

House Bill 1644 (AS PASSED HOUSE AND SENATE)

By: Representative Lane of the 167th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for McIntosh County and to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection and appointment of members; to provide for the qualification, terms, and
4 removal of members; to provide for oaths and privileges; to provide for meetings,
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for
6 the transfer of functions to the newly created board; to provide for expenditures of public
7 funds; to provide for compensation of members of the board; to provide for offices and
8 equipment; to provide for personnel and compensation; to provide for the board's
9 performance of certain functions and duties for certain municipalities; to provide for related
10 matters; to provide effective dates; to provide for submission under the Voting Rights Act
11 of 1965, as amended; to repeal a specific Act; to repeal conflicting laws; and for other
12 purposes.

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

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
16 Board of Elections and Registration of McIntosh County, hereinafter referred to as "the
17 board." The board shall have the powers and duties of the former superintendent of elections
18 of McIntosh County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
19 Code," relating to the conduct of primaries and elections and the former board of registrars
20 of McIntosh County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
21 Code," relating to the registration of electors and absentee voting.

22 **SECTION 2.**

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

1 "commissioners" means the Board of Commissioners of McIntosh County and "county"
2 means McIntosh County.

3 **SECTION 3.**

4 (a) The board shall be composed of seven members, each of whom shall meet the applicable
5 eligibility requirements under Article 1 of Chapter 2 of Title 45 of the O.C.G.A., Code
6 Section 21-2-75 of the O.C.G.A., and other general law, and shall be qualified and selected
7 in the following manner:

8 (1) Four members shall be appointed by the county executive committee of the political
9 party whose candidate at the last preceding general election received the largest number
10 of votes in this state for the officer of Governor;

11 (2) Three members shall be appointed by the county executive committee of the political
12 party whose candidate at the last preceding general election received the next largest
13 number of votes in this state for the election of Governor;

14 (3) Each of the appointments made by the respective executive committees shall have
15 been ratified by a majority of the members of each such respective executive committee
16 voting at a meeting called and held for such purposes. In the event such appointments
17 are not ratified by a majority of the members of such executive committee, then such
18 members shall be appointed by the judge of the probate court of McIntosh County;

19 (4) At the first meeting of each calendar year, the members of the McIntosh County
20 Board of Elections and Registration shall select one of their members of the board to
21 serve as chairperson and one of their members to serve as secretary;

22 (5)(A) The initial appointments to the board shall be made no later than January 1,
23 2007;

24 (B) Of the four initial members appointed by the executive committee of the political
25 party whose candidate at the last preceding election received the largest number of
26 votes in this state for the office of Governor, two of the persons so appointed, who shall
27 be designated by the executive committee, shall serve a term of office beginning on
28 January 1, 2007, and expiring on December 31, 2011, and two of the persons so
29 appointed, who shall be designated by the executive committee, shall serve a term of
30 office beginning on January 1, 2007, and expiring on December 31, 2009.

31 (C) Of the three initial members appointed by the executive committee of the political
32 party whose candidate at the last preceding election received the next largest number
33 of votes in this state for the office of Governor, two of the persons so appointed, who
34 shall be designated by the executive committee, shall serve a term of office beginning
35 on January 1, 2007, and expiring on December 31, 2011, and one of the persons so

1 appointed, who shall be designated by the executive committee, shall serve a term of
2 office beginning on January 1, 2007, and expiring on December 31, 2009.

3 (D) All such persons so appointed shall serve for the initial terms specified and until
4 their successors are duly appointed and qualified;

5 (6) After the initial term of office, successors to members whose terms are about to
6 expire shall be appointed to take office on the first day of January immediately following
7 the expiration of a term of office and shall serve a term of four years each and until their
8 successors are duly appointed and qualified;

9 (7) Appointments on behalf of political parties that do not have executive committees in
10 McIntosh County shall be made by the state executive committee of such party; and

11 (8) Each member of the board shall successfully complete all mandatory training by
12 achieving a passing score on any test administered as a part of such training. Any board
13 member who fails to successfully complete such training and achieve a passing score of
14 any test administered as a part of such training shall stand immediately terminated and
15 shall be replaced by the authority appointing such board member. Any such appointment
16 shall be to fill the unexpired term of the member replaced.

17 **SECTION 4.**

18 The appointing authorities shall certify the appointment of each member of the board by
19 filing an affidavit with the clerk of the Superior Court of McIntosh County no later than 15
20 days preceding the date upon which such members are to take office, stating the name and
21 residential address of the person appointed and certifying such member has been duly
22 appointed as provided in this Act. The clerk of the superior court shall record each of such
23 certifications on the minutes of the court and shall certify the name of each such appointed
24 member to the Secretary of State and provide for the issuance of appropriate commissions
25 to the members within the same time and in the same manner as provided by law for
26 registrars. If any appointing authority does not, in conformity with this Act, certify an
27 appointment to the board within 30 days after the beginning of a term of office or within 30
28 days after the creation of a vacancy in that office, a vacancy shall be deemed to have been
29 thereby created and the judge of the probate court of McIntosh County shall fill that vacancy
30 by making the appointment thereto and shall certify it as provided in this section. Any
31 person appointed to fill a vacancy shall serve out the unexpired term of office.

