

House Bill 865 (AS PASSED HOUSE AND SENATE)

By: Representative Houston of the 170th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act creating a board of elections and registration for Berrien County, approved
2 May 5, 2005 (Ga. L. 2005, p. 3710), so as to provide for composition of the board and the
3 selection and appointment of members; to provide for related matters; to provide an effective
4 date; to repeal conflicting laws; and for other purposes.

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

6 **SECTION 1.**

7 An Act creating a board of elections and registration for Berrien County, approved May 5,
8 2005 (Ga. L. 2005, p. 3710), is amended by revising Section 3 as follows:

9 **"SECTION 3.**

10 (a) Beginning upon the effective date of this Act, the board shall be composed of three
11 members who shall be appointed as provided in this section; until such date, the election
12 superintendent and those members of the board serving on January 1, 2014, shall continue
13 to serve.

14 (b) The members of the board shall be appointed by the governing authority of Berrien
15 County. One member of the board shall be selected by the governing authority of Berrien
16 County to serve as chairperson of the board who shall serve as such during his or her term
17 of office.

18 (c) All appointments to the board shall be promptly certified by the governing authority
19 of Berrien County to the clerk of the Superior Court of Berrien County.

20 (d) In making the initial appointments to the board, the members shall be appointed by the
21 governing authority of Berrien County. The governing authority shall designate two of the
22 initial appointees to serve a term beginning on the effective date of this Act and ending on
23 June 30, 2016, and until their successors are duly appointed and qualified. Successors to
24 such members shall thereafter be appointed to serve a term of office of four years
25 beginning July 1, 2016, and until their successors are duly appointed and qualified. The
26 other appointee shall serve a term beginning on the effective date of this Act and ending

27 on June 30, 2018, and until his or her successor is duly appointed and qualified. Successors
28 to such member shall thereafter be appointed to serve terms of office of four years
29 beginning July 1, 2018, and until his or her successor is duly appointed and qualified.
30 Thereafter, all members shall be appointed to serve four-year terms of office.

31 (e) Upon the effective date of this Act, the superintendent of elections of Berrien County
32 and the board of elections and registration of Berrien County serving on January 1, 2014,
33 shall be relieved of all powers and duties to which the reconstituted board succeeds by the
34 provisions of this Act and shall deliver to the reconstituted board all equipment, supplies,
35 materials, books, papers, records, and facilities pertaining to such powers and duties."

36 **SECTION 2.**

37 Said Act is further amended by revising Section 6 as follows:

38 **"SECTION 6.**

39 Each member of the board shall be eligible for reappointment, shall have the right to resign
40 at any time by giving written notice of such resignation to the governing authority of Berrien
41 County and to the clerk of the superior court, and shall be subject to removal from the board
42 by the governing authority of Berrien County at any time, for cause, after notice and
43 hearing."

44 **SECTION 3.**

45 Said Act is further amended by revising Section 9 as follows:

46 **"SECTION 9.**

47 (a) The board shall be authorized to organize itself, determine its procedural rules and
48 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
49 take such action as is appropriate to the management of the affairs committed to its
50 supervision; provided, however, that no such action shall conflict with state law. Action
51 and decision by the board shall be by a majority of the members of the board. The board
52 shall be responsible for the selection, appointment, and training of poll workers in
53 primaries and elections.

54 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
55 directives governing the execution of matters within its jurisdiction. Any specially called
56 meeting shall be called by the chairperson or any member of the board. The board shall
57 maintain a written record of policy decisions amended to include additions or deletions.
58 Such written records shall be made available for the public to review."

59 **SECTION 4.**

60 Said Act is further amended by revising Section 14 as follows:

61 **"SECTION 14.**

62 This Act shall become effective upon its approval by the Governor or June 30, 2014,
63 whichever occurs later."

64 **SECTION 5.**

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