

House Bill 219 (AS PASSED HOUSE AND SENATE)

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

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 style="text-align:center">**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 style="text-align:center">**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.