

House Bill 661 (AS PASSED HOUSE AND SENATE)

By: Representative Bentley of the 139th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Taylor County and 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 expenditures of public funds; to provide
7 for compensation of members of the board; to provide for offices and equipment; to provide
8 for personnel, including a chief election official, and compensation; to provide for the board's
9 performance of certain functions and duties for certain municipalities; to provide for related
10 matters; to provide for submission of this Act for preclearance under the federal Voting
11 Rights Act of 1965, as amended; to provide for automatic repeal of this Act under certain
12 circumstances; to provide an effective date; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 As used in this Act, the term:

- 17 (1) "Board" means the Taylor County Board of Elections and Registration.
18 (2) "Commissioners" means the Board of Commissioners of Taylor County.
19 (3) "County" means Taylor County.
20 (4) "Election," "elector," "primary," and "public office" shall have the same meanings
21 as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," unless
22 otherwise clearly apparent from the text of this Act.

23 **SECTION 2.**

24 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created,
25 effective July 1, 2013, the Taylor County Board of Elections and Registration. The board

26 shall have the powers and duties of the former Taylor County election superintendent relating
 27 to the conduct of primaries and elections and shall have the powers and duties of the Taylor
 28 County Board of Registrars relating to the registration of voters and absentee balloting
 29 procedures.

30 **SECTION 3.**

31 (a) The board shall be composed of three members, each of whom shall be an elector and
 32 a resident of Taylor County. All members of the board shall be appointed by the Board of
 33 Commissioners of Taylor County. The Taylor County Board of Elections and Registration
 34 shall select a chairperson, a county registrar, and an elections supervisor from among its
 35 members. Any board member may serve in multiple capacities concurrently.

36 (b) The initial terms of office of two members shall expire June 30, 2015, and upon the
 37 appointment and qualification of their respective successors. The initial term of office of the
 38 remaining member of the board shall expire June 30, 2017, and upon the appointment and
 39 qualification of his or her successor.

40 **SECTION 4.**

41 Each member of the board shall:

- 42 (1) Serve for a term of four years and until a successor is appointed and qualified, except
 43 that initial terms of office shall be as provided in subsection (b) of Section 3 of this Act;
 44 (2) Be eligible to be reappointed to succeed himself or herself and shall have the right
 45 to resign at any time by giving written notice of such resignation to the commissioners
 46 and to the clerk of the Superior Court of Taylor County; and
 47 (3) Be subject to removal from the board at any time for cause, after notice and hearing,
 48 by the chief judge of the Superior Court of Taylor County.

49 **SECTION 5.**

50 (a) The appointment of each member shall be evidenced by the appointing authority filing
 51 an affidavit with the clerk of the Superior Court of Taylor County no later than 30 days
 52 preceding the date on which such member is to take office. Such affidavit shall state the
 53 name and residence address of the person appointed and certify that such member has been
 54 duly appointed as provided in this Act. The clerk of the Superior Court of Taylor County
 55 shall be notified of interim appointments and shall record and certify such appointments in
 56 the same manner as the regular appointment of members.

57 (b) The clerk of the Superior Court of Taylor County shall record each such certification on
 58 the minutes of that superior court and shall certify the name of each member to the Secretary

59 of State and provide for the issuance of appropriate commissions to the members as provided
60 by law for county registrars.

61 **SECTION 6.**

62 In the event a vacancy occurs in the office of any member before the expiration of a term by
63 reason of removal, death, resignation, or otherwise, the appointing authority which is
64 required under Section 3 of this Act to make the appointment to the office upon expiration
65 of the term shall appoint a successor to serve for the remainder of the unexpired term in the
66 manner set forth in Section 3 of this Act.

67 **SECTION 7.**

68 (a) The first members of the board under this Act shall be appointed as provided in this Act
69 and take office on July 1, 2013. The board shall take no official action until all members
70 have been certified to the clerk of the Superior Court of Taylor County.

71 (b) Before entering upon the duties of office, each member shall take substantially the same
72 oath as required by law for county registrars and shall have the same privileges from arrest.

73 **SECTION 8.**

74 (a) The Taylor County Board of Elections and Registration shall be empowered with all the
75 powers and duties relating to the conduct of primaries and elections as election
76 superintendents pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the
77 "Georgia Election Code."

78 (b) The board is empowered with all the powers and duties relating to the registration of
79 voters and absentee balloting procedures as boards of registrars pursuant to the provisions
80 of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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

84 **SECTION 9.**

85 (a) No person who holds elective public office shall be eligible to serve as a member of the
86 board during the term of such elective office, and the position of any member of the board
87 shall be deemed vacant upon such member qualifying as a candidate for elective public
88 office. Further, no immediate family member or employee of an elected public official shall
89 be eligible to serve as a member of the board during the elected official's term of office.

