

Senate Bill 173

By: Senator Grant of the 25th

**AS PASSED**

**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.

**SECTION 9.**

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

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

**SECTION 10.**

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

**SECTION 11.**

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

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

**SECTION 12.**

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

**SECTION 13.**

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

**SECTION 14.**

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

**SECTION 15.**

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

**SECTION 16.**

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