

House Bill 1506

By: Representative Scott of the 153<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Turner 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 repeal an Act creating a  
10 board of elections for Turner County, approved March 30, 1989 (Ga. L. 1989, p. 4559); to  
11 repeal an Act to amend the Act to provide a board of elections for Turner County, approved  
12 April 14, 1997 (Ga. L. 1997, p. 4175); to provide for submission under Section 5 of the  
13 federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal  
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
18 Board of Elections and Registration of Turner County. The board shall have the powers,  
19 duties, and responsibilities of the superintendent of elections of Turner County under Chapter  
20 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," currently being exercised by the  
21 board of elections of Turner County, and the powers, duties, and responsibilities of the board  
22 of registrars of Turner County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
23 Election Code."

24 **SECTION 2.**

25 As used in this Act, the term:

- 26 (1) 'Board' means the Board of Elections and Registration of Turner County.  
 27 (2) 'Commissioners' means the Board of Commissioners of Turner County.  
 28 (3) 'County' means Turner County.  
 29 (4) 'Election' shall have the same meaning as provided for in O.C.G.A. Code Section  
 30 21-2-2.  
 31 (5) 'Elector' shall have the same meaning as provided for in O.C.G.A. Code Section  
 32 21-2-2.  
 33 (6) 'Political party' shall have the same meaning as provided for in O.C.G.A. Code Section  
 34 21-2-2.  
 35 (7) 'Primary' shall have the same meaning as provided for in O.C.G.A. Code Section  
 36 21-2-2.  
 37 (8) 'Public office' shall have the same meaning as provided for in O.C.G.A. Code Section  
 38 21-2-2.

39 **SECTION. 3**

- 40 (a) The board shall be composed of five members who shall be appointed as provided in this  
 41 section.  
 42 (b) Three members of the board shall be selected by the commissioners.  
 43 (c) One member of the board shall be appointed by the political party which received the  
 44 highest number of votes within the county for its candidate for Governor in the general  
 45 election immediately preceding the appointment of such member. One member of the board  
 46 shall be appointed by the political party which received the second highest number of votes  
 47 within the county for its candidate for Governor in the general election immediately  
 48 preceding the appointment of such member. Each of these members appointed by the  
 49 political parties shall be nominated by the party chairperson and ratified by the county  
 50 executive committee of the appropriate political party at least 30 days before the beginning  
 51 of the term of office or within 30 days after the creation of a vacancy in the office. In the  
 52 event that a political party entitled to appoint a member of the board does not have a county  
 53 executive committee, such appointment shall be made by the state executive committee of  
 54 the political party. Should either political party fail to make its appointment, the other  
 55 appointed members of the board shall be authorized to conduct the business of the board.  
 56 (d)(1) The initial members of the board shall be appointed no later than June 1, 2010.  
 57 (2) The initial members appointed by the governing authority shall take office on July 1,  
 58 2010, and serve an initial term of office of four years which shall expire on June 30, 2014,  
 59 and until their respective successors are appointed and qualified. Successors to such

60 members shall be appointed not later than 30 days prior to the expiration of such members'  
61 term of office to take office on July 1, 2014, and every four years thereafter for a term of  
62 four years and until their respective successors are appointed and qualified.

63 (3) The initial members appointed by the political parties shall take office on July 1, 2010,  
64 and serve an initial term of two years which shall expire on June 30, 2012, and until their  
65 respective successors are appointed and qualified. Successors to such members shall be  
66 appointed no later than 30 days prior to the expiration of such members' term of office to  
67 take office on July 1, 2012, and every four years thereafter for a term of four years and  
68 until their respective successors are appointed and qualified.

69 (4) Successors to the initial members shall be appointed and qualified in the same manner  
70 as the initial members of the board.

71 **SECTION 4.**

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

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

79 **SECTION 5.**

80 The governing authority of Turner County shall certify the appointment of each member of  
81 the board by filing an affidavit with the clerk of the superior court no later than 15 days  
82 preceding the date upon which each member is to take office, stating the name and residential  
83 address of the person appointed and certifying such member has been duly appointed as  
84 provided in this Act. The clerk of the superior court shall record each such certification on  
85 the minutes of the superior court, certify the name of each such appointed member to the  
86 Secretary of State, and provide for the issuance of appropriate commissions to the members  
87 within the same time and in the same manner as provided by law for registrars.

88 **SECTION 6.**

89 Each member of the board shall be eligible to succeed himself or herself without limitation,  
90 shall have the right to resign at any time by giving written notice of such resignation to the  
91 commissioners and to the clerk of the superior court, and shall be subject to removal from  
92 the board by the commissioners at any time, for cause, after notice and hearing.

