

Senate Bill 278

By: Senators Jones of the 10th and Starr of the 44th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for the Henry County Board of Elections and Registration; to provide for the
2 board as a successor to the boards created under prior law; to provide for the powers and
3 duties of the board; to provide for the appointment, resignation, and removal of its members;
4 to provide an administrative office for elections and registrations; to staff such office with
5 an administrative director, clerical assistants, and other employees; to provide compensation
6 for administrative personnel and members of the board; to terminate the former board of
7 elections and board of registrars; to repeal a specific Act; to provide an effective date; to
8 repeal conflicting laws; and for other purposes.

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

10 **SECTION 1.**

11 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A. there is created, effective
12 July 1, 2006, the Henry County Board of Elections and Registration, hereinafter referred to
13 as "the board." The board shall have the powers and duties of the former Henry County
14 election superintendent relating to the conduct of primaries and elections and shall have the
15 powers and duties of the board of registrars relating to the registration of voters and absentee
16 balloting procedures.

17 **SECTION 2.**

18 The board shall be composed of five members. Each member of the Henry County Board
19 of Elections and Registration shall be an elector and a resident of Henry County and shall be
20 selected in the following manner:

21 (1) Two members shall be appointed by the chairperson of the county executive
22 committee of the political party whose candidates at the last preceding regular general
23 election held for the election of all members of the General Assembly received the largest
24 number of votes in this state for members of the General Assembly, and two members
25 shall be appointed by the chairperson of the county executive committee of the political

1 party whose candidates at such election received the next largest number of such votes;
2 provided, however, each such appointment shall have been ratified by a majority of the
3 members of each respective executive committee voting at a regularly scheduled meeting
4 of such executive committee or a meeting duly called and held for such purposes. In the
5 event such appointments are not ratified by a majority of the members of such executive
6 committees at least 60 days preceding the date on which such members are to take office,
7 then the members of the respective executive committees may elect such members by a
8 two-thirds' majority of the membership of such executive committees at a regularly
9 scheduled meeting or at a meeting duly called and held for such purposes. In the event
10 the members of said executive committees fail to elect such members at least 30 days
11 preceding the date on which such members are to take office, then such members shall
12 be appointed in accordance with the provisions of Section 5 of this Act.

13 (2) The fifth member of the board shall be appointed by a committee formed for such
14 purpose by the governing authority of Henry County. Said fifth member shall be
15 appointed within 30 days of the party appointed members taking office. The fifth
16 member so selected shall be deemed to be a member at large. Any appointment made
17 under the provisions of this paragraph shall also be entered upon the minutes of the
18 governing authority of Henry County. The appointment of the member at large shall not
19 be governed by the provisions of Section 5 of this Act.

20 **SECTION 3.**

21 No person who holds public office, whether elective or appointive, shall be eligible to serve
22 as a member of the board during the term of such office, and the position of membership of
23 any member shall be deemed vacant upon such member qualifying as a candidate for any
24 elective public office. Neither the acting elections supervisor nor the elections supervisor
25 shall be eligible to serve as a member of the board, nor shall either of them be appointed or
26 elected to serve as a member of the board.

27 **SECTION 4.**

28 The appointment or election of each member shall be made by the respective appointing or
29 electing authority by filing an affidavit with the clerk of the superior court no later than 30
30 days preceding the date at which such member is to take office that states the name and
31 residential address of the person appointed or elected and certifies that such member has been
32 duly appointed or elected as provided in this Act. The appointment of the fifth member of
33 the board, known as the member at large, shall be made by a committee formed for such
34 purpose by the governing authority of Henry County by filing an affidavit with the clerk of
35 the superior court no later than 15 days preceding the date at which such member is to take

1 office that states the name and residential address of the person appointed and certifies that
2 such member has been duly appointed as provided in this Act. The clerk of the superior
3 court shall record each such certification on the minutes of the court and shall certify the
4 name of each member to the Secretary of State and provide for the issuance of appropriate
5 commissions to the members as provided by law for registrars.

6 **SECTION 5.**

7 In the event any appointing or electing authority fails: (1) to make a regular appointment or
8 election within the times specified in Section 2 or Section 4 of this Act, or (2) to make an
9 interim appointment or election to fill a vacancy within 90 days after the creation of such
10 vacancy, such regular member or the member to fill such vacancy shall be appointed
11 forthwith by the governing authority of Henry County. This section shall not apply to the
12 selection process of the member at large.

13 **SECTION 6.**

14 Each member of the board shall:

- 15 (1) Serve for a term of two years and until his or her successor is appointed or elected
16 and qualified, except in the event of resignation or removal as provided in Section 7 of
17 this Act;
- 18 (2) Be eligible to succeed himself or herself and have the right to resign at any time by
19 giving written notice of his or her resignation to the appropriate appointing or electing
20 authority and to the clerk of the superior court; and
- 21 (3) Be subject to removal from the board at any time for cause, after notice and hearing,
22 in the same manner and by the same authority as is provided for the removal of registrars.

23 **SECTION 7.**

24 In the event a vacancy occurs in the office of any member before the expiration of his or her
25 term by removal, death, resignation, or otherwise, the appropriate appointing or electing
26 authority shall appoint or elect a successor to serve for the remainder of the unexpired term.
27 The clerk of the superior court shall be notified of interim appointments or elections and
28 record and certify such appointments or elections in the same manner as the regular
29 appointment or election of members.

