

House Bill 582 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickey of the 140th, Peake of the 141st, and Holmes of the 129th

A BILL TO BE ENTITLED
AN ACT

1 To create the Joint Board of Elections and Registration of Monroe County, which shall
2 conduct primaries and elections for Monroe County, the City of Culloden, and the City of
3 Forsyth; to provide for its powers and duties; to provide for definitions; to provide for the
4 composition of the board and the selection and appointment of members; to provide for the
5 qualification, terms, and removal of members; to provide for oaths and privileges; to provide
6 for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and
7 to provide for the transfer of functions to the newly created board; to provide for certain
8 expenditures of public funds; to provide for certain personnel; to provide for compensation
9 of members of the board and personnel; to provide for offices and equipment; to provide for
10 the board's performance of certain functions and duties for certain municipalities; to provide
11 for related matters; to provide effective dates; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-45 of the O.C.G.A., there is created the Joint
16 Board of Elections and Registration of Monroe County, hereinafter referred to as "the board."
17 Except as otherwise provided in this Act, the board shall have the powers, duties, and
18 responsibilities of the election superintendent of Monroe County, the municipal election
19 superintendents of the City of Culloden and the City of Forsyth, and the board of registrars
20 of Monroe County, all as provided for under Chapter 2 of Title 21 of the O.C.G.A., the
21 "Georgia Election Code."

22 **SECTION 2.**

23 The terms "election," "political party," "primary," and "public office" shall have the same
24 meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"

25 unless otherwise clearly apparent from the context of this Act, and the term "commissioners"
 26 means the board of commissioners of Monroe County and "county" means Monroe County.

27 **SECTION 3.**

28 (a) The board shall be composed of five members who shall be appointed as follows:

29 (1) Three members of the board shall be appointed by the Monroe County Board of
 30 Commissioners. Said members shall not be officers or members of the executive
 31 committee of any political party at the time of such members' selection or at any time
 32 during such members' terms of office as members of the board;

33 (2) One member of the board shall be appointed by the governing authority of the City
 34 of Forsyth. Said member shall not be an officer or member of the executive committee
 35 of any political party at the time of such member's selection or at any time during such
 36 member's term of office as a member of the board; and

37 (3) One member of the board shall be appointed by the governing authority of the City
 38 of Culloden. Said member shall not be an officer or member of the executive committee
 39 of any political party at the time of such member's selection or at any time during such
 40 member's term of office as a member of the board.

41 (b) All appointments to the board shall be promptly certified by the appointing authority to
 42 the clerk of the Superior Court of Monroe County.

43 (c) The initial appointees to the board shall take office on July 1, 2017. One initial appointee
 44 of Monroe County and the initial appointee from the City of Culloden shall each serve a term
 45 of office ending on June 30, 2019, and until his or her successor is duly appointed and
 46 qualified. The remaining two initial appointees from Monroe County and the initial
 47 appointee from the City of Forsyth shall each serve a term of office ending on June 30, 2021,
 48 and until his or her successor is duly appointed and qualified. Successors to each member
 49 shall thereafter be appointed by the appropriate appointing authority or authorities to serve
 50 a term of office of four years and until his or her respective successor is duly appointed and
 51 qualified.

52 (d) Monroe County, the City of Forsyth, and the City of Culloden shall make appointments
 53 no more than 60 days before a vacancy occurs and no more than 60 days after a vacancy
 54 occurs.

55 **SECTION 4.**

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

60 (b) Members of the board must be residents of Monroe County or their respective appointing
61 city, as appropriate, and must have been registered voters in Monroe County for a period of
62 at least one year prior to the date of their appointment to the board.

63

SECTION 5.

64 The appointing authorities shall certify the appointment of each member of the board by
65 filing an affidavit with the clerk of the Superior Court of Monroe County not later than 15
66 days preceding the date upon which such members are to take office, stating the name and
67 residential address of the person appointed and certifying that such member has been duly
68 appointed as provided in this Act. The clerk of the superior court shall record each such
69 certification on the minutes of the superior court and shall certify the name of each such
70 appointed member to the Secretary of State and provide for the issuance of appropriate
71 commissions to the members within the same time and in the same manner as provided by
72 law for registrars.

73

SECTION 6.

74 Each member of the board shall have the right to resign at any time by giving written notice
75 of such resignation to the governing authority of Monroe County, the City of Culloden, or
76 the City of Forsyth, as appropriate, and to the clerk of the superior court, and shall be subject
77 to removal from the board by the chief judge of the Superior Court of Monroe County at any
78 time, for cause, after notice and hearing.

79

SECTION 7.

