



LOCAL BOARD STRUCTURE and ELECTIONS ADMINISTRATION

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Office of
Secretary of State
Brian P. Kemp



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2012



January	February	March
Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
April	May	June
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July	August	September
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October	November	December
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How many days will Georgia
Voters be cast ballot in

22

2012

4

 Election Day
 Votes being cast



HOW DID WE GET WHERE WE ARE NOW?

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- The Georgia General Assembly passed legislation in 1964 creating the Georgia Election Code and legislation was passed in 1967 creating the Municipal Election Code.
- Prior to the passage of the Georgia Election Code, the primary was conducted by the Democratic party and the general elections were conducted by the County Commissioner's Office.
- The political party paid for all costs incurred for the conduct of the primary, appointed all poll workers and certified all election results.



- In 1966, the first dual primary was held in Georgia. Each county was responsible for all costs incurred for the primary and general election and any run-offs required to be held.
- Legislation provided that the Ordinary (now the probate court judge) would assume the responsibility for the conduct of all elections.
- Every county had a Board of Registrars and every city had its own voter registration office. City residents were required to register with the county registrar and the city registrar. County residents were only required to register with the county registrar. Most cities conducted their own elections and used their own voter registration list.



Changes to Structure

- Elections and Registration were very separate.
- Duties of Election Superintendent and the Registrar grew out of this early structure.
- Responsibilities and duties increased over time (legislation, more concern for security, scrutiny concerning eligibility, and introduction of technology)



What are the Roles and Responsibilities of Local Boards?

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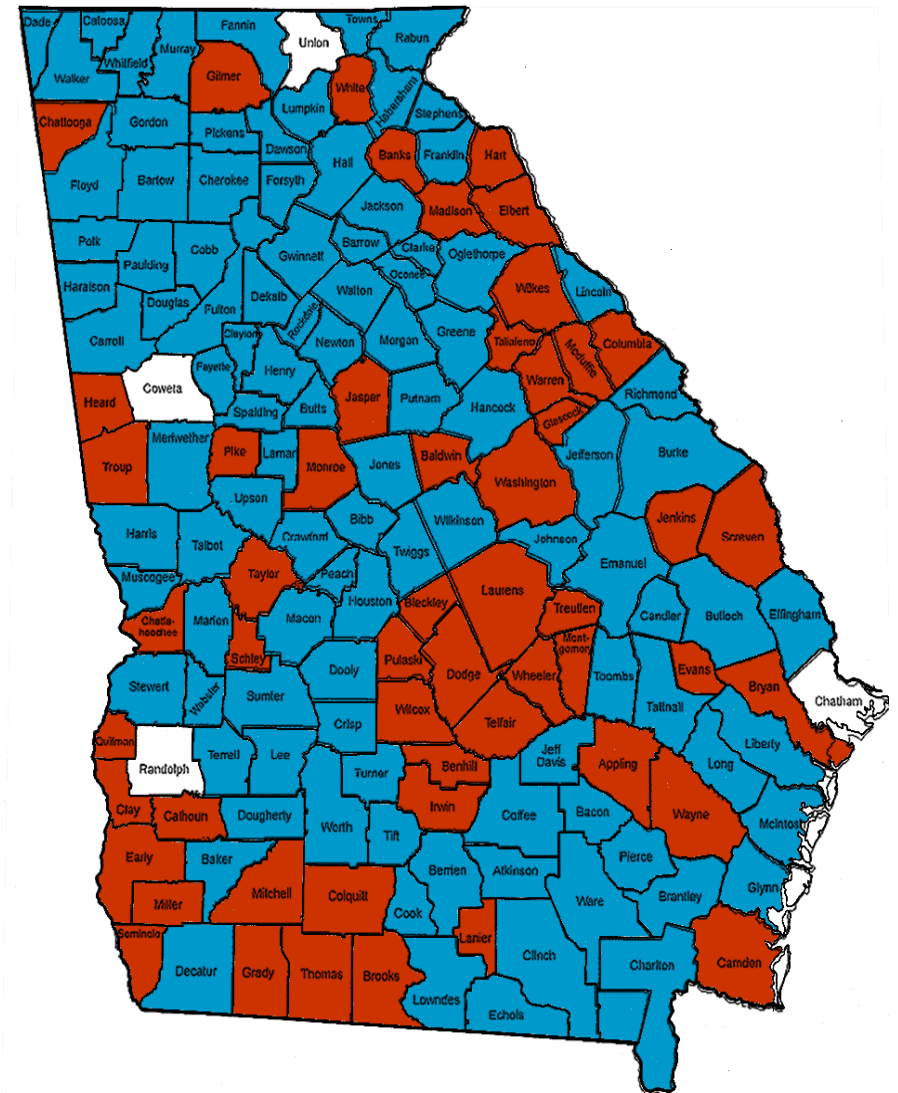
- The Secretary of State is charged with conducting efficient and secure elections
- Elections and registration activity happens at the local level with oversight and support of the Elections Division
- Counties register voters, maintain accurate list of electors and conduct and certify elections.



