

House Bill 1106 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Watson of the 166th, and Tankersley of the 160th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Bryan County; to provide for definitions;
2 to provide for the board's powers and duties; to provide for the composition of the board and
3 the selection and appointment of members; to provide for the qualifications, 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 expenditures of public
7 funds; to provide for compensation of members of the board; to provide for the board's
8 performance of certain functions and duties for certain municipalities; to provide for related
9 matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 As used in this Act, the term:

13 (1) "Board" means the Board of Elections and Registration of Bryan County.

14 (2) "Commissioners" means the Board of Commissioners of Bryan County.

15 (3) "County" means Bryan County.

16 (4) "Election," "elector," "political party," "primary," and "public office" shall have the
17 same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
18 Election Code," unless otherwise clearly apparent from the text of this Act.

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

20 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A, there is created the
21 Board of Elections and Registration of Bryan County. The board shall have the powers and
22 duties of the former superintendent of elections of Bryan County under Chapter 2 of Title 21
23 of the O.C.G.A., the "Georgia Election Code," relating to the conduct of primaries and
24 elections, and the former board of registrars of Bryan County under Chapter 2 of Title 21 of

25 the O.C.G.A., the "Georgia Election Code," relating to the registration of electors and
26 absentee voting.

27 **SECTION 3.**

28 (a) The board shall be composed of three members, each of whom shall meet the applicable
29 eligibility requirements under Article 1 of Chapter 2 of Title 45 of the O.C.G.A., Code
30 Section 21-2-75 of the O.C.G.A., and other general law.

31 (b) Members of the board shall be qualified and selected in the following manner:

32 (1) All members of the board shall be appointed by the Board of Commissioners of
33 Bryan County;

34 (2) The initial terms of office of two members, as designated by their appointment, shall
35 begin on the first day of the month in which this Act is approved by the Governor or in
36 which it becomes law without such approval and shall expire on December 31, 2018, and
37 upon the appointment and qualification of their respective successors. The initial term
38 of the remaining member of the board shall begin on the first day of the month following
39 the month in which this Act is approved by the Governor or in which it becomes law
40 without such approval and shall expire on December 31, 2016, and upon appointment and
41 qualification of his or her successor, provided that:

42 (A) The initial appointments to the board shall be made no later than July 1, 2014; and

43 (B) At the first meeting of each calendar year the members of the board shall select one
44 of their members to serve as chairperson and one of their members to serve as secretary.

45 (3) Successors to the members of the board whose terms expire shall be appointed to take
46 office on the first day of January immediately following the expiration of such terms of
47 office and shall serve for terms of four years each and until their successors are duly
48 appointed and qualified. The board shall take no official action until all members have
49 been certified to the clerk of the Superior Court of Bryan County;

50 (4) Each member of the board shall serve for a term of four years and until a successor
51 is appointed and qualified, except that initial terms of office shall be as provided in
52 paragraph (2) of this subsection; and

53 (5) No person who holds elective public office shall be eligible to serve as a member of
54 the board during the term of such elective public office, and the position of membership
55 of any member shall be deemed vacant upon such member qualifying as a candidate for
56 an elective public office.

57 **SECTION 4.**

58 The commissioners shall certify the appointment of each member of the board by filing an
59 affidavit with the clerk of Superior Court of Bryan County no later than 15 days preceding

60 the date upon which such members are to take office, stating the name and residential address
61 of the person appointed and certifying such member has been duly appointed as provided by
62 this Act. The clerk shall record each of such certifications in the minutes of the court and
63 shall certify the name of each such appointed member to the Secretary of State and provide
64 for the issuance of appropriate commissions to the members within the same time and in the
65 same manner as provided by law for registrars. If any appointing authority does not, in
66 conformity with this Act, certify an appointment to the board within 30 days after the
67 beginning of a term of office or within 30 days after the creation of a vacancy in that office,
68 a vacancy shall be deemed to have been thereby created and the judge of the probate court
69 of Bryan County shall fill that vacancy by making the appointment thereto and shall certify
70 it as provided in this section. Any person appointed to fill a vacancy shall serve out the
71 unexpired term of office.

72 **SECTION 5.**

73 Each member of the board shall be eligible to serve successive terms without limitation and
74 shall have the right to resign at any time by giving written notice of such resignation to the
75 commissioners and to the clerk of the Superior Court of Bryan County. Each member shall
76 be subject to removal from the board at any time, for cause, after notice and hearing, by the
77 Chief Judge of the Superior Court of the Atlantic Judicial Circuit in the same manner and by
78 the same authority as provided for the removal of registrars.