80 In the event a vacancy occurs in the office of any appointed member before the expiration
81 of his or her term, by removal, death, resignation, or otherwise, the authority that appointed
82 the member whose position has been vacated shall appoint a successor to serve the remainder
83 of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court
84 shall be notified of such interim appointments and shall record and certify such appointments
85 in the same manner as the regular appointment of members.

86

SECTION 8.

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

89

SECTION 9.

90 (a) The board shall be authorized to organize itself, elect a chairperson, determine its
91 procedural rules and regulations, adopt bylaws, specify the functions and duties of its

92 employees, and otherwise take such action as is appropriate to the management of the affairs
 93 committed to its supervision; provided, however, that no such action shall conflict with state
 94 law. Actions and decisions by the board shall be by majority vote of the members of the
 95 board. The board shall be responsible for the selection, appointment, and training of poll
 96 workers in primaries and elections.

97 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
 98 directives governing the execution of matters within its jurisdiction. Any specially called
 99 meeting shall be called by the chairperson or any member of the board. The board shall
 100 maintain a written record of policy decisions amended to include additions or deletions.
 101 Such written records shall be made available for the public to review.

102 (c) The board shall establish an annual budget. The budget shall be approved by Monroe
 103 County. The board's operational costs, including personnel, shall be paid by Monroe County,
 104 the City of Forsyth, and the City of Culloden as follows: Monroe County shall pay 65 percent
 105 of the annual budget; the City of Forsyth shall pay 25 percent of the annual budget; and the
 106 City of Culloden shall pay 10 percent of the annual budget.

107 **SECTION 10.**

108 (a) At the request of the City of Culloden or the City of Forsyth, as appropriate, the board
 109 shall conduct the holding of any municipal primary or election within the City of Culloden
 110 or the City of Forsyth. Each city shall designate polling places and handle the qualifying of
 111 candidates for their respective municipal primaries and elections, unless the board is
 112 otherwise requested to handle such duties.

113 (b) The board shall be responsible for the holding of any municipal primary or election to
 114 be conducted within the City of Culloden and the City of Forsyth, and the cost of any such
 115 election shall be paid for from the funds of such cities.

116 **SECTION 11.**

117 (a) The election supervisor shall be a Monroe County employee. Such position shall be full
 118 time. The election supervisor shall direct and control the administration of elections and
 119 voter registration in Monroe County and, except as otherwise provided for in this Act, the
 120 holding of any municipal primary or election to be conducted within the City of Culloden
 121 and the City of Forsyth and shall supervise, direct, and control the administration of the
 122 affairs of the board pursuant to law and duly adopted resolutions of the board. The election
 123 supervisor shall be supervised by the board and shall be subject to removal from office by
 124 the board, with or without cause. The election supervisor shall not be a member of the board
 125 nor an elected official. The election supervisor shall be considered an employee of Monroe
 126 County and shall be entitled to the same benefits as other employees of Monroe County.

127 (b) Subject to county approval, the board is authorized to employ additional clerical
128 assistants as needed to carry out the duties and functions of the board. All such clerical
129 assistants shall be considered to be employees of Monroe County and shall be entitled to the
130 same benefits as other employees of Monroe County.

131 (c) The election supervisor and the clerical assistants shall be under the exclusive control,
132 direction, and supervision of the board; provided, however, that all employees of the board
133 shall be subject to the Monroe County personnel policy and procedure manual.

134 **SECTION 12.**

135 Compensation for the members of the board, election supervisor, clerical assistants, and other
136 employees shall be fixed by the governing authority of Monroe County. Such compensation
137 shall be paid from county funds and from the annual lump sum of municipal funds of the
138 City of Culloden and the City of Forsyth as provided for in Section 9 of this Act.

139 **SECTION 13.**

140 The governing authority of Monroe County shall provide the board with such proper and
141 suitable offices, equipment, materials, and supplies and with such clerical assistance and
142 other employees, which may include current employees of the board of registrars of Monroe
143 County, as the governing authority of Monroe County deems appropriate.

144 **SECTION 14.**

145 This Act shall become effective upon its approval by the Governor or upon its becoming law
146 without such approval for purposes of making initial appointments to the board only. This
147 Act shall become fully effective on July 1, 2017. Upon this Act becoming fully effective,
148 the superintendent of elections of Monroe County, the board of registrars of Monroe County,
149 and, except as otherwise provided for in this Act, the municipal election superintendents of
150 the City of Culloden and the City of Forsyth shall be relieved of all powers and duties to
151 which the board succeeds by the provisions of this Act and shall deliver to the board all
152 equipment, supplies, materials, books, papers, records, and facilities pertaining to such
153 powers and duties.

154 **SECTION 15.**

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