

House Bill 505 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32nd and McCall of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Madison County and to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection and appointment of members; to provide for the qualification, terms, and
4 removal of members; to provide for oaths and privileges; to provide for meetings,
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for
6 the transfer of functions to the newly created board; to provide for certain expenditures of
7 public funds; to provide for compensation of members of the board and personnel; to provide
8 for offices and equipment; to provide for the board's performance of certain functions and
9 duties for certain municipalities; to provide for related matters; to provide effective dates; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
14 Board of Elections and Registration of Madison County, hereinafter referred to as "the
15 board." The board shall have the powers, duties, and responsibilities of the superintendent
16 of elections of Madison County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
17 Election Code," currently being exercised by the judge of the Probate Court of Madison
18 County, and the powers, duties, and responsibilities of the Board of Registrars of Madison
19 County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

20 style="text-align:center">**SECTION 2.**

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

25 of Madison County, "county" means Madison County, and "superior court" means the
26 Superior Court of Madison County.

27 **SECTION 3.**

28 (a) The board shall be composed of three members each of whom shall be an elector and
29 resident of the county at the time of appointment and for at least one year prior thereto, and
30 who shall be appointed as provided in this section.

31 (b) One member of the board shall be nominated by the political party whose candidate for
32 the office of Governor at the last election for such office received the highest number of
33 votes cast for such office within the county. One member of the board shall be nominated
34 by the political party whose candidate for the office of Governor at the last election for such
35 office received the second highest number of votes cast for such office within the county.
36 Each of these two respective members nominated by political parties shall be ratified by the
37 county executive committee of the respective political party at least 30 days before the
38 beginning of the term of office or within 30 days after the creation of a vacancy in the office,
39 and upon such approval, the nomination shall be immediately submitted to the Board of
40 Commissioners of Madison County for approval at a regular or called meeting of the board
41 of commissioners. Should the board of commissioners fail to approve a nominee by a
42 majority vote, a new nominee shall be nominated and submitted for approval in the same
43 manner.

44 (c) The remaining member shall be the chairperson of the board. The chairperson shall be
45 appointed by the senior judge in time of service of the Superior Court of Madison County
46 upon recommendation of the Madison County grand jury.

47 (d) The initial appointments to the board shall be made at least 30 days prior to
48 January 1, 2014. The initial members and their successors shall be appointed for terms of
49 four years and until their respective successors are appointed and qualified. The term of each
50 initial member shall commence on January 1, 2014.

51 **SECTION 4.**

52 No person who holds elective public office shall be eligible to serve as a member of the
53 board during the term of such elective office, and the position of any member of the board
54 shall be deemed vacant upon such member's qualifying as a candidate for elective public
55 office.

56 **SECTION 5.**

57 The Board of Commissioners of Madison County shall certify the appointment of each
58 member of the board by filing an affidavit with the clerk of the superior court no later than

59 15 days preceding the date upon which such members are to take office, stating the name and
60 residential address of the person appointed and certifying that such member has been duly
61 appointed as provided in this Act. The clerk of the superior court shall record each of such
62 certifications on the minutes of the superior court and shall certify the name of each such
63 appointed member to the Secretary of State and provide for the issuance of appropriate
64 commissions to the members within the same time and in the same manner as provided by
65 law for registrars.

66 **SECTION 6.**

67 Each member of the board shall be eligible to serve successive terms, shall have the right to
68 resign at any time by giving written notice of such resignation to the appointing body and to
69 the clerk of the superior court, and shall be subject to removal from the board by the
70 appointing body at any time, for cause, after notice and hearing, in the same manner and by
71 the same authority as provided for the removal of registrars. For the purposes of this section,
72 the senior judge in time of service of the superior court shall be considered the "appointing
73 body" for the chairperson and the Madison County Board of Commissioners shall be
74 considered the "appointing body" of the other two members of the board.

75 **SECTION 7.**

76 In the event a vacancy occurs in the office of any appointed member before the expiration of
77 his or her term, by removal, death, resignation, or otherwise, a successor shall be appointed
78 to serve the remainder of the unexpired term, such appointment to be made in the same
79 manner of appointment as provided for such position in Section 3 of this Act. The clerk of
80 the superior court shall be notified of such interim appointments and record and certify such
81 appointments in the same manner as the regular appointment of members.

82 **SECTION 8.**

83 Before entering upon the member's duties, each member shall take substantially the same oath
84 as required by law for registrars and shall have the same privileges from arrest.

85 **SECTION 9.**

86 (a) The board shall be authorized to organize itself, determine its procedural rules and
87 regulations, adopt bylaws, specify policies for the functions and duties of its employees and
88 poll workers, and otherwise take such action as is appropriate to the management of the affairs
89 committed to its supervision; provided, however, that no such action shall conflict with state
90 law. Action and decision by the board shall be by a majority of the members of the board.
91 The chairperson of the board shall have sole authority, within the policies established by the

92 full board, over retention, termination, and discipline of employees, as well as training of poll
93 workers in primaries and elections, such poll workers to be appointed by the chairperson.

94 (b) The chairperson shall be authorized to employ such full-time and part-time employees,
95 including poll workers, as may be deemed necessary by the chairperson and as approved in
96 the annual budget adopted by the governing authority of Madison County.

97 (c) The board shall fix and establish, by appropriate resolution entered on its minutes,
98 directives governing the execution of matters within its jurisdiction. The board shall have
99 regular monthly meetings and shall meet not fewer than three times per year. Any specially
100 called meeting shall be called by the chairperson or any two members of the board. The board
101 shall maintain a written record of policy decisions amended to include additions or deletions.
102 Such written records shall be made available for the public to review.

103 **SECTION 10.**

104 The board shall have the authority to contract with any municipality located within Madison
105 County for the holding by the board of any primary or election to be conducted within such
106 municipality.

107 **SECTION 11.**

108 Compensation for the members of the board, clerical assistants, and other employees shall be
109 fixed by the Board of Commissioners of Madison County. Such compensation shall be paid
110 wholly from county funds.

111 **SECTION 12.**

112 The chairperson of the board shall be the chief executive officer of the board and shall
113 generally supervise, direct, and control the administration of the affairs of the board pursuant
114 to law and duly adopted resolutions of the board. The board shall fix and establish, by
115 appropriate resolution entered on its minutes, directives governing the execution of matters
116 within its jurisdiction.

117 **SECTION 13.**

118 The Board of Commissioners of Madison County shall provide the board with such proper
119 and suitable offices, equipment, materials, and supplies and with such clerical assistance and
120 other employees as the Board of Commissioners of Madison County shall deem appropriate.

121 **SECTION 14.**

122 This Act shall become effective on July 1, 2013. On January 1, 2014, the superintendent of
123 elections and the board of registrars shall be relieved of all powers and duties to which the

124 board succeeds by the provisions of this Act and shall deliver to the board all equipment,
125 supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.
126 On such date, the Board of Registrars of Madison County shall stand abolished. All elections
127 conducted during 2013 shall be conducted by the superintendent of elections and the board
128 of registrars.

129 **SECTION 15.**

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