

House Bill 798 (AS PASSED HOUSE AND SENATE)

By: Representative Lane of the 167<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Long 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 qualifications, 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 of this Act under  
10 Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates;  
11 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 (a) of Code Section 21-2-40 of the O.C.G.A., there is created the  
15 Board of Elections and Registration of Long County, hereinafter referred to as "the board."  
16 The board shall have the powers, duties, and responsibilities of the superintendent of  
17 elections of Long County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election  
18 Code," currently being exercised by the judge of the Probate Court of Long County, and the  
19 powers, duties, and responsibilities of the board of registrars of Long County under Chapter  
20 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

21 **SECTION 2.**

22 As used in this Act, the terms "election," "elector," "political party," "primary," and "public  
23 office" shall have the same meanings as set forth in Code Section 21-2-2 of the O.C.G.A.  
24 unless otherwise clearly apparent from the text of this Act; the term "commissioners" means  
25 the board of commissioners of Long County; and the term "county" means Long County.

26

**SECTION 3.**

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

29 (b) The initial members of the board shall be appointed for terms of office beginning July  
30 1, 2009. The governing authority of the county shall designate one of the initial members  
31 to serve for a term of two years and two of the initial members to serve for terms of four  
32 years and until their successors are appointed and qualified. Thereafter, all members of the  
33 board shall be appointed for terms of four years and until their successors are appointed and  
34 qualified.

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

42

**SECTION 4.**

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

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

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

56

**SECTION 5.**

57 The appointing authority shall certify the appointment of each member of the board by filing  
58 an affidavit with the clerk of the Superior Court of Long County no later than 15 days  
59 preceding the date upon which such members are to take office, stating the name and  
60 residential address of the person appointed and certifying such member has been duly

61 appointed as provided by this Act. The clerk of the superior court shall record each such  
62 certification on the minutes of the court and shall certify the name of each such appointed  
63 member to the Secretary of State and provide for the issuance of appropriate commissions  
64 to the members within the same time and in the same manner as provided by law for  
65 registrars.

66 **SECTION 6.**

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

73 **SECTION 7.**

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

80 **SECTION 8.**

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

83 **SECTION 9.**

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

91 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,  
92 directives governing the execution of matters within its jurisdiction. The board shall hold  
93 regular meetings and shall meet not fewer than three times per year. Any specially called

94 meeting shall be called by the chairperson or any three members of the board. The board  
95 shall maintain a written record of policy decisions amended to include additions or deletions.  
96 Such written records shall be made available for the public to review.

97 **SECTION 10.**

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

101 **SECTION 11.**

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

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

120 **SECTION 12.**

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

124 **SECTION 13.**

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

128 **SECTION 14.**

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

134 **SECTION 15.**

135 This Act shall become effective upon its approval by the Governor or upon its becoming law  
136 without such approval for purposes of making initial appointments to the board only. This  
137 Act shall become fully effective on July 1, 2009. Upon this Act becoming fully effective,  
138 the judge of the probate court of Long County and the board of registrars of Long County  
139 shall be relieved of all powers and duties to which the board succeeds by the provisions of  
140 this Act and shall deliver to the board all equipment, supplies, materials, books, papers,  
141 records, and facilities pertaining to such powers and duties. On such date, the board of  
142 registrars of Long County shall be abolished.

143 **SECTION 16.**

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