- The Georgia Legislature governs how fair and safe elections are conducted through provisions in the code
- Additionally, legislation is added to state code to ensure compliance with Federal laws
- We are a Section 5 state - Department of Justice pre-clearance



- 4 Election Supervisor and Registrar
- 51 Probate Judge with Board of Registrars
- 104 Combined Boards of Elections and Registration.



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Election Superintendents – Who are they?

- Probate Judge is the Election Superintendent
- O.C.G.A. 21-2-74(a) If Probate Judge has opposition, then a board is appointed composed of the judge of the probate court, an elector of the county named by the state Republican Executive Committee, and an elector of the county appointed by the state Democratic Executive Committee.
- In a combined board, The “Board” may be the election superintendent, or the Board may hire staff to carry out these duties



Board Structure

- The number of members on a board, the manner in which they are appointed, and their terms of office are set out in the local legislation creating the board.
- The number of members serving on a Combined Board of Elections cannot be less than three.
- There is no uniform or standard legislation when it comes to creating an Election Board.



Board Structure

- Election Boards can create By-laws
- Officers can be elected
- Minutes must be kept of the meetings
- Quorum must be determined, if not set forth in the local legislation
- Set date, time and location for meetings
- Other actions as may be necessary



Eligibility to Serve

- O.C.G.A. 21-2-76
 - (a) No person who holds elective office (except probate judge) shall be eligible to serve as a county or municipal election superintendent during the term of such elective office.
 - (b) The position of any election superintendent (except probate judge) shall be deemed vacant if such superintendent qualifies as a candidate for elective public office.



Eligibility To Serve

- O.C.G.A. 21-2-75
 - (a) No person holding elective public office to which persons can be elected by a vote of the electors shall be eligible to serve as a member of a county board of elections during the term of such elective office.
 - (b) A position of any county board of elections member shall be deemed vacant upon such member's qualifying for elective public office.
 - (c) No person who holds office in a political party at any level shall be eligible to serve as Chairperson of a county board of elections during the term of such political party office.



Combined Board of Elections Members

- O.C.G.A. 21-2-212 – O.C.G.A. 21-2-236
 - (a) Must take an oath of office
 - (b) Shall hold monthly meetings and other meetings as necessary
 - (c) Cannot engage in any political activity on behalf of a candidate, 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.



Combined Board of Elections Members

- (d) Registrars, deputy registrars, election superintendents and poll officers shall be privileged from arrest upon days of primaries and elections except for fraudulent misconduct of duty, felony, larceny, or breach of the peace.



Getting Down to Business

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What are election officials required to do?

- O.C.G.A. 21-2-70
 - (1) To receive and act upon all petitions presented by electors, the board of registrars, or the county executive committee of a political party for the division, redivision, alteration, change or consolidation of precincts: O.C.G.A. 21-2-261.1 – O.C.G.A. 21-2-262
 - (2) To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy in accordance with this chapter: O.C.G.A. 21-2-170



What are election officials required to do?

- (3) To prepare and publish all notices and advertisements, in connection with the conduct of election as required by law, and to transmit immediately to the Secretary of State a copy of any publication in which a call for a special primary, election, or runoff is issued:
O.C.G.A. 21-2-26



What are election officials required to do?

(4) To select and equip polling places for use in primaries and elections in accordance with this chapter: O.C.G.A. 21-2-267 – O.C.G.A. 21-2-379.9

(5) To purchase, except voting machines, preserve, store and maintain election equipment of all kinds, including voting booths and ballot boxes and to procure ballots and all other supplies for primaries and elections: O.C.G.A. 21-2-267; O.C.G.A. 21-2-379.9



What are election officials required to do?

