

Senate Bill 251

By: Senator James of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of elections and registration for Douglas County, approved
2 May 13, 2008 (Ga. L. 2008, p. 3880), so as to reconstitute the board; to provide for
3 composition of the board and the selection and appointment of members; to provide for
4 related matters; to provide for submission for preclearance under Section 5 of the federal
5 Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating a board of elections and registration for Douglas County, approved May 13,
9 2008 (Ga. L. 2008, p. 3880), is amended by revising Section 3 as follows:

10 "SECTION 3.

11 (a) The board shall be composed of five members, each of whom shall be an elector and
12 resident of the county and who shall be appointed as provided in this section.

13 (b) The board shall be reconstituted effective January 1, 2014, as provided for in subsections
14 (c) and (d) of this section; until such date, those members of the board serving on January 1,
15 2013, shall continue to serve. The appointments for members who shall take office on
16 January 1, 2014, shall occur in accordance with subsection (e) of this section.

17 (c) Two members of the board shall be appointed by the chairperson of the county executive
18 committee of the political party which received the highest number of votes within the state
19 for members of the General Assembly at the last general election immediately preceding the
20 appointment of such members. Two members of the board shall be appointed by the
21 chairperson of the county executive committee of the political party which received the next
22 highest number of votes within the state for members of the General Assembly in the general
23 election immediately preceding the appointment of such members. In the event that a
24 political party entitled to appoint a member of the board does not have a county executive
25 committee, such appointment shall be made by the state executive committee of such
26 political party. One member shall be appointed by the Douglas County legislative delegation

27 in the General Assembly. The Douglas County legislative delegation shall be composed of
28 all Senators and Representatives in the General Assembly whose districts are wholly or
29 partially in Douglas County.

30 (d) One of the initial members appointed by the chairpersons of the executive committees
31 of the political parties shall serve for a term of two years and the other initial member
32 appointed by such chairpersons shall serve for a term of four years. The initial member
33 appointed by the Douglas County legislative delegation shall serve for a term of four years.
34 Thereafter, all members of the board shall be appointed for terms of four years and until their
35 successors are appointed and qualified.

36 (e) The appointment of each member shall be made by the respective appointing authority
37 filing an affidavit with the clerk of the Superior Court of Douglas County no later than 30
38 days preceding the date on which such member is to take office stating the name and
39 residential address of the person appointed and certifying that such member has been duly
40 appointed as provided in this Act. The clerk of the superior court shall record each of such
41 certifications on the minutes of the court and shall certify the name of each member to the
42 Secretary of State and shall provide for the issuance of appropriate commissions to the
43 members within the same time and in the same manner as provided by law for registrars.

44 (f) Each member of the board shall be eligible to succeed himself or herself for one term
45 following the completion of one four-year term, not including any time served under an
46 interim appointment pursuant to subsection (g) of this section. Each member of the board
47 shall have the right to resign at any time by giving written notice of his or her resignation to
48 the respective appointing authority and to the clerk of the superior court. Each member of
49 the board shall be subject to removal from the board at any time for cause, after notice and
50 a hearing, and in the same manner and by the same authority as provided for removal of
51 registrars.

52 (g) In the event that a vacancy occurs in the office of any member before the expiration of
53 his or her term by removal, death, resignation, or otherwise, the respective appointing
54 authority shall appoint a successor to serve the remainder of the unexpired term. The clerk
55 of the superior court shall be notified of interim appointments and record and certify such
56 appointments in the same manner as the regular appointment of members.

57 (h) Before entering upon his or her duties, each member shall take substantially the same
58 oath as required by law for registrars and shall have the same privileges from arrest."

59 **SECTION 2.**

60 Said Act is further amended by revising Section 5 as follows:

61 "SECTION 5.

62 (a) The county governing authority shall employ a full time election supervisor to administer
63 and supervise the conduct of elections and primaries and the registration of electors of the
64 county and such other employees as the board shall approve. The election supervisor shall
65 generally supervise, direct, and control the administration of the affairs of the board of
66 elections and registration pursuant to law and duly adopted resolutions of the board.

67 (b) The board shall appoint the election supervisor who shall serve for a period of four years
68 and until his or her successor is appointed and qualified. The election supervisor shall be
69 subject to removal at any time for cause, after notice and a hearing, and in the same manner
70 and by the same authority as provided for the removal of registrars."

71 **SECTION 3.**

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

73 "SECTION 7.

74 The governing authority of Douglas County shall provide the board with such proper and
75 suitable offices, equipment, materials, and supplies and with such clerical assistance and
76 other employees as the board deems appropriate."

77 **SECTION 4.**

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

79 "SECTION 8.

80 (a) The board shall be authorized to organize itself, to elect its officers, determine its
81 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
82 employees, and otherwise take such action as is appropriate to the management of the affairs
83 committed to its supervision; provided, however, that no such action shall conflict with state
84 law. Action and decision by the board shall be by a majority of the five members of the
85 board. The board shall elect one of its members to serve as chairperson at the pleasure of the
86 board.

87 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
88 directives governing the execution of matters within its jurisdiction. The board shall hold
89 regular meetings. Any specially called meeting shall be called by the chairperson or any
90 three members of the board. The board shall maintain a written record of policy decisions
91 amended to include additions or deletions. Such written records shall be made available for
92 the public to review."

93 **SECTION 5.**

94 The board of commissioners of Douglas County shall through its legal counsel cause this Act
95 to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965,
96 as amended, within 45 days after the date on which this Act is approved by the Governor or
97 otherwise becomes law without such approval.

98 **SECTION 6.**

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