

House Bill 312 (AS PASSED HOUSE AND SENATE)

By: Representatives Walker of the 71st, Post 1, Sheldon of the 71st, Post 2, Stokes of the 72nd, and Douglas of the 73rd

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Walton 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
9 board's performance of certain functions and duties for certain municipalities; to provide for
10 related matters; to provide an effective date; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created,
15 effective July 1, 2003, the Walton County Board of Elections and Registration, hereinafter
16 referred to as "the board." The board shall have the powers and duties of the former Walton
17 County election superintendent relating to the conduct of primaries and elections and shall
18 have the powers and duties of the board of registrars relating to the registration of voters and
19 absentee balloting procedures.

20 **SECTION 2.**

21 The terms "election," "elector," "political party," "primary," and "public office" shall have
22 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
23 Code," unless otherwise clearly apparent from the text of this Act, and the term

"commissioners" means the Board of Commissioners of Walton County and "county" means Walton County.

SECTION 3.

The board shall be composed of five members, each of whom shall be an elector and resident of the county and who shall be appointed as provided in this section. One member of the board shall be appointed by the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of the member. One member of the board shall be appointed by the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Each of these two respective members appointed by political parties shall be nominated by the chairperson and ratified by the county executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office. Three members shall be appointed by the Board of commissioners of Walton County. The board shall select a chairperson from among its members. In making the initial appointments to the board, the members shall be selected at least 30 days prior to July 1, 2003. Initial members and their successors shall be appointed for terms of four years and until their successors are duly appointed and qualified. The term of each initial member shall commence on July 1, 2003.

SECTION 4.

No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

SECTION 5.

The Chief Judge of the Superior Court of Walton County shall certify the appointment of each member by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 6.

Each member of the board shall be eligible to serve successive terms, shall have the right to resign at any time by giving written notice of such resignation to the appointing body and to the clerk of the superior court, and shall be subject to removal from the board by the appointing body at any time, for cause, after notice and hearing.

SECTION 7.

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the original appointing body shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections and such workers shall be appointed, insofar as practicable, from lists provided to the board by the county executive committee of each political party.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular meetings and shall meet not fewer than six times per year. Any specially called meeting shall be called by the chairperson or any three members. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

SECTION 10.

The board shall have the authority to contract with any municipality located within Walton County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

Compensation for the members of the board, clerical assistants, and other employees shall be fixed by the Board of Commissioners of Walton County. Such compensation shall be paid wholly from county funds.

SECTION 12.

The chairperson of the board shall be the chief executive officer of the board and shall generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction.

SECTION 13.

The Board of Commissioners of Walton County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the Board of Commissioners of Walton County deems appropriate.

SECTION 14.

This Act shall become effective July 1, 2003, except that for purposes of making initial appointments to the board only, Sections 3 and 5 shall become effective June 1, 2003. On July 1, 2003, the Superintendent of Elections of Walton County and the Board of Registrars of Walton County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.

SECTION 15.

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