

House Bill 638 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Randolph County and provide for its
2 powers and duties; to provide for the composition of the board and the appointment,
3 qualification, and terms of its members; to provide for filling of vacancies and removal of
4 members; to provide for oaths and privileges; to relieve certain boards and officers of certain
5 powers and duties and provide for the transfer of certain items to the newly created board;
6 to abolish certain boards and officers; to provide for meetings and procedures; to provide for
7 the elections supervisor and the powers and duties of such elections supervisor; to provide
8 for board employees and their compensation; to provide for expenditures of public funds for
9 certain purposes; to provide for compensation of the members of the board and elections
10 supervisor; to provide for facilities, offices, and equipment; to provide for the board's
11 performance of certain functions and duties for certain municipalities; to provide for the
12 meaning of certain terms; to provide for submission under the federal Voting Rights Act of
13 1965, as amended; to provide for an effective date; to repeal a specific Act; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 SECTION 1.

17 Pursuant to subsection (b) of Code Section 21-2-40 of the Official Code of Georgia
18 Annotated, there is created the Randolph County Board of Elections and Registration (herein
19 "the new board"). The board shall have all the powers and duties of the former Randolph
20 County Board of Elections (herein "the former board") relating to the conduct of primaries
21 and elections and shall have the powers and duties of the board of registrars relating to the
22 registration of voters and absentee balloting procedures.

23 SECTION 2.

24 (a) The board shall be composed of three members, each of whom shall be an elector and
25 resident of Randolph County.

26 (b) The initial members of the board shall be the members of the former board of elections,
27 which former board is abolished by this Act, and those members of the former board shall
28 continue to serve as the members of this newly created board until June 30, 2013, and until
29 their successors are appointed and qualified, and the chair of the former board shall
30 continue to serve as chair of the new board until June 30, 2013. Successors shall be
31 appointed in the same manner, and shall serve for the same terms, as provided for county
32 registrars in Code Section 21-2-212 of the Official Code of Georgia Annotated.

33 (c) No person who holds public office, whether elective or appointive, shall be eligible to
34 serve as a member of the board during the term of such office, and the position of any
35 member of the board shall be deemed vacant upon such member's qualifying as a candidate
36 for elective public office or appointment to public office. Further, no immediate family
37 member of an elected public official shall be eligible to serve as a member during the
38 elected official's term of office. For the purposes of this section, the term "immediate
39 family" has the meaning provided by Code Section 21-5-70 of the Official Code of Georgia
40 Annotated.

41 **SECTION 3.**

42 Any vacancy on the board shall be filled, and any person appointed to fill a vacancy shall
43 serve, in the same manner and for the same period as provided by Code Section 21-2-212 of
44 the Official Code of Georgia Annotated for the filling of a vacancy in an office of county
45 registrars.

46 **SECTION 4.**

47 Each member of the board shall be eligible to succeed himself or herself without limitation
48 and shall have the right to resign at any time by giving written notice of resignation to the
49 clerk of the Superior Court of Randolph County. Each member shall be subject to removal
50 from the board in the same manner and by the same authority as provided for removal of
51 county registrars.

52 **SECTION 5.**

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

56 **SECTION 6.**

57 On July 1, 2011, the board of elections of Randolph County and the board of registrars of
58 Randolph County shall be relieved from all powers and duties to which the new board

59 succeeds by the provisions of this Act; and they shall deliver thereafter to the chair of the
60 new board, upon written request, the custody of all equipment, supplies, materials, books,
61 papers, records, and facilities of every kind pertaining to such powers and duties. Also, at
62 such time, the board of elections of Randolph County and the board of registrars and the
63 office of chief registrar of Randolph County shall be abolished.

64 **SECTION 7.**

65 (a) The board shall be authorized to organize itself, elect its officers, determine its
66 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
67 employees, and otherwise take such action as is appropriate to the management of the
68 affairs committed to its supervision; provided, however, that no such action shall conflict
69 with state law.

70 (b) Action and decision by the board shall be by a majority of the members of the board.

71 **SECTION 8.**

72 (a) The chair of the board shall be the chief executive officer of the board and shall
73 generally supervise, direct, and control the administration of the affairs of the board
74 pursuant to the laws of the State of Georgia and duly adopted resolutions of the board.

75 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
76 directives governing the execution of matters within its jurisdiction. The board shall hold
77 regular quarterly meetings at such place as may be designated by the board. Any special
78 called meetings, held pursuant to the bylaws adopted by the board, shall be held only after
79 notification of the time and place of the holding of such meeting in accordance with
80 Chapter 14 of Title 50 of the Official Code of Georgia Annotated. All meetings of
81 whatever kind of the board shall be open to the public.

82 (c) The board shall maintain a written record of policy decisions that shall be amended to
83 include additions or deletions. Such written record shall be made available for the public
84 to review.

85 **SECTION 9.**

86 (a) The board shall be responsible for the selection and appointment of an administrative
87 director to be known as the elections supervisor to administer and supervise conduct of
88 elections, primaries, and registration of electors for the county. The elections supervisor
89 shall serve at the pleasure of the board. The board shall act within 60 days of its members
90 taking office under this Act to retain or appoint an elections supervisor who shall be hired
91 by the board from a job description drawn by the board.

92 (b) In the event the board fails to appoint or retain an elections supervisor to fill a vacancy
93 within the time specified in subsection (a) of this section, an acting elections supervisor
94 who shall fill temporarily such vacancy shall be appointed by the governing authority to
95 serve until the board fills the vacancy.

96 **SECTION 10.**

97 The board shall be authorized to employ such full-time and part-time employees, including
98 a full-time chief clerk, with the consent of the governing authority of Randolph County.

99 **SECTION 11.**

100 With the consent of the governing authority of Randolph County, the board of elections and
101 registration shall be authorized to expend public funds for the purpose of distributing sample
102 ballots, voter information booklets, and other material designed to inform and instruct
103 adequately the electors of the county with regard to elections. No material distributed by the
104 board shall contain or express, in any manner or form, any commentary or expression of
105 opinion or request for support with respect to any political issue or matter of political
106 concern.

107 **SECTION 12.**

108 Compensation for the members of the board and the elections supervisor shall be fixed by
109 the board with the approval of the governing authority of Randolph County. Such
110 compensation shall be paid from county funds.

111 **SECTION 13.**

112 The governing authority of Randolph County shall provide the board and the elections
113 supervisor with proper and suitable offices and equipment.

114 **SECTION 14.**

115 The board is authorized to perform for any municipality located wholly or partially within
116 Randolph County any functions and duties which elections superintendents and boards of
117 registrars are authorized by general law to perform on behalf of municipalities under such
118 conditions as provided by general law.

119 **SECTION 15.**

120 The words "election," "elector," "political party," "primary," "public office," "special
121 election," and "special primary" shall have the same meaning ascribed to those words by

122 Code Section 21-2-2 of the Official Code of Georgia Annotated, unless otherwise clearly
123 apparent from the text of this Act.

124 **SECTION 16.**

125 The governing authority of Randolph County shall through its legal counsel cause this Act
126 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended,
127 and such submission shall be made to the United States Department of Justice no later than
128 45 days after the date on which this Act is approved by the Governor or otherwise becomes
129 law without such approval. This Act shall become effective immediately upon its
130 preclearance by the United States Attorney General, but in no event earlier than July 1, 2011.

131 **SECTION 17.**

132 An Act to provide for a board of elections for Randolph County, approved April 19, 2006
133 (Ga. L. 2006, p. 3740), is hereby repealed.

134 **SECTION 18.**

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