

## House Bill 161 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31<sup>st</sup> and Gaines of the 117<sup>th</sup>

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend an Act to create a board of elections and registration for Jackson County, approved  
2 April 20, 2011 (Ga. L. 2011, p. 3673), so as to provide for the composition of the board of  
3 elections and registration; to provide for the selection and qualifications of members of the  
4 board; to provide for filling vacancies on the board; to provide for the appointment of an  
5 elections supervisor; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7                   **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8                   **SECTION 1.**

9 An Act to create a board of elections and registration for Jackson County, approved  
10 April 20, 2011 (Ga. L. 2011, p. 3673), is amended by revising Section 3 as follows:

11                   **"SECTION 3.**

12 (a) Until July 1, 2019, the board shall be composed of a chairperson and two members.  
13 On and after July 1, 2019, the board shall be composed of five members, each of whom  
14 shall be appointed as provided for in this section. The terms of the members of the Jackson  
15 County Board of Elections and Registration in office on the