

House Bill 477 (AS PASSED HOUSE AND SENATE)

By: Representatives Nimmer of the 178th and Morris of the 156th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Appling 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 certification of appointment
4 of members; to provide for the qualifications, terms, and removal of members; to provide for
5 oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain
6 officers of powers and duties and to provide for the transfer of functions to the newly created
7 board; to provide for certain expenditures of public funds; to provide for compensation of
8 members of the board and personnel; to provide for offices and equipment; to provide for the
9 board's performance of certain functions and duties for certain municipalities; to provide for
10 related matters; to provide effective dates; to repeal a specific Act; to repeal conflicting laws;
11 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 Official Code of Georgia
15 Annotated, there is created the Board of Elections and Registration of Appling County,
16 hereinafter referred to as "the board." The board shall have the powers, duties, and
17 responsibilities of the superintendent of elections of Appling County under Chapter 2 of
18 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," currently
19 being exercised by the Board of Elections of Appling County, and the powers, duties, and
20 responsibilities of the Board of Registrars of Appling County under Chapter 2 of Title 21 of
21 the Official Code of Georgia Annotated, the "Georgia Election Code."

22 **SECTION 2.**

23 As used in this Act, the terms "election," "primary," and "public office" shall have the same
24 meaning as set forth in Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the
25 "Georgia Election Code," unless otherwise clearly apparent from the text of this Act;

26 "commissioners" means the Board of Commissioners of Appling County; and "county"
 27 means Appling County.

28 **SECTION 3.**

29 (a) The board shall be composed of six members who shall be appointed as provided in this
 30 section.

31 (b) One member of the board shall be selected by the chairperson of the Board of
 32 Commissioners of Appling County, and one member of the board shall be selected
 33 respectively by each commissioner of the Board of Commissioners of Appling County.

34 (c) All appointments to the board shall be promptly certified by the appointing authority of
 35 the county to the clerk of the Superior Court of Appling County as provided in Section 5 of
 36 this Act.

37 (d) The initial appointees to the board shall take office on July 1, 2017, to serve terms of
 38 office of four years beginning July 1, 2017, and until their respective successors are duly
 39 appointed and qualified. Thereafter, all successors to such members shall be appointed to
 40 serve four-year terms of office and until their respective successors are appointed and
 41 qualified.

42 (e) The members of the board shall elect one of their number to serve as chairperson of the
 43 board. Such chairperson shall preside over all meetings of the board and shall be entitled to
 44 vote on all matters coming before the board.

45 **SECTION 4.**

46 Each member of the board shall:

- 47 (1) Be eligible to be reappointed to succeed such member;
 48 (2) Have the right to resign at any time by giving written notice of such resignation to
 49 the governing authority of the county and to the clerk of the superior court; and
 50 (3) Serve until his or her successor is appointed and qualified.

51 **SECTION 5.**

52 (a) The appointing authority shall certify the appointment of each member of the board by
 53 filing an affidavit with the clerk of the superior court no later than 30 days preceding the date
 54 upon which such members are to take office, and such affidavit shall state the name and
 55 residential address of the person appointed and certify that such member has been duly
 56 appointed as provided in this Act.

57 (b) The clerk of the superior court shall record each such affidavit on the minutes of the
 58 superior court and shall certify the name of each such appointed member to the Secretary of

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

61 **SECTION 6.**

62 In the event a vacancy occurs in the office of any board member before the expiration of his
63 or her term, by removal, death, resignation, or otherwise, the appointing authority which is
64 required under Section 3 of this Act to make the appointment to the office upon the
65 expiration of the term shall appoint a successor to serve the remainder of the unexpired term
66 as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of
67 such interim appointments and shall record and certify such appointments in the same
68 manner as the regular appointment of members.

69 **SECTION 7.**

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

72 **SECTION 8.**

73 (a) No person who holds elective public office shall be eligible to serve as a member of the
74 board during the term of such elective office, and the position of any member of the board
75 shall be deemed vacant upon such member's qualifying as a candidate for elective public
76 office.

77 (b) Members of the board shall be residents of the county and shall have been registered
78 voters in the county for a period of at least one year prior to the date of appointment to the
79 board.

80 **SECTION 9.**

81 The board shall have the authority to contract with any municipality or governmental
82 authority located within the county for the holding by the board of any primary or election
83 to be conducted within such municipality or governmental authority. The full costs of any
84 such election shall be paid for by the requesting municipality or governmental authority
85 along with a fee established by the board to offset operational costs of the office of the board.

86 **SECTION 10.**

87 (a) The board shall be authorized and empowered to organize itself, elect from among its
88 members a vice chairperson, determine its procedural rules and regulations, adopt bylaws,
89 specify the functions and duties of its employees, and otherwise take such action as is

90 appropriate to the management of its affairs; provided, however, that no such action shall
91 conflict with state law.

92 (b) Action and decision by the board shall be by a majority of the members of the board.

93 **SECTION 11.**

94 (a) 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 hold
96 meetings at its office or at the place of meeting of the commissioners. Any specially called
97 meetings held pursuant to the bylaws adopted by the board shall be held only after public
98 notice of the meeting is given as required by law. All meetings of whatever kind of the board
99 shall be conducted pursuant to Chapter 14 of Title 50 of the Official Code of Georgia
100 Annotated.

101 (b) The board shall maintain a written record of policy decisions amended to include
102 additions or deletions. Such written records shall be made available for the public to review
103 pursuant to Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated.

104 **SECTION 12.**

105 Compensation for the members of the board shall be fixed by the commissioners. All
106 amounts payable under this section shall be paid from the funds of the county.

107 **SECTION 13.**

108 (a) The board may employ, subject to funding by the commissioners, clerical assistants as
109 needed to efficiently carry out the duties and functions of the board on either an independent
110 contract basis or as county employees entitled to all benefits as other county employees, to
111 be determined by the commissioners. The compensation of all clerical assistants shall be
112 established by the commissioners in the same manner as for other county employees. Any
113 such assistants shall be at-will employees of the commissioners.

114 (b) The commissioners shall provide suitable offices and equipment and funding sufficient
115 to employ the staff and other employees of the board as may be necessary.

116 **SECTION 14.**

117 The board shall be responsible for the selection, appointment, and training of poll workers.

118 **SECTION 15.**

119 Except as otherwise provided in Section 16 of this Act, this Act shall become effective upon
120 its approval by the Governor or upon its becoming law without such approval for purposes
121 of making initial appointments to the board only. This Act shall become fully effective on

122 July 1, 2017. Upon this Act becoming fully effective or upon such later date determined by
123 the commissioners, the board of elections of the county and the board of registrars of the
124 county shall each be relieved of all powers and duties to which the board succeeds by the
125 provisions of this Act and shall deliver to the board all equipment, supplies, materials, books,
126 papers, records, and facilities pertaining to such powers and duties. Nothing contained herein
127 is intended to prevent the appointment of members of the board, the hiring of clerical staff,
128 or any necessary training for the members of the board and clerical assistants.

129 **SECTION 16.**

130 An Act to create a board of elections for Appling County and to provide for its powers and
131 duties, approved April 30, 2013 (Ga. L. 2013, p. 3984), is hereby repealed in its entirety
132 effective on June 30, 2017.

133 **SECTION 17.**

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