

House Bill 684 (AS PASSED HOUSE AND SENATE)

By: Representatives Nix of the 69th, Smith of the 133rd, and Jenkins of the 132nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a board of elections and registration for Troup County and to
2 provide for its powers and duties, approved April 12, 2012 (Ga. L. 2012, p. 5409), so as to
3 provide for a new five member board; to terminate the office of the current board members;
4 to provide for appointment, qualifications, term, quorum, and meeting of board members; to
5 revise provisions regarding the election supervisor; to provide for filling of vacancies; to
6 provide for related matters; to provide effective dates; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act to create a board of elections and registration for Troup County and to provide for
11 its powers and duties, approved April 12, 2012 (Ga. L. 2012, p. 5409), is amended by
12 revising Sections 3 through 6 as follows:

13 "SECTION 3.

14 (a) The Troup County Board of Elections and Registration shall be composed of five
15 members to be appointed by majority vote of the Board of Commissioners of Troup

16 County, Georgia. One of the members appointed by, and designated as such by, the county
17 governing authority shall serve as chairperson of the board and shall be a resident of Troup
18 County, Georgia. One of the members appointed by, and designated as such by, the county
19 governing authority shall be a resident of Commissioner District 2. One of the members
20 appointed by, and designated as such by, the county governing authority shall be a resident
21 of Commissioner District 3. One of the members appointed by, and designated as such by,
22 the county governing authority shall be a resident of Commissioner District 4. One of the
23 members appointed by, and designated as such by, the county governing authority shall be
24 a resident of Commissioner District 5. The member designated as chairperson shall serve
25 for an initial term of three years, the members residing in Commissioner Districts 2 and 3
26 shall serve for an initial term of two years, and the members residing in Commissioner
27 Districts 4 and 5 shall serve for an initial term of one year.

28 (b) Successors to the initial members of the board as provided in subsection (a) of this
29 section shall take office on the first day of January following their appointment and shall
30 serve for terms of three years and until their successors are appointed and qualified.

31 (c) Upon the appointment of a member, the county shall file an affidavit with the Clerk of
32 Superior Court of Troup County, no later than 15 days preceding the date on which such
33 member is to take office, stating the name and residential address of the person appointed
34 and certifying that such member has been duly appointed. The Clerk of Superior Court
35 shall record each of such certifications on the minutes of the court, shall certify the name
36 of each such member to the Secretary of State, and shall provide for the issuance of
37 appropriate commissions to the members within the same time and in the same manner as
38 provided by law for registrars.

39 (d) The chairperson shall establish the agenda, preside over, and conduct all meetings of
40 the board in an orderly manner; shall call such meetings as he or she deems necessary to
41 conduct the business of the board and may cancel or postpone any meeting; and shall be

42 entitled to introduce and second motions and to vote on all matters coming before the
43 board.

44 (e) A majority of the members of the Troup County board of elections and registration
45 shall constitute a quorum of the board. Any action to be taken by the board shall require
46 the affirmative vote of a minimum of three members present and voting at a meeting at
47 which a quorum is present. The board shall be empowered to adopt by-laws; provided,
48 however, that such by-laws may not conflict with the provisions of this Act or state law.

49 (f) The members serving as board members as of the effective date of this Act shall be
50 relieved of all powers, duties, rights, privileges, and responsibilities as members of the
51 board and such members shall deliver to the Troup County Election Supervisor all
52 equipment, supplies, materials, books, papers, records, and facilities pertaining to such
53 powers and duties.

54 SECTION 4.

55 (a) There shall be an election supervisor who shall generally supervise, direct, and control
56 the administration of the affairs of the board pursuant to law and duly adopted resolutions
57 of the board.

58 (b) The election supervisor shall not be a member of the board; shall be and act in all
59 respects only as a delegee of the board of elections and registration; and shall not be subject
60 to the qualification provisions for board members, election superintendents, or registrars.

61 (c) The election supervisor shall be appointed by the Troup County Board of
62 Commissioners after receiving and considering the recommendation of the board of
63 elections and registration and it shall establish the compensation for the position.

64 (d) The election supervisor shall be an employee of Troup County, Georgia; shall be
65 deemed a county department head subject to direction, evaluation, and corrective action by
66 the county manager; and shall be an at-will, full-time employee of Troup County subject
67 to county personnel policy in regard to pay, benefits, sick leave, vacation, termination of

68 employment, and other purposes. The county manager shall not direct or control the
69 election supervisor with respect to his or her duties as delegee of the board with respect to
70 the conduct of elections and registration of voters.

71 (e) The election supervisor shall serve as staff support for the board, attend meetings of
72 the board, assist the board in fulfilling its duty of voter registration and elections as its
73 delegee, and provide daily employee supervision of other county employees provided to
74 assist the board.

75 SECTION 5.

76 (a) No person who holds any federal, state, or local elective public office shall be eligible
77 for appointment to the board during the term of such elective office and the position of any
78 member shall be deemed vacant upon such member's qualifying as a candidate for elective
79 public office.

80 (b) Members of the board must be residents of Troup County and must have been
81 registered voters in Troup County for a period of at least one year prior to the date of
82 appointment to the board. Members of the board appointed for Commissioner
83 District 2, 3, 4, or 5 must have resided in the Commissioner District for which they are
84 appointed for a period of at least one year prior to the date of appointment to the board.

85 (c) Each member of the board of elections and registration shall take substantially the same
86 oath as required by law for registrars before entering upon his or her duties. Each member
87 shall have the same privileges from arrest provided by law for registrars.

88 (d) Each member of the board shall be eligible to serve consecutive terms.

89 (e) Each member of the board shall have the right to resign at any time by giving written
90 notice of such resignation to the governing authority of the county and to the Clerk of
91 Superior Court of Troup County.

92 SECTION 6.

93 (a) In the event a vacancy occurs on the board before the expiration of a member's term,
94 whether by removal, death, resignation, or otherwise, the county shall, within 90 days
95 following such vacancy, appoint a successor to serve the remainder of the unexpired term.
96 The Clerk of Superior Court shall be notified of such appointment and record and certify
97 such appointment in the same manner as the regular appointment of members.

98 (b) All members shall further be subject to removal at any time for cause shown after
99 notice and hearing, by the Senior Superior Court Judge of Troup County, Georgia. For
100 purposes of this section, "cause" shall mean nonfeasance or malfeasance in the
101 performance of official duties or other cause as determined in the discretion of the Superior
102 Court Judge which would materially harm the ability of the board to carry out its official
103 duties."

104 SECTION 2.

105 This Act shall become effective on January 1, 2022; provided, however, that for purposes of
106 making the initial appointment and certification of the new board members, this Act shall
107 become effective upon its approval by the Governor or upon its becoming law without such
108 approval.

109 SECTION 3.

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