, and control the administration of the affairs of the board pursuant
12 to law and duly adopted resolutions of the board. The board shall fix and establish, by
13 appropriate resolution entered on its minutes, directives governing the execution of matters
14 within its jurisdiction.

SECTION 13.

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16 The Board of Commissioners of Henry County shall provide the board with such proper and
17 suitable offices, equipment, materials, and supplies and with such clerical assistance and
18 other employees as the Board of Commissioners of Henry County deems appropriate. Any
19 employees provided by the board of commissioners shall be employees of the board.

SECTION 14.

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21 The board of elections for Henry County, which board was established by an Act approved
22 April 5, 1995 (Ga. L. 1995, p. 4198), is abolished and replaced with the board of elections
23 and registration established by this Act. Said Act is repealed in its entirety.

SECTION 15.

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25 On the effective date of this Act, the Board of Elections and the Board of Registrars of Henry
26 County shall be relieved of all powers and duties to which the board succeeds by the
27 provisions of this Act and shall deliver to the board all equipment, supplies, materials, books,
28 papers, records, and facilities pertaining to such powers and duties.

SECTION 16.

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30 This Act shall become effective upon its approval by the Governor or upon its becoming law
31 without such approval.

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SECTION 17.

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