

Senate Bill 173

By: Senator Grant of the 25th

A BILL TO BE ENTITLED
AN ACT

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

21 **SECTION 2.**

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

25 "commissioners" means the Board of Commissioners of Hancock County and "county"
26 means Hancock County.

27 **SECTION 3.**

28 (a) The board shall be composed of a chairperson and four members who shall be appointed
29 as provided in this section.

30 (b)(1) The initial members of the board shall be selected not later than July 1, 2011.

31 (2) The county executive committee of the political party that nominated a candidate for
32 the office of Governor at the last election for such office and whose candidate received the
33 highest number of votes cast for such office in such general election shall appoint two
34 members of the board. One of the appointees shall be designated by the county executive
35 committee to serve a term of office beginning July 1, 2011, and ending on December 31,
36 2012, and one of the appointees shall be designated by the county executive committee to
37 serve a term of office beginning July 1, 2011, and ending on December 31, 2014.

38 (3) The county executive committee of the political party that nominated a candidate for
39 the office of Governor at the last election for such office and whose candidate received the
40 second highest number of votes cast for such office in such general election shall appoint
41 two members of the board. One of the appointees shall be designated by the county
42 executive committee to serve a term of office beginning July 1, 2011, and ending on
43 December 31, 2012, and one of the appointees shall be designated by the county executive
44 committee to serve a term of office beginning July 1, 2011, and ending on December 31,
45 2014.

46 (4) The chief judge of the Superior Court of Hancock County shall appoint one member
47 of the board. Such appointee shall serve a term of office beginning July 1, 2011, and
48 ending on December 31, 2014. Such appointee shall serve as chairperson of the board.

49 (5) Successors to the initial members of the board shall be appointed by the respective
50 original appointing authorities at least 30 days immediately prior to the expiration of each
51 respective member's term of office. Such successors shall serve four year terms of office
52 and until their respective successors are appointed and qualified.

53 (6) In the event that there is no county executive committee in Hancock County of a
54 political party that is entitled to appoint members of the board, the state executive
55 committee of such party shall make the appointments.

56 **SECTION 4.**

57 (a) No person who holds elective public office shall be eligible to serve as a member of the
58 board during the term of such elective office, and the position of any member of the board

59 shall be deemed vacant upon such member's qualifying as a candidate for elective public
60 office.

61 (b) Members of the board must be residents of Hancock County and must have been
62 registered voters in Hancock County for a period of at least one year prior to the date of their
63 appointment to the board.

64 **SECTION 5.**

65 Each appointing authority shall certify the appointment of each member of the board to the
66 clerk of the superior court no later than 15 days preceding the date upon which each member
67 is to take office, stating the name and residential address of the person appointed and
68 certifying that such member has been duly appointed as provided in this Act. The clerk of
69 the superior court shall record each of such certifications on the minutes of the superior court
70 and shall certify the name of each such appointed member to the Secretary of State and
71 provide for the issuance of appropriate commissions to the members within the same time
72 and in the same manner as provided by law for registrars.

73 **SECTION 6.**

74 Each member of the board shall have the right to resign at any time by giving written notice
75 of such resignation to the appointing authority by which such member was appointed and to
76 the clerk of the superior court and shall be subject to removal from the board by the chief
77 judge of the Superior Court of Hancock County at any time, for cause, after notice and
78 hearing.

79 **SECTION 7.**

80 In the event a vacancy occurs in the office of any appointed member before the expiration
81 of his or her term, by removal, death, resignation, or otherwise, the original appointing
82 authority shall appoint a successor to serve the remainder of the unexpired term as provided
83 for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim
84 appointments and record and certify such appointments in the same manner as the regular
85 appointment of members.

86 **SECTION 8.**

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

89

SECTION 9.

90 (a) The board shall be authorized to organize itself, determine its procedural rules and
91 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
92 take such action as is appropriate to the management of the affairs committed to its
93 supervision; provided, however, that no such action shall conflict with state law. Action and
94 decision by the board shall be by a majority of the members of the board. The board shall
95 be responsible for the selection, appointment, and training of poll workers in primaries and
96 elections.

97 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
98 directives governing the execution of matters within its jurisdiction. The board shall have
99 regular monthly meetings at times, dates, and locations as determined by the board. Any
100 specially called meeting shall be called by the chairperson or any three members of the
101 board. The board shall maintain a written record of policy decisions amended to include
102 additions or deletions. Such written records shall be made available for the public to review.

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SECTION 10.

104 The board shall have the authority to contract with any municipality located within Hancock
105 County for the holding by the board of any primary or election to be conducted within such
106 municipality.

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SECTION 11.

108 (a) The board shall be authorized to appoint an elections supervisor to generally supervise,
109 direct, and control the administration of the affairs of the board pursuant to law and duly
110 adopted resolutions of the board. The elections supervisor shall not be a member of the
111 board or an elected official. The elections supervisor shall be considered an employee of
112 Hancock County and shall be entitled to the same benefits as other employees of Hancock
113 County.

114 (b) The board, subject to funding by the governing authority of Hancock County, shall be
115 authorized to employ additional clerical assistants as needed to carry out the duties and
116 functions of the board. All such clerical assistants shall be considered to be employees of
117 Hancock County and shall be entitled to the same benefits as other employees of Hancock
118 County. Such employees shall be hired by the elections supervisor with the approval of the
119 board.

120 **SECTION 12.**

121 Compensation for the members of the board, elections supervisor, clerical assistants, and
122 other employees shall be fixed by the governing authority of Hancock County. Such
123 compensation shall be paid in equal monthly installments wholly from county funds.

124 **SECTION 13.**

125 The governing authority of Hancock County shall provide the board with such proper and
126 suitable offices, equipment, materials, and supplies as the governing authority of Hancock
127 County deems appropriate.

128 **SECTION 14.**

129 The board of commissioners of Hancock County shall through its legal counsel cause this
130 Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of
131 1965, as amended, and such submission shall be made to the United States Department of
132 Justice or filed with the appropriate court no later than 45 days after the date on which this
133 Act is approved by the Governor or otherwise becomes law without such approval.

134 **SECTION 15.**

135 This Act shall become effective upon its approval by the Governor or its becoming law
136 without such approval. On July 1, 2011, the judge of the Probate Court of Hancock County
137 and the Board of Registrars of Hancock County shall be relieved of all powers and duties to
138 which the board succeeds by the provisions of this Act and shall deliver to the board all
139 equipment, supplies, materials, books, papers, records, and facilities pertaining to such
140 powers and duties. On such date, the Board of Registrars of Hancock County shall be
141 abolished.

142 **SECTION 16.**

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