



**OFFICE OF SECRETARY OF STATE**

*I, Brian P. Kemp, Secretary of State of the State of Georgia, do hereby certify that*

the seven pages of photocopied matter hereto attached, House Bill No. 1025 Act No. 348 approved by the Governor on February 26, 2010 contain a true and correct copy of an Enrolled Act affecting your county; all as the same appear of file and record in this office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 4th day of March, in the year of our Lord Two Thousand and Ten and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

*B. P. Kemp*

**Brian P. Kemp, Secretary of State**

ENROLLMENT

February 24, 20 10  
The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

*Chick H.*

Chairman

*Frank Holton*

Speaker of the House

*Robert Rivers*

Clerk of the House

*Cesny Cagle*

President of the Senate

*Robert F. Curing*

Secretary of the Senate

Received *Ed F. Walcomb*  
Secretary, Executive Department

This 24<sup>th</sup> day of February 2010

Approved *Sonny Rudder*  
Governor

This 26<sup>th</sup> day of February 2010

H.B. No. 1025

General



Act No. 348

Assembly

AN ACT

To create a board of elections and registration for Thomas County and provide for its powers and duties; to define certain terms; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and officers; and for other purposes.

IN HOUSE

Read 1<sup>st</sup> time 2-01-10  
Read 2<sup>nd</sup> time 2-02-10  
Read 3<sup>rd</sup> time 2-05-10

And Passed

Yeas 143 Nays 0

*Robert Rivers*

Clerk of the House

IN SENATE

Read 1<sup>st</sup> time 2-08-10  
Read 2<sup>nd</sup> time  
Read 3<sup>rd</sup> time

And Passed 2-10-10

Yeas 52 Nays 0

Passed Both Houses

*Robert F. Curing*

Secretary of the Senate

By: Reps. Keown of the 173<sup>rd</sup> and Black of the 174<sup>th</sup>

AN ACT

To create a board of elections and registration for Thomas County and provide for its powers and duties; to define certain terms; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and officers; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; to provide for board employees and their compensation; to provide for expenditures of public funds for certain purposes; to provide for compensation of the members of the board of elections and registration; to provide for offices and equipment; to provide for contracts with certain municipalities; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

As used in this Act, the term:

- (1) 'Board' means the Thomas County Board of Elections and Registration.
- (2) 'Commissioners' means the Thomas County Board of Commissioners.
- (3) 'County' means Thomas County.
- (4) 'Election,' 'elector,' 'political party,' 'primary,' 'public office,' 'special election,' and 'special primary' shall have the same meanings as ascribed to those words by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

**SECTION 2.**

Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created a board of elections and registration for Thomas County which shall have jurisdiction over the conduct of primaries and elections and the registration of electors in such county in accordance with the provisions of this Act. Such board shall be known as the Thomas County Board of Elections and Registration.

**SECTION 3.**

- (a) The board shall be composed of three members, each of whom shall be an elector of the county and who shall be appointed by the governing authority of the county.

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(b) The initial members of the board shall be appointed for terms of office beginning July 1, 2010. All members of the board shall be appointed by the Board of Commissioners of Thomas County. The commissioners shall designate one of the initial members to serve for a term ending on December 31, 2012; one of the initial members to serve a term ending on December 31, 2011, and one of the initial members to serve for a term ending on December 31, 2010, and until their successors are duly appointed and qualified. Upon the expiration of each term all subsequent terms shall be for a three-year period. Members of the board will be limited to two full terms.

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

#### **SECTION 4.**

(a) The appointment of each member shall be made by the commissioners filing an affidavit with the clerk of the superior court no later than 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 shall provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

(b) If the commissioners do not certify in conformity with this Act an appointment to the board within 30 days after the beginning of a term of office or within 30 days after the creation of a vacancy in that office, then the judge of the Probate Court of Thomas County shall immediately fill that vacancy by making the appointment and shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired term of office.

#### **SECTION 5.**

Each member of the board shall be eligible to succeed himself or herself without limitation and shall have the right to resign at any time by giving written notice of his or her resignation to the governing authority of the county and to the clerk of the Superior Court of Thomas County. Each member shall be subject to removal from the board by the governing authority of the county at any time for cause after notice and hearing.

**SECTION 6.**

Except as provided in subsection (b) of Section 4 of this Act, in the event a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, the commissioners shall appoint a successor for 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.**

Before entering upon his or her duties, each member of the board shall take substantially the same oath as required by law for registrars. Each member of the board shall have the same privileges from arrest as registrars.

**SECTION 8.**

On July 1, 2010, the elections superintendent of Thomas County and the board of registrars of Thomas County shall be relieved from all powers and duties to which the board of elections and registration succeeds by the provisions of this Act; and they shall deliver thereafter to the chairperson of the board, upon his or her written request, custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties. At such time, the board of registrars in Thomas County shall stand abolished.

**SECTION 9.**

The board shall be authorized and empowered to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of the elections supervisor, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. Every year the board shall elect one of its members to serve as chairperson for a one-year term.

**SECTION 10.**

The board may hold regular meetings at the county courthouse or such other location as the board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by the board shall be held only after notification of the time and place of the holding of such meeting has been communicated in writing to the elections supervisor, who shall provide public notice of the meeting as required by law. All meetings of the board of whatever kind

shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings.

#### **SECTION 11.**

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

#### **SECTION 12.**

The elections supervisor shall be authorized to employ such full-time and part-time employees, including poll workers, as may be deemed necessary by the elections supervisor and as are approved in the annual budget adopted by the governing authority of the county. All such employees shall be considered county employees for purposes of pay, benefits, sick leave, vacation, and other purposes in accordance with policies adopted by the governing authority.

#### **SECTION 13.**

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

**SECTION 14.**

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

**SECTION 15.**

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

**SECTION 16.**

The board shall have the authority to contract with any municipality located within Thomas County for the holding by the board of any primary or election to be conducted within the municipality; provided, however, that any such contract must be approved and ratified by the governing authority of the county.

**SECTION 17.**

- (a) For purposes of making initial appointments to the board, this Act shall become effective on the first day of the month following the month in which it is approved by the Governor or becomes law without such approval.
- (b) For all other purposes, this Act shall become effective on the first day of the second month following the month in which it is approved by the Governor or becomes law without such approval.

**SECTION 18.**

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

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 2010 session of the General Assembly of Georgia a bill to create a board of elections and registration for Thomas County and provide for its powers and duties; to define certain terms; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and officers; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; to provide for board employees and their compensation; to provide for expenditures of public funds for certain purposes; to provide for compensation of the members of the board of elections and registration; to provide for offices and equipment; to provide for contracts with certain municipalities; to provide for effective dates; to repeal conflicting laws; and for other purposes.

This 12 day of January 2010

*Mike Keown*  
Representative Mike Keown  
District 173

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Mike Keown, who on oath deposes and says that he is the Representative from District 173 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Thomasville Times-Enterprise which is the official organ of Thomas County on January 14, 2010, and that the notice requirements of Code Section 28-1-14 have been met.

s/ *Mike Keown*  
Mike Keown  
Representative, District 173

Sworn to and subscribed before me,  
this 26<sup>th</sup> of January 2010.

s/ *Laura E. Hurd*  
Laura E. Hurd  
Notary Public, Clayton County, Georgia  
My Commission Expires July 29, 2011  
(SEAL)



APPROVED  
FEB 26 2010  
BY GOVERNOR