

Senate Bill 254

By: Senator Harper of the 7th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Irwin 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 performance of certain functions and duties for certain
 9 municipalities; to provide for related matters; to provide effective dates; to repeal conflicting
 10 laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **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 Irwin County, hereinafter referred to as "the board."
 15 The board shall have the powers, duties, and responsibilities of the superintendent of
 16 elections of Irwin County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
 17 Code," currently being exercised by the judge of the Probate Court of Irwin County, and the
 18 powers, duties, and responsibilities of the Board of Registrars of Irwin County under
 19 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

20 **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 Irwin County, "county" means Irwin County, and "superior court" means the Superior
26 Court of Irwin 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 If there is no county executive committee of a political party, then the nomination shall be
37 made by the local legislation delegation. Each of these two respective members nominated
38 by political parties shall be ratified by the county executive committee of the respective
39 political party at least 30 days before the beginning of the term of office or within 30 days
40 after the creation of a vacancy in the office, and upon such approval, the nomination shall be
41 immediately submitted to the Board of Commissioners of Irwin County for approval at a
42 regular or called meeting of the board of commissioners. Should the board of commissioners
43 fail to approve a nominee by a majority vote, a new nominee shall be nominated and
44 submitted for approval in the same manner.

45 (c) The remaining member shall be the chairperson of the board. The chairperson shall be
46 appointed by the commissioners, subject to the approval of the Irwin County local delegation
47 to the General Assembly.

48 (d) The initial appointments to the board shall be made at least 30 days prior to
49 January 1, 2014. The term of each initial member shall commence on January 13, 2014, and
50 each such initial member shall serve until the day immediately preceding the second Monday
51 in January of 2015. Thereafter, terms shall coincide with each regular biennium of the
52 General Assembly.

53 **SECTION 4.**

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

58 **SECTION 5.**

59 The commissioners shall certify the appointment of each member of the board by filing an
60 affidavit with the clerk of the superior court no later than 15 days preceding the date upon
61 which such members are to take office, stating the name and residential address of the person
62 appointed and certifying that such member has been duly appointed as provided in this Act.
63 The clerk of the superior court shall record each of such certifications on the minutes of the
64 superior court and shall certify the name of each such appointed member to the Secretary of
65 State and provide for the issuance of appropriate commissions to the members within the
66 same time and in the same manner as provided by law for registrars.

67 **SECTION 6.**

68 Each member of the board shall be eligible to serve successive terms, shall have the right to
69 resign at any time by giving written notice of such resignation to the appointing body and to
70 the clerk of the superior court, and shall be subject to removal from the board by the
71 appointing body at any time, for cause, after notice and hearing, in the same manner and by
72 the same authority as provided for the removal of registrars.

73 **SECTION 7.**

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

80 **SECTION 8.**

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

83 **SECTION 9.**

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

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

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

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

102 **SECTION 10.**

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

106 **SECTION 11.**

107 Compensation for the members of the board, clerical assistants, and other employees shall
108 be fixed by the commissioners. Such compensation shall be paid wholly from county funds.

109 **SECTION 12.**

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

115 **SECTION 13.**

116 The commissioners shall provide the board with such proper and suitable offices, equipment,
117 materials, and supplies and with such clerical assistance and other employees as the
118 commissioners shall deem appropriate.

119 **SECTION 14.**

120 This Act shall become effective on July 1, 2013. On January 13, 2014, the superintendent
121 of elections and the board of registrars shall be relieved of all powers and duties to which the
122 board succeeds by the provisions of this Act and shall deliver to the board all equipment,
123 supplies, materials, books, papers, records, and facilities pertaining to such powers and
124 duties. On such date, the Board of Registrars of Irwin County shall stand abolished. All
125 elections conducted during 2013 shall be conducted by the superintendent of elections and
126 the board of registrars.

127

SECTION 15.

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