



Secretary of State

Elections Division

110 State Capitol

Atlanta, Georgia

30334-1505

Max Cleland  
SECRETARY OF STATE

A. Jeff Hunter  
DIRECTOR  
(404) 656-2071

Wable F. Harris  
DEPUTY DIRECTOR  
(404) 656-2871

APRIL 2, 1990

TO: GWINNETT COUNTY BOARD OF REGISTRARS AND ELECTIONS  
FROM: MAX CLELAND, SECRETARY OF STATE  
SUBJECT: ENACTMENTS OF THE GENERAL ASSEMBLY.

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I am enclosing legislation which was passed during the recent session of the General Assembly, for your information and record.

Any time this office can be of service to you, please call on me.

Sincerely,

Max Cleland

MC:jb

# ENROLLMENT

March 23 19 89

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

Rafael J. Bollea  
Chairman

Thomas Murphy  
Speaker of the House

John W. Keene  
Clerk of the House

Samuel J. Smith  
President of the Senate

Hamilton McWhorter Jr.  
Secretary of the Senate

Received Sam Lewis  
Secretary, Executive Department

This 23rd day of March 1990

Approved

Samuel J. Smith  
Governor

This 28th day of March 19 90

H. B. No. 883 Act No. 1053

General Assembly



## AN ACT

To amend an Act providing for a Gwinnett County Board of Registrations and Elections, so as to change certain provisions relating to the appointment of certain members; and for other purposes.

## IN HOUSE

Read 1st time 2-21-89

Read 2nd time 2-22-89

Read 3rd time 2-23-89

And

Ayes 110

Nays 0

Sam W. Keene  
Clerk of the House

## IN SENATE

Read 1st time 2-23-89

Read 2nd time

Read 3rd time

And Passed 3/13/89

Ayes 48

Nays 0

Hamilton McWhorter Jr.  
Secretary of the Senate

By: Reps. Barnett of the 59th, Bannister of the 62nd, Goodwin of the 63rd and others

AN ACT

To amend an Act providing for a Gwinnett County Board of Registrations and Elections, approved March 24, 1988 (Ga. L. 1988, p. 4296), so as to change certain provisions relating to the appointment of certain members; to change certain provisions regarding vacancies; to provide for appointment of the elections supervisor by the board; to change certain provisions regarding meetings of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act providing for a Gwinnett County Board of Registrations and Elections, approved March 24, 1988 (Ga. L. 1988, p. 4296), is amended by striking paragraph (2) of Section 2 and inserting in its place a new paragraph (2) to read as follows:

"(2) The fifth member of the board shall be appointed by a majority of the four party appointed members of the Gwinnett County Board of Registrations and Elections. Said fifth member shall be appointed within 30 days of the time at which the party appointed members are to take office. The fifth member so selected shall be deemed to be a member at large. Any appointment made under this paragraph shall also be entered upon the minutes of the governing authority of the county."

Section 2. Said Act is further amended by striking Section 5 and inserting in its place a new Section 5 to read as follows:

"Section 5. In the event any appointing authority fails (1) to make a regular appointment or election within the times specified in Section 2 or Section 4 of this Act, or (2) to make an interim appointment to fill a vacancy within 90 days after the creation of such vacancy, such regular member or the member to fill such vacancy shall be appointed forthwith by the chief judge of the Superior Court of Gwinnett County."

Section 3. Said Act is further amended by striking subsection (a) of Section 14 and inserting in its place a new subsection (a) to read as follows:

"(a) The board shall fix and establish by appropriate resolution entered on its minutes directives governing the execution of matters within its jurisdiction. The board shall hold regular monthly meetings at the county courthouse or at the place of meeting of the county governing authority. All meetings of the board shall be conducted in the manner specified in Chapter 14 of Title 50 of the O.C.G.A., relating to open and public meetings."

