

House Bill 1546

By: Representative Smith of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Harris County and provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members; to provide for the qualification, terms, and removal
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of
6 functions to the newly created board; to provide for expenditures of public funds; to provide
7 for compensation of members of the board; to provide for offices and equipment; to provide
8 for personnel, including a chief election official, and compensation; to provide for the
9 board's performance of certain functions and duties for certain municipalities; to provide for
10 submission; to provide for related matters; to provide an effective date; to repeal conflicting
11 laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created,
15 effective January 1, 2003, the Harris County Board of Elections and Registration, hereinafter
16 referred to as "the board." The board shall have the powers and duties of the former Harris
17 County election superintendent relating to the conduct of primaries and elections and shall
18 have the powers and duties of the Harris County Board of Registrars relating to the
19 registration of voters and absentee balloting procedures.

20 **SECTION 2.**

21 The terms "election," "elector," "political party," "primary," and "public office" shall have
22 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
23 Code," unless otherwise clearly apparent from the text of this Act, and the term
24 "commissioners" means the board of commissioners of Harris County and "county" means
25 Harris County.

SECTION 3.

(a) The board shall be composed of three members, each of whom shall be an elector and a resident of Harris County. All members of the board shall be appointed by the Board of Commissioners of Harris County. The Harris County Board of Elections and Registration shall select a chairperson from among its members.

(b) The initial terms of office of two members shall commence on July 1, 2002, and expire December 31, 2003, and upon the appointment and qualification of their respective successors. The initial term of office of the third member of the board shall commence on July 1, 2002, and shall expire December 31, 2005, and upon the appointment and qualification of his or her successor.

SECTION 4.

Each member of the board shall:

(1) Serve for a term of four years and until a successor is appointed and qualified, except that initial terms of office shall be as provided in subsection (b) of Section 3 of this Act;

(2) Be eligible to be reappointed to succeed such member and have the right to resign at any time by giving written notice of such resignation to the commissioners and to the clerk of the Superior Court of Harris County; and

(3) Be subject to removal from the board at any time for cause, after notice and hearing, by the judge of the Superior Court of Harris County.

SECTION 5.

(a) The appointment of each member of the board shall be evidenced by the commissioners filing an affidavit with the clerk of the Superior Court of Harris County no later than 30 days after the date on which such member is appointed, stating the name and residence 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 of Harris County shall be notified of interim appointments and shall record and certify such appointments in the same manner as the regular appointment of members.

(b) The clerk of the Superior Court of Harris County shall record each such certification on the minutes of that superior 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 county registrars.

SECTION 6.

In the event a vacancy occurs in the office of any member before the expiration of a term by reason of removal, death, resignation, or otherwise, the commissioners shall appoint a successor to serve for the remainder of the unexpired term.

SECTION 7.

(a) The first members of the board under this Act shall be appointed as provided in this Act to take office on July 1, 2002. The board shall take no official action on or before January 1, 2003. Between July 1, 2002, and December 31, 2002, the members of the board shall take such election training as may be required or necessary to familiarize themselves with election laws and become qualified to discharge their duties.

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

SECTION 8.

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

SECTION 9.

(a) The Harris County Board of Elections and Registration shall be empowered with all the same powers and duties relating to the conduct of primaries and elections as election superintendents pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(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 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(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.

The board shall recommend to the commissioners of Harris County a qualified person for appointment as election supervisor to serve as the chief election official of Harris County. The board's recommendation shall be advisory only and shall not be binding upon the commissioners. The commissioners shall appoint a qualified person to serve as the chief election official. Such position shall be full time and such person shall be paid a salary to

1 be set by the governing authority of Harris County and payable from county funds. The chief
2 election official, who shall be known as the election supervisor, shall generally direct,
3 control, and supervise the administration of elections and primaries and voter registration in
4 Harris County. The election supervisor shall be supervised by the board and shall be subject
5 to removal from office by the commissioners, with or without cause, upon recommendation
6 by the board. The election supervisor may, but is not required, to be a member of the board
7 and shall not be an elected official whether municipal, county, state, or federal.

