

House Bill 1131 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 29<sup>th</sup>, Dunahoo of the 30<sup>th</sup>, Hawkins of the 27<sup>th</sup>, and Barr of the 103<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Hall County and 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 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 certain powers and duties and to provide for the  
6 transfer of certain items to the newly created board; to provide for certain expenditures of  
7 public funds; to provide for compensation of members of the board; to provide for offices  
8 and equipment; to provide for personnel and their compensation; to provide for the board's  
9 performance of certain functions and duties for certain municipalities; to provide for certain  
10 definitions; to provide for related matters; to provide effective dates; to repeal conflicting  
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created,  
15 effective January 1, 2015, the Board of Elections and Registration of Hall County,  
16 hereinafter referred to as "the board." The board shall have the powers and duties of the  
17 former superintendent of elections of Hall County relative to the conduct of primaries and  
18 elections and shall have the powers and duties of the Board of Registrars of Hall County  
19 relating to the registration of voters and absentee balloting procedures.

20 style="text-align:center">**SECTION 2.**

21 (a) The board shall be composed of five members, each of whom shall be an elector and  
22 resident of Hall County and shall be selected in the following manner:

23 (1) Two members of the board shall be appointed by the chairperson of the county  
24 executive committee of the political party whose candidate for President of the United  
25 States at the last election for such office preceding such appointment received the largest

26 number of votes in the county. Two members of the board shall be appointed by the  
 27 chairperson of the county executive committee of the political party whose candidate for  
 28 President of the United States at the last election for such office preceding such  
 29 appointment received the next largest number of votes in the county. Each appointment  
 30 shall have been ratified by a majority of the members of each of such respective county  
 31 executive committees voting at a regularly scheduled meeting of such respective  
 32 executive committees or a meeting duly called and held for such purpose. In the event  
 33 that such appointments are not ratified by a majority of the members of such executive  
 34 committees at least 60 days preceding the date on which such members are to take office,  
 35 then the members of the respective executive committees may appoint such members by  
 36 a two-thirds' majority of the membership of such executive committee at a regularly  
 37 scheduled meeting or at a meeting duly called and held for such purpose. In the event  
 38 that members of such executive committees fail to appoint such members at least 30 days  
 39 preceding the date on which such members are to take office, such members shall be  
 40 appointed by the Board of Commissioners of Hall County; and

41 (2) The fifth member of the board shall be the person who is serving as chief registrar  
 42 of the county pursuant to Code Section 21-2-212 of the O.C.G.A. on the effective date  
 43 of this Act and shall be so certified by the commissioners. Successors to such member  
 44 shall be appointed by the commissioners. The fifth member shall be the chairperson of  
 45 the board.

46 (b) The initial terms of office of the first members of the board shall expire on December 31,  
 47 2018, and upon the appointment and qualification of their respective successors.

### 48 **SECTION 3.**

49 Each member of the board shall:

50 (1) Serve for a term of four years and until a successor is appointed and qualified, except  
 51 that the initial terms of office shall be as provided in subsection (b) of Section 2 of this  
 52 Act;

53 (2) Be eligible to succeed such member and shall have the right to resign at any time by  
 54 giving written notice of such resignation to the commissioners and to the Clerk of the  
 55 Superior Court of Hall County; and

56 (3) Shall be subject to removal from the board at any time, for cause, after notice and  
 57 hearing, by the commissioners.

58

**SECTION 4.**

59 (a) The appointment of each member shall be evidenced by the appointing authority filing  
60 an affidavit with the Clerk of the Superior Court of Hall County no later than 30 days  
61 preceding the date upon which such member is to take office, stating the name and residence  
62 address of the person appointed and certifying that such member has been duly appointed as  
63 provided in this Act. The Clerk of the Superior Court of Hall County shall be notified of  
64 interim appointments in the same manner as the regular appointment of members.

65 (b) The Clerk of the Superior Court of Hall County shall record each such certification on  
66 the minutes of the superior court and shall certify the name of each member to the Secretary  
67 of State and provide for the issuance of appropriate commissions to the members as provided  
68 by law for county registrars.

69

**SECTION 5.**

70 In the event a vacancy occurs in the office of any member before the expiration of his or her  
71 term, by removal, death, resignation, or otherwise, the appointing authority which is required  
72 under Section 2 of this Act to make the appointment to the office upon expiration of the term  
73 shall appoint a successor to serve for the remainder of the unexpired term in the manner set  
74 forth in Section 2 of this Act. If a vacancy in office under subsection (a) of Section 2 of this  
75 Act is not filled within 60 days after it occurs, the vacancy shall be filled for the remainder  
76 of the unexpired term by the commissioners.

77

**SECTION 6.**

78 (a) The first members of the board under this Act shall be appointed as provided in this Act  
79 to take office on January 1, 2015. The board shall take no official action until all members  
80 have been certified to the Clerk of the Superior Court of Hall County.

81 (b) Before entering upon the duties of office, each member shall take substantially the same  
82 oath as required by law for county registrars and shall have the same privileges from arrest.

