

House Bill 602 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 168th, Roberts of the 154th, and Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a board of elections and registration for Bacon County and
2 provide for its powers and duties, approved May 16, 2007 (Ga. L. 2007, p. 3712), so as to
3 reconstitute and change the composition of the board and the selection and appointment of
4 its members; to provide for the qualification and removal of members and for filling
5 vacancies; to provide for the appointment, duties, compensation, and removal of an elections
6 supervisor; to provide for officers and equipment; to provide for related matters; to provide
7 for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965,
8 as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act to create a board of elections and registration for Bacon County and provide for its
12 powers and duties, approved May 16, 2007 (Ga. L. 2007, p. 3712), is amended by revising
13 Section 3 as follows:

14 "SECTION 3.

15 (a) On the effective date of this section, the positions of the current board members shall
16 terminate and a new board shall be appointed as provided in this section.

17 (b) On and after the effective date of this section, the Bacon County Board of Elections
18 and Registration shall consist of one member. The Board of Commissioners of Bacon
19 County shall appoint such member to serve on the Bacon County Board of Elections and
20 Registration. Such member shall serve at the pleasure of the board of commissioners of
21 Bacon County.

22 (c) All appointments to the board shall be promptly certified by the board of
23 commissioners of Bacon County to the clerk of the Superior Court of Bacon County.

24 (d) Each member appointed shall serve until his or her successor is duly appointed and
25 qualified and takes office."

26 **SECTION 2.**

27 Said Act is further amended by revising Section 4 as follows:

28 "SECTION 4.

29 The board of commissioners of Bacon County shall appoint the member of the Bacon
30 County Board of Elections and Registration or any other qualified person to serve as the
31 election supervisor. Such person shall serve at the pleasure of the board of commissioners.
32 The Bacon County Board of Commissioners shall set the pay and salary of such elections
33 supervisor; provided, however, that, if the elections supervisor is a member of the Bacon
34 County Board of Elections and Registration, he or she shall be entitled to compensation for
35 only one position. The election supervisor or his or her designee shall generally direct and
36 control the administration of the affairs of the board pursuant to law and duly adopted
37 resolutions of the board. The election supervisor shall be supervised by the board of
38 commissioners and shall be deemed to be an at-will employee of the board of
39 commissioners subject to removal at any time, with or without cause, by the board of
40 commissioners of Bacon County. The board of commissioners may also appoint an
41 assistant election supervisor who shall carry out the duties of the election supervisor in the
42 absence of such person."

43 **SECTION 3.**

44 Said Act is further amended by revising Section 7 as follows:

45 "SECTION 7.

46 (a) In the event a vacancy occurs in the office of the member of the board by removal,
47 death, resignation, or otherwise, the commissioners shall appoint a successor as provided
48 for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim
49 appointments and record and certify such appointment in the same manner as the regular
50 appointment of members.

51 (b) Before entering upon his or her duties, the member of the board shall take substantially
52 the same oath as required by law for registrars. The member of the board shall have the
53 same privileges from arrest as registrars."

54 **SECTION 4.**

55 Said Act is further amended by revising Section 8 as follows:

56 "SECTION 8.

57 The member of the reconstituted board under this Act shall be appointed as soon as
 58 practicable following the effective date of this Act. The board shall take no official action
 59 until the member has been certified to the clerk of the Superior Court of Bacon County."

60 **SECTION 5.**

61 Said Act is further amended by revising Section 10 as follows:

62 "SECTION 10.

63 The board, with the approval of the commissioners, shall have the authority to contract
 64 with any municipality or governmental authority located within Bacon County for the
 65 holding by the board of any primary or election to be conducted within such municipality
 66 or governmental authority."

67 **SECTION 6.**

68 Said Act is further amended by revising Section 11 as follows:

69 "SECTION 11.

70 Subject to approval by the commissioners, the board shall be authorized and empowered
 71 to determine procedural rules and regulations, adopt bylaws, specify functions and duties
 72 of its employees, and otherwise take such action as is appropriate to the management of its
 73 affairs; provided, however, that no such action shall conflict with state law."

74 **SECTION 7.**

75 Said Act is further amended by revising Section 12 as follows:

76 "SECTION 12.

77 (a) The board, subject to approval by the commissioners as demonstrated by an appropriate
 78 resolution adopted and entered on the minutes of a meeting of the commissioners, shall fix
 79 and establish, by appropriate resolution entered on its minutes, directives governing the
 80 execution of matters within its jurisdiction. The board shall hold meetings at a place
 81 designated by the commissioners. Any specially called meetings held pursuant to the
 82 bylaws adopted by the board shall be held only after notification of the time and place of
 83 the holding of such special meeting has been communicated in writing to the election

84 supervisor to provide public notice of the meeting as required by law. All meetings of
85 whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the
86 O.C.G.A.

87 (b) The board shall maintain a written record of policy decisions amended to include
88 additions or deletions. Such written records shall be available for the public to review
89 pursuant to Article 4 of Chapter 18 of Title 50 of the O.C.G.A."

90 **SECTION 8.**

91 Said Act is further amended by revising Section 13 as follows:

92 "SECTION 13.

93 Compensation for the member of the board shall be fixed by the board of commissioners,
94 to be payable from the general revenues of Bacon County; provided, however, that, if the
95 member of the board also serves as the elections supervisor, he or she shall be entitled to
96 compensation for only one position."

97 **SECTION 9.**

98 Said Act is further amended by revising subsection (b) of Section 14 as follows:

99 "(b) The board of commissioners shall provide suitable offices and equipment and funding
100 sufficient to employ the staff and other employees as may be necessary. The board shall
101 allow all political parties in Bacon County to utilize the offices of the board for the purpose
102 of qualifying candidates for primary elections during the qualifying periods for primary
103 elections."

104 **SECTION 10.**

105 The board of commissioners of Bacon County shall cause, through its legal counsel, this Act
106 to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965,
107 as amended, within 45 days after the date on which this Act is approved by the Governor or
108 otherwise become law without such approval.

109 **SECTION 11.**

110 On the effective date of this Act, the former Bacon County Board of Elections and
111 Registration shall deliver and turn over to the reconstituted board all equipment, supplies,
112 materials, books, papers, records, and facilities of such former board.

113 **SECTION 12.**

114 This Act shall become effective upon its approval by the Governor or upon its becoming law
115 without such approval.

116 **SECTION 13.**

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