

House Bill 1079 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To provide a board of elections for Randolph County; to define its powers and duties
2 concerning primaries and elections; to define certain terms; to provide a method for
3 appointment, resignation, and removal of its members; to provide for the qualifications and
4 terms of its members; to provide for a chairperson, clerical assistants, and other employees;
5 to provide for compensation of such persons and the members of the board; to provide for
6 facilities; to relieve the judge of the probate court from certain responsibilities; to provide for
7 submission under the federal Voting Rights Act of 1965, as amended; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Pursuant to Code Section 21-2-40 of the Official Code of Georgia Annotated, there is created
12 the board of elections of Randolph County which shall have jurisdiction over the conduct of
13 primaries and elections in such county in accordance with the provisions of this Act, which
14 board of elections is sometimes referred to as the "board" in this Act.

15 **SECTION 2.**

16 The words "election," "elector," "political party," "primary," "public office," "special
17 election," and "special primary" shall have the same meaning ascribed to those words by
18 Code Section 21-2-2 of the Official Code of Georgia Annotated, unless otherwise clearly
19 apparent from the text of this Act.

20 **SECTION 3.**

21 The board of elections shall be composed of three members, each of whom shall be an
22 elector and resident of the county and who shall be appointed as provided in this section. One
23 member of the board of elections shall be appointed by the political party which received the
24 highest number of votes within the county for its candidate for Governor in the general

1 election immediately preceding the appointment of the member, and one member of the
2 board of elections shall be appointed by the political party which received the second highest
3 number of votes within the county for its candidate for Governor in the general election
4 immediately preceding the appointment of the member. Each of the two appointments by
5 political parties shall be made as follows: the member shall be nominated by the chairperson
6 and ratified by the county executive committee of each of the above-designated political
7 parties at least 30 days before the beginning of the term of office or within 30 days after the
8 creation of a vacancy in the office. The remaining member of the board shall be selected by
9 the county governing authority. In making the initial appointments to the board, the members
10 shall be selected within 30 days following the effective date of this Act. Initial members of
11 the board shall serve until December 31, 2008, and until their successors are duly appointed
12 and qualified. Thereafter, successors shall be appointed for terms of four years and until their
13 successors are duly appointed and qualified. The member selected by the county governing
14 authority shall serve as chairperson of the board.

15 **SECTION 4.**

16 No person who holds elective public office shall be eligible to serve as a member of the
17 board during the term of such elective office, and the position of any member qualifying as
18 a candidate for elective public office shall be deemed vacant upon such member's qualifying
19 as a candidate for elective public office. Further, no immediate family member of an elected
20 public official shall be eligible to serve as a member during the elected official's term of
21 office. For purposes of this section, the term "immediate family" has the meaning provided
22 by Code Section 21-5-70 of the Official Code of Georgia Annotated.

23 **SECTION 5.**

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

32 **SECTION 6.**

33 Each member of the board shall be eligible to succeed himself or herself, shall have the right
34 to resign at any time by giving written notice of his or her resignation to the appointing body

1 and to the clerk of the superior court, and shall be subject to removal from the board at any
2 time, for cause after notice and hearing, in the same manner and by the same authority as
3 provided for removal of registrars.

4 **SECTION 7.**

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

11 **SECTION 8.**

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

14 **SECTION 9.**

15 The board of elections shall:

16 (1) With regard to the preparation for, conduct, and administration of elections, succeed
17 to and exercise all duties and powers granted to and incumbent upon the judge of the
18 probate court pursuant to Title 21 of the Official Code of Georgia Annotated or any other
19 provision of law;

20 (2) With regard to preparation for the conduct of primaries, succeed to all the duties and
21 powers granted to and incumbent upon the judge of the probate court by Title 21 of the
22 Official Code of Georgia Annotated; and

23 (3) Formulate, adopt, and promulgate rules and regulations, consistent with law and the
24 rules and regulations of the state executive committee of each political party, governing
25 the conduct of primaries to the end that, insofar as practicable, all primaries shall be
26 uniformly conducted by the board of elections, poll workers shall be properly trained, and
27 voters shall be adequately informed and instructed. Any rule or regulation promulgated
28 by a county executive committee under the provisions of Code Section 21-2-111 of the
29 Official Code of Georgia Annotated shall be null and void if in conflict with a valid rule
30 or regulation of the board of elections.

SECTION 10.

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

SECTION 11.

Thirty days after the date this Act may lawfully be implemented under the federal Voting Rights Act of 1965, as amended, the judge of the probate court of Randolph County shall be relieved from all powers and duties to which the board of elections succeeds by the provisions of this Act and shall deliver thereafter to the chairperson of the board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

SECTION 12.

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

SECTION 13.

Compensation for the members of the board of elections, clerical assistants, and other employees shall be such as may be fixed by the governing authority of the county. Said compensation shall be paid wholly from county funds.

SECTION 14.

The governing authority of the county shall provide the board with such proper and suitable offices and with such clerical assistants and other employees as the governing authority shall deem appropriate.

SECTION 15.

The governing authority of Randolph County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

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SECTION 16.

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