

Senate Bill 520

By: Senators McKoon of the 29th and Crane of the 28th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To create a board of elections and registration for Troup 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 qualification, 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 ability to perform certain functions and duties for
9 certain municipalities; to provide for related matters; to provide for submission for
10 preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to
11 provide 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 authorization contained in subsection (b) of Code Section 21-2-40 of the
15 O.C.G.A., there is created a Troup County Board of Elections and Registration, hereinafter
16 referred to as "the board." The board is empowered with the powers and duties of the judge
17 of the probate court/election superintendent of Troup County under Chapter 2 of Title 21 of
18 the O.C.G.A., the "Georgia Election Code," and the powers, duties, and responsibilities of
19 the board of registrars of Troup County under Chapter 2 of Title 21 of the O.C.G.A., the
20 "Georgia Election Code."

21 **SECTION 2.**

22 The terms "election," "elector," "political party," "primary," and "public office" shall have
23 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
24 Election Code," unless otherwise clearly apparent from the text of this Act; and the

25 "commissioners" means the Board of Commissioners of Troup County and "county" means
26 Troup County.

27 **SECTION 3.**

28 (a) The Troup County Board of Elections and Registration shall comprise seven members
29 to be appointed as follows: One member shall be appointed for a term of one year by the
30 governing authority of the City of West Point (hereafter "West Point"); one member shall be
31 appointed for a term of one year by the governing authority of the City of Hogansville
32 (hereafter "Hogansville"); one member shall be appointed for a term of two years by the
33 governing authority of the City of LaGrange (hereafter "LaGrange"); one member shall be
34 appointed for a term of two years by the chairman of the county executive committee of the
35 political party whose candidates received the largest number of votes in this state for
36 members of the General Assembly at the last preceding general election; one member shall
37 be appointed for a term of three years by the chairman of the county executive committee of
38 the political party whose candidates received the second largest number of votes in this state
39 for members of the General Assembly at the last preceding general election; and two
40 members shall be appointed for a term of three years by the governing authority of Troup
41 County. Such appointments by the chairmen shall be approved by a majority of the members
42 of the respective county executive committees of those political parties voting at a meeting
43 duly called and held for that purpose prior to the appointment; however, in the event that the
44 members of such executive committees shall fail to elect any such board member within 90
45 days prior to January 1, 2013, or thereafter within 90 days prior to the expiration of the term
46 of the predecessor in office, such members shall be appointed by the governing authority of
47 Troup County. Should the governing authorities of West Point, Hogansville, and LaGrange
48 fail to elect any such board member within 90 days prior to January 1, 2013, or thereafter
49 within 90 days prior to the expiration of the term of the predecessor in office, such members
50 shall be appointed by the governing authority of Troup County. The terms of the seven
51 initial members shall begin January 1, 2013. Successors to the initial members of the board
52 shall take office on the first day of January following their appointment and shall serve for
53 terms of three years and until their successors are appointed and qualified.

54 (b) Upon the appointment of a member, the chairman of the county executive committee of
55 the political party or the governing authority, as the case may be, shall file an affidavit with
56 the clerk of Superior Court of Troup County, no later than 15 days preceding the date at
57 which such member is to take office, stating the name and residential address of the person
58 appointed and certifying that such member has been duly appointed by majority vote of the
59 county executive committee as provided in this Act. The clerk of superior court shall record
60 each of such certifications on the minutes of the court and shall certify the name of each such

61 member to the Secretary of State and shall provide for the issuance of appropriate
 62 commissions to the members within the same time and in the same manner as provided by
 63 law for registrars.

64 (c) One of the members appointed by, and designated as such by, the county governing
 65 authority shall serve as chairperson of the board. Such chairperson shall preside over all
 66 meetings of the board and shall be entitled to vote on all matters coming before the board.

67 (d) Five members of the Troup County Board of Elections and Registration shall constitute
 68 a quorum of the board. Any action to be taken by the board shall be approved by the
 69 affirmative vote of a majority of those present and voting.

70 (e) The judge of the Probate Court of Troup County shall call the first meeting of the board
 71 in January, 2013. Thereafter, the board shall meet on the call of the chairman. Each member
 72 shall be given at least 48 hours' notice prior to each meeting of the board.

73 **SECTION 4.**

74 There shall be an election supervisor who shall generally supervise, direct, and control the
 75 administration of the affairs of the board pursuant to law and duly adopted resolutions of the
 76 board. The election supervisor shall provide daily employee supervision, serve as staff
 77 support for the board, attend all meetings of the board, and carry out the duties of voter
 78 registration and elections as required by law. The election supervisor shall not be eligible
 79 to serve as a member of the board. The appointment of the election supervisor shall be made
 80 by the board of commissioners, which will consider the recommendation of the board of
 81 elections and registration, and establish the compensation for the position. The election
 82 supervisor shall be deemed a county department head subject to direction, evaluation, and
 83 corrective action by the county manager and shall be an at-will, full-time employee of Troup
 84 County subject to county personnel policy in regard to pay, benefits, sick leave, vacation,
 85 termination of employment, and other purposes.

86 **SECTION 5.**

87 (a) Any registered voter and resident of Troup County for a period of at least one year prior
 88 to the date of appointment to the board shall be eligible for membership except that no person
 89 who holds any federal, state, or local elective public office shall be eligible during the term
 90 of such elective office and the position of any member shall be deemed vacant upon such
 91 member's qualifying as a candidate for elective public office.

92 (b) Each member of the board of elections and registration shall take substantially the same
 93 oath as required by law for registrars before entering upon his or her duties. Each member
 94 shall have the same privileges from arrest provided by law for registrars.