Section 4. Said Act is further amended by striking Section 15 and inserting in its place a new Section 15 to read as follows:

"Section 15. The board shall be responsible for selecting and appointing an administrative director, to be known as the elections supervisor, to administer and supervise the conduct of elections, primaries, and

registration of electors for the county. Such appointment shall be effective only if the nominee receives at least four affirmative votes from the five-member board. Compensation for the elections supervisor shall be determined and paid by the governing authority wholly from county funds. The elections supervisor shall serve at the pleasure of the board."

Section 5. This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval or upon July 1, 1989, whichever occurs first.

Section 6. All laws and parts of laws in conflict with this Act are repealed.

Notice is given that there will be introduced at the regular 1989 session of the General Assembly of Georgia a bill to amend an Act providing for a Gwinnett County Board of Registrations and Elections, approved March 24, 1988 (Ga. L. 1988, p. 426); and for other purposes.

This 17 day of January, 1969.

H. B. No. 883

GWINNETT COUNTY — BOARD OF REGISTRATIONS AND  
ELECTIONS; CREATION.

No. 994 (House Bill No. 995).

AN ACT

To provide for a Gwinnett County Board of Registrations and Elections; to provide for the powers and duties of the board; to provide for the appointment, resignation, and removal of its members; to provide an administrative office for elections and registrations; to staff such office with an elections supervisor, clerical assistants, and other employees; to provide compensation for administrative personnel and members of the board; to provide definitions; to provide for matters relative to the foregoing; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
GEORGIA:

Section 1. There is created in Gwinnett County a board of registrations and elections 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 Gwinnett County Board of Registrations and Elections.

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

(1) Two members shall be appointed by the chairman of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly, and two members shall be appointed by the chairman of the county executive committee of the political party whose candidates at such election received the next largest number of such votes; provided, however, each of such appointments shall have been ratified by a majority of the members of each of such respective executive committees voting at a regularly scheduled meeting of such executive committees or a meeting duly called and held for such purposes. In the event such appointments are not ratified by a majority of the members of such executive committees at least 60 days preceding the date on which such members are to take office, then the members of the respective executive committees may elect such members by a two-thirds' majority of the membership of such executive committees at a regularly scheduled meeting or at a meeting duly called and held for such purposes. In the event the members of said executive committees fail to elect such members at least 30 days preceding the date on which such members are to take office then such members shall be appointed in accordance with Section 5 of this Act; and

(2) The fifth member of the board shall be appointed by a majority of the four party appointed members of the Gwinnett County Board of Registrations and Elections. Said fifth member shall be appointed within 30 days of the time at which the party appointed members are to take office. The fifth member so selected shall be deemed to be a member at large. Any appointment made under this paragraph shall also be entered upon the minutes of the governing authority of the county."

Section 3. No person who holds public office, whether elective or appointive, shall be eligible to serve as a member of the board during the term of such office, and the position of membership of any member shall be deemed vacant upon such member qualifying as a candidate for an elective office. The elections supervisor shall not be eligible to serve as a member of the board.

Section 4. (a) 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 30 days preceding the date at which such member is to take office, stating the name and residence address of the person appointed or elected and certifying that such member has been duly appointed or elected as provided in this Act.

(b) The appointment of the fifth member of the board, known as the member at large, shall be made by the governing authority of the county filing an affidavit with the clerk of the superior court no later than 15 days preceding the date at which such member is to take office, stating the name and residence address of the person appointed and certifying that such member has been duly appointed as provided in this Act.

(c) 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 member to the Secretary of State and provide for the issuance of appropriate commissions to the members as provided by law for registrars.

Section 5. In the event any appointing authority fails (1) to make a regular appointment or election within the times specified in Section 2 or Section 4 of this Act, or (2) to make an interim appointment to fill a vacancy within 90 days after the creation of such vacancy, such regular member or the member to fill such vacancy shall be appointed forthwith by the chief judge of the Superior Court of Gwinnett County."

