

House Bill 1044

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections for Miller County and provide for its powers and duties; to
2 provide for the composition of the board and the selection, qualification, and terms of its
3 members; to provide for resignation, succession, and removal of members and for filling
4 vacancies; to provide for oaths and privileges; to relieve certain officers of certain powers
5 and duties and provide for the transfer of certain items to the newly created board; to provide
6 for meetings and procedures; to provide powers and duties of such board; to provide for
7 board employees and their compensation; to provide for expenditures of public funds for
8 certain purposes; to provide for compensation of the members of the board and elections
9 supervisor; to provide for offices and equipment; to provide for the board's performance of
10 certain functions and duties for certain municipalities; to provide for the meaning of certain
11 terms; to provide for effective dates; 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 Miller County Board of Elections. The board shall have the powers and duties of the election
16 superintendent relating to the conduct of primaries and elections.

17 **SECTION 2.**

18 (a) The board shall be composed of five members, each of whom shall be an elector and
19 resident of Miller County. The members shall be appointed by the governing authority of
20 Miller County. One member shall be appointed from each county commissioner district and
21 one member shall be appointed at large. The governing authority shall appoint one of the
22 members to serve as chairperson of the board.

23 (b) The first appointed members of the board shall be appointed for initial terms of office
24 beginning January 1, 2011, and ending December 31, 2011, and until their successors are
25 appointed and qualified. After the initial terms of office, successors to such members whose

26 terms are to expire shall be appointed to take office on the first day of January immediately
27 following the expiration of such initial terms of office and shall serve for terms of one year
28 each and until their successors are duly appointed and qualified.

29 (c) No person who holds public office, whether elective or appointive, shall be eligible to
30 serve as a member of the board during the term of such office, and the position of any
31 member of the board shall be deemed vacant upon such member qualifying as a candidate
32 for elective public office or appointment to public office.

33 **SECTION 3.**

34 (a) The appointment of each member shall be made by the governing authority filing with
35 the clerk of the Superior Court of Miller County an affidavit which states the name and
36 residential address of the person appointed and certifies that such member has been duly
37 appointed as provided in this Act. The affidavit for the member who has been appointed as
38 chairperson of the board shall also specify that member's position as chairperson. The clerk
39 of the superior court shall record each such certification on the minutes of the court and shall
40 certify the name of each such member to the Secretary of State and provide for the issuance
41 of appropriate commissions to the members and chairperson within the same time and in the
42 same manner as provided by law for registrars.

43 (b) If the governing authority does not, in conformity with this Act, certify an appointment
44 to the board within 30 days after the beginning of a term of office or within 30 days after the
45 creation of a vacancy in that office, the judge of the Probate Court of Miller County shall
46 immediately fill that vacancy by making the appointment thereto and shall certify it as
47 provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired
48 term of office.

49 **SECTION 4.**

50 Each member of the board shall be eligible to succeed himself or herself without limitation
51 and shall have the right to resign at any time by giving written notice of his or her resignation
52 to the governing authority and to the clerk of the Superior Court of Miller County. Each
53 member shall be subject to removal from the board by the governing authority of Miller
54 County at any time.

55 **SECTION 5.**

56 Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs
57 in the office of any member of the board by removal, death, resignation, or otherwise, except
58 by expiration of term, the governing authority shall appoint a successor for the remainder of
59 the unexpired term. The clerk of the superior court shall be notified of interim appointments

60 and record and certify such appointments in the same manner as the regular appointment of
61 members.

62 **SECTION 6.**

63 Before entering upon his or her duties, each member of the board shall take substantially the
64 same oath as required by law for registrars. Each member of the board shall have the same
65 privileges from arrest as registrars.

66 **SECTION 7.**

67 On January 1, 2011, the judge of the Probate Court of Miller County shall be relieved of all
68 powers and duties with regard to elections and the judge shall deliver thereafter to the
69 chairperson of the board, upon his or her written request, the custody of all equipment,
70 supplies, materials, books, papers, records, and facilities of every kind pertaining to such
71 powers and duties.

72 **SECTION 8.**

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

78 **SECTION 9.**

79 The board shall hold regular monthly meetings at the county courthouse. Any specially
80 called meetings, held pursuant to the bylaws adopted by the board, shall be held only after
81 written notification of the time and place of the holding of such meeting has been
82 communicated in writing to the person designated by the county governing authority to
83 provide public information. All meetings of the board, without limitation, shall be open to
84 the public.

85 **SECTION 10.**

86 The chairperson of the board shall administer and supervise the conduct of elections and
87 primaries for the county.

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SECTION 11.

89 With the consent of the governing authority of Miller County, the board shall be authorized
90 to employ such full-time and part-time employees as deemed necessary for the efficient
91 conduct of elections and primaries for the county, including an elections supervisor.

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SECTION 12.

93 With the consent of the governing authority of Miller County, the board of elections shall be
94 authorized to expend public funds for the purpose of distributing sample ballots, voter
95 information booklets, and other material designed to inform and instruct adequately the
96 electors of the county with regard to elections. No material distributed by the board shall
97 contain or express, in any manner or form, any commentary or expression of opinion or
98 request for support with respect to any political issue or matter of political concern.

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SECTION 13.

100 Compensation for the members of the board, employees of the board, and the chairperson of
101 the board shall be recommended by the board to the governing authority of Miller County
102 and shall be subject to the approval of the governing authority. Such compensation shall be
103 paid from county funds.

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SECTION 14.

105 The governing authority of Miller County shall provide the board and the elections
106 supervisor with proper and suitable offices and equipment.

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SECTION 15.

108 The board is authorized to perform for any municipality located wholly or partially within
109 Miller County any functions and duties which election superintendents are authorized by
110 general law to perform on behalf of municipalities under such conditions as provided by
111 general law.

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SECTION 16.

113 The words "election," "elector," "primary," "public office," "special election," and "special
114 primary" shall have the same meanings ascribed to those words by Code Section 21-2-2 of
115 the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

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SECTION 17.

117 This Act shall become effective on January 1, 2011, except that, for purposes of making
118 initial appointments to the board, it shall become effective on December 1, 2010.

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SECTION 18.

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