House Bill 461

By: Representative Nix of the 69th

A BILL TO BE ENTITLED

AN ACT

To create a board of elections and registration for Heard 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 certification of appointment of members; to provide for the qualifications, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for certain expenditures of public funds; to provide for a full-time elections supervisor; to provide for the hiring of employees; to provide for compensation of members of the board and personnel; to provide for poll workers; to provide for materials, offices, and equipment; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; 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 Official Code of Georgia Annotated, there is created the Board of Elections and Registration of Heard County, hereinafter referred to as "the board." The board shall have the powers, duties, and responsibilities of the superintendent of elections of Heard County under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," currently being exercised by the Judge of the Probate Court of Heard County, and the powers, duties, and responsibilities of the Board of Registrars of Heard County under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code."

SECTION 2.

As used in this Act, the terms "election," "primary," and "public office" shall have the same meaning as set forth in Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the

"Georgia Election Code," unless otherwise clearly apparent from the text of this Act; "commissioners" means the Board of Commissioners of Heard County; and "county" means Heard County.

SECTION 3.

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

(b) All appointments to the board shall be promptly certified by the commissioners to the clerk of the Superior Court of Heard County as provided in Section 5 of this Act.

(c)(1) The initial appointees to the board shall take office on July 1, 2017, and shall be appointed by a majority vote of the commissioners after consideration of recommendations from the Judge of the Probate Court of Heard County and the Board of Registrars of Heard County. The appointee to Post 1 of the board shall serve an initial term of office until July 1, 2019, or until his or her successor is duly appointed and qualified. The appointee to Post 2 of the board shall serve an initial term of office until July 1, 2020, or until his or her successor is duly appointed and qualified. The appointee to Post 3 of the board shall serve an initial term of office until July 1, 2021, or until his or her successor is duly appointed and qualified. Thereafter, all successors to such members shall be appointed as provided for in paragraph (2) of this section to serve four-year terms of office and until his or her respective successor is appointed and qualified.

(2) Members shall be appointed by a majority vote of the commissioners after consideration of recommendations from the Board of Elections and Registration of Heard County.

(d) The members of the board shall elect one of their number to serve as chairperson of the board. Such chairperson shall preside over all meetings of the board and shall be entitled to vote on all matters coming before the board.

SECTION 4.

Each member of the board shall:

(1) Be eligible to be reappointed to succeed such member;

(2) Have the right to resign at any time by giving written notice of such resignation to the commissioners and to the clerk of the superior court; and

(3) Serve until his or her successor is appointed and qualified.

SECTION 5.

(a) The commissioners shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 30 days preceding the date upon which such members are to take office, and such affidavit shall state the name and residential address of the person appointed and certify that such member has been duly appointed as provided in this Act.

(b) The clerk of the superior court shall record each such affidavit 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.

In the event a vacancy occurs in the office of any board member before the expiration of his or her term, by removal, death, resignation, or otherwise, the commissioners 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 shall record and certify such appointments in the same manner as the regular appointment of members.

SECTION 7.

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 8.

(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 shall be residents of the county and shall have been registered voters in the county for a period of at least one year prior to the date of appointment to the board.

SECTION 9.

The board shall have the authority to contract with any municipality or governmental authority located within the county for the holding by the board of any primary or election to be conducted within such municipality or governmental authority; provided, however, that any contract shall be approved and ratified by the commissioners. The full costs of any such

election shall be paid for by the requesting municipality or governmental authority along with a fee established by the board to offset operational costs of the office of the board.

SECTION 10.

(a) The board shall be authorized and empowered to organize itself, elect from among its members a vice chairperson, 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 its affairs; provided, however, that no such action shall conflict with state law.

(b) Action and decision by the board shall be by a majority of the members of the board.

SECTION 11.

(a) 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 meetings at its office or at the place of meeting of the commissioners. Any specially called meetings held pursuant to the bylaws adopted by the board shall be held only after public notice of the meeting is given as required by law. All meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated.

(b) 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 pursuant to Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated.

SECTION 12.

There shall be a full-time elections supervisor to administer and supervise the conduct of the elections and primaries and the registration of electors of the county. The board shall act within 60 days of its members taking office under this Act, or of the date of any vacancy in such position, to submit and recommend for the position at least one, but no more than three names of qualified individuals to the county chairperson, who shall hire an elections supervisor based on a job description approved by the board. The county chairperson may either hire one of the candidates submitted and recommended by the board or may reject all candidates submitted and recommended by the board and request that it provide the chairperson with at least one new candidate. The elections supervisor shall not be eligible to serve as a member of the board. The elections supervisor shall be considered a county employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and other purposes. The elections supervisor shall be subject to direction, evaluation, and corrective action by the county administrator.

SECTION 13.

The elections supervisor may recommend to the county chairperson for employment such full-time and part-time employees as may be deemed necessary by the elections supervisor and as are approved in an annual budget adopted by the commissioners. All such employees shall be considered county employees for purposes of pay, benefits, sick leave, vacation, and other purposes in accordance with policies adopted by the commissioners.

SECTION 14.

The compensation of the chairperson and other members of the board, the elections supervisor, clerical assistants, and other employees shall be as fixed by the commissioners. Such compensation shall be paid from county funds.

SECTION 15.

The board shall be responsible for the selection, appointment, and training of poll workers.

SECTION 16.

The commissioners shall provide the board and the elections supervisor with proper and suitable offices and equipment. With the consent of the commissioners, the board shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other materials designed to inform and instruct adequately the electors of the county with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support of any political issues of matter of political concern.

SECTION 17.

Upon this Act becoming fully effective or upon such later date determined by the commissioners, the board of elections of the county and the board of registrars of the county shall each 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. Nothing contained herein is intended to prevent the appointment of members of the board, the hiring of clerical staff, or any necessary training for the members of the board and clerical assistants.

SECTION 18.

This Act shall become effective upon 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 July 1, 2017.

SECTION 19.

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