

House Bill 1623 (AS PASSED HOUSE AND SENATE)

By: Representative Mosley of the 178<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Brantley 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:**

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
15 Board of Elections and Registration of Brantley County, hereinafter referred to as "the  
16 board." The board shall have the powers, duties, and responsibilities of the judge of the  
17 probate court of Brantley County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
18 Election Code," and the powers, duties, and responsibilities of the board of registrars of  
19 Brantley County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

20 **SECTION 2.**

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

**SECTION 3.**

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

(b) Two members of the board shall be appointed by the chairperson of the county executive committee of the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Two members of the board shall be appointed by the chairperson of the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. In the event that there is no chairperson of a political party entitled to make an appointment under this subsection, the appointments on behalf of such political party shall be made by the state executive committee of such party.

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

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

(e) The initial appointees to the board shall take office on January 1, 2007. The member appointed by the governing authority of Brantley County and one of the two members appointed by each political party shall serve terms beginning on January 1, 2007, and ending on December 31, 2010, and until his or her respective successor is duly appointed and qualified. Successors to each such member shall thereafter be appointed by the appropriate appointing authority to serve a term of office of four years beginning January 1, 2011, and until his or her respective successor is duly appointed and qualified. The other appointee of each political party shall serve a term beginning on January 1, 2007, and ending on December 31, 2008, and until his or her respective successor is duly appointed and qualified. Successors to such members shall thereafter be appointed by the appropriate appointing authority to serve terms of office of four years beginning January 1, 2009, and until their successors are duly appointed and qualified. Thereafter, all members shall be appointed to serve four-year terms of office. The chairpersons of each political party making the initial appointments under this section shall designate which term each appointee shall serve.

(f) At the first meeting of the board in each year, the members of the board shall select one of their number to serve as chairperson. Such chairperson shall preside over all meetings of the board and shall vote only in the case of a tie.

**SECTION 4.**

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2 The Brantley County Board of Commissioners, which will consider the recommendation of  
3 the board of elections and registration, shall appoint a person to serve as the election  
4 supervisor of Brantley County. Such position shall be full time. The Brantley County Board  
5 of Commissioners shall set the pay and salary of such election supervisor. The election  
6 supervisor shall generally direct and control the administration of the affairs of the board  
7 pursuant to law and duly adopted resolutions of the board. The election supervisor shall not  
8 be a member of the board of elections and registration. The election supervisor shall be  
9 supervised by the board of elections and registration and shall deemed to be an at-will  
10 employee of the board of commissioners and shall be subject to removal from office, with  
11 or without cause, by the Board of Commissioners of Brantley County.

**SECTION 5.**

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13 Each member of the board shall:

- 14 (1) Be eligible to be reappointed to succeed such member;  
15 (2) Have the right to resign at any time by giving written notice of such resignation to  
16 the governing authority of Brantley County and to the clerk of the superior court; and  
17 (3) Serve until his or her successor is appointed and qualified.

**SECTION 6.**

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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.  
24 (b) The clerk of the superior court shall record each of such certifications on the minutes of  
25 the superior court and shall certify the name of each such appointed member to the Secretary  
26 of State and provide for the issuance of appropriate commissions to the members within the  
27 same time and in the same manner as provided by law for registrars.

**SECTION 7.**

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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,  
34 the vacancy shall be filled for the remainder of the term by the governing authority of

1 Brantley County. The clerk of the superior court shall be notified of such interim  
2 appointments and record and certify such appointments in the same manner as the regular  
3 appointment of members.

4 **SECTION 8.**

5 (a) The first members of the board under this Act shall be appointed as provided in this Act  
6 to take office on January 1, 2007. The board shall take no official action until all members  
7 have been certified to the clerk of the Superior Court of Brantley County.

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

10 **SECTION 9.**

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

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

18 **SECTION 10.**

19 The board shall have the authority to contract with any municipality or governmental  
20 authority located within Brantley County for the holding by the board of any primary or  
21 election to be conducted within such municipality or governmental authority.

22 **SECTION 11.**

23 (a) The board shall be authorized and empowered to organize itself, elect from among its  
24 members a vice chairperson, determine its procedural rules and regulations, adopt bylaws,  
25 specify the functions and duties of its employees, and otherwise take such action as is  
26 appropriate to the management of its affairs; provided, however, that no such action shall  
27 conflict with state law.

28 (b) Action and decision by the board shall be by a majority of the members of the board.

29 **SECTION 12.**

30 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,  
31 directives governing the execution of matters within its jurisdiction. The board shall hold  
32 meetings at the county courthouse or at the place of meeting of the commissioners. Any

1 specially called meetings held pursuant to the bylaws adopted by the board shall be held only  
2 after notification of the time and place of the holding of such special meeting has been  
3 communicated in writing to the election supervisor to provide public notice of the meeting  
4 as required by law. All meetings of whatever kind of the board shall be conducted pursuant  
5 to Chapter 14 of Title 50 of the O.C.G.A.

6 (b) The board shall maintain a written record of policy decisions amended to include  
7 additions or deletions. Such written records shall be made available for the public to review  
8 pursuant to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.

9 **SECTION 13.**

10 Compensation for the members of the board shall be fixed by the commissioners. All  
11 amounts payable under this section shall be paid from the funds of Brantley County.

12 **SECTION 14.**

13 (a) The board may request additional clerical assistants as needed to efficiently carry out the  
14 duties and functions of the board on either an independent contract basis or as county  
15 employees entitled to all benefits as other county employees, to be determined by the board  
16 of commissioners. The board of commissioners shall be responsible for determining the pay  
17 and salary of all clerical assistants of the board. Any such assistants shall be hired by the  
18 board of commissioners, which will consider the recommendation of the board, and such  
19 clerical assistants shall be at-will employees of the board of commissioners.

20 (b) The board of commissioners shall provide suitable offices and equipment and funding  
21 sufficient to employ the staff and other employees as may be necessary.

22 **SECTION 15.**

23 The board shall be responsible for the selection, appointment, and training of poll workers  
24 as of January 1, 2008.

25 **SECTION 16.**

26 The Board of Commissioners of Brantley County shall cause, through its legal counsel, this  
27 Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of  
28 1965, as amended, within 45 days after the date on which this Act is approved by the  
29 Governor or otherwise becomes law without such approval.

30 **SECTION 17.**

31 This Act shall become effective upon its approval by the Governor or upon its becoming law  
32 without such approval for purposes of making initial appointments to the board only. This

1 Act shall become fully effective on January 1, 2008. Upon this Act becoming fully effective,  
2 the current superintendent of elections of Brantley County, the judge of the Probate Court  
3 of Brantley County, and the existing board of registrars of Brantley County shall be relieved  
4 of all powers and duties to which the board succeeds by the provisions of this Act and they  
5 shall deliver to the board all equipment, supplies, materials, books, papers, records, and  
6 facilities pertaining to such powers and duties. Nothing contained herein is intended to  
7 prevent the appointment of members of the board, the hiring of an election supervisor, the  
8 hiring of clerical staff, or any necessary training for the members of the board, the election  
9 supervisor, and clerical assistants prior to January 1, 2008.

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**SECTION 18.**

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