90 (b) For the purposes of this section, immediate family members shall be defined as a spouse,
91 mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother,

92 sister, stepbrother, stepsister, half brother, half sister, mother-in-law, father-in-law,
93 brother-in-law, or sister-in-law.

94 **SECTION 10.**

95 Any rule or regulation promulgated by a county executive committee of a political party
96 under the provisions of subsection (c) of Code Section 21-2-111 of the O.C.G.A. with regard
97 to the conduct of primaries shall be null and void if in conflict with a valid rule or regulation
98 of the board.

99 **SECTION 11.**

100 (a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require
101 or prohibit the commissioners or any other public agency to bear any expense of conducting
102 primaries not otherwise required by law.

103 (b) The board shall have the authority to serve as municipal registrar and to conduct
104 municipal elections and primaries for any municipal corporation located within Taylor
105 County if such municipal corporation has entered into a contract for that purpose with the
106 Taylor County Board of Commissioners.

107 **SECTION 12.**

108 With the approval of the commissioners, the board shall be authorized to expend public funds
109 for the purpose of preparing and distributing material solely to inform and instruct electors
110 of the county adequately with regard to elections. No material distributed by the board shall
111 contain or express, in any manner or form, any commentary or expression of opinion or
112 request for support with respect to any political issue or matter of political concern.

113 **SECTION 13.**

114 (a) The board shall be authorized and empowered to organize itself, may elect from among
115 its membership a chairperson, shall determine its procedural rules and regulations, adopt
116 bylaws, specify the functions and duties of its employees, and otherwise take such actions
117 as are appropriate to the management of its affairs; provided, however, that no such action
118 shall conflict with general law.

119 (b) Action and decision by the board shall be by a majority vote of a quorum of the members
120 of the board.

121 **SECTION 14.**

122 (a) The board shall fix and establish by appropriate resolution entered on its minutes
123 directives governing the execution of matters within its jurisdiction. The board shall hold

124 meetings at the county courthouse, at the place of meeting of the commissioners, or at the
125 office of the board. These meetings shall be held quarterly in years in which there are no
126 county-wide elections and monthly in years in which there are county-wide elections. Any
127 specially called meetings held pursuant to the bylaws adopted by the board shall be held only
128 after the notification of the time and place of the holding of such meeting has been
129 communicated in writing to the chief election official to provide public notice of the meeting
130 as required by law. All meetings of whatever kind of the board shall be conducted pursuant
131 to Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings.

132 (b) The board shall maintain a written record of policy decisions that shall be amended to
133 include additions or deletions. Such written record shall be subject to Article 4 of Chapter 18
134 of Title 50 of the O.C.G.A., relating to inspection of public records.

135 **SECTION 15.**

136 (a) The chairperson of the board of elections and registration shall chair all meetings of the
137 board and be the spokesperson for the board.

138 (b) The members of the board shall receive compensation for their service as members of
139 the board and shall be reimbursed for their actual and necessary expenses incurred in the
140 performance of their duties.

141 (c) All amounts payable under this section shall be paid from the funds of Taylor County.

142 **SECTION 16.**

143 Subject to appropriation of funds by the commissioners, the board shall be authorized to
144 expend public funds to provide for such proper and suitable administrative offices and for
145 such clerical assistance and other employees as the board shall deem appropriate.
146 Compensation for such administrative personnel shall be paid by the board under the county
147 personnel system wholly from county funds. This section shall not be construed so as to
148 require the board to expend any funds simply because they are authorized to do so under this
149 Act.

150 **SECTION 17.**

151 The board shall be responsible for the selection, appointment, and training of poll workers
152 in elections.

153 **SECTION 18.**

154 On July 1, 2013, the election superintendent of Taylor County and the Board of Registrars
155 of Taylor County shall be relieved from all powers and duties to which the board of elections
156 and registration succeeds by the provisions of this Act and shall deliver thereafter to the

157 chairperson of the board, upon the chairperson's written request, the custody of all
158 equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining
159 to such powers and duties.

160 **SECTION 19.**

161 The Board of Commissioners of Taylor County shall through its legal counsel cause this Act
162 to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965,
163 as amended, and such submission shall be made to the United States Department of Justice
164 or filed with the appropriate court no later than 45 days after the date on which this Act is
165 approved by the Governor or otherwise becomes law without such approval. If
166 implementation of this Act is not permissible under the federal Voting Rights Act of 1965,
167 as amended, then as of July 1, 2013, this Act shall be void and stand repealed in its entirety.

168 **SECTION 20.**

169 This Act shall become effective upon its approval by the Governor or upon its becoming law
170 without such approval.

171 **SECTION 21.**

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