

House Bill 997 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To provide for a board of elections and registration for Early County and to provide for its
2 powers, duties, and responsibilities; to provide for the composition of the board and a method
3 for selection, resignation, and removal of its members and for filling vacancies; to provide
4 for the qualifications, terms, succession, and compensation of members; to provide for a
5 supervisor of registration and elections and the powers, duties, and compensation of such
6 supervisor; to provide for clerical assistants, poll workers, and other employees and for their
7 compensation; to provide for expenditure of public funds; to provide for meetings and
8 procedures; to provide for offices and equipment; to relieve certain boards and officers of
9 powers and duties and to provide for transfer of certain items and property to the newly
10 created board; to provide for contracts with certain municipalities; to provide for definitions;
11 to provide for effective dates; to repeal conflicting laws; and for other purposes.

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

13 **SECTION 1.**

14 (a) As used in this Act, the term:

15 (1) "Board" means the Early County Board of Elections and Registration.

16 (2) "Commissioners" means the Early County Board of Commissioners.

17 (3) "County" means Early County.

18 (b) The terms "election," "elector," "primary," and "public office" shall have the same
19 meanings as ascribed to such terms by Code Section 21-2-2 of the O.C.G.A. unless otherwise
20 clearly apparent from the text of this Act.

21 **SECTION 2.**

22 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created and
23 established a board of elections and registration for Early County which shall have
24 jurisdiction over the conduct of primaries and elections and the registration of electors in the
25 county in accordance with the provisions of this Act. Such board shall be known as the Early

26 County Board of Elections and Registration. The board shall have all the powers, duties, and
27 responsibilities of the superintendent of elections of Early County under Chapter 2 of Title
28 21 of the O.C.G.A., the "Georgia Election Code," currently being exercised by the judge of
29 the Probate Court of Early County, and the powers, duties, and responsibilities of the Board
30 of Registrars of Early County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
31 Election Code." It is the purpose and intention of this Act to grant the Early County Board
32 of Elections and Registration all powers, duties, and responsibilities relating to the
33 registration of voters and the preparation, conduct, and administration of primaries and
34 elections in and for Early County.

35 SECTION 3.

36 The board shall be composed of five members, each of whom shall be an elector and resident
37 of Early County and who shall be appointed by the governing authority of the county in the
38 following manner:

39 (1) The initial members of the board shall be appointed for terms of office beginning
40 January 1, 2015. The commissioners shall appoint four members of the board. The
41 commissioners in odd-numbered districts, Districts 1 and 3, shall designate two of the
42 initial members to serve for terms ending on December 31, 2018. Commissioners in
43 even-numbered districts, Districts 2 and 4, shall designate two of the initial members to
44 serve for terms ending on December 31, 2017. They shall serve until their respective
45 successors are duly appointed and qualified;

46 (2) The fifth member shall be designated as supervisor of registration and elections and
47 shall be appointed by the Early County administrator in consultation with the county
48 commission chairperson. Such member shall be the administrator and chairperson of the
49 board, shall carry out all duties of voter registration and elections, shall be a full-time
50 employee of the county, and shall not have a regular term of office;

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

55 (4) Successors shall be appointed in the manner specified in this section for the
56 appointment of the member who is being succeeded. Members shall be eligible to
57 succeed themselves and shall have the right to resign at any time by giving written notice
58 of resignation to the governing authority and to the clerk of the Superior Court of Early
59 County. Members shall be subject to removal from the board at any time, for cause, after
60 notice and hearing by the appointing authority; and

61 (5) In the event a vacancy occurs in the office of any member other than the supervisor
62 of registration and elections before the expiration of that member's term of office,
63 whether by removal, death, resignation, or otherwise, the respective appointing authority
64 shall appoint a successor to serve the remainder of the unexpired term and until a
65 successor is duly appointed and qualified.