95 (c) Each member of the board shall be eligible to be reappointed to succeed such member.

96 (d) Each member of the board shall have the right to resign at any time by giving written
97 notice of such resignation to the respective appointing authority and to the clerk of superior
98 court.

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SECTION 6.

100 (a) In the event a vacancy occurs in the office of any appointed member of the board before
101 the expiration of his or her term, whether by removal, death, resignation, or otherwise, the
102 respective appointing authority shall, within 90 days following such vacancy, appoint a
103 successor to serve the remainder of the unexpired term. The clerk of superior court shall be
104 notified of interim appointments or elections and record and certify such appointments or
105 elections in the same manner as the regular appointment of members.

106 (b) In the event that West Point, Hogansville, LaGrange, or the chairman of either of the
107 county executive committees of the political parties shall fail to make an interim appointment
108 within the time specified in subsection (a) of this section, the county governing authority
109 shall make such appointment.

110 (c) All members of the board shall be subject to removal from the board at any time for
111 cause after notice and hearing, in the same manner and by the same authority as provided for
112 removal of registrars.

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SECTION 7.

114 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
115 directives governing the execution of matters within its jurisdiction. The board shall hold
116 meetings at the office of the Troup County Board of Elections and Registration or at the
117 place of meeting of the commissioners. Any specially called meetings held pursuant to the
118 bylaws adopted by the board shall be held only after notification of the time and place of the
119 holding of such special meeting has been communicated in writing to the election supervisor
120 to provide public notice of the meeting as required by law. All meetings of whatever kind
121 of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A.

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

125

SECTION 8.

126 Compensation for the members of the board shall be fixed by the Board of Commissioners
127 of Troup County. In addition thereto, they shall be reimbursed for their actual and necessary
128 expenses incurred in the performance of their duties. All amounts payable under this section
129 shall be paid from the funds of Troup County.

130

SECTION 9.

131 (a) The election supervisor may employ, subject to funding by the Troup County Board of
 132 Commissioners and approval by the county manager, additional personnel, including clerical
 133 assistants and poll workers, as needed to efficiently carry out the duties and functions of the
 134 board on either an independent contract basis or as county employees. The compensation
 135 of all such independent contractors or county employees shall be established by the board of
 136 commissioners and any such personnel who are not independent contractors shall be at-will
 137 employees of the board of commissioners and subject to county personnel policy in regard
 138 to pay, benefits, sick leave, vacation, termination of employment, and other purposes.

139 (b) The board of commissioners, at their legislative discretion, shall provide suitable offices
 140 and equipment and funding sufficient to employ the staff and other employees as may be
 141 necessary.

142 (c) With the consent of the governing authority of the county, the board of elections and
 143 registration shall be authorized to expend public funds for the purpose of distributing sample
 144 ballots, voter information booklets, and other material designed to inform and instruct
 145 adequately the electors of the county with regard to elections. No material distributed by the
 146 board shall contain or express, in any manner or form, any commentary or expression of
 147 opinion or request for support for any political issue or matter of political concern.

148 (d) This section shall not be construed so as to require the board of commissioners or the
 149 board of elections and registration to expend any funds simply because they are authorized
 150 to do so under this Act.

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SECTION 10.

152 (a) The Troup County Board of Elections and Registration shall be empowered with all the
 153 powers and duties relating to the conduct of elections as election superintendents pursuant
 154 to the provisions of Title 21 of the O.C.G.A. Any rule or regulation promulgated by a county
 155 executive committee of a political party under the provisions of subsection (c) of Code
 156 Section 21-2-111 of the O.C.G.A. with regard to the conduct of primaries shall be null and
 157 void if in conflict with a valid rule or regulation of the board.

158 (b) The Troup County Board of Elections and Registration is empowered with all the powers
 159 and duties relating to the registration of voters and absentee balloting procedures as boards
 160 of registrars pursuant to the provisions of Title 21 of the O.C.G.A.

161 (c) This Act is intended to implement the provisions of subsection (b) of Code
 162 Section 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate the
 163 purpose.

164 **SECTION 11.**

165 The board shall have the authority to contract with any municipality or governmental
166 authority located within the county for the holding by the board of any primary or election
167 to be conducted within the municipality or governmental authority. The full costs of any
168 such election shall be paid for by the requesting municipality or governmental authority
169 along with a fee established by the board to offset operational costs of the office of the board.
170 Any such contract shall be approved and ratified by the board of commissioners.

171 **SECTION 12.**

172 The Board of Commissioners of Troup County shall cause, through its legal counsel, this Act
173 to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965,
174 as amended, within 45 days after the date on which this Act is approved by the Governor or
175 otherwise becomes law without such approval.

176 **SECTION 13.**

177 (a) The provisions of this Act which are necessary for the appointment of the members of
178 the Troup County Board of Elections and Registration who will take office January 1, 2013,
179 shall be effective upon the approval of the Governor or upon the date which this Act becomes
180 law without his approval and this Act shall become effective for all purposes on January 1,
181 2013. Upon this Act becoming fully effective, the superintendent of elections of Troup
182 County and the board of registrars of Troup County shall be relieved of all powers and duties
183 to which the board succeeds by the provisions of this Act and shall deliver to the board all
184 equipment, supplies, materials, books, papers, records, and facilities pertaining to such
185 powers and duties. On such date, the Board of Registrars of Troup County and its offices
186 and employment positions shall be abolished.

187 (b) Nothing contained herein is intended to prevent the appointment of members of the
188 board, the hiring of an election supervisor, the hiring of clerical staff, or any necessary
189 training for the members of the board, the election supervisor, and clerical assistants.

190 **SECTION 14.**

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