

House Bill 1018 (AS PASSED HOUSE AND SENATE)

By: Representative Powell of the 32nd

A BILL TO BE ENTITLED
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
14 Board of Elections and Registration of Hart County, hereinafter referred to as "the board."
15 The board shall have the powers, duties, and responsibilities of the superintendent of
16 elections of Hart County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
17 Code," currently being exercised by the judge of the Probate Court of Hart County, and the
18 powers, duties, and responsibilities of the Board of Registrars of Hart County under
19 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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

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

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SECTION 3.

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

30 (b) One member of the board shall be nominated by the political party whose candidate for
31 the office of Governor at the last election for such office received the highest number of
32 votes cast for such office within the county. One member of the board shall be nominated
33 by the political party whose candidate for the office of Governor at the last election for such
34 office received the second highest number of votes cast for such office within the county.
35 Each of these two respective members nominated by political parties shall be ratified by the
36 county executive committee of the respective political party at least 30 days before the
37 beginning of the term of office or within 30 days after the creation of a vacancy in the office,
38 and upon such approval, the nomination shall be immediately submitted to the
39 commissioners for approval at a regular or called meeting of the commissioners. Should the
40 commissioners fail to approve a nominee by a majority vote, a new nominee shall be
41 nominated and submitted for approval in the same manner.

42 (c) The remaining member shall be the chairperson of the board. The chairperson shall be
43 appointed by the senior judge in time of service of the superior court upon recommendation
44 of the Hart County grand jury.

45 (d) The initial appointments to the board shall be made at least 30 days prior to
46 January 1, 2015. The initial members and their successors shall be appointed for terms of
47 four years and until their respective successors are appointed and qualified. The term of each
48 initial member shall commence on January 1, 2015.

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SECTION 4.

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

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SECTION 5.

55 The commissioners shall certify the appointment of each member of the board by filing an
56 affidavit with the clerk of the superior court no later than 15 days preceding the date upon
57 which such members are to take office, stating the name and residential address of the person
58 appointed and certifying that such member has been duly appointed as provided in this Act.
59 The clerk of the superior court shall record each of such certifications on the minutes of the
60 superior court and shall certify the name of each such appointed member to the Secretary of

61 State and provide for the issuance of appropriate commissions to the members within the
62 same time and in the same manner as provided by law for registrars.

63 **SECTION 6.**

64 Each member of the board shall be eligible to serve successive terms, shall have the right to
65 resign at any time by giving written notice of such resignation to the appointing body and to
66 the clerk of the superior court, and shall be subject to removal from the board by the
67 appointing body at any time, for cause, after notice and hearing, in the same manner and by
68 the same authority as provided for the removal of registrars. For the purposes of this section,
69 the senior judge in time of service of the superior court shall be considered the "appointing
70 body" for the chairperson and the commissioners shall be considered the "appointing body"
71 of the other two members of the board.

72 **SECTION 7.**

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

79 **SECTION 8.**

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

82 **SECTION 9.**

83 (a) The board shall be authorized to organize itself, determine its procedural rules and
84 regulations, adopt bylaws, specify policies for the functions and duties of its employees and
85 poll workers, and otherwise take such action as is appropriate to the management of the affairs
86 committed to its supervision; provided, however, that no such action shall conflict with state
87 law. Action and decision by the board shall be by a majority of the members of the board.
88 The chairperson of the board shall have sole authority, within the policies established by the
89 full board, over retention, termination, and discipline of employees, as well as training of poll
90 workers in primaries and elections, such poll workers to be appointed by the chairperson.
91 (b) The chairperson shall be authorized to employ such full-time and part-time employees,
92 including poll workers, as may be deemed necessary by the chairperson and as approved in
93 the annual budget adopted by the governing authority of the county.

94 (c) The board shall fix and establish, by appropriate resolution entered on its minutes,
95 directives governing the execution of matters within its jurisdiction. The board shall have
96 regular monthly meetings and shall meet not fewer than three times per year. Any specially
97 called meeting shall be called by the chairperson or any two members of the board. The board
98 shall maintain a written record of policy decisions amended to include additions or deletions.
99 Such written records shall be made available for the public to review.

100 **SECTION 10.**

101 The board shall have the authority to contract with any municipality located within the county
102 for the holding by the board of any primary or election to be conducted within such
103 municipality.

104 **SECTION 11.**

105 Compensation for the members of the board, clerical assistants, and other employees shall be
106 fixed by the commissioners. Such compensation shall be paid wholly from county funds.

107 **SECTION 12.**

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

113 **SECTION 13.**

114 The commissioners shall provide the board with such proper and suitable offices, equipment,
115 materials, and supplies and with such clerical assistance and other employees as the
116 commissioners shall deem appropriate.

117 **SECTION 14.**

118 This Act shall become effective on July 1, 2014. On January 1, 2015, the superintendent of
119 elections and the board of registrars shall be relieved of all powers and duties to which the
120 board succeeds by the provisions of this Act and shall deliver to the board all equipment,
121 supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.
122 On such date, the Board of Registrars of Hart County shall stand abolished. All elections
123 conducted during 2014 shall be conducted by the superintendent of elections and the board
124 of registrars.

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SECTION 15.

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