66 **SECTION 4.**

67 (a) The appointment of each member shall be made by the commissioners filing an affidavit
68 with the clerk of the Superior Court of Early County no later than 30 days preceding the date
69 upon which such member is to take office, stating the name and residential address of the
70 person appointed and certifying such member has been duly appointed as provided in this
71 Act. The clerk of the superior court shall record each of such certifications on the minutes
72 of the superior court and shall certify the name of each such appointed member to the
73 Secretary of State and provide for the issuance of appropriate commissions to the members
74 within the same time and in the same manner as provided by general state law for registrars.

75 (b) In the event the commissioners do not certify in conformity with this Act an appointment
76 to the board within 60 days after the beginning of a term or within 60 days after the creation
77 of a vacancy on the board, the judge of the Probate Court of Early County shall immediately
78 fill the vacancy by making the appointment and shall certify it as provided in this section.
79 Any person appointed to fill a vacancy shall serve out the unexpired term.

80 **SECTION 5.**

81 (a) The supervisor of registration and elections shall serve as a member of the board. Such
82 supervisor shall be considered a county employee for purposes of pay, benefits, vacation,
83 termination of employment, and other purposes. Such supervisor shall be subject to
84 direction, evaluation, and corrective action by the county administrator.

85 (b) The compensation of the supervisor of registration and elections shall be fixed by the
86 governing authority of the county in the same manner as other county employees.

87 (c) The supervisor of registration and elections may recommend to the county administrator
88 for employment such full-time or part-time employees as may be deemed necessary and as
89 approved in the annual budget approved by the governing authority of the county.

90 (d) The supervisor of registration and elections and the board shall be responsible for the
91 selection, appointment, and training of poll workers in primaries and elections.

92 **SECTION 6.**

93 (a) The board shall be authorized and empowered to organize itself, determine procedural
94 rules and regulations, adopt bylaws, and otherwise take action as is appropriate to the

95 management of the affairs committed to its supervision; provided, however, that no such
96 action shall conflict with state law. Action and decisions by the board shall be by majority
97 vote of the members of the board.

98 (b) Board members function as working members. With the consent of the governing
99 authority of the county, the board shall be authorized to expend public funds for the purpose
100 of distributing sample ballots, voter information booklets, and other materials designed to
101 inform and adequately instruct the electors of the county with regard to elections. No
102 material distributed by the board shall contain or express in any manner any commentary or
103 expression of opinion or request support for any political issue or matter of political concern.

104 (c) The compensation of members of the board, clerical assistants, and other employees shall
105 be fixed by the governing authority of the county and shall be paid from county funds.

106 (d) Before entering upon a member's duties, each board member shall take substantially the
107 same oath as required by general state law for registrars and shall have the same privileges
108 from arrest.

109 **SECTION 7.**

110 The board may hold regular meetings at the county courthouse, the county administration
111 public meeting room, or any other locations as the board may prescribe. Meetings shall be
112 held only after proper notice, including date, time, and place, is communicated by public
113 notice as required by law. All meetings of the board shall be conducted pursuant to Chapter
114 14 of Title 50 of the O.C.G.A., relating to open meetings.

115 **SECTION 8.**

116 The commissioners shall provide the board and supervisor of registration and elections with
117 suitable offices and equipment and with other employees as the governing authority shall
118 deem appropriate.

119 **SECTION 9.**

120 On January 1, 2015, the elections superintendent of Early County and the board of registrars
121 of Early County shall be relieved of all powers and duties to which the board succeeds by
122 provisions of this Act. Prior thereto, they shall deliver to the board's supervisor of
123 registration and elections, upon written request, custody of all equipment, supplies, materials,
124 books, papers, records, registrations, and facilities of every kind pertaining to the powers,
125 duties, and responsibilities such abolished board and superintendent had immediately prior
126 to their abolition.

127 **SECTION 10.**

128 The commissioners shall have the authority to contract with any municipality located within
129 the county for the holding by the board of any primary or election to be conducted within the
130 municipality. Nothing in this Act shall be construed to require or prohibit joint primaries or
131 elections.

132 **SECTION 11.**

133 (a) For the purposes of selecting the initial members of the board, this Act shall become
134 effective on July 1, 2014.

135 (b) For all other purposes, this Act shall become effective on January 1, 2015.

136 **SECTION 12.**

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