

Senate Bill 428

By: Senator Carter of the 1st

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Chatham County; 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 qualifications, 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 a specific  
10 Act; to 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 Chatham County, hereinafter referred to as "the  
15 board." The board shall have the powers, duties, and responsibilities of the superintendent  
16 of elections of Chatham County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
17 Election Code," currently being exercised by the Board of Elections of Chatham County, and  
18 the powers, duties, and responsibilities of the Board of Registrars of Chatham County under  
19 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 Chatham County, "county" means Chatham County, and "superior court" means the  
26 Superior Court of Chatham County.

27 **SECTION 3.**

28 (a) The board shall be composed of five 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) Two members 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. Two members 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 four 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 Chatham 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 Chatham County  
46 upon recommendation of the Chatham County grand jury.

47 (d) The initial appointments to the board shall be made at least 30 days prior to  
48 January 1, 2015. 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, 2015.

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 Chatham 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 Chatham County Board of Commissioners shall be  
74 considered the "appointing body" of the other four members of the board.

75 **SECTION 7.**

76 In the event a vacancy occurs in the office of any appointed member before the expiration  
77 of his or her term, by removal, death, resignation, or otherwise, a successor shall be  
78 appointed to serve the remainder of the unexpired term, such appointment to be made in the  
79 same manner of appointment as provided for such position in Section 3 of this Act. The  
80 clerk of the superior court shall be notified of such interim appointments and record and  
81 certify such 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  
84 oath 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  
89 affairs committed to its supervision; provided, however, that no such action shall conflict  
90 with state law. Action and decision by the board shall be by a majority of the members of  
91 the board.

92 (b) The board shall be responsible for the selection and appointment of an administrative  
93 director, to be known as the election supervisor, to administer and supervise conduct of  
94 elections, primaries, and registration of electors for the county. The election supervisor shall  
95 serve at the pleasure of the board. The election supervisor shall have the authority, within  
96 the policies established by the board, over retention, termination, and discipline of  
97 employees, as well as training of poll workers in primaries and elections, such poll workers  
98 to be appointed by the election supervisor. The election supervisor shall be authorized to  
99 employ such full-time and part-time employees, including poll workers, as may be deemed  
100 necessary by the election supervisor and as approved in the annual budget adopted by the  
101 Board of Commissioners of Chatham County.

102 **SECTION 10.**

103 The board shall have the authority to contract with any municipality located within Chatham  
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 Board of Commissioners of Chatham County. Such compensation shall be  
109 paid wholly from county funds.

110 **SECTION 12.**

111 The chairperson of the board shall conduct all meetings of the board and be the spokesperson  
112 for the board. The board shall fix and establish, by appropriate resolution or motion entered  
113 on its minutes, directives governing the execution of matters within its jurisdiction. The  
114 board shall have regular meetings and shall meet not fewer than four times per year. Any  
115 special called meeting shall be called by the chairperson or any two members of the board.  
116 The board shall maintain written records and such written records shall be made available  
117 for the public to review.

118 **SECTION 13.**

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

122 **SECTION 14.**

123 This Act shall become effective on July 1, 2014. On January 1, 2015, the board of elections  
124 and the board of registrars shall be relieved of all powers and duties to which the board  
125 succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies,  
126 materials, books, papers, records, and facilities pertaining to such powers and duties. On  
127 such date, the Board of Elections and the Board of Registrars of Chatham County shall stand  
128 abolished. All elections conducted during 2014 shall be conducted by the Board of Elections  
129 and the Board of Registrars of Chatham County.

130 **SECTION 15.**

131 An Act creating the Board of Elections of Chatham County, approved March 29, 1984 (Ga.  
132 L. 1984, p. 5197), and all amendatory Acts thereto shall stand repealed on December 31,  
133 2014.

134 **SECTION 16.**

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