79 **SECTION 6.**

80 In the event a vacancy occurs in the office of any board member before the expiration of his
81 or her term, by removal, death, resignation, or otherwise, the vacancy shall be filled for the
82 remainder of the unexpired term by the commissioners for that position on the board. The
83 clerk of the Superior Court of Bryan County shall be notified of such interim appointment
84 and record and certify such appointment in the same manner as the regular appointment of
85 members.

86 **SECTION 7.**

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

89 **SECTION 8.**

90 (a) The board shall be authorized to organize itself, determine its procedural rules and
91 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
92 take such action as is appropriate to the management of the affairs committed to its

93 supervision; provided, however, that no such action shall conflict with state law. Action and
94 decision by the board shall be by a majority of members of the board. The board shall be
95 responsible for the selection, appointment, and training of poll workers in primaries and
96 elections and such workers shall be appointed, insofar as practicable, from lists provided to
97 the board by the county executive committee of each political party.

98 (b) The board shall fix and establish by appropriate resolution entered in its minutes,
99 directives governing the execution of matters within its jurisdiction. The board shall hold
100 regular meetings each month and more often if needed in the opinion of the members. The
101 time of such meetings shall be set by the board. Any specially called meeting shall be called
102 by the chairperson or any three members of the board. The board shall maintain a written
103 record of policy decisions amended to include additions or deletions. Such written records
104 shall be made available for the public to review.

105 **SECTION 9.**

106 Members of the board shall receive \$60.00 per day for each day of service on the board. On
107 primary and election days and during the period of advance voting pursuant to subsection (b)
108 of Code Section 21-2-380 of the O.C.G.A., the chairperson and members of the board shall
109 be compensated at the rate of \$10.00 per hour. The hours of service shall be certified to the
110 commissioners by the chairperson of the board.

111 **SECTION 10.**

112 The board shall have the authority to contract with any municipality located within Bryan
113 County for holding by the board of any primary or election to be conducted within such
114 municipality.

115 **SECTION 11.**

116 (a) An elections supervisor shall be employed by the governing authority of Bryan County
117 who shall generally supervise, direct, and control the administration of the affairs of the
118 board pursuant to law and duly adopted resolutions of the board. The elections supervisor
119 shall not be a member of the board. The elections supervisor shall be considered an
120 employee of Bryan County and shall be entitled to the same benefits as other employees of
121 Bryan County. The elections supervisor shall be subject to all personnel and policy
122 procedures of Bryan County. The elections supervisor shall maintain regular office hours
123 as directed by the governing authority of Bryan County.

124 (b) The elections supervisor shall not be an active member of any political party or body.

125 (c) Upon indictment of any felony involving election fraud or moral turpitude, the elections
126 supervisor shall be terminated from the position as a matter of law. Such vacancy shall be
127 filled within ten business days following the occurrence of such vacancy.

128 (d) The board is authorized, with approval of the commissioners, to employ additional
129 assistants as needed to carry out the duties and functions of the board. All such clerical
130 assistants shall be considered employees of Bryan County and shall be entitled to the same
131 benefits as other employees of Bryan County. Any clerical assistants shall be subject to all
132 personnel and policy procedures of Bryan County. Upon indictment of any felony involving
133 election fraud or moral turpitude, a clerical assistant shall resign or be terminated from his
134 or her position.

135 **SECTION 12.**

136 Compensation for the members of the board, the elections supervisor, clerical assistants, and
137 other employees shall be fixed by the commissioners in accordance with the provisions of
138 this Act. Such compensation shall be paid wholly from county funds.

139 **SECTION 13.**

140 (a) The Board of Commissioners of Bryan County shall provide the board with such proper
141 and suitable offices, equipment, materials, and supplies and with such clerical assistance and
142 other employees as the Board of Commissioners of Bryan County deems appropriate.

143 (b) The commissioners shall also cause periodic audits to be made of the board and its
144 offices.

145 **SECTION 14.**

146 This Act shall become effective upon its approval by the Governor or upon its becoming law
147 without such approval for purposes of making initial appointments to the board only. This
148 Act shall become fully effective July 1, 2014. Upon this Act becoming fully effective, the
149 superintendent of elections of Bryan County and the board of registrars of Bryan County
150 shall be relieved of all powers and duties to which the board succeeds by the provisions of
151 this Act and shall deliver to the board all equipment, supplies, materials, books, papers,
152 records, and facilities pertaining to such powers and duties.

153 **SECTION 15.**

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