

ENROLLMENT

Mar. 15, 1973

The Committee of the House on Auditing, Enrolling, Engrossing and Journals has examined the within and finds the same properly enrolled.

Mauldin
Chairman

Geo. Smith
Speaker of the House

Steve Wilson
Clerk of the House

Lydia Nichols
President of the Senate

Hamilton McWhorter
Secretary of the Senate

Received *Donald Jordan*
Secretary, Executive Department

This 15th day of MARCH 1973

Approved *Timmy Carter*
Governor

This 16th day of MARCH 1973

H. B. No. 764 Act No. 59

General Assembly



AN ACT

To provide for a board of elections in certain counties (population of not less than 145,000 and not more than 165,000); and for other purposes.

IN HOUSE

Read 1st time Feb. 20, 1973

Read 2nd time Feb. 21, 1973

Read 3rd time Feb. 26, 1973

And Passed

Ayes 105

Nays 0

Steve Wilson
Clerk of the House

IN SENATE

Read 1st time Feb. 27, 1973

Read 2nd time Apr. 13, 1973

Read 3rd time May 14, 1973

And Passed

Ayes 44

Nays 0

Hamilton McWhorter
Secretary of the Senate

Messrs. Beckham of the 82nd,
Miles of the 79th, Dent of
the 78th, Connell of the
80th, Mulherin of the 81st,
Sams of the 83rd

AN ACT

To provide for a board of elections in certain counties; to define its powers and duties concerning primaries and elections and the registration of electors; to provide a method for appointment, resignation and removal of its members; to provide for the qualifications and terms of its members; to provide for a chairman, clerical assistance and other employees; to provide for compensation for such persons and the members of the board; to abolish the Board of Registrars in such counties; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. There is hereby created in each county of this State having a population of not less than 145,000 and not more than 165,000 according to the 1970 United States decennial census, or any such future census, a board of elections which shall have jurisdiction over the conduct of primaries and elections and the registration of electors in such counties.

Section 2. The board of elections in such counties shall be composed of five members, each of whom shall be an elector and resident of the county, and who shall be selected in the following manner:

(a) Two members shall be appointed by the county executive committee of the political party whose candidates, at the last preceding general election, received the largest number of votes in this State for members of the General

Assembly, and two members shall be appointed by the county executive committee of the political party whose candidates at such election received the next largest number of such votes. The initial appointments of such members shall be made by each party for two and four years, respectively. Thereafter, all appointments shall be for terms of four years and until their successors are duly appointed.

(b) The fifth member shall be appointed from a list of three names submitted by the members of the General Assembly representing such counties to the governing authority of each such county for a term of office of four years and until his successor is duly appointed. The member appointed by the governing authority shall be the chairman of the board of elections.

Section 3. No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office.

Section 4. The appointment of each member shall be made by the respective appointing authority filing an affidavit with the Clerk of the Superior Court, no later than thirty (30) days preceding the date at which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this Act. The Clerk of the Superior Court shall record each of such certifications on the minutes of the Court and shall certify the name of each such member to the Secretary of State and provide for the issuance of appropriate commissions to the members and chairman, within the same time and in the same manner as provided by law for registrars.

Section 5. Each member of the board shall be eligible to succeed himself for one term and shall have the right to resign at any time by giving written notice of his resignation to the respective appointing or electing authority and to the Clerk of the Superior Court, and shall be subject to removal from the board at any time, for cause after notice and hearing, in the same manner and by the same authority as provided for removal of registrars.

Section 6. In the event a vacancy occurs in the office of any member before the expiration of his term, by removal, death or resignation, or otherwise, the respective appointing authority shall appoint a successor to serve the remainder of the unexpired term. The Clerk of the Superior Court shall be notified of interim appointments and record and certify such appointments, in the same manner as the regular appointment of members.

Section 7. The first members of the board under this Act shall take office on April 1, 1973. Before entering upon his duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

Section 8. Each board of elections shall: (a) with regard to the preparation for conduct and administration of primaries and elections, succeed to and exercise all duties and powers granted to and incumbent upon the Ordinary pursuant to Title 34 of the Code of Georgia, as now or hereafter amended, and/or any other provision of law.

(b) with regard to the registration of electors, succeed to and exercise all of the powers, duties and responsibilities granted to and incumbent upon the Board of Registrars in such counties pursuant to Title 34 of the Code

of Georgia, as now or hereafter amended, or any other provision of law.

Section 9. The board shall be responsible for the selection, appointment and training of poll workers in elections, and such workers shall be appointed, insofar as practicable, from lists provided the board by the county executive committee of each political party. The board shall be authorized to employ not less than two full-time employees and such other employees as the governing authority shall approve. There shall also be authorized a full-time executive director whose initial appointment shall be made by the governing authority. Subsequent appointment of the executive director shall be made by the board of elections.

Section 10. Upon the effective date of this Act, the Ordinary and the Board of Registrars in such counties shall be relieved from all powers and duties to which the board of elections succeeds by the provisions of this Act and they shall deliver thereafter to the chairman of the board, upon his written request, the custody of all equipment, supplies, materials, books, papers, records and facilities of every kind pertaining to such powers and duties. Also, at such time, the Board of Registrars in such counties shall be abolished.

Section 11. The chairman of the board of elections shall be the chief executive officer of the board of elections and shall generally supervise, direct and control the administration of the affairs of the board of elections pursuant to law and duly adopted resolutions of the board of elections. The board of elections shall fix and establish by appropriate resolution entered on its minutes, directives

governing the execution of matters within its jurisdiction.

Section 12. The compensation of the executive director, clerical assistants and other employees of the board shall be such as may be fixed by the governing authority. The members of the board of elections, not including the chairman, shall receive for each day of service the sum of \$10.00. The chairman shall receive the sum of \$20.00 for each day of service for the board. No member of the board shall receive pay for more than 60 days' service every two years, such period of time to be calculated from April 1, 1973, and for every two-year period thereafter. Such compensation shall be paid wholly from county funds.

Section 13. The governing authority of the county shall provide the board with proper and suitable offices.

Section 14. The board of elections shall have the authority to contract with any municipality located within the county for the holding of any primary or election by the board to be conducted within the municipality.

Section 15. The words "election", "elector", "political party", "primary", "public office", "special election", and "special primary" shall have the same meaning ascribed to those words by Code Section 34-103 of the Code of Georgia of 1933, as amended, unless otherwise clearly apparent from the text of this Act.

Section 16. The effective date of this Act shall be April 1, 1973.

Section 17. All laws and parts of laws in conflict with this Act are hereby repealed.

H. B. No. 764