

House Bill 219

By: Representatives Smith of the 70th, Stover of the 71st, Trammell of the 132nd, and Bonner of the 72nd

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Coweta County and to provide for its
2 powers and duties; to define certain terms; to provide for the composition of the board and
3 the selection, qualifications, and terms of its members; to provide for the resignation,
4 succession, and removal of members and for filling vacancies; to provide for oaths and
5 privileges; to provide for meetings, procedures, and vacancies; to relieve a certain board and
6 officers of certain powers and duties and provide for the transfer of certain items to the newly
7 created board; to abolish a certain board and officers and to provide for the repeal of the local
8 act related thereto; to provide for meetings and procedures; to provide for an elections
9 supervisor and the powers and duties of such elections supervisor; to provide for board
10 employees and their compensation; to provide for expenditures of public funds for certain
11 purposes; to provide for compensation of members of the board and personnel; to provide
12 for offices and equipment; to provide for contracts; to provide for related matters; to provide
13 for effective dates; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 As used in this Act, the term:

- 17 (1) "Board" means the Coweta County Board of Elections and Registration.
18 (2) "Commissioners" means the Coweta County Board of Commissioners.
19 (3) "County" means Coweta County.
20 (4) "Election," "elector," "primary," and "public office" shall have the same meanings
21 as ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise
22 clearly apparent from the text of this Act.

23 **SECTION 2.**

24 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created a board
25 of elections and registration for Coweta County which shall have jurisdiction over the

26 conduct of primaries and elections and the registration of electors in such county in
27 accordance with the provisions of this Act. Such board shall be known as the Coweta
28 County Board of Elections and Registration. The board shall have the powers, duties, and
29 responsibilities of the superintendent of elections of Coweta County under Chapter 2 of Title
30 21 of the O.C.G.A., the "Georgia Election Code," currently being exercised by the board of
31 elections of Coweta County, and the powers, duties, and responsibilities of the board of
32 registrars of Coweta County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
33 Election Code."

34

SECTION 3.

35 (a) The board shall be composed of five members, each of whom shall be an elector of the
36 county and who shall be appointed by the commissioners.

37 (b) The initial members of the board shall be appointed for terms of office beginning
38 July 1, 2017. All members of the board shall be appointed by the Coweta County Board
39 of Commissioners. The commissioners shall designate two of the initial members to serve
40 for a term ending on December 31, 2018, and three of the initial members to serve for a
41 term ending on December 31, 2020, and until their respective successors are appointed and
42 qualified. The subsequent terms shall be for a four-year period, and until successors are
43 appointed and qualified.

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

48

SECTION 4.

49 (a) The appointment of each member shall be made by the commissioners filing an
50 affidavit with the clerk of the superior court no later than 30 days preceding the date upon
51 which such member is to take office, stating the name and residential address of the person
52 appointed and certifying that such member has been duly appointed as provided in this Act.
53 The clerk of the superior court shall record each of such certifications on the minutes of the
54 superior court and shall certify the name of each such appointed member to the Secretary
55 of State and provide for the issuance of appropriate commissions to the members within
56 the same time and in the same manner as provided by law for registrars.

57 (b) If the commissioners do not certify in conformity with this Act an appointment to the
58 board within 30 days after the beginning of a term of office or within 30 days after the
59 creation of a vacancy in that office, then the judge of the Probate Court of Coweta County
60 shall immediately fill the vacancy by making the appointment and shall certify it as

61 provided in this section. Any person appointed to fill a vacancy shall serve out the
62 unexpired term of the office.

63 **SECTION 5.**

64 Each member of the board shall be eligible to succeed himself or herself without limitation
65 and shall have the right to resign at any time by giving written notice of his or her resignation
66 to the commissioners and to the clerk of the Superior Court of Coweta County. Each
67 member shall be subject to removal for good cause from the board by the commissioners at
68 any time after notice and hearing.

69 **SECTION 6.**

70 Except as provided in subsection (b) of Section 4 of this Act, in the event a vacancy occurs
71 in the office of any member of the board by removal, death, resignation, or otherwise, the
72 commissioners shall appoint a successor for the remainder of the unexpired term. The clerk
73 of superior court shall be notified of interim appointments and shall record and certify such
74 appointments in the same manner as the regular appointments of members.