30 **SECTION 8.**

31 (a) The board members shall take office on July 1 of odd-numbered years. The board shall
32 take no official action until the member at large has been certified to the clerk of the superior
33 court.

1 (b) Before entering upon his or her duties, each member shall take substantially the same
2 oath as required by law for registrars and shall have the same privileges from arrest.

3 **SECTION 9.**

4 The board shall:

- 5 (1) With regard to the preparation for and conduct of elections, succeed to and exercise
6 all duties and powers granted to and incumbent upon the Henry County Board of
7 Elections or probate judge by general or local law of whatever nature and kind;
8 (2) With regard to preparation for and conduct of primaries, succeed to all the duties and
9 powers granted to and incumbent upon the Henry County Board of Elections or probate
10 judge by general or local law of whatever nature and kind; and
11 (3) With regard to the registration of electors, succeed to and exercise all powers, duties,
12 and responsibilities conferred upon and incumbent upon the Henry County Board of
13 Registrars pursuant to general law of whatever nature and kind.

14 **SECTION 10.**

15 Any rule or regulation promulgated by the county executive committee with regard to the
16 conduct of primaries shall be null and void if in conflict with a valid rule or regulation of the
17 board.

18 **SECTION 11.**

19 Nothing in this Act shall be construed to require or prohibit joint primaries or to require or
20 prohibit the governing authority of Henry County or any other public agency to bear any
21 expense of conducting primaries not otherwise required by law.

22 **SECTION 12.**

23 With the consent of the governing authority of Henry County, the board shall be authorized
24 to expend public funds for the purpose of preparing and distributing material solely to
25 adequately inform and instruct electors of the county with regard to elections. No material
26 distributed by the board shall contain or express, in any manner or form, any commentary
27 or expression of opinion or request for support with respect to any political issue or matter
28 of political concern.

29 **SECTION 13.**

30 (a) The board shall be authorized and empowered to organize itself, elect its officers,
31 determine its procedural rules and regulations, adopt bylaws, specify the functions and duties
32 of its employees, and otherwise take such action as is appropriate to the management of the

1 affairs committed to its supervision; provided, however, that no such action shall conflict
2 with state law.

3 (b) Action and decision by the board shall be by a majority of the members of the board.
4 (c) The board shall maintain a written record of policy decisions that shall be amended to
5 include additions or deletions. Such written record shall be made available for the public to
6 review.

7 **SECTION 14.**

8 The board shall fix and establish by appropriate resolution entered on its minutes directives
9 governing the execution of matters within its jurisdiction. The board shall hold regular
10 monthly meetings to be held at the county courthouse. Any specially called meetings, held
11 pursuant to the bylaws adopted by the board, shall be held only after written notification of
12 the time and place of such meeting has been communicated in writing to the person
13 designated by the county governing authority to provide public information. All meetings
14 of whatever kind of the board shall be open to the public.

15 **SECTION 15.**

16 An administrative director, to be known as the elections supervisor, to administer and
17 supervise conduct of elections, primaries, and registration of electors for the county, shall be
18 selected by the senior judge of the superior court of the Flint Judicial Circuit, upon
19 recommendation by the grand jury of Henry County, in the manner provided for the
20 appointment of registrars under subsection (a) of Code Section 21-2-212 of the O.C.G.A.,
21 for a term of two years coinciding with the term of the party appointed members of the board.
22 Compensation shall be determined in accordance with and under the personnel policies
23 established by the governing authority of the county. Compensation for the elections
24 supervisor shall be paid by the governing authority pursuant to its personnel policies wholly
25 from county funds.

26 **SECTION 16.**

27 The governing authority of the county shall expend public funds to provide the elections
28 supervisor with such proper and suitable administrative offices and with such clerical
29 assistants and other employees as the governing authority shall deem appropriate in
30 accordance with the merit system. Compensation for such administrative personnel shall be
31 paid by the governing authority under its personnel policies wholly from county funds.

SECTION 17.

1 The board shall be responsible for the selection, appointment, and training of poll workers
2 in elections. Such workers shall be appointed, insofar as practical, from lists provided by the
3 county executive committees of the two major political parties appointing members to the
4 board.

SECTION 18.

6 Compensation for board members shall be \$200.00 a month. Said compensation shall be
7 paid by the governing authority wholly from county funds.

SECTION 19.

9 The words "election," "elector," "political party," "primary," "public office," "special
10 election," and "special primary" shall have the same meanings ascribed to those words by
11 general state law, as amended, unless otherwise clearly apparent from the text of this Act.

SECTION 20.

13 Effective on the date the board can first take official action under Section 8 of this Act, the
14 Henry County Board of Elections and the Board of Registrars of Henry County shall be
15 relieved from all powers and duties to which the board of elections and registration succeeds
16 by the provisions of this Act and shall deliver thereafter to the chairperson of the board, upon
17 the chairperson's written request, the custody of all equipment, supplies, materials, books,
18 papers, records, and facilities of every kind pertaining to such powers and duties.

SECTION 21.

20 This Act shall become effective July 1, 2006, except that for purposes of appointment of
21 board members, this Act shall become effective upon its approval by the Governor or upon
22 its becoming law without such approval.

SECTION 22.

24 An Act creating the Henry County Board of Elections (Ga. L. 1995, p. 4198) is specifically
25 repealed.

SECTION 23.

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