

House Bill 1450

By: Representatives Powell of the 29<sup>th</sup> and Jamieson of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Franklin 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 certain expenditures of  
7 public funds; to provide for compensation of members of the board; to provide for offices  
8 and equipment; to provide for personnel, including a supervisor, and compensation; to  
9 provide for the board's performance of certain functions and duties for certain municipalities;  
10 to provide for related matters; to provide for submission under Section 5 of the federal  
11 Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws;  
12 and for other 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 Franklin County, hereinafter referred to as "the  
17 board." The board shall have the powers, duties, and responsibilities of the superintendent  
18 of elections of Franklin County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
19 Election Code," currently being exercised by the judge of the Probate Court of Franklin  
20 County, and the powers, duties, and responsibilities of the Board of Registrars of Franklin  
21 County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

22 **SECTION 2.**

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

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

3 **SECTION 3.**

4 The board shall be composed of five members, each of whom shall be an elector and a  
5 resident of the county and who shall be appointed as provided in this section. Two members  
6 of the board shall be appointed by the political party that received the highest number of  
7 votes within the county for its candidate for Governor in the general election immediately  
8 preceding the appointment of such members. Two members of the board shall be appointed  
9 by the political party that received the second highest number of votes within the county for  
10 its candidate for Governor in the general election immediately preceding the appointment of  
11 such members. Each of the members appointed by such political parties shall be nominated  
12 by the chairperson and ratified by the county executive committee of the respective political  
13 party at least 30 days before the beginning of the term of office or within 30 days after the  
14 creation of a vacancy in such office. In the event that a political party entitled to appoint a  
15 member of the board does not have a county executive committee, such appointment shall  
16 be made by the state executive committee of such political party. One member shall be  
17 appointed by the most senior judge of the Northern Judicial Circuit whose primary office is  
18 located in Franklin County or, if there is no such judge, then the chief judge of the Northern  
19 Judicial Circuit. The judge appointing the fifth member of the board shall also appoint one  
20 of the members of the board to serve as chairperson. In making the initial appointments to  
21 the board, the members shall be selected at least 30 days prior to January 1, 2009. The initial  
22 members and their successors shall be appointed for terms of office of four years and until  
23 their successors are duly appointed and qualified. The term of each initial members shall  
24 commence on January 1, 2009. Each political party making an appointment under this  
25 section shall certify the name and residential address of each such appointee to the most  
26 senior judge of the Northern Judicial Circuit whose primary office is located in Franklin  
27 County or, if there is no such judge, then the chief judge of the Northern Judicial Circuit  
28 immediately upon making such appointment.

29 **SECTION 4.**

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

**SECTION 5.**

1  
2 The most senior judge of the Northern Judicial Circuit whose primary office is located in  
3 Franklin County or, if there is no such judge, then the chief judge of the Northern Judicial  
4 Circuit shall certify the appointment of each member of the board by filing an affidavit with  
5 the clerk of the superior court no later than 15 days preceding the date upon which such  
6 members are to take office, stating the name and residential address of the person appointed  
7 and certifying that such member has been duly appointed as provided in this Act. The clerk  
8 of the superior court shall record each of such certifications on the minutes of the superior  
9 court and shall certify the name of each such appointed member to the Secretary of State and  
10 provide for the issuance of appropriate commissions to the members within the same time  
11 and in the same manner as provided by law for registrars.

**SECTION 6.**

12  
13 Each member of the board shall be eligible to serve successive terms, shall have the right to  
14 resign at any time by giving written notice of such resignation to the appointing body and to  
15 the clerk of the superior court, and shall be subject to removal from the board by the  
16 appointing body at any time, for cause, after notice and hearing.

**SECTION 7.**

17  
18 In the event a vacancy occurs in the office of any appointed member before the expiration  
19 of his or her term, by removal, death, resignation, or otherwise, the original appointing body  
20 shall appoint a successor to serve the remainder of the unexpired term as provided for in  
21 Section 3 of this Act. The clerk of the superior court shall be notified of such interim  
22 appointments and record and certify such appointments in the same manner as the regular  
23 appointment of members.

**SECTION 8.**

24  
25 Before entering upon the member's duties, each member shall take substantially the same  
26 oath as required by law for registrars and shall have the same privileges from arrest.

**SECTION 9.**

27  
28 (a) The board shall be authorized to organize itself, determine its procedural rules and  
29 regulations, adopt bylaws, and otherwise take such action as is appropriate to the  
30 management of the affairs committed to its supervision; provided, however, that no such  
31 action shall conflict with state law. Action and decision by the board shall be by a majority  
32 of the members of the board. The board shall be responsible for the selection, appointment,  
33 and training of poll workers in primaries and elections, and such workers shall be appointed,

1 insofar as practicable, from lists provided to the board by the county executive committee  
2 of each political party.

3 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,  
4 directives governing the execution of matters within its jurisdiction. The board shall hold  
5 regular meetings and shall meet not fewer than three times per year. Any specially called  
6 meeting shall be called by the chairperson or any two members of the board. The board shall  
7 maintain a written record of policy decisions amended to include additions or deletions.  
8 Such written records shall be made available for the public to review.

9 **SECTION 10.**

10 The board shall have the authority to contract with any municipality located within Franklin  
11 County for the holding by the board of any primary or election to be conducted within such  
12 municipality.

13 **SECTION 11.**

14 Compensation for the members of the board, clerical assistants, and other employees of the  
15 board shall be fixed by the Board of Commissioners of Franklin County. Such compensation  
16 shall be paid wholly from county funds.

17 **SECTION 12.**

18 The supervisor of elections and registration for Franklin County shall not be a member of the  
19 board. The supervisor shall be appointed and removed by the governing authority of  
20 Franklin County in the same manner as department heads. The supervisor shall provide daily  
21 employee supervision, serve as staff support for the board, attend all meetings of the board,  
22 carry out the duties of voter registration and elections as required by law, and be a full-time  
23 employee of Franklin County.

24 **SECTION 13.**

25 The Board of Commissioners of Franklin County shall provide the board with such proper  
26 and suitable offices, equipment, materials, and supplies and with such clerical assistance and  
27 other employees as the board of commissioners of Franklin County deems appropriate.

28 **SECTION 14.**

29 The Board of Commissioners of Franklin County shall through its legal counsel cause this  
30 Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of  
31 1965, as amended, and such submission shall be made to the United States Department of

1 Justice or filed with the appropriate court no later than 45 days after the date on which this  
2 Act is approved by the Governor or otherwise becomes law without such approval.

3 **SECTION 15.**

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, 2009. Upon this Act becoming fully effective,  
7 the judge of the Probate Court of Franklin County and the Board of Registrars of Franklin  
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. On such date, the Board  
11 of Registrars of Franklin County shall be abolished.

12 **SECTION 16.**

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