

House Bill 573 (AS PASSED HOUSE AND SENATE)

By: Representative Black of the 174th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Brooks County and provide for its powers
2 and duties; to define certain terms; to provide for the composition of the board and the
3 selection, qualification, and terms of its members; to provide for resignation, succession, and
4 removal of members and for filling vacancies; to provide for oaths and privileges; to relieve
5 certain boards and officers of certain powers and duties and provide for the transfer of certain
6 items to the newly created board; to abolish a certain board and officers; to provide for
7 meetings and procedures; to provide for the elections supervisor and the powers and duties
8 of such elections supervisor; to provide for board employees and their compensation; to
9 provide for expenditures of public funds for certain purposes; to provide for compensation
10 of the members of the board of elections and registration; to provide for offices and
11 equipment; to provide for contracts with certain municipalities; to provide for effective dates;
12 to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 As used in this Act, the term:

- 16 (1) 'Board' means the Brooks County Board of Elections and Registration.
- 17 (2) 'Commissioners' means the Brooks County Board of Commissioners.
- 18 (3) 'County' means Brooks County.
- 19 (4) 'Election,' 'elector,' 'political party,' 'primary,' 'public office,' 'special election,' and
20 'special primary' shall have the same meanings as ascribed to those words by Code
21 Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this
22 Act.

23 SECTION 2.

24 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created a board
25 of elections and registration for Brooks County which shall have jurisdiction over the

26 conduct of primaries and elections and the registration of electors in such county in
27 accordance with the provisions of this Act. Such board shall be known as the Brooks County
28 Board of Elections and Registration.

29

SECTION 3.

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

32 (b) The initial members of the board shall be appointed for terms of office beginning July
33 1, 2011. All members of the board shall be appointed by the Board of Commissioners of
34 Brooks County. The commissioners shall designate one of the initial members to serve for
35 a term ending on December 31, 2014; one of the initial members to serve a term ending on
36 December 31, 2013, and one of the initial members to serve for a term ending on December
37 31, 2012, and until their successors are duly appointed and qualified. Upon the expiration
38 of each initial term all subsequent terms shall be for a four-year period.

39 (c) No person who holds or qualifies as a candidate for elective public office shall be
40 eligible to serve as a member of the board during the term of such office, and the position
41 of any member of the board shall be deemed vacant upon such member's qualifying as a
42 candidate for elective public office.

43 (d) No member of the board shall be related by blood or marriage closer than first cousins
44 to any elected official in Brooks County nor shall any member of the board be an agent, an
45 appointed official, or employee of, or work directly for, any agency of state government,
46 Brooks County, or any municipality for which the board conducts municipal elections.

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SECTION 4.

48 The appointment of each member shall be made by the commissioners filing an affidavit with
49 the clerk of the superior court no later than 30 days preceding the date at which such member
50 is to take office stating the name and residential address of the person appointed and
51 certifying that such member has been duly appointed as provided in this Act. The clerk of
52 the superior court shall record each of such certifications on the minutes of the court and
53 shall certify the name of each such member to the Secretary of State and shall provide for the
54 issuance of appropriate commissions to the members within the same time and in the same
55 manner as provided by law for registrars. Any person appointed to fill a vacancy shall serve
56 out the unexpired term of office.

57

SECTION 5.

58 Each member of the board shall be eligible to serve consecutive terms without limitation and
59 shall have the right to resign at any time by giving written notice of his or her resignation to

60 the governing authority of the county and to the clerk of the Superior Court of Brooks
61 County. Each member shall be subject to removal from the board by the governing authority
62 of the county at any time for cause after notice and hearing.

63 **SECTION 6.**

64 In the event a vacancy occurs in the office of any member of the board by removal, death,
65 resignation, or otherwise, the commissioners shall appoint a successor for the remainder of
66 the unexpired term. The clerk of the superior court shall be notified of interim appointments
67 and record and certify such appointments in the same manner as the regular appointment of
68 members.

69 **SECTION 7.**

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

73 **SECTION 8.**

74 On July 1, 2011, the elections superintendent of Brooks County and the board of registrars
75 of Brooks County shall be relieved from all powers and duties to which the board of elections
76 and registration succeeds by the provisions of this Act; and they shall deliver thereafter to
77 the chairperson of the board, upon his or her written request, custody of all equipment,
78 supplies, materials, books, papers, records, and facilities of every kind pertaining to such
79 powers and duties. At such time, the board of registrars in Brooks County shall stand
80 abolished.

81 **SECTION 9.**

82 The board shall be authorized and empowered to organize itself, elect its officers, determine
83 its procedural rules and regulations, adopt bylaws, specify the functions and duties of the
84 elections supervisor, and otherwise take such action as is appropriate to the management of
85 the affairs committed to its supervision; provided, however, that no such action shall conflict
86 with state law. Action and decision by the board shall be by a majority of the members of the
87 board. Every year the board shall elect one of its members to serve as chairperson for a
88 one-year term.

89 **SECTION 10.**

90 The board may hold regular meetings at the county courthouse or such other location as the
91 board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by

92 the board shall be held only after notification of the time and place of the holding of such
93 meeting has been communicated in writing to the elections supervisor, who shall provide
94 public notice of the meeting as required by law. All meetings of the board of whatever kind
95 shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open
96 meetings.

97 **SECTION 11.**

98 The governing authority of Brooks County shall be authorized to appoint an elections
99 supervisor to generally supervise, direct, and control the administration of the affairs of the
100 board pursuant to law and duly adopted resolutions of the board. The elections supervisor
101 shall be deemed a county department head and shall not be eligible to serve as a member of
102 the board. The elections supervisor shall be considered a county employee for purposes of
103 pay, benefits, sick leave, vacation, termination of employment, and other purposes. As a
104 county department head, the elections supervisor shall be subject to direction, evaluation, and
105 corrective action by the County Administrator.

106 **SECTION 12.**

107 The elections supervisor shall be authorized to employ such employees, including poll
108 workers, as may be deemed necessary by the elections supervisor and as are approved in the
109 annual budget adopted by the governing authority of the county. All such employees shall
110 be considered county employees for purposes of pay, benefits, sick leave, vacation, and other
111 purposes in accordance with policies adopted by the governing authority.

112 **SECTION 13.**

113 With the consent of the governing authority of the county, the board of elections and
114 registration shall be authorized to expend public funds for the purpose of distributing sample
115 ballots, voter information booklets, and other material designed to inform and instruct
116 adequately the electors of the county with regard to elections. No material distributed by the
117 board shall contain or express, in any manner or form, any commentary or expression of
118 opinion or request for support for any political issue or matter of political concern.

119 **SECTION 14.**

120 The compensation of the chairperson and other members of the board, the elections
121 supervisor, clerical assistants, and other employees shall be as fixed by the governing
122 authority of the county. Such compensation shall be paid from county funds.

123 **SECTION 15.**

124 The commissioners shall provide the board and the elections supervisor with proper and
125 suitable offices and equipment.

126 **SECTION 16.**

127 The board shall have the authority to contract with any municipality located within Brooks
128 County for the holding by the board of any primary or election to be conducted within the
129 municipality; provided, however, that any such contract must be approved and ratified by the
130 governing authority of the county.

131 **SECTION 17.**

132 (a) For purposes of making initial appointments to the board, this Act shall become
133 effective upon its approval by the Governor or upon its becoming law without such
134 approval.

135 (b) For all other purposes, this Act shall become effective on July 1, 2011.

136 **SECTION 18.**

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