

# MADISON COUNTY, GEORGIA

## Board of Elections and Registration Bylaws

*REVISED January 6, 2016*

### CONTENTS

|            |                              |   |
|------------|------------------------------|---|
| Article 1  | Authority                    | 2 |
| Article 2  | Mission Statement            | 2 |
| Article 3  | Purpose of the Board         | 2 |
| Article 4  | Membership                   | 2 |
| Article 5  | Appointment of Board Members | 3 |
| Article 6  | Terms of Office              | 4 |
| Article 7  | Removal from Office          | 4 |
| Article 8  | Duties of Board Members      | 5 |
| Article 9  | Meetings                     | 6 |
| Article 10 | Voting                       | 7 |
| Article 11 | Compensation                 | 7 |
| Article 12 | Board Records                | 7 |
| Article 13 | Municipal Elections          | 7 |
| Article 14 | Amendments                   | 8 |
| Article 15 | Conflict of Rules            | 8 |

# *MADISON COUNTY, GEORGIA*

## *Board of Elections and Registration Bylaws*

### Article: 1: Authority

1.1 As provided by law, H.B. No.505, Act No. 104 (2013) signed April 30, 2013 and pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the Board of Elections and Registration of Madison County, hereinafter referred to as "the Board."

1.2 The Board shall have the powers, duties, and responsibilities of the superintendent of elections of Madison County and the powers, duties, and responsibilities of the Board of Registrars of Madison County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code Annotated," hereinafter referred to as "the Code".

### Article 2: Mission

The mission of the Board shall be to serve Madison County with a secure and effectively managed voter registration and election system dedicated to encouraging maximum participation by all eligible Madison County residents.

### Article 3: Purpose of the Board

3.1 The Board enforces strict adherence to all current Federal, State and Local laws as well as State Election Board rules and regulations concerning registering to vote and voting, and serves all citizens in election related matters.

3.2 The Board is responsible for conducting all county, state, and federal elections that are held in Madison County. The Board also serves as a resource for election support for municipalities located within Madison County.

### Article 4: Membership

4.1 The Board shall be composed of three members--a chairperson, hereinafter referred to as "the chair", and two Board members--each of whom shall be an elector and resident of the county at the time of appointment for at least one year prior thereto.

4.2 No person who holds elective public office shall be eligible to serve as a member of the Board during the term of such elective 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.

#### 4.3 Board members:

- (a) Must take an oath of office;
- (b) Must not, in the exercise of their official functions, act in a partisan manner;
- (c) Cannot engage in any political activity on behalf of a candidate, or political party, or body, or question, including, but not limited to, distributing campaign literature, engaging in any communication that advocates or criticizes a particular candidate, officeholder, or political party or body, and wearing badges, buttons or clothing with partisan messages.

### Article 5: Appointment of Board Members

5.1 The chair shall be appointed by the senior judge in time of service of the Superior Court of Madison County upon recommendation of the Madison County Grand Jury.

5.2 One member of the Board shall be nominated by the political party whose candidate for the office of Governor at the last election for such office received the highest number of votes cast for such office within the county. One member of the Board shall be nominated by the political party whose candidate for the office of Governor at the last election for such office received the second highest number of votes cast for such office within the county.

5.3 Each of the two respective members nominated by political parties shall be ratified by the county executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office, and upon such approval, the nomination shall be immediately submitted to the Board of Commissioners of Madison County (BOC) for approval at a regular or called meeting of the BOC. Should the BOC fail to approve a nominee by a majority vote, a new nominee shall be nominated and submitted for approval in the same manner.

## Article 6: Terms of Office

6.1 The initial members and their successors shall be appointed for terms of four years and until their respective successors are appointed and qualified. The term of each initial member shall commence on January 1, 2014.

6.2 Each member of the Board shall be eligible to serve successive terms, and shall have the right to resign at any time by giving written notice of such resignation to the appointing body and to the Clerk of the Superior Court.

6.3 In the event a vacancy occurs in the office of any appointed member before the expiration of the member's term, by removal, death, resignation, or otherwise, a successor shall be appointed to serve the remainder of the unexpired term, such appointment to be made in the same manner of appointment as provided for such position in Article 5 of these Bylaws. The Clerk of the Superior Court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

6.4 Before entering upon the member's duties, each member shall take substantially the same oath as required by Section 21-2-214 (d) of the Code for registrars.

6.5 In accordance with Section 21-2-214 (e) of the Code, the Board shall be privileged from arrest upon days of primaries and elections, except for fraudulent misconduct of duty, felony, larceny, or breach of the peace.

## Article 7: Removal from Office

7.1 Board members shall be subject to removal from the Board by the appointing body at any time, for cause, after notice and hearing, in the same manner and by the same authority as provided for the removal of registrars. For the purposes of this section, the senior judge in time of service of the superior court shall be considered the "appointing body" for the chair and the BOC shall be considered the "appointing body" of the other two members of the Board.

7.2 Board members may be subject for recommended removal from the Board as follows:

- (a) Failure to attend three (3) consecutive regular monthly meetings of the

Board without sufficient excuse;

Or

- (b) Failure to attend five (5) regular meetings in a twelve (12) month period without sufficient excuse.

