

House Bill 576 (AS PASSED HOUSE AND SENATE)

By: Representative Harden of the 148th

A BILL TO BE ENTITLED
AN ACT

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

21 **SECTION 2.**

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

26 of Wilcox County, "county" means Wilcox County, and "superior court" means the Superior
27 Court of Wilcox County.

28 **SECTION 3.**

29 (a) The board shall be composed of five members, each of whom shall be an elector and
30 resident of the county at the time of appointment and for at least one year prior thereto, and
31 who shall be appointed as provided in this section.

32 (b) One member of the board shall be appointed by the political party whose candidate for
33 the office of Governor at the last election for such office received the highest number of
34 votes cast for such office within the county. One member of the board shall be appointed
35 by the political party whose candidate for the office of Governor at the last election for such
36 office received the second highest number of votes cast for such office within the county.
37 Three members of the board shall be appointed by the Board of Commissioners of Wilcox
38 County.

39 (c) One of the members appointed by the board of commissioners shall be designated as the
40 chairperson of the board.

41 (d) The initial appointments to the board shall be made at least 30 days prior to
42 January 1, 2014. The initial members and their successors shall be appointed for terms of
43 two years and until their respective successors are appointed and qualified. The term of each
44 initial member shall commence on January 1, 2014.

45 **SECTION 4.**

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

50 **SECTION 5.**

51 The Board of Commissioners of Wilcox County and the respective political parties shall
52 certify their appointments to the board by filing an affidavit with the clerk of the superior
53 court no later than 15 days preceding the date upon which such members are to take office,
54 stating the name and residential address of the person appointed and certifying that such
55 member has been duly appointed as provided in this Act. The clerk of the superior court
56 shall record each of such certifications on the minutes of the superior court and shall certify
57 the name of each such appointed member to the Secretary of State and provide for the
58 issuance of appropriate commissions to the members within the same time and in the same
59 manner as provided by law for registrars.

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SECTION 6.

61 Each member of the board shall be eligible to serve successive terms, shall have the right to
62 resign at any time by giving written notice of such resignation to the appointing body and to
63 the clerk of the superior court, and shall be subject to removal from the board by the
64 appointing body at any time, for cause, after notice and hearing, in the same manner and by
65 the same authority as provided for the removal of registrars.

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SECTION 7.

67 In the event a vacancy occurs in the office of any appointed member before the expiration of
68 his or her term, by removal, death, resignation, or otherwise, a successor shall be appointed
69 to serve the remainder of the unexpired term, such appointment to be made in the same
70 manner of appointment as provided for such position in Section 3 of this Act. The clerk of
71 the superior court shall be notified of such interim appointments and record and certify such
72 appointments in the same manner as the regular appointment of members.

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SECTION 8.

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

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SECTION 9.

77 (a) The board shall be authorized to organize itself, determine its procedural rules and
78 regulations, adopt bylaws, specify policies for the functions and duties of its employees and
79 poll workers, and otherwise take such action as is appropriate to the management of the affairs
80 committed to its supervision; provided, however, that no such action shall conflict with state
81 law. Action and decision by the board shall be by a majority of the members of the board.
82 The chairperson of the board shall have sole authority, within the policies established by the
83 full board, over retention, termination, and discipline of employees, as well as training of poll
84 workers in primaries and elections, such poll workers to be appointed by the chairperson.
85 (b) The chairperson shall be authorized to employ such full-time and part-time employees,
86 including poll workers, as may be deemed necessary by the chairperson and as approved in
87 the annual budget adopted by the governing authority of Wilcox County.
88 (c) The board shall fix and establish, by appropriate resolution entered on its minutes,
89 directives governing the execution of matters within its jurisdiction. The board shall have
90 regular monthly meetings. Any specially called meeting shall be called by the chairperson
91 or any three members of the board. The board shall maintain a written record of policy
92 decisions amended to include additions or deletions. Such written records shall be made
93 available for the public to review.

94 **SECTION 10.**

95 The board shall have the authority to contract with any municipality located within Wilcox
96 County for the holding by the board of any primary or election to be conducted within such
97 municipality.

98 **SECTION 11.**

99 Compensation for the members of the board, clerical assistants, and other employees shall be
100 fixed by the Board of Commissioners of Wilcox County. Such compensation shall be paid
101 wholly from county funds.

102 **SECTION 12.**

103 The chairperson of the board shall be the chief executive officer of the board and shall
104 generally supervise, direct, and control the administration of the affairs of the board pursuant
105 to law and duly adopted resolutions of the board. The board shall fix and establish, by
106 appropriate resolution entered on its minutes, directives governing the execution of matters
107 within its jurisdiction.

108 **SECTION 13.**

109 The Board of Commissioners of Wilcox County shall provide the board with such proper and
110 suitable offices, equipment, materials, and supplies and with such clerical assistance and other
111 employees as the Board of Commissioners of Wilcox County shall deem appropriate.

112 **SECTION 14.**

113 On January 1, 2014, the superintendent of elections and the board of registrars shall be
114 relieved of all powers and duties to which the board succeeds by the provisions of this Act and
115 shall deliver to the board all equipment, supplies, materials, books, papers, records, and
116 facilities pertaining to such powers and duties. On such date, the Board of Registrars of
117 Wilcox County shall stand abolished. All elections conducted during 2013 shall be conducted
118 by the superintendent of elections and the board of registrars.

119 **SECTION 15.**

120 This Act shall become effective on July 1, 2013.

121 **SECTION 15.**

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