

House Bill 566 (AS PASSED HOUSE AND SENATE)

By: Representatives Jackson of the 142nd, Frazier of the 123rd, Williams of the 89th, and Bruce of the 64th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Jefferson 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 repeal conflicting
11 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 Jefferson County, hereinafter referred to as "the
16 board." The board shall have the powers, duties, and responsibilities of the superintendent
17 of elections of Jefferson 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 Jefferson
19 County, and the powers, duties, and responsibilities of the Board of Registrars of Jefferson
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 Jefferson County, and "county"
26 means Jefferson 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) The initial members of the board shall be appointed by the commissioners. The
31 chairperson of the board shall be selected by a majority of its members.

32 (c) The initial terms of office for two of the members shall be for two years, and the
33 members shall serve until their respective successors are appointed and qualified. The initial
34 terms of office for three of the members shall be for four years, and the members shall serve
35 until their respective successors are appointed and qualified. Successors to such members
36 shall be appointed not later than 30 days prior to the expiration of such members' term of
37 office and every four years thereafter for terms of four years and until their respective
38 successors are appointed and qualified.

39 **SECTION 4.**

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

44 (b) Members of the board shall be residents of Jefferson County and shall have been
45 registered voters in Jefferson County for a period of at least one year prior to the date of their
46 appointment to the board.

47 **SECTION 5.**

48 The commissioners shall certify the appointment of each member of the board to the clerk
49 of the superior court no later than 15 days preceding the date upon which each member is to
50 take office, stating the name and residential address of the person appointed and certifying
51 such member has been duly appointed as provided in this Act. The clerk of the superior
52 court shall record each of such certifications on the minutes of the superior court and shall
53 certify the name of each such appointed member to the Secretary of State and provide for the
54 issuance of appropriate commissions to the members within the same time and in the same
55 manner as provided by law for registrars.

56 **SECTION 6.**

57 Each member of the board shall have the right to resign at any time by giving written notice
58 of such resignation to the governing authority of Jefferson County and to the clerk of the
59 superior court and shall be subject to removal from the commissioners at any time, for cause,
60 after notice and hearing.

61 **SECTION 7.**

62 In the event a vacancy occurs in the office of any appointed member before the expiration
63 of his or her term, by removal, death, resignation, or otherwise, the commissioners shall
64 appoint a successor to serve the remainder of the unexpired term as provided for in Section 3
65 of this Act. The clerk of the superior court shall be notified of such interim appointments and
66 record and certify such appointments in the same manner as the regular appointment of
67 members.

68 **SECTION 8.**

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

71 **SECTION 9.**

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

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

85 **SECTION 10.**

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

89 **SECTION 11.**

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

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

102 **SECTION 12.**

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

108 **SECTION 13.**

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

112 **SECTION 14.**

113 The board of commissioners of Jefferson County shall through its legal counsel cause this
114 Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of
115 1965, as amended, and such submission shall be made to the United States Department of
116 Justice or filed with the appropriate court no later than 45 days after the date on which this
117 Act is approved by the Governor or otherwise becomes law without such approval.

118 **SECTION 15.**

119 This Act shall become effective on the first day of the month following the month in which
120 it is approved by the Governor or becomes law without such approval. Upon this Act
121 becoming effective, the judge of the Probate Court of Jefferson County and the Board of

122 Registrars of Jefferson County shall be relieved of all powers and duties to which the board
123 succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies,
124 materials, books, papers, records, and facilities pertaining to such powers and duties. On
125 such date, the Board of Registrars of Jefferson County shall be abolished, but the members
126 of the Board of Registrars shall become the initial members of the board as provided in this
127 Act.

128

SECTION 16.

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