75 **SECTION 7.**

76 Before entering upon his or her duties, each member of the board shall take substantially the
77 same oath as required by law for members of a board of elections and registration. Each
78 member of the board shall have the same privileges from arrest as registrars.

79 **SECTION 8.**

80 On July 1, 2017, the board of registrars of Coweta County and the board of elections of
81 Coweta County shall be relieved of all powers and duties to which the board succeeds by the
82 provisions of this Act. They shall deliver thereafter to the chairperson of the board, upon his
83 or her written request, custody of all equipment, supplies, materials, books, papers, records,
84 and facilities of every kind pertaining to such powers and duties. At such time, the board of
85 registrars of Coweta County and the board of elections of Coweta County shall stand
86 abolished, and an Act providing a board of elections for Coweta County, approved June 4,
87 2003, (Ga. L. 2003, p. 4716), shall stand repealed.

88 **SECTION 9.**

89 The board shall be authorized and empowered to organize itself, elect its officers, determine
90 its procedural rules and regulations, adopt bylaws, specify the functions and duties of the
91 elections supervisor, and otherwise take such action as is appropriate to the management of
92 the affairs committed to its supervision; provided, however, that no such action shall conflict

93 with state law. Action and decision by the board shall be by a majority of the members of
94 the board present at any meeting at which there is a quorum. Every year, the board shall
95 elect one of its members to serve as chairperson for a one-year term.

96 **SECTION 10.**

97 The board may hold regular meetings at the county courthouse or such other locations as the
98 board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by
99 the board shall be held only after notification of the time and place of the holding of such
100 meeting has been communicated in writing to the elections supervisor who shall provide
101 public notice of the meeting as required by law. All meetings of the board of whatever kind
102 shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open
103 meetings.

104 **SECTION 11.**

105 There shall be a full-time elections supervisor to administer and supervise the conduct of
106 elections and primaries and the registration of electors of the county. The board shall act
107 within 60 days of its members taking office under this Act, or of the date of any vacancy in
108 such position, to submit and recommend for the position one to three names of qualified
109 individuals to the county administrator, who shall hire an elections supervisor based on a job
110 description drawn by the board. The county administrator may either hire one of the
111 candidates submitted and recommended by the board, or the county administrator may reject
112 all the candidates submitted and recommended by the board and hire another qualified
113 candidate. The elections supervisor shall not be eligible to serve as a member of the board.
114 The elections supervisor shall be considered a county employee for purposes of pay, benefits,
115 sick leave, vacation, termination of employment, and other purposes. The elections
116 supervisor shall be subject to direction, evaluation, and corrective action by the county
117 administrator.

118 **SECTION 12.**

119 The elections supervisor may recommend to the county administrator for employment such
120 full-time and part-time employees as may be deemed necessary by the elections supervisor
121 and as are approved in the annual budget adopted by the governing authority of the county.
122 All such employees shall be considered county employees for purposes of pay, benefits, sick
123 leave, vacation, and other purposes in accordance with policies adopted by the governing
124 authority.

125 **SECTION 13.**

126 With the consent of the commissioners, the board shall be authorized to expend public funds
127 for the purpose of distributing sample ballots, voter information booklets, and other material
128 designed to inform and instruct adequately the electors of the county with regard to elections.
129 No material distributed by the board shall contain or express, in any manner or form, any
130 commentary or expression of opinion or request for support for any political issue or matter
131 of political concern.

132 **SECTION 14.**

133 The compensation of the chairperson and other members of the board, the elections
134 supervisor, clerical assistants, and other employees shall be as fixed by the commissioners
135 of the county. Such compensation shall be paid from county funds.

136 **SECTION 15.**

137 The commissioners shall provide the board and the elections supervisor with proper and
138 suitable offices and equipment.

139 **SECTION 16.**

140 The board shall have the authority to contract with any municipality located within the
141 county for the holding by the board of any primary or election to be conducted within the
142 municipality and to contract as otherwise necessary for conduction of an election; provided,
143 however, that any such contract shall be approved and ratified by the governing authority of
144 the county.

145 **SECTION 17.**

146 (a) For the purposes of making initial appointments to the board, this Act shall become
147 effective upon its approval by the Governor or upon its becoming law without such
148 approval.

149 (b) For all other purposes, this Act shall become effective on July 1, 2017.

150 **SECTION 18.**

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