

House Bill 552 (AS PASSED HOUSE AND SENATE)

By: Representatives Morris of the 156th and Nimmer of the 178th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections for Appling County and to provide for its powers and duties;
2 to provide for definitions; to provide for the composition of the board and the selection and
3 appointment of members; to provide for the qualification, terms, and removal of members;
4 to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to
5 relieve certain officers of powers and duties and to provide for the transfer of functions to the
6 newly created board; to provide for certain expenditures of public funds; to provide for
7 compensation of members of the board and personnel; to provide for offices and equipment;
8 to provide for the board's performance of certain functions and duties for certain
9 municipalities; to provide for related matters; to provide for submission for preclearance
10 under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective
11 dates; to repeal conflicting laws; and for other 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 the
15 Board of Elections of Appling County, hereinafter referred to as "the board." The board shall
16 have the powers, duties, and responsibilities of the judge of the probate court of Appling
17 County as elections superintendent under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
18 Election Code."

19 **SECTION 2.**

20 As used in this Act, the terms "election," "primary," and "public office" shall have the same
21 meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"
22 unless otherwise clearly apparent from the text of this Act; "commissioners" means the Board
23 of Commissioners of Appling County; and "county" means Appling County.

24

SECTION 3.

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

27 (b) One member of the board shall be selected by the chairperson of the Board of
28 Commissioners of Apppling County, and one member of the board shall be selected by each
29 commissioner of the Board of Commissioners of Apppling County.

30 (c) All appointments to the board shall be promptly certified by the appointing authority of
31 the county to the clerk of the Superior Court of Apppling County.

32 (d) The initial appointees to the board shall take office on July 1, 2013, to serve terms of
33 office of four years beginning July 1, 2013, and until their respective successors are duly
34 appointed and qualified. Thereafter, all successors to such members shall be appointed to
35 serve four-year terms of office and until their respective successors are appointed and
36 qualified.

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

40

SECTION 4.

41 Each member of the board shall:

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

43 (2) Have the right to resign at any time by giving written notice of such resignation to
44 the governing authority of the county and to the clerk of the superior court; and

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

46

SECTION 5.

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

52 (b) The clerk of the superior court shall record each of such certifications on the minutes of
53 the superior court and shall certify the name of each such appointed member to the Secretary
54 of State and provide for the issuance of appropriate commissions to the members within the
55 same time and in the same manner as provided by law for registrars.

56 **SECTION 6.**

57 In the event a vacancy occurs in the office of any member before the expiration of his or her
58 term, by removal, death, resignation, or otherwise, the appointing authority which is required
59 under Section 3 of this Act to make the appointment to the office upon the expiration of the
60 term shall appoint a successor to serve the remainder of the unexpired term as provided for
61 in Section 3 of this Act. The clerk of the superior court shall be notified of such interim
62 appointments and record and certify such appointments in the same manner as the regular
63 appointment of members.

64 **SECTION 7.**

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

67 **SECTION 8.**

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

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

75 **SECTION 9.**

76 The board shall have the authority to contract with any municipality or governmental
77 authority located within the county for the holding by the board of any primary or election
78 to be conducted within such municipality or governmental authority. The full costs of any
79 such election shall be paid for by the requesting municipality or governmental authority
80 along with a fee established by the board to offset operational costs of the office of the board.

81 **SECTION 10.**

82 (a) The board shall be authorized and empowered to organize itself, elect from among its
83 members a vice chairperson, determine its procedural rules and regulations, adopt bylaws,
84 specify the functions and duties of its employees, and otherwise take such action as is
85 appropriate to the management of its affairs; provided, however, that no such action shall
86 conflict with state law.

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

88 **SECTION 11.**

89 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
90 directives governing the execution of matters within its jurisdiction. The board shall hold
91 meetings at its office or at the place of meeting of the commissioners. Any specially called
92 meetings held pursuant to the bylaws adopted by the board shall be held only after public
93 notice of the meeting is given as required by law. All meetings of whatever kind of the board
94 shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A.

95 (b) The board shall maintain a written record of policy decisions amended to include
96 additions or deletions. Such written records shall be made available for the public to review
97 pursuant to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.

98 **SECTION 12.**

99 Compensation for the members of the board shall be fixed by the commissioners. All
100 amounts payable under this section shall be paid from the funds of the county.

101 **SECTION 13.**

102 (a) The board may employ, subject to funding by the commissioners, clerical assistants as
103 needed to efficiently carry out the duties and functions of the board on either an independent
104 contract basis or as county employees entitled to all benefits as other county employees, to
105 be determined by the commissioners. The compensation of all clerical assistants shall be
106 established by the commissioners in the same manner as for other county employees. Any
107 such assistants shall be at-will employees of the commissioners.

108 (b) The commissioners shall provide suitable offices and equipment and funding sufficient
109 to employ the staff and other employees of the board as may be necessary.

110 **SECTION 14.**

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

112 **SECTION 15.**

113 The commissioners shall cause, through its legal counsel, this Act to be submitted for
114 preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, within
115 45 days after the date on which this Act is approved by the Governor or otherwise becomes
116 law without such approval.

117 **SECTION 16.**

118 This Act shall become effective upon its approval by the Governor or upon its becoming law
119 without such approval for purposes of making initial appointments to the board only. This

120 Act shall become fully effective on July 1, 2013. Upon this Act becoming fully effective or
121 upon such later date determined by the commissioners, the superintendent of elections of the
122 county shall be relieved of all powers and duties to which the board succeeds by the
123 provisions of this Act and shall deliver to the board all equipment, supplies, materials, books,
124 papers, records, and facilities pertaining to such powers and duties. Nothing contained herein
125 is intended to prevent the appointment of members of the board, the hiring of clerical staff,
126 or any necessary training for the members of the board and clerical assistants.

127 **SECTION 17.**

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