

House Bill 1122 (AS PASSED HOUSE AND SENATE)

By: Representative Rhodes of the 120th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Oglethorpe County; to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection and appointment of members and an elections supervisor; to provide for the
4 qualifications, terms, and removal of members; to provide for vacancies; to provide for oaths
5 and privileges; to provide for the conduct of primaries and elections; to provide for meetings;
6 to authorize the conduct of municipal elections; to allow for joint primaries; to authorize
7 expenditure of public funds; to provide compensation for board members; to provide for
8 offices, supplies, and other materials; to provide for the transfer of powers, duties, facilities,
9 and personal property; to provide for related matters; to provide an effective date; to repeal
10 conflicting 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 Official Code of Georgia
14 Annotated, there is created the Board of Elections and Registration of Oglethorpe County.
15 The Board of Elections and Registration of Oglethorpe County shall have the powers, duties,
16 and responsibilities of the superintendent of elections of Oglethorpe County under Chapter
17 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the
18 same now exists or may hereafter be amended, which powers, duties, and responsibilities are
19 currently being exercised by the judge of the Probate Court of Oglethorpe County, and the
20 powers, duties, and responsibilities of the Board of Registrars of Oglethorpe County under
21 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election
22 Code," as the same now exists or may hereafter be amended.

23 SECTION 2.

24 As used in this Act, the term:

25 (1) "Board" means the Oglethorpe County Board of Elections and Registration.

26 (2) "Commissioners" means the Board of Commissioners of Oglethorpe County.

27 (3) "County" means Oglethorpe County.

28 (4) "Election," "elector," "primary," and "public office" shall have the same meanings
29 as ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise
30 clearly apparent from the text of this Act.

31 **SECTION 3.**

32 (a) The board shall be composed of three members, each of whom shall be an elector and
33 resident of the county and who shall be appointed as provided in this section.

34 (b) The initial members of the board shall be the current members of the Board of Registrars
35 of Oglethorpe County. The transition from the board of registrars and elections
36 superintendent to the board shall be facilitated by the individual holding the office of chief
37 registrar as of the effective date of this Act. All members of the board shall be appointed by
38 the commissioners. The board shall elect from its members a chairperson, vice chairperson,
39 and secretary.

40 (c) The board shall select an elections supervisor. The elections supervisor shall be
41 responsible for the selection and training of poll workers in the primaries and elections and
42 other personnel. The elections supervisor shall generally direct and control the
43 administration of elections and voter registration in the county. The elections supervisor
44 shall be supervised by the board and shall be subject to removal from office by the board,
45 with cause shown. The elections supervisor shall not be a member of the board nor an
46 elected official.

47 **SECTION 4.**

48 No person who holds elective public office shall be eligible to serve as a member of the
49 board during the term of such elective public office, and the position of membership of any
50 member shall be deemed vacant upon such member's qualifying as a candidate for an elective
51 public office. Each member of the board shall be eligible to serve successive terms, shall
52 have the right to resign at any time by giving written notice of such resignation to the
53 commissioners and to the clerk of the Superior Court of Oglethorpe County, and shall be
54 subject to removal from the board by the commissioners at any time, for cause, after notice
55 and hearing.

56 **SECTION 5.**

57 The appointment of each member of the board, except the initial members, shall be
58 evidenced by the commissioners' filing of an affidavit with the clerk of Superior Court of
59 Oglethorpe County no later than 30 days preceding the date on which such member is to take

60 office stating the name and residence address of the person appointed and certifying that such
61 member has been duly appointed as provided in this Act. The clerk of the Superior Court of
62 Oglethorpe County shall be notified of any interim appointments and shall record and certify
63 such appointments in the same manner as the regular appointment of members. The clerk
64 of the Superior Court of Oglethorpe County shall record each certification on the minutes of
65 that superior court and shall certify the name of each member to the Secretary of State and
66 provide for the issuance of appropriate commissions to the members as provided by law for
67 county registrars.

68 **SECTION 6.**

69 In the event a vacancy occurs on the board by removal, death, resignation, or otherwise, the
70 commissioners shall appoint an interim successor. Such appointments shall be certified by
71 the commissioners in the same manner as the regular appointments of members.

72 **SECTION 7.**

73 Before entering upon his or her duties, a member of the board shall take substantially the
74 same oath as required by law for registrars and shall have the same privileges from arrest.

75 **SECTION 8.**

76 The board shall be empowered with all the powers and duties relating to the conduct of
77 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
78 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The board
79 is empowered with all the powers and duties relating to the registration of voters and
80 absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter
81 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." This
82 Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the
83 Official Code of Georgia Annotated and shall be construed liberally so as to effectuate that
84 purpose. The board shall be authorized and empowered to organize itself, determine its
85 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
86 employees, and otherwise take such action as is appropriate to the management of its affairs;
87 provided, however, that no such action shall conflict with state law. Action and decision by
88 the board shall be by a majority of the members of the board.

89 **SECTION 9.**

90 The board shall fix and establish, by appropriate resolution entered on its minutes, directives
91 governing the execution of matters within its jurisdiction. The board shall hold meetings in
92 its offices. Any specially called meetings held pursuant to bylaws adopted by the board shall

93 be held only after notification of the time and place of the holding of such meeting has been
94 communicated in writing to the elections supervisor in order to provide public notice of the
95 meetings as required by law. All meetings of whatever kind of the board shall be conducted
96 pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to
97 open meetings. The board shall maintain a written record of policy decisions that shall be
98 amended to include additions or deletions. Such written records shall be subject to Article
99 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection
100 of public records.

101 **SECTION 10.**

102 The chairperson of the board shall chair all meetings of the board, serve as spokesperson for
103 the board and shall generally supervise, direct, and control the administration of the affairs
104 of the board pursuant to law and duly adopted resolutions of the board.

105 **SECTION 11.**

106 The board shall have the authority to conduct municipal elections and primaries for any
107 municipality located within the county if such municipality has entered into a contract for
108 that purpose with the commissioners and in conformance with Code Section 21-2-45 of the
109 Official Code of Georgia Annotated.

110 **SECTION 12.**

111 Nothing in this Act shall be construed to require or prohibit joint primaries or to require or
112 prohibit the commissioners or any other public agency to bear any expense of conducting
113 primaries not otherwise required by law.

114 **SECTION 13.**

115 The board shall be authorized to expend public funds for the purpose of preparing and
116 distributing material solely to inform and instruct electors of the county adequately with
117 regard to elections. No material distributed by the board shall contain or express, in any
118 manner or form, any commentary or expression of opinion or request for support with respect
119 to any political issue or matter of political concern.

120 **SECTION 14.**

121 Compensation for the members of the board, the elections supervisor, clerical assistants, and
122 other employees shall be fixed by the commissioners. In addition thereto, the members of
123 the board shall be reimbursed for their actual and necessary expenses incurred in the

124 performance of their duties. All amounts payable under this section shall be paid from
125 county funds.

126 **SECTION 15.**

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

130 **SECTION 16.**

131 Upon the effective date of this Act, the Probate Court of Oglethorpe County and the Board
132 of Registrars of Oglethorpe County shall be relieved of all powers and duties transferred to
133 the board by this Act and shall deliver to the board all facilities and personal property,
134 including but not limited to equipment, supplies, materials, books, papers, and records
135 pertaining to such powers and duties.

136 **SECTION 17.**

137 This Act shall become effective on January 1, 2017.

138 **SECTION 18.**

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