93 **SECTION 7.**

94 In the event a vacancy occurs in the office of any appointed member before the expiration  
95 of his or her term, by removal, death, resignation, or otherwise, the appointing authority that  
96 made the original appointment of such member shall appoint a successor to serve the  
97 remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the  
98 superior court shall be notified of such interim appointments and record and certify such  
99 appointments in the same manner as the regular appointment of members.

100 **SECTION 8.**

101 Before entering upon the member's duties, each member shall take substantially the same  
102 oath as required by law for registrars and shall have the same privileges from arrest.

103 **SECTION 9.**

104 (a) The board shall be authorized to organize itself, determine its procedural rules and  
105 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise  
106 take such action as is appropriate to the management of the affairs committed to its  
107 supervision; provided, however, that no such action shall conflict with state law. Action and  
108 decisions by the board shall be by a majority of the members of the board. The board shall  
109 be responsible for the selection, appointment, and training of poll workers in primaries and  
110 elections.

111 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,  
112 directives governing the execution of matters within its jurisdiction. Any specially called  
113 meeting shall be called by the chairperson or any three members of the board. The board  
114 shall maintain a written record of policy decisions amended to include additions or deletions.  
115 Such written records shall be made available for the public to review.

116 (c) The board shall elect one of its members to serve as chairperson on an annual basis.

117 **SECTION 10.**

118 The board shall have the authority to contract with any municipality or such other political  
119 subdivision located within Turner County for the holding by the board of any primary or  
120 election to be conducted within such municipality or political subdivision; provided,  
121 however, that any such contract must be approved and ratified by the commissioners.  
122 Municipalities and political subdivisions shall be responsible to reimburse the commissioners  
123 for all costs related to or associated with any election performed by the board for the  
124 municipality or political subdivisions.

125 **SECTION 11.**

126 (a) The commissioners shall be authorized to appoint an elections supervisor to generally  
127 supervise, direct, and control the administration of the affairs of the board pursuant to law  
128 and duly adopted resolutions of the board. The elections supervisor shall not be a member  
129 of the board or an elected official. The elections supervisor shall maintain regular office  
130 hours as directed by the commissioners. The elections supervisor may be either a full-time  
131 position or part-time position as determined by the commissioners. The elections supervisor  
132 shall be considered an employee of the county and shall be entitled to the same benefits as  
133 other full-time or part-time employees of the county. The elections supervisor shall be  
134 considered a county employee for purposes of pay, benefits, sick leave, vacation, termination  
135 of employment, and for other purposes. The election supervisor shall be subject to direction,  
136 evaluation, and corrective action by the commissioners.

137 (b) The commissioners shall be authorized to employ additional clerical assistants as needed  
138 to carry out the duties and functions of the board. All such clerical assistants shall be  
139 considered to be employees of county and shall be entitled to the same benefits as other  
140 employees of county.

141 (c) The current election superintendent shall act as election supervisor until an election  
142 supervisor is appointed as provided in this section; the current election superintendent may  
143 be appointed to succeed himself or herself.

144 **SECTION 12.**

145 Compensation for the members of the board, elections supervisor, clerical assistants, and  
146 other employees shall be fixed by the commissioners. Such compensation shall be paid  
147 wholly from county funds.

148 **SECTION 13.**

149 The commissioners shall provide the board with such proper and suitable offices, equipment,  
150 materials, and supplies and with such clerical assistance and other employees as the  
151 commissioners deems appropriate.

152 **SECTION 14.**

153 The commissioners shall through its legal counsel cause this Act to be submitted for  
154 preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such  
155 submission shall be made to the United States Department of Justice or filed with the  
156 appropriate court no later than 45 days after the date on which this Act is approved by the  
157 Governor or otherwise becomes law without such approval.

158

**SECTION 15.**

159 This Act shall become effective on its approval by the Governor or upon its becoming law  
160 without such approval for purposes of making initial appointments to the board only. This  
161 Act shall become fully effective on July 1, 2010. Upon this Act becoming fully effective,  
162 the board of elections of Turner County and the board of registrars of Turner County shall  
163 be relieved of all powers and duties to which the board succeeds by the provisions of the Act  
164 and shall deliver to the board all equipment, supplies, materials, books, papers, records, and  
165 facilities pertaining to such powers and duties. Effective July 1, 2010, the board of registrars  
166 of Turner County shall be abolished. Effective July 1, 2010, the board of elections of Turner  
167 County shall be abolished and an Act creating a board of elections for Turner County,  
168 approved March 30, 1989 (Ga. L. 1989, p. 4559), and amended by an Act approved April 14,  
169 1997 (Ga. L. 1997, p. 4175), is repealed.

170

**SECTION 16.**

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