House Bill 1289 (AS PASSED HOUSE AND SENATE)

By: Representative Parrish of the 156th

A BILL TO BE ENTITLED

AN ACT

To create a board of elections and registration for Candler County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board´s performance of certain functions and duties for certain municipalities; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the Board of Elections and Registration of Candler County, hereinafter referred to as "the board." The board shall have the powers, duties, and responsibilities of the judge of the probate court of Candler County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," and the powers, duties, and responsibilities of the board of registrars of Candler County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.

The terms "election," "elector," "political party," "primary," and "public office" shall have the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," unless otherwise clearly apparent from the text of this Act; and the term "commissioners" means the Board of Commissioners of Candler County and "county" means Candler County.

SECTION 3.

(a) The board shall be composed of three members who shall be appointed as provided in this section.

(b)(1) One member of the board shall be appointed by the governing authority of Candler County who shall serve as chairperson of the board during his or her term of office.

(2) One board member shall be appointed by the governing authority of Candler County from a list of three nominees from 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 such member. The governing authority may choose to reject the list of nominees and, in such case, such political party shall submit a list of three different nominees from whom the governing authority shall appoint the board member.

(3) One board member shall be appointed by the governing authority of Candler County from a list of three nominees from 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. The governing authority may choose to reject the list of nominees and, in such case, such political party shall submit a list of three different nominees from whom the governing authority shall appoint the board member.

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

(d) In making the initial appointments to the board, the members shall be appointed by the governing authority of Candler County not later than the thirtieth day of the month following the month in which this Act is approved by the Governor or becomes law without such approval. The governing authority shall designate one of the initial appointees to serve a term beginning on the first day of the second month following the month in which this Act is approved by the Governor or becomes law without such approval and ending on December 31, 2007, and until his or her successor is duly appointed and qualified. Successors to such member shall thereafter be appointed to serve a term of office of four years beginning January 1, 2008, and until his or her successor is duly appointed and qualified. The other appointees shall serve terms beginning on the first day of the second month following the month in which this Act is approved by the Governor or becomes law without such approval and ending on December 31, 2009, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning January 1, 2010, and until their successors are duly appointed and qualified. Thereafter, all members shall be appointed to serve four-year terms of office.

SECTION 4.

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

(b) Members of the board must be residents of Candler County and must have been registered voters in Candler County for a period of at least one year prior to the date of their appointment to the board.

(c) No person who holds office in a political party or body shall be eligible to serve as a member of the board during the term of such office, and the position of any member of the board shall be deemed vacant upon such member´s becoming an officer of a political party or body.

SECTION 5.

The governing authority of Candler County shall certify the appointment of each member of the board 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 have the right to resign at any time by giving written notice of such resignation to the governing authority of Candler County and to the clerk of the superior court and shall be subject to removal from the board by the governing authority of Candler County 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 governing authority 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 such 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.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. Any specially called meeting shall be called by the chairperson or any two members of the board. 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 Candler County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

(a) The board shall be authorized to appoint an election supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The election supervisor shall not be a member of the board. The election supervisor shall be considered an employee of Candler County and shall be entitled to the same benefits as other employees of Candler County. The election supervisor may be a part-time employee.

(b) The board shall be authorized to employ additional clerical assistants as needed to carry out the duties and functions of the board. All such clerical assistants shall be considered to be employees of Candler County and shall be entitled to the same benefits as other employees of Candler County.

(c) Consistent with Section 12 of this Act, in addition to receiving compensation for attendance at meetings of the board and expense reimbursement for expenses incurred while on the business of the board, members of the board shall be authorized to perform other

duties relative to the operation of the board and may be compensated for the performance of such other duties.

SECTION 12.

Compensation for the members of the board, election supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Candler County. Such compensation shall be paid wholly from county funds.

SECTION 13.

The governing authority of Candler 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 governing authority of Candler County deems appropriate.

SECTION 14.

This Act shall become effective on its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on the first day of the second month following its approval by the Governor or upon its becoming law without such approval. Upon this Act becoming fully effective, the superintendent of elections of Candler County and the board of registrars of Candler 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.