Section 6. Each member of the board shall:

(1) Serve for a term of two years and until a successor is appointed or elected and qualified, except in the event of resignation or removal as hereinafter provided;

(2) Be eligible to succeed such member and shall have the right to resign at any time by giving written notice of such resignation to the respective appointing authority and to the clerk of the superior court; and



(3) 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 is provided for the removal of registrars.

Section 7. In the event a vacancy occurs in the office of any member before the expiration of a term, by removal, death, resignation, or otherwise, the respective authority shall appoint a successor to serve 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 8. (a) The first members of the board under this Act shall be appointed as provided in this Act to take office on January 1, 1989. The board shall take no official action until all members have been certified to the clerk of the superior court.

(b) Before entering upon the duties of office, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

Section 9. (a) The Gwinnett County Board of Registrations and Elections shall be empowered with all the powers and duties relating to the conduct of elections as election superintendents pursuant to the provisions of Title 21 of the O.C.G.A.

(b) The board is empowered with all the powers and duties relating to the registration of voters and absentee balloting procedures as boards of registrars pursuant to the provisions of Title 21 of the O.C.G.A.

(c) This Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose.

Section 10. Any rule or regulation promulgated by a county executive committee under the provisions of subsection (c) of Code Section 21-2-111 of the O.C.G.A., with regard to the conduct of primaries, shall be null and void if in conflict with a valid rule or regulation of the board.

Section 11. (a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require or prohibit the county governing authority or any other public agency to bear any expense of conducting primaries not otherwise required by law.

(b) The board shall have the authority to contract with any municipal corporation located within the county for the holding by the board of any primary or election to be conducted within the municipal corporation.

Section 12. With the consent of the governing authority, the board shall be authorized to expend public funds for the purpose of preparing and distributing material solely to inform and instruct electors of the county adequately 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, with respect to any political issue or matter of political concern.

Section 13. (a) The board shall be authorized and empowered to organize itself, elect its officers from within its own members, determine its procedural rules and regulations, adopt by-laws, specify the functions and duties of its employees, 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.

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

Section 14.

(a) The board shall fix and establish by appropriate resolution entered on its minutes directives governing the execution of matters within its jurisdiction. The board shall hold regular monthly meetings at the county courthouse or at the place of meeting of the county governing authority. All meetings of the board shall be conducted in the manner specified in Chapter 14 of Title 50 of the O.C.G.A., relating to open and public meetings."

(b) The board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Such written record shall be made available for the public to review.

Section 15. The board shall be responsible for selecting and appointing an administrative director, to be known as the elections supervisor, to administer and supervise the conduct of elections, primaries, and registration of electors for the county. Such appointment shall be effective only if the nominee receives at least four affirmative votes from the five-member board. Compensation for the elections supervisor shall be determined and paid by the governing authority wholly from county funds. The elections supervisor shall serve at the pleasure of the board."

Section 16. The governing authority of the county shall expend public funds to provide the elections supervisor with such proper and suitable administrative offices and with such clerical assistants and other employees as the governing authority shall deem appropriate in accordance with the merit system. Compensation for such administrative personnel shall be paid by the governing authority under the merit system wholly from county funds.

Section 17. The board shall be responsible for the selection, appointment, and training of poll workers in elections. Such workers shall be appointed, insofar as practicable, from lists provided by the county executive committees of the two major political parties appointing members to the board.

Section 18. Compensation for board members shall be set by the county governing authority and shall be paid by the governing authority wholly from county funds.

Section 19. The words "election," "elector," "political party," "primary," and "public office" shall have the meaning as ascribed to those words by Title 21 of the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

Section 20. The provisions of this Act which are necessary for the appointment of the members of the Gwinnett County Board of Registrations and Elections who will take office January 1, 1989, shall be effective upon the approval of the Governor or upon the date which this Act becomes law without such approval and the remaining provisions of this Act shall become effective for all purposes on January 1, 1989.

Section 21. All laws and parts of laws in conflict with this Act are repealed.