(6) Conduct early Voting: (d) (1) There shall be a period of advance voting that shall commence on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections in which there are no federal or state candidates on the ballot, no Saturday voting hours shall be required. Except as otherwise provided in this paragraph, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option.



What are election officials required to do?

- (7) To appoint poll officers and other officers to serve in primaries and elections in accordance with this chapter: O.C.G.A. 21-2-90 – O.C.G.A. 21-2-98
- (8) To 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: O.C.G.A. 21-2-400 – O.C.G.A. 21-2-401



Powers and Duties of Superintendent

- (9) To 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 of his or her county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted: O.C.G.A. 21-2-99
- (10) To receive from poll officers the returns of all primaries and elections, to canvass and compute the same and to certify, as soon as practicable following the primary and election, the results thereof to such authorities as may be prescribed by law: O.C.G.A. 21-2-379.11; O.C.G.A. 21-2-496 – O.C.G.A. 21-2-497



Powers and Duties of Superintendent

- (11) To announce publicly, by posting in his or her office, the results of all primaries and elections held in his or her county: O.C.G.A. 21-2-492
- (12) In any general election at which a proposal to amend the Constitution or to provide for a new Constitution is submitted to the electors for ratification, the election superintendent shall provide copies of the summary of such proposal prepared pursuant to Article X, Section 1, Paragraph 11 of the Constitution as provided in this paragraph. A reasonable number of copies of such summary shall be conspicuously available in each polling place: O.C.G.A. 21-2-4



Powers and Duties of Superintendent

- (13) To prepare annually a budget estimate of his or her expenses under this chapter, in which shall be set forth an itemized list of expenditures for the preceding two years and an itemized estimate of the amount of money necessary to be appropriated for the ensuing year and to submit the same at the time and in the manner and form other budget estimates of his or her county are now or may hereafter be required to be filed:
- (14) To conduct all elections in such manner as to guarantee the secrecy of the ballot and to perform such other duties as may be prescribed by law.



Authorization to Conduct Municipal Elections (odd years)

- O.C.G.A. 21-2-45

Municipality may by ordinance authorize county to conduct elections

- (1) County shall perform all duties as superintendent
- (2) County shall perform all duties as superintendent with the exception of the qualification of candidates.



Authorization to Conduct Municipal Elections (odd years)

- (3) County shall lease or loan any or all of its election equipment to the municipality and not be responsible for the actual conduct of the municipal election.
- (4) Municipality shall pay all costs incurred in performing those functions that the county is to perform and the county only has authority to conduct those functions specifically spelled out in the contract.



For Municipal Elections, County Registrars:

- Provide electors list for review and make any subsequent changes due to challenges
- Verify absentee ballot application signatures
- Verify absentee ballot signatures
- Verify provisional ballots
- Verify signatures on nomination or referendum petitions



Other Duties Include:

- O.C.G.A. 21-2-6 –Conducting hearings to determine eligibility of candidate's qualifications, notice; right to appeal

Combined Boards only:

- O.C.G.A. 21-2-229 –Conducting hearings to challenge eligibility of applicant for registration; notice; right to appeal
- O.C.G.A. 21-2-230 –Conducting hearings to challenge eligibility of persons on electors list; notice; right to appeal



Maintaining the List of Electors O.C.G.A. §21-2-212

- Coordinating the cancellation or transfer of voter registration data between jurisdictions
- Perform list maintenance functions and conducting hearings for electors
 - Verification of applicants
 - Non-citizens
 - Felons
 - Deceased
 - Duplicates



Maintaining the List of Electors O.C.G.A. §21-2-212

- Electors who move out of state
- Compliance with NVRA-
 - National Change of Address
 - Inactive electors
 - Coordination with other agencies for registration
 - DDS, etc.

