

Senate Bill 545

By: Senator Crosby of the 13th

AS PASSED SENATE

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 qualifications, 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 the
 10 Turner County Board of Elections, approved March 30, 1989 (Ga. L. 1989, p. 4559), as
 11 amended; to provide for submission of this Act under Section 5 of the federal Voting Rights
 12 Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other
 13 purposes.

14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

15 **SECTION 1.**

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

23 **SECTION 2.**

24 As used in this Act, the terms "election," "elector," "political party," "primary," and "public
 25 office" shall have the same meanings as set forth in Code Section 21-2-2 of the O.C.G.A.

26 unless otherwise clearly apparent from the text of this Act; the term "commissioners" means
27 the board of commissioners of Turner County; and the term "county" means Turner County.

28 **SECTION 3.**

29 (a) The board shall be composed of three members, each of whom shall be an elector and
30 resident of the county and who shall be appointed by the governing authority of the county.

31 (b) The initial members of the board shall be appointed for terms of office beginning on
32 the date of appointment. The governing authority of the county shall designate one of the
33 initial members to serve for a term of two years and two of the initial members to serve for
34 terms of four years and until their successors are appointed and qualified. Thereafter, all
35 members of the board shall be appointed for terms of four years and until their successors
36 are appointed and qualified.

37 (c) Each member of the board shall successfully complete all mandatory training by
38 achieving a passing score on any test administered as a part of such training. Any board
39 member who fails to successfully complete such training and achieve a passing score on
40 any test administered as a part of such training shall stand immediately terminated and shall
41 be replaced by the authority appointing such board member. Any such appointment shall
42 be to fill the unexpired term of the member replaced. Every two years, the board shall elect
43 one of its members to serve as chairperson for a two-year term.

44 **SECTION 4.**

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

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

52 (c) No person shall be eligible to serve as a member of the board of elections and registration
53 while holding any public office to which he or she was appointed or while he or she is a
54 salaried employee of the governing authority of Turner County or of any municipality within
55 the county or of any board of education or commission, board, or authority appointed by the
56 governing authority of the county or any municipality within the county, except that
57 members of the board of elections and registration shall be eligible for reappointment.

58 **SECTION 5.**

59 The appointing authority shall certify the appointment of each member of the board by filing
60 an affidavit with the clerk of the Superior Court of Turner County no later than the date upon
61 which such members are to take office, stating the name and residential address of the person
62 appointed and certifying such member has been duly appointed as provided by this Act. The
63 clerk of the superior court shall record each such certification on the minutes of the court and
64 shall certify the name of each such appointed member to the Secretary of State and provide
65 for the issuance of appropriate commissions to the members within the same time and in the
66 same manner as provided by law for registrars.

67 **SECTION 6.**

68 Each member of the board shall be eligible to serve successive terms without limitations and
69 shall have the right to resign at any time by giving written notice of such resignation to the
70 appointing authority and to the clerk of the Superior Court of Turner County. Each member
71 shall be subject to removal from the board at any time, for cause, after notice and hearing,
72 by the chief judge of the Superior Court of Turner County in the same manner and by the
73 same authority as provided for the removal of registrars.

74 **SECTION 7.**

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

81 **SECTION 8.**

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

84 **SECTION 9.**

85 (a) The board shall be authorized to organize itself, determine its procedural rules and
86 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
87 take such action as is appropriate to the management of the affairs committed to its
88 supervision; provided, however, that no such action shall conflict with state law. Action and
89 decision by the board shall be by a majority of the members of the board. The board shall

90 be responsible for the selection, appointment, and training of poll workers in primaries and
91 elections.

92 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
93 directives governing the execution of matters within its jurisdiction. The board shall hold
94 regular meetings and shall meet not fewer than three times per year. Any specially called
95 meeting shall be called by the chairperson or any two members of the board. The board shall
96 maintain a written record of policy decisions amended to include additions or deletions. Such
97 written record shall be made available for the public to review.

98 **SECTION 10.**

99 The board shall have the authority to contract with any municipality located within Turner
100 County for the holding by the board of any primary or election to be conducted within such
101 municipality.

102 **SECTION 11.**

103 (a) There shall be a full-time elections supervisor to administer and supervise the conduct
104 of elections and primaries and the registration of electors of the county. The board shall act
105 within 60 days of its members taking office under this Act, or of the date of any vacancy in
106 such position, to submit and recommend for the position one to three names of qualified
107 individuals to the commissioners, who shall hire an elections supervisor based on a job
108 description drawn by the board. The commissioners may either hire one of the candidates
109 submitted and recommended by the board or the commissioners may reject all the candidates
110 submitted and recommended by the board and hire another qualified candidate. The
111 elections supervisor shall be deemed a county department head and shall not be eligible to
112 serve as a member of the board. The elections supervisor shall be considered a county
113 employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and
114 other purposes. As a county department head, the elections supervisor shall be subject to
115 direction, evaluation, and corrective action by the board of commissioners.

116 (b) The elections supervisor shall be authorized to employ such full-time and part-time
117 employees, including poll workers, as may be deemed necessary by the elections supervisor
118 and as are approved in the annual budget adopted by the governing authority of the county.
119 All such employees shall be considered county employees for purposes of pay, benefits, sick
120 leave, vacation, and other purposes.

121 **SECTION 12.**

122 Compensation for the members of the board, election supervisor, clerical assistants, and other
123 employees shall be fixed by the commissioners. Such compensation shall be paid wholly
124 from county funds.

125 **SECTION 13.**

126 The commissioners shall provide the board with such proper and suitable offices, equipment,
127 materials, and supplies and with such clerical assistance and other employees as the
128 commissioners deem appropriate.

129 **SECTION 14.**

130 An Act creating the board of elections of Turner County, approved March 30, 1989 (Ga. L.
131 1989, p. 4559), as amended, is repealed in its entirety.

132 **SECTION 15.**

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

138 **SECTION 16.**

139 This Act shall become effective upon its approval by the Governor or upon its becoming law
140 without such approval. Upon this Act becoming effective, the former board of elections of
141 Turner County and the board of registrars of Turner County shall be relieved of all powers
142 and duties to which the board succeeds by the provisions of this Act and shall deliver to the
143 board all equipment, supplies, materials, books, papers, records, and facilities pertaining to
144 such powers and duties. On such date, the board of registrars of Turner County shall be
145 abolished.

146 **SECTION 17.**

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