

House Bill 660 (AS PASSED HOUSE AND SENATE)

By: Representatives James of the 135th and Sellier of the 136th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Peach County and to provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members; to provide for the qualification, terms, and removal
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of
6 functions to the newly created board; to provide for certain expenditures of public funds; to
7 provide for compensation of members of the board and personnel; to provide for offices and
8 equipment; to provide for the board's performance of certain functions and duties for certain
9 municipalities; to provide for related matters; to provide for submission for preclearance
10 under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective
11 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 Peach County, hereinafter referred to as "the board."
16 The board shall have the powers, duties, and responsibilities of the judge of the probate court
17 of Peach County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"
18 and the powers, duties, and responsibilities of the board of registrars of Peach County under
19 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 meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
23 Election Code," unless otherwise clearly apparent from the text of this Act, and the term
24 "board" means the Board of Elections and Registration of Peach County, "commissioners"
25 means the Board of Commissioners of Peach County, and "county" means Peach County.

SECTION 3.

(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 governing authority of Peach County.

(c) One member of the board shall be selected by 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.

(d) One member of the board shall be selected by the county executive committee 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.

(e) One member shall be selected by the chief judge of the Superior Court of Peach County.

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

(g) The initial appointees to the board shall take office on October 1, 2007. The two members appointed by the governing authority of Peach County and the member selected by the chief judge of the Superior Court of Peach County shall serve terms beginning on October 1, 2007, and ending on September 30, 2011, 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 October 1, 2011, and until their successors are duly appointed and qualified. The two appointees of the political parties shall serve a term beginning on October 1, 2007, and ending on September 30, 2009, 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 a term of office of four years beginning October 1, 2009, and until their respective successors are duly appointed and qualified. Thereafter, all members shall be appointed to serve four year terms of office and until their successors are duly appointed and qualified.

SECTION 4.

The Peach County Board of Commissioners, which will consider the recommendation of the Board of Elections and Registration of Peach County, shall be authorized to appoint a person to serve as the election supervisor of Peach County. The Peach County Board of Commissioners shall set the salary and employment status of the election supervisor, said salary to be payable from county funds. If appointed, the election supervisor shall generally direct and control the administration of the affairs of the board pursuant to law and duly

1 adopted resolutions of the board. The election supervisor shall not be a member of the board.
2 The election supervisor shall be supervised by the board and shall be deemed to be an at-will
3 employee of the Board of Commissioners of Peach County and shall be subject to removal
4 from office, with or without cause, by the Board of Commissioners of Peach County.

5 **SECTION 5.**

6 Each member of the board shall:

- 7 (1) Be eligible to be reappointed to succeed such member;
- 8 (2) Have the right to resign at any time by giving written notice of such resignation to the
9 governing authority of Peach County and to the clerk of the Superior Court of Peach
10 County;
- 11 (3) Serve until his or her successor is appointed and qualified; and
- 12 (4) Be subject to removal from the board by the chief judge of the Superior Court of Peach
13 County at any time, for cause, after notice and hearing.

14 **SECTION 6.**

- 15 (a) The appointing authority shall certify the appointment of each member of the board by
16 filing an affidavit with the clerk of the Superior Court of Peach County no later than 30 days
17 preceding the date upon which such members are to take office, stating the name and
18 residential address of the person appointed and certifying such member has been duly
19 appointed as provided in this Act.
- 20 (b) The clerk of the superior court shall record each of such certifications on the minutes of
21 the superior court and shall certify the name of each such appointed member to the Secretary
22 of State and provide for the issuance of appropriate commissions to the members within the
23 same time and in the same manner as provided by law for registrars.

24 **SECTION 7.**

25 In the event a vacancy occurs in the office of any member before the expiration of his or her
26 term, by removal, death, resignation, or otherwise, the appointing authority which is required
27 under Section 3 of this Act to make the appointment to the office upon the expiration of the
28 term shall appoint a successor to serve the remainder of the unexpired term as provided for
29 in Section 3 of this Act. If the vacancy in office is not filled within 60 days after it occurs,
30 the vacancy shall be filled for the remainder of the term by the governing authority of Peach
31 County. The clerk of the superior court shall be notified of such interim appointments and
32 record and certify such appointments in the same manner as the regular appointment of
33 members.

SECTION 8.

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

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

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

SECTION 10.

(a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require or prohibit the commissioners or any other public agency to bear any expense of conducting primaries not otherwise required by law.

(b) The board shall have the authority to contract with any municipality located within Peach County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

With the approval of the commissioners, the board shall be authorized to expend public funds for the purpose of preparing and distributing material solely to inform and instruct electors of the county adequately with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.

SECTION 12.

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

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

2 **SECTION 13.**

3 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
4 directives governing the execution of matters within its jurisdiction. The board shall hold
5 meetings at the county courthouse or at the place of meeting of the commissioners. Any
6 specially called meetings held pursuant to the bylaws adopted by the board shall be held only
7 after notification of the time and place or the holding of such special meeting has been
8 communicated in writing to provide public notice of the meeting as required by law. All
9 meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50
10 of the O.C.G.A.

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

14 **SECTION 14.**

15 (a) Compensation for the members of the board shall be fixed by the commissioners.

16 (b) All amounts payable under this section shall be paid from the funds of Peach County.

17 **SECTION 15.**

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

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

26 **SECTION 16.**

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

28 **SECTION 17.**

29 The commissioners shall cause, through its legal counsel, this Act to be submitted for
30 preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, within
31 45 days after the date on which this Act is approved by the Governor or otherwise becomes
32 law without such approval.

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SECTION 18.

3 This Act shall become effective upon its approval by the Governor or upon its becoming law
4 without such approval for purposes of making initial appointments to the board only. This
5 Act shall become fully effective on October 1, 2007. Upon this Act becoming fully effective,
6 the current superintendent of elections of Peach County, the judge of the probate court of
7 Peach County, and the existing board of registrars of Peach County shall be relieved of all
8 powers and duties to which the board succeeds by the provisions of this Act and shall deliver
9 to the board all equipment, supplies, materials, books, papers, records, and facilities
10 pertaining to such powers and duties. Nothing contained herein is intended to prevent the
11 appointment of members of the board, the appointment of an election supervisor, the hiring
12 of clerical staff, or any necessary training for the members of the board, the election
13 supervisor, and clerical assistants prior to October 1, 2007.

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SECTION 19.

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