

House Bill 658

By: Representatives James of the 135th and Harden of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Dooly 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 an election supervisor and the powers
7 and duties thereof; to provide for certain expenditures of public funds; to provide for
8 compensation of members of the board and personnel; to provide for offices and equipment;
9 to provide for the board's performance of certain functions and duties for certain
10 municipalities; to provide for related matters; to provide for submission under Section 5 of
11 the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

22 **SECTION 2.**

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

26 "commission" means the Dooly County Board of Commissioners, and "county" means Dooly
27 County.

28 **SECTION 3.**

29 (a) The board shall be composed of five members, each of whom shall be an elector and
30 resident of the county and who shall be appointed by the commission. The initial board
31 members shall select a chairperson of the board from among their members.

32 (b) In making the initial appointments to the board, two members appointed shall serve a
33 term beginning on January 1, 2010, and ending on December 31, 2011, and until their
34 successors are duly appointed and qualified. Successors to such members shall thereafter be
35 appointed to serve terms of office of four years beginning January 1, 2012, and every four
36 years thereafter and until their successors are duly appointed and qualified. The other
37 appointees shall serve terms beginning on January 1, 2010, and ending on December 31,
38 2013, and until their successors are duly appointed and qualified. Successors to such
39 members shall thereafter be appointed to serve terms of office of four years beginning
40 January 1, 2014, and every four years thereafter and until their successors are duly appointed
41 and qualified.

42 **SECTION 4.**

43 The election supervisor shall be appointed by the board of elections and shall report directly
44 to the board. The election supervisor, with regard to the registration of electors, shall
45 succeed to and exercise all of the powers, duties, and responsibilities granted to and
46 incumbent upon an election supervisor as prescribed by the board of elections. The election
47 supervisor shall have the authority to hire such additional clerical assistants as necessary to
48 efficiently carry out the duties and functions of the election supervisor's office, subject to the
49 approval of the board of elections.

50 **SECTION 5.**

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

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

58 (c) No member of the board shall be related by blood or marriage closer than first cousins
59 to any elected official in Dooly County nor shall any member of the board be an agent, an

60 appointed official, or employee of, or work directly for, any agency of state government,
61 Dooly County, or any municipality for which the board conducts municipal elections.

62 **SECTION 6.**

63 The commission shall certify the appointment of each member by filing an affidavit with the
64 clerk of the superior court no later than 15 days preceding the date upon which such members
65 are to take office, stating the name and residential address of the person appointed and
66 certifying such member has been duly appointed as provided in this Act. The clerk of the
67 superior court shall record each of such certifications on the minutes of the superior court and
68 shall certify the name of each such appointed member to the Secretary of State and provide
69 for the issuance of appropriate commissions to the members within the same time and in the
70 same manner as provided by law for registrars.

71 **SECTION 7.**

72 Each member of the board shall be eligible to serve consecutive terms of office, shall have
73 the right to resign at any time by giving written notice of such resignation to the commission
74 and to the clerk of the superior court, and shall be subject to removal from the board by the
75 commission at any time, for cause, after notice and hearing.

76 **SECTION 8.**

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

82 **SECTION 9.**

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

85 **SECTION 10.**

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

92 elections and such workers shall be appointed, insofar as is practicable, from lists provided
93 to the board by the county executive committee of each political party.

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

100 **SECTION 11.**

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

104 **SECTION 12.**

105 Compensation for the members of the board, election supervisor, clerical assistants, and other
106 employees shall be fixed by the commission. Such compensation shall be paid wholly from
107 county funds. All such persons shall be employees of Dooly County.

108 **SECTION 13.**

109 The commission shall provide the board with such proper and suitable offices, equipment,
110 materials, and supplies and with such clerical assistance and other employees as the
111 commission deems appropriate.

112 **SECTION 14.**

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

118 **SECTION 15.**

119 This Act shall become effective on its approval by the Governor or upon its becoming law
120 without such approval.

121 **SECTION 16.**

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