### Article 8: Duties of Board Members

8.1 The chair shall be the chief executive officer of the Board and shall generally supervise, direct, and control the administration of the affairs of the Board pursuant to law and duly adopted bylaws and resolutions of the Board.

8.2 The chair shall have sole authority, within the policies established by the full Board, over retention, termination, and discipline of employees, as well as training of poll workers in primaries and elections, such poll workers to be appointed by the chair

8.3 The Board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify policies for the functions and duties of its employees and poll workers, 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.

8.4 The Board shall have the authority to contract with any municipality located within Madison County for the holding by the Board of any primary or election to be conducted within such municipality.

8.5 The Board shall receive and act upon all petitions by electors or the county executive committee of a political party for the division, redivision, alteration, change or consolidation of precincts.

8.6 The Board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction.

8.7 The Board shall make and issue such rules, regulations, and instructions consistent with law, including the rules and regulations promulgated by the State Election Board, as may be deemed necessary for the guidance of poll officers, custodians, and electors in primaries and elections.

8.8 The Board shall instruct poll officers and others in their duties, calling them together in meetings whenever deemed advisable, and to inspect systematically and thoroughly the conduct of primaries and elections in the several precincts in Madison County to this end that primaries and elections may be honestly, efficiently, and uniformly conducted.

8.9 Board members shall expend the time and effort necessary to ensure that they fully understand their duties and obligations as members of the Board and generally understand important concepts in the administration of elections, such as: the process to register to vote; the purpose of provisional voting; general information pertaining to the current voting systems; the absentee ballot process; required forms of voter identification; and sensitive election deadlines.

8.10 The Board shall perform numerous other duties relating to voter registration and election systems.

#### Article 9: Meetings

9.1 The Board shall hold regular monthly meetings at the Madison County Government Complex. Said meetings shall be held on the first Tuesday of each month at 6:30 p.m. subject to change by a majority vote for any future meetings. Such change shall be advertised in accordance with the Georgia Open Meetings Law.

9.2 Special meetings may be called by the chair or any two members of the Board.

9.3 Where meetings are not held in a previously designated day, time or place, all Board members shall be provided notice by mail or email at least ten (10) days in advance of the meeting.

9.4 Board members are expected to attend all meetings of the Board. If a member cannot attend a meeting, prior notice shall be given to the chair.

9.5 All meetings must be open to the public except when considering Court action or when dealing with personnel matters and shall be advertised in compliance with the Georgia Open Meetings Law.

9.6 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and when not inconsistent with the Code, the rules and regulations of the State Election Board, these Bylaws, and any special rules of order the Board may adopt.

#### Article 10: Voting

10.1 Action and decisions by the Board shall be by a majority of the Board members present at any regular or specially called meeting.

10.2 A quorum shall consist of two members.

10.3 The chair shall be a voting member of the Board and shall have the same privileges as all other members to make and second motions or nominations.

#### Article 11: Compensation

11.1 Compensation for the members of the Board, clerical assistants, and other employees shall be fixed by the BOC. Such compensation shall be paid wholly from county funds.

#### Article 12: Board Records

12.1 The Board shall have prepared and maintain written minutes of all meetings and a record of policy decisions amended to include additions and deletions. Such written records shall be certified by the chair and copies shall be made available to all parties directly concerned and for the public's view.

#### Article 13: Municipal Elections

13.1 Municipalities located within Madison County shall by ordinance authorize the Board to conduct its elections as necessary.

13.2 The Board shall perform all duties as superintendent of elections as specified in Section 21-2-45 (c) of the Code, with the exception of the qualification of candidates.

13.3 The Board shall lease or loan any or all of its election equipment to the municipality and shall not be responsible for the actual conduct of the municipal election.

13.4 Municipalities shall pay all costs incurred in performing those functions that the Board is to perform and the Board only has authority to conduct those functions specifically spelled out in the contract.

#### Article 14: Amendments

14.1 These Bylaws may be amended or supplemented upon a favorable majority vote of the Board at any regular meeting at which notice of such amendment or supplement was given at least five working days prior to such meeting. If no notice was given, the proposed amendment or supplement to

these Bylaws shall be voted upon at the next or a subsequent regular meeting after their introduction.

14.2 All notices required by these Bylaws may be specified from time to time by resolution of the Board. The form of transmittal of notices may include e-mail, postal service or other mail delivery service, telephone, facsimile or other medium of communication.

14.3 Notices to members of the Board shall be delivered to each member's addresses as they appear in the records of the Board. It is the responsibility of each Board member to ensure that their contact information is listed correctly in the records of the Board. If the Board determines that the form of notice is to be by e-mail, it shall be the responsibility of each Board member to ensure that the chair has the recipient's correct e-mail address.

#### Article 15: Conflict of Rules

15.1 If a provision of these Bylaws is or becomes illegal, invalid, or unenforceable, that shall not affect other provisions of these Bylaws.

15.2 To the extent that any existing policies or procedures shall conflict with any provisions herein, such policy or procedure shall be void and these rules shall have full force and effect.

This is to certify that the Board has been duly organized in accordance with H.B. No.505, Act No. 104 (2013) of the Georgia Legislature and that these Bylaws were approved by unanimous vote during the Board's regularly scheduled meeting held January 7, 2014.

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Tracy Dean  
Chair

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Lisa C. Mathis  
Republican Party Nominee

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Leo L. Smith  
Democrat Party Nominee