

House Bill 551

By: Representatives Benton of the 31<sup>st</sup> and McCall of the 30<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Jackson 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 Jackson County, hereinafter referred to as "the board."  
16 The board shall have the powers, duties, and responsibilities of the superintendent of  
17 elections of Jackson 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 Jackson  
19 County, and the powers, duties, and responsibilities of the Board of Registrars of Jackson  
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 Jackson County and "county" means  
26 Jackson County.

27 **SECTION 3.**

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

30 (b) The initial members of the board shall be the current board of registrars of Jackson  
31 County. The current chief registrar shall be the initial chairperson of the board. Successors  
32 to such members shall be selected by the chief judge of the Superior Court of Jackson County  
33 upon the recommendation of the grand jury of such county. The grand jury shall submit to  
34 such judge the names of a number of electors equal to twice the number of persons to be  
35 appointed and the appointment shall be made therefrom and shall be entered on the minutes  
36 of the court. When making such appointments when appropriate, such judge shall designate  
37 one of the persons appointed as the chairperson of the board who shall serve as such during  
38 such person's term of office, and such designation shall likewise be entered on the minutes  
39 of the court.

40 (c) The initial board shall serve terms of office which correspond with their present terms  
41 of office as members of the board of registrars and until their respective successors are  
42 appointed and qualified. Successors to such members shall be appointed not later than 30  
43 days prior to the expiration of such members' term of office and every four years thereafter  
44 for terms of four years and until their respective successors are appointed and qualified.

45 **SECTION 4.**

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

50 (b) Members of the board must be residents of Jackson County and must have been  
51 registered voters in Jackson County for a period of at least one year prior to the date of their  
52 appointment to the board.

53 **SECTION 5.**

54 The chief judge of the Superior Court of Jackson County shall certify the appointment of  
55 each member of the board to the clerk of the superior court no later than 15 days preceding  
56 the date upon which each member is to take office, stating the name and residential address  
57 of the person appointed and certifying such member has been duly appointed as provided in  
58 this Act. The clerk of the superior court shall record each of such certifications on the

59 minutes of the superior court and shall certify the name of each such appointed member to  
60 the Secretary of State and provide for the issuance of appropriate commissions to the  
61 members within the same time and in the same manner as provided by law for registrars.

62 **SECTION 6.**

63 Each member of the board shall have the right to resign at any time by giving written notice  
64 of such resignation to the governing authority of Jackson County and to the clerk of the  
65 superior court and shall be subject to removal from the board by the chief judge of the  
66 Superior Court of Jackson County at any time, for cause, after notice and hearing.

67 **SECTION 7.**

68 In the event a vacancy occurs in the office of any appointed member before the expiration  
69 of his or her term, by removal, death, resignation, or otherwise, the chief judge of the  
70 Superior Court of Jackson County shall appoint a successor to serve the remainder of the  
71 unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall  
72 be notified of such interim appointments and record and certify such appointments in the  
73 same manner as the regular appointment of members.

74 **SECTION 8.**

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

77 **SECTION 9.**

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

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

91 **SECTION 10.**

92 The board shall have the authority to contract with any municipality located within Jackson  
93 County for the holding by the board of any primary or election to be conducted within such  
94 municipality.

95 **SECTION 11.**

96 (a) The board shall be authorized to appoint an elections supervisor to generally supervise,  
97 direct, and control the administration of the affairs of the board pursuant to law and duly  
98 adopted resolutions of the board. The elections supervisor shall not be a member of the  
99 board or an elected official. The elections supervisor shall be considered an employee of  
100 Jackson County and shall be entitled to the same benefits as other employees of Jackson  
101 County.

102 (b) The board, subject to funding by the governing authority of Jackson County, shall be  
103 authorized to employ additional clerical assistants as needed to carry out the duties and  
104 functions of the board. All such clerical assistants shall be considered to be employees of  
105 Jackson County and shall be entitled to the same benefits as other employees of Jackson  
106 County. Such employees shall be hired by the elections supervisor with the approval of the  
107 board.

108 **SECTION 12.**

109 Compensation for the members of the board, elections supervisor, clerical assistants, and  
110 other employees shall be fixed by the governing authority of Jackson County, provided that  
111 the members of the board shall receive compensation in at least the amount provided in  
112 subsection (d) of Code Section 21-2-212 of the O.C.G.A.. Such compensation shall be paid  
113 wholly from county funds.

114 **SECTION 13.**

115 The governing authority of Jackson County shall provide the board with such proper and  
116 suitable offices, equipment, materials, and supplies as the governing authority of Jackson  
117 County deems appropriate.

118 **SECTION 14.**

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

124 **SECTION 15.**

125 This Act shall become effective on the first day of the month following the month in which  
126 it is approved by the Governor or becomes law without such approval. Upon this Act  
127 becoming effective, the judge of the Probate Court of Jackson County and the Board of  
128 Registrars of Jackson County shall be relieved of all powers and duties to which the board  
129 succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies,  
130 materials, books, papers, records, and facilities pertaining to such powers and duties. On  
131 such date, the Board of Registrars of Jackson County shall be abolished, but the members of  
132 the Board of Registrars shall become the initial members of the board as provided in this Act.

133 **SECTION 16.**

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