8 **SECTION 11.**

9 The board shall have the authority to serve as municipal registrar and to conduct municipal
10 elections and primaries for any municipal corporation located within Harris County if such
11 municipal corporation has entered into a contract for that purpose with the commissioners.

12 **SECTION 12.**

13 With the approval and appropriation of the commissioners, the board shall be authorized to
14 expend public funds for the purpose of preparing and distributing material solely to inform
15 and instruct electors of the county adequately with regard to elections. No material
16 distributed by the board shall contain or express, in any manner or form, any commentary
17 or expression of opinion or request for support with respect to any political issue or matter
18 of political concern.

19 **SECTION 13.**

20 (a) The board shall be authorized and empowered to organize itself, may elect from among
21 its membership a vice chairperson, and shall determine its procedural rules and regulations,
22 adopt bylaws, specify the functions and duties of its employees, and otherwise take such
23 actions as are appropriate to the management of its affairs; provided, however, that no such
24 action shall conflict with general law.

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

27 **SECTION 14.**

28 (a) The board shall fix and establish by appropriate resolution entered on its minutes
29 directives governing the execution of matters within its jurisdiction. The board shall hold
30 meetings at the county courthouse or at the place of meeting of the commissioners. These
31 meetings shall be held quarterly in years in which there is no county-wide election and
32 monthly in years in which there is a county-wide election. Any specially called meeting held
33 pursuant to the bylaws adopted by the board shall be held only after notification of the time

1 and place of the holding of such meeting has been communicated in writing to the chief
2 election official to provide public notice of the meeting as required by law. All meetings of
3 whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the
4 O.C.G.A., relating to open meetings.

5 (b) The board shall maintain a written record of policy decisions that shall be amended to
6 include additions or deletions. Such written record shall be subject to Article 4 of Chapter
7 18 of Title 50 of the O.C.G.A., relating to inspection of public records.

8 **SECTION 15.**

9 (a) The chairperson of the board of elections and registration shall chair all meetings of the
10 board and be the spokesperson for the board.

11 (b) The members of the board shall receive no compensation for their service as members
12 of the board but shall be reimbursed for their actual and necessary expenses incurred in the
13 performance of their duties.

14 (c) All amounts payable under this section shall be paid with approval and appropriation of
15 the governing authority of Harris County from the funds of Harris County.

16 **SECTION 16.**

17 The board shall propose an annual budget to the commissioners for approval. Subject to
18 approval and appropriation of funds by the commissioners, the board shall be authorized to
19 expend public funds to provide for such proper and suitable administrative offices and for
20 such clerical assistants and other employees as the board shall deem appropriate.
21 Compensation for such administrative personnel shall be paid by the board under the county
22 personnel system wholly from county funds. This section shall not be construed so as to
23 require the board to expend any funds simply because they are authorized to do so under this
24 Act. Employees of the board shall be considered county employees for purposes of pay,
25 benefits, sick leave, vacation, and other purposes to include discipline and termination.

26 **SECTION 17.**

27 The governing authority of Harris County shall provide the board and the election supervisor
28 with proper and suitable offices and equipment.

29 **SECTION 18.**

30 On January 1, 2003, the election superintendent of Harris County and the Board of Registrars
31 of Harris County shall be relieved from all powers and duties to which the board of elections
32 and registration succeeds by the provisions of this Act and shall deliver thereafter to the
33 chairperson of the board, upon the chairperson's written request, the custody of all

1 equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining
2 to such powers and duties. The probate judge of Harris County shall fulfill the duties of
3 election superintendent to conduct the 2002 general elections. The probate judge shall be
4 paid the current salary supplement through December 31, 2002, which supplement shall
5 thereafter cease.

6 **SECTION 19.**

7 It shall be the duty of the governing authority of Harris County to require the attorney
8 therefor to submit this Act for approval pursuant to Section 5 of the federal Voting Rights
9 Act of 1965, as amended. If implementation of this Act is not permissible under the federal
10 Voting Rights Act of 1965, as amended, then as of July 1, 2002, this Act shall be void and
11 stand repealed in its entirety.

12 **SECTION 20.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming
14 law without such approval.

15 **SECTION 21.**

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