

House Bill 585 (AS PASSED HOUSE AND SENATE)

By: Representatives Houston of the 170th and Shaw of the 176th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Berrien 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 effective dates; to
10 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 Berrien 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 Berrien 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 Berrien County
18 under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

19 style="text-align:center">**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 Berrien County and "county" means
24 Berrien County.

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) The members of the board shall be appointed by the governing authority of Berrien
5 County. One member of the board shall be selected by the governing authority of Berrien
6 County to serve as chairperson of the board who shall serve as such during his or her term
7 of office.

8 (c) All appointments to the board shall be promptly certified by the governing authority of
9 Berrien County to the clerk of the Superior Court of Berrien County.

10 (d) In making the initial appointments to the board, the members shall be appointed by the
11 governing authority of Berrien County not later than June 1, 2005. The governing authority
12 shall designate two of the initial appointees to serve a term beginning on July 1, 2005, and
13 ending on June 30, 2007, and until their successors are duly appointed and qualified.
14 Successors to such members shall thereafter be appointed to serve a term of office of four
15 years beginning July 1, 2007, and until their successors are duly appointed and qualified.
16 The other appointees shall serve terms beginning on July 1, 2005, and ending on June 30,
17 2009, and until their successors are duly appointed and qualified. Successors to such
18 members shall thereafter be appointed to serve terms of office of four years beginning July 1,
19 2009, and until their successors are duly appointed and qualified. Thereafter, all members
20 shall be appointed to serve four-year terms of office.

SECTION 4.

21
22 (a) 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 of the board
24 shall be deemed vacant upon such member's qualifying as a candidate for elective public
25 office.

26 (b) Members of the board must be residents of Berrien County and must have been
27 registered voters in Berrien County for a period of at least one year prior to the date of their
28 appointment to the board.

SECTION 5.

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30 The governing authority of Berrien County shall certify the appointment of each member of
31 the board by filing an affidavit with the clerk of the superior court no later than 15 days
32 preceding the date upon which such members are to take office, stating the name and
33 residential address of the person appointed and certifying such member has been duly
34 appointed as provided in this Act. The clerk of the superior court shall record each of such

1 certifications on the minutes of the superior court and shall certify the name of each such
2 appointed member to the Secretary of State and provide for the issuance of appropriate
3 commissions to the members within the same time and in the same manner as provided by
4 law for registrars.

5 **SECTION 6.**

6 Each member of the board shall be eligible to serve two full four-year terms of office, shall
7 have the right to resign at any time by giving written notice of such resignation to the
8 governing authority of Berrien County and to the clerk of the superior court, and shall be
9 subject to removal from the board by the governing authority of Berrien County at any time,
10 for cause, after notice and hearing.

11 **SECTION 7.**

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

18 **SECTION 8.**

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

21 **SECTION 9.**

22 (a) The board shall be authorized to organize itself, determine its procedural rules and
23 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
24 take such action as is appropriate to the management of the affairs committed to its
25 supervision; provided, however, that no such action shall conflict with state law. Action and
26 decision by the board shall be by a majority of the members of the board. The board shall
27 be responsible for the selection, appointment, and training of poll workers in primaries and
28 elections.

29 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
30 directives governing the execution of matters within its jurisdiction. Any specially called
31 meeting shall be called by the chairperson or any two members of the board. The board shall
32 maintain a written record of policy decisions amended to include additions or deletions.
33 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 Berrien
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 (a) The governing authority of Berrien County shall be authorized to appoint an election
7 supervisor to generally supervise, direct, and control the administration of the affairs of the
8 board pursuant to law and duly adopted resolutions of the board. Such election supervisor
9 shall not be a member of the board. The election supervisor shall be considered an employee
10 of Berrien County and shall be entitled to the same benefits as other employees of Berrien
11 County.

12 (b) The governing authority of Berrien County is authorized to employ additional clerical
13 assistants as needed to carry out the duties and functions of the board. All such clerical
14 assistants shall be considered to be employees of Berrien County and shall be entitled to the
15 same benefits as other employees of Berrien County.

SECTION 12.

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17 Compensation for the members of the board, election supervisor, clerical assistants, and other
18 employees shall be fixed by the governing authority of Berrien County. Such compensation
19 shall be paid wholly from county funds.

SECTION 13.

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21 The governing authority of Berrien County shall provide the board with such proper and
22 suitable offices, equipment, materials, and supplies and with such clerical assistance and
23 other employees as the governing authority of Berrien County deems appropriate.

SECTION 14.

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

- 1 **SECTION 15.**
- 2 All laws and parts of laws in conflict with this Act are repealed.