32 **SECTION 5.**

33 Each member of the board shall be eligible to serve successive terms without limitation and
34 shall have the right to resign at any time by giving written notice of such resignation to the
35 appointing authority and to the clerk of the Superior Court of McIntosh County. Each

1 member shall be subject to removal from the board at any time, for cause, after notice and
2 hearing, by the chief judge of the Superior Court of the Atlantic Judicial Circuit in the same
3 manner and by the same authority as provided for the removal of registrars.

4 **SECTION 6.**

5 In the event a vacancy occurs in the office of any board member before the expiration of his
6 or her term, by removal, death, resignation, or otherwise, the vacancy shall be filled for the
7 remainder of the unexpired term by the appointing authority for that position on the board.
8 The clerk of the superior court shall be notified of such interim appointment and record and
9 certify such appointment in the same manner as the regular appointment of members.

10 **SECTION 7.**

11 Before entering upon the member's duties, each member shall take substantially the same
12 oath as required by law for registrars and shall have the same privileges from arrest.

13 **SECTION 8.**

14 (a) The board shall be authorized to organize itself, determine its procedural rules and
15 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
16 take such action as is appropriate to the management of the affairs committed to its
17 supervision; provided, however, that no such action shall conflict with state law. Action and
18 decision by the board shall be by a majority of the members of the board. The board shall
19 be responsible for the selection, appointment, and training of poll workers in primaries and
20 elections and such workers shall be appointed, insofar as practicable, from lists provided to
21 the board by the county executive committee of each political party.

22 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
23 directives governing the execution of matters within its jurisdiction. The board shall hold
24 regular meetings each month and more often if needed in the opinion of the members. The
25 time of such meetings shall be set by the board. Any specially called meeting shall be called
26 by the chairperson or any three members of the board. The board shall maintain a written
27 record of policy decisions amended to include additions or deletions. Such written records
28 shall be made available for the public to review.

29 (c) Members of the board shall receive \$55.00 per day for each day of service on the board.
30 The chairperson and the secretary shall receive \$75.00 per day for each day of service on the
31 board. On primary and election days and during the period of advance voting pursuant to
32 subsection (b) of Code Section 21-2-380 of the O.C.G.A., the chairperson and members of
33 the board shall be compensated at the rate of \$10.00 per hour. The hours of service shall be
34 certified to the commissioners by the chairperson of the board.

SECTION 9.

1
2 The board shall have the authority to contract with any municipality located within McIntosh
3 County for the holding by the board of any primary or election to be conducted within such
4 municipality.

SECTION 10.

5
6 (a) An elections supervisor shall be employed by the governing authority of McIntosh
7 County who shall generally supervise, direct, and control the administration of the affairs of
8 the board pursuant to law and duly adopted resolutions of the board. The election supervisor
9 shall not be a member of the board. The election supervisor shall be considered an employee
10 of McIntosh County and shall be entitled to the same benefits as other employees of
11 McIntosh County. The election supervisor shall be subject to all personnel and policy
12 procedures of McIntosh County. The election supervisor shall maintain regular office hours
13 as directed by the governing authority of McIntosh County.

14 (b) The supervisor of elections shall not be an active member of any political party or body.

15 (c) Upon indictment of any felony involving election fraud or moral turpitude, the election
16 supervisor shall be terminated from the position as a matter of law. Such vacancy shall be
17 filled within ten business days following the occurrence of such vacancy.

18 (d) The board is authorized, with the approval of the commissioners, to employ additional
19 clerical assistants as needed to carry out the duties and functions of the board. All such
20 clerical assistants shall be considered employees of McIntosh County and shall be entitled
21 to the same benefits as other employees of McIntosh County. Any clerical assistants shall
22 be subject to all personnel and policy procedures of McIntosh County. Upon indictment of
23 any felony involving election fraud or moral turpitude, a clerical assistant shall resign or be
24 terminated from his or her position.

SECTION 11.

25
26 Compensation for the members of the board, election supervisor, clerical assistants, and other
27 employees shall be fixed by the board of commissioners in accordance with the provisions
28 of this Act. Such compensation shall be paid wholly from county funds.

SECTION 12.

29
30 (a) The Board of Commissioners of McIntosh County shall provide the board with such
31 proper and suitable offices, equipment, materials, and supplies and with such clerical
32 assistance and other employees as the Board of Commissioners of McIntosh County deems
33 appropriate.

1 (b) The commissioners shall also cause periodic audits to be made of the board and its
2 offices.

3 **SECTION 13.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law
5 without such approval for purposes of making initial appointments to the board only. This
6 Act shall become fully effective on January 1, 2007. Upon this Act becoming fully effective,
7 the superintendent of elections of McIntosh County and the board of registrars of McIntosh
8 County shall be relieved of all powers and duties to which the board succeeds by the
9 provisions of this Act and shall deliver to the board all equipment, supplies, materials, books,
10 papers, records, and facilities pertaining to such powers and duties.

11 **SECTION 14.**

12 The governing authority of McIntosh County shall through its legal counsel cause this Act
13 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended;
14 and such submission shall be made to the United States Department of Justice or filed with
15 the appropriate court no later than 45 days after the date on which this Act is approved by the
16 Governor or otherwise becomes law without such approval.

17 **SECTION 15.**

18 That Act providing for a board of elections for McIntosh County, approved April 6, 1992
19 (Ga. L. 1992, p. 5593) is repealed on January 1, 2007.

20 **SECTION 16.**

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