Record Retention compliance

Actual cards

Voter history



Administering Photo ID

- Free Voter Identification Cards available at every county office
- State provides equipment and funds the cost of the cards
- Success of VIC card program is key to fielding challenges to this provision
- Key to safe and fair elections



Training for Election Officials

O.C.G.A. §21-2-101 (a) All county and municipal election superintendents, chief registrars, and absentee ballot clerks or, in the case of a board of elections or a board of elections and registration, the designee of such board charged with the daily operations of such board shall become certified by completing a certification program approved by the Secretary of State by no later than December 31 of the year in which they are appointed. Such program may include instruction on, and may require the superintendent to demonstrate proficiency in, the operation of the state's direct recording electronic voting equipment, the operation of the voting equipment used in such superintendent's jurisdiction, and in state and federal law and procedures related to elections. The local government employing the superintendent or designee shall cover the costs, if any, incurred by such superintendent's or designee's participation in the certification program.

Such certification programs shall be offered by the Secretary of State on multiple occasions before December 31 of the year in which such superintendents or designees are appointed and shall not exceed 64 hours of classroom, online, and practical instruction as authorized and approved by the Secretary of State.



Continuing Education for Election Officials

O.C.G.A. §21-2-100

The election superintendent and at least one registrar of the county or, in counties with boards of election or combined boards of election and registration, at least one member of the board or a designee of the board shall attend a minimum of 12 hours' training annually as may be selected by the Secretary of State. The election superintendent and at least one registrar of each municipality shall attend a minimum of 12 hours' training biennially as may be selected by the Secretary of State.

(b) The basis for the minimum requirement of training shall be two calendar years.



What types of elections do county officials conduct?

- Federal, State and Local Vacancies
- Local Sales and Use Tax -O.C.G.A. 48-8-1 et al
- Special Purpose Local Option Sales Tax-O.C.G.A. 48-8-110 et al
- Education Special Purpose Local Option Sales Tax –O.C.G.A. 48-8-140 et al
- General Obligation Bond Referendum –O.C.G.A. 36-82
- Et al -Includes advertisement requirements, the resolution or ordinance, issuance and repayment of bonds
- Distilled Spirits –Local authorization and regulations for manufacture, distribution and package sales of distilled spirits. O.C.G.A. 3-4-41 et al–Includes petition process and advertisement requirements
- Municipal Elections
- Annexations



FAQ's

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Who verifies signatures on nomination petitions or qualifying petitions?

- The superintendent makes a copy of the petition and then forwards the petition to the Board of Registrars for the signatures to be verified by comparing the signature on the petition to the signature on the original voter registration card. If a combined Board of Elections and Registration is in receipt of a petition, they have the authority to proceed with the verification process since they are also registrars and in control of the voter registration records.



How long must the Election Superintendent hold primary and election records?

- All primary and election documents on file in the office of the election superintendent shall be preserved for a period of at least 24 months and then the same may be destroyed unless otherwise provided by law: O.C.G.A. 21-2-73



Where in the Election Code does it state that if an elected public official qualifies for another office, the office he/she is presently holding is immediately vacated?

- It is not in the Election Code, but found in the Georgia Constitution, Article II, Section II, para. 5



Who should I call if I have a legal question regarding elections?

- You should contact your county attorney.



What are the hours of operation of the office of superintendent and chairperson of a county board of registrars on primary and election days?

- O. C.G.A. 21-2-490(a)
 - (a) Each superintendent shall cause his or her office to remain open during the entire duration of each primary and election and after the close of the polls, until all the ballot boxes and returns have been received in the office of the superintendent or received in such other place as has been designated by him or her.



Hours of Operation

- (b) The county Board of Registrars shall remain open during the entire duration of each primary and election and after the close of the polls, until completion of the duties of said Board.



How does the Election Superintendent compute and certify write-in votes?

- O.C.G.A. 21-2-494
 - (a) The superintendent shall compute and certify only those write-in votes cast for candidates who have given proper notice of intent to be a write-in candidate pursuant to O.C.G.A. 21-2-133, exactly as such names were written by elector.



What are the duties of Superior Courts on days of primaries and elections?

- O.C.G.A. 21-2-412
- (a) At least one judge of the superior court of each judicial circuit shall be available in his or her circuit on the day of each primary or election from 7:00 a.m. eastern standard time or eastern daylight time, whichever is applicable, until 10:00 p.m. and so long thereafter as it may appear that the process of such court will be necessary to secure a free, fair and correct computation and canvass of votes cast at such primary or election.
- (b) The court shall issue process, if necessary, to enforce and secure compliance with the primary or election laws and shall decide such other matters pertaining to the primary or election as may be necessary to carry out the intent of this chapter.



Questions?

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