

House Bill 1142 (AS PASSED HOUSE AND SENATE)

By: Representatives Channell of the 116th, Kidd of the 141st, and Hudson of the 124th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act approved May 10, 2005 (Ga. L. 2005, p. 4155), creating a board of
2 elections and registration for Putnam County, so as to provide for composition of the board
3 and 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 provide for compensation of members of the board and
6 personnel; to provide for offices and equipment; to provide for the board's performance of
7 certain functions and duties for certain municipalities; to provide for related matters; to
8 provide effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act approved May 10, 2005 (Ga. L. 2005, p. 4155), creating a board of elections and
12 registration for Putnam County, is amended by revising Sections 3, 4, and 5 as follows:

13 "SECTION 3.

14 (a) The board shall be composed of five members who shall be appointed.

15 (b) Two members of the board shall be appointed by the chairperson of the county executive
16 committee of the political party receiving the highest number of votes within the county for
17 its Gubernatorial candidate in the general election immediately preceding the appointment
18 of such member. Two members of the board shall be appointed by the chairperson of the
19 political party receiving the second highest number of votes within the county for its
20 Gubernatorial candidate in the general election immediately preceding the appointment of
21 such member. Each appointment shall have been ratified by a majority of the members of
22 each of such respective executive committees voting at a regularly scheduled meeting of such
23 executive committees or a meeting duly called and held for such purpose. In the event that
24 the chairpersons of said executive committees fail to appoint such members at least 30 days
25 preceding the date on which such members are to take office, such members shall be

26 appointed by the governing authority of Putnam County. In the event that there is no county
 27 executive committee of a political party, the appointments on behalf of such political party
 28 shall be made by the state executive committee of such party.

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

30 (d) All appointments to the board shall be promptly certified by the appointing authorities
 31 to the Clerk of the Superior Court of Putnam County.

32 (e) The initial appointees to the board shall take office on July 1, 2005. The member
 33 appointed by the governing authority of Putnam County and one of the two members
 34 appointed by each political party shall serve terms beginning on July 1, 2005, and ending on
 35 June 30, 2009, and until his or her respective successor is duly appointed and qualified.
 36 Successors to each such member shall thereafter be appointed by the appropriate appointing
 37 authority to serve a term of office of four years beginning July 1, 2009, and until his or her
 38 respective successor is duly appointed and qualified. The other appointee of each political
 39 party shall serve a term beginning on July 1, 2005, and ending on June 30, 2007, and until
 40 his or her respective successor is duly appointed and qualified. Successors to such members
 41 shall thereafter be appointed by the appropriate appointing authority to serve terms of office
 42 of four years beginning July 1, 2007, and until their successors are duly appointed and
 43 qualified. Thereafter, all members shall be appointed to serve four-year terms of office. The
 44 executive committees of the political parties ratifying making the initial appointments under
 45 this section shall designate which term each appointee shall serve.

46 (f) The member of the board appointed by the governing authority of Putnam County shall
 47 serve as chairperson.

48 SECTION 4.

49 The board shall be authorized to appoint a person to serve as the election supervisor of
 50 Putnam County. Such position shall be full-time and such person shall be paid a salary to
 51 be set by the board and payable from county funds. The election supervisor shall generally
 52 direct and control the administration of the affairs of the board pursuant to law and duly
 53 adopted resolutions of the board. The election supervisor and all other employees of the
 54 board shall be supervised by the board and shall be subject to removal from office by the
 55 board, with or without cause.

56 SECTION 5.

57 Each member of the board shall:

58 (1) Be eligible to be reappointed;

59 (2) Have the right to resign at any time by giving written notice of such resignation to
 60 the Clerk of the superior court; and

61 (3) Be subject to removal from the board at any time, for cause, after notice and hearing,
62 by the chief judge of the Superior Court of Putnam County."

63 **SECTION 2.**

64 Said Act is further amended by revising Sections 7, 8, and 9 as follows:

65 "SECTION 7.

66 In the event of a board vacancy the appropriate appointing authority shall appoint a successor
67 to serve the remainder of the unexpired term as provided for in Section 3 of this Act. If the
68 vacancy is not filled within 60 days after it occurs, the vacancy shall be filled for the
69 remainder of the term by the governing authority of Putnam County. The clerk of the
70 superior court shall be notified of such interim appointments and record and certify such
71 appointments in the same manner as the regular appointment of members.

72 **SECTION 8.**

73 (a) The board shall take no official action until all members have been certified to the Clerk
74 of the Superior Court of Putnam County.

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

77 **SECTION 9.**

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

82 (b) Members of the board shall be residents of Putnam County and shall have been
83 registered voters in Putnam County for a period of at least one year prior to the date of
84 appointment to the board."

85 **SECTION 3.**

86 Said Act is further amended by revising Section 13 as follows:

87 "SECTION 13.

88 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
89 directives governing the execution of matters within its jurisdiction. Board meetings shall
90 be held at a time and place designated by the board in compliance with Georgia law. All

91 meetings of the board shall be advertised and conducted pursuant to Chapter 14 of Title 50
92 of the O.C.G.A.

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

96 **SECTION 4.**

97 Said Act is further amended by revising Section 15 as follows:

98 "SECTION 15.

99 Subject to appropriation of funds by the commissioners, the board shall be authorized to
100 expend public funds to provide for such proper and suitable administrative offices and for
101 such clerical assistants and other employees as the board shall deem appropriate. This
102 section shall not be construed so as to require the board to expend any funds simply because
103 it is authorized to do so under this Act."

104 **SECTION 5.**

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