83

**SECTION 7.**

84 (a) The board shall be empowered with all the powers and duties relating to the conduct of  
85 primaries and elections as election superintendents pursuant to the provisions of Chapter 2  
86 of Title 21 of the O.C.G.A., the "Georgia Election Code."

87 (b) The board shall be empowered with all the powers and duties relating to the registration  
88 of voters and absentee balloting procedures as the board of registrars pursuant to the  
89 provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

90 **SECTION 8.**

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

95 **SECTION 9.**

96 Any rule or regulation promulgated by a county executive committee under the provisions  
97 of subsection (c) of Code Section 21-2-111 of the O.C.G.A. with regard to the conduct of  
98 primaries shall be null and void if in conflict with a valid rule or regulation of the board.

99 **SECTION 10.**

100 (a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require  
101 or prohibit the commissioners or any other public agency to bear any expense of conducting  
102 primaries not otherwise required by law.

103 (b) The board shall have the authority to contract with any municipal corporation located  
104 within Hall County for the holding by the board of any primary or election to be conducted  
105 within such municipal corporation.

106 **SECTION 11.**

107 With the approval of the commissioners, the board shall be authorized to expend public funds  
108 for the purpose of preparing and distributing material solely to inform and instruct electors  
109 of the county adequately with regard to elections. No material distributed by the board shall  
110 contain or express, in any manner or form, any commentary or expression of opinion or  
111 request for support with respect to any political issue or matter of political concern.

112 **SECTION 12.**

113 (a) The board shall be authorized and empowered to organize itself, may elect from among  
114 its membership a vice chairperson, shall determine its procedural rules and regulations, adopt  
115 bylaws, specify the functions and duties of its employees, and otherwise take such actions  
116 as are appropriate to the management of its affairs; provided, however, that no such action  
117 shall conflict with state law.

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

119 **SECTION 13.**

120 (a) The board shall fix and establish, by appropriate resolution entered on its minutes, the  
121 directives governing the execution of matters within its jurisdiction. The board shall have

122 regular monthly meetings at the principal office of the board or at the place of meetings of  
123 the commissioners. Any specially called meetings held pursuant to the by-laws adopted by  
124 the board shall be held only after notification of the time and place of such meeting has been  
125 communicated in writing to the person designated by the commissioners to provide public  
126 information. All meetings of the board, of whatever kind, shall be open to the public.

127 (b) The board shall maintain a written record of policy decisions that shall be amended to  
128 include additions or deletions. Such written records shall be made available for the public  
129 to review.

130

#### **SECTION 14.**

131 (a) The chairperson of the board shall be the chief executive officer of the board and shall  
132 generally supervise, direct, and control the administration of the affairs of the board pursuant  
133 to the law and the duly adopted resolutions of the board.

134 (b) Compensation for the members of the board shall be fixed by the commissioners, but the  
135 first chairperson shall receive as a minimum the same compensation as was received by the  
136 chief registrar of the county on January 1, 2014, and such minimum may be increased by the  
137 commissioners to reflect the additional duties the chairperson will perform under this Act,  
138 and the other members of the board shall receive as a minimum for each day of service on  
139 the business of the board the same per diem as provided for registrars, other than the chief  
140 registrar, under Code Section 21-2-212 of the O.C.G.A.

141 (c) All amounts payable under this section shall be paid from the funds of Hall County.

142

#### **SECTION 15.**

143 The commissioners shall be authorized to expend public funds to provide the board with such  
144 proper and suitable administrative offices and with such clerical assistance and other  
145 employees as the commissioners shall deem appropriate. Compensation for such  
146 administrative personnel shall be paid by the commissioners under the personnel system  
147 wholly from county funds. This section shall not be construed so as to require the  
148 commissioners to expend any funds simply because they are authorized to do so under  
149 this Act.

150

#### **SECTION 16.**

151 The board shall be responsible for the selection, appointment, and training of poll workers  
152 in elections. Such workers shall be appointed, insofar as practicable, from lists provided by  
153 the county executive committee of those political parties whose nominees for President of  
154 the United States received at least 10 percent of the vote in Hall County for such office  
155 during the most recent general election for that office. It shall be the responsibility of any

156 such political party to provide such list to the board in a timely fashion and to supplement  
157 such list upon a reasonable request to do so.

158 **SECTION 17.**

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

164 **SECTION 18.**

165 Effective on the first day that the board can take official action under Section 6 of this Act,  
166 the Board of Elections of Hall County and the Board of Registrars of Hall County shall be  
167 relieved of all powers and duties to which the board succeeds by the provisions of this Act  
168 and shall deliver thereafter to the chairperson of the board, upon the chairperson's written  
169 request, the custody of all equipment, supplies, materials, books, papers, records, and  
170 facilities of every kind pertaining to such powers and duties. On such date, the Board of  
171 Registrars of Hall County shall stand abolished.

172 **SECTION 19.**

173 Effective on the first day that the board can take official action under Section 6 of this Act,  
174 an Act to provide for the board of elections of Hall County, approved March 19, 1987  
175 (Ga. L. 1987, p. 4245), and all amendatory Acts thereto shall be repealed.

176 **SECTION 20.**

177 This Act shall become effective on July 1, 2014.

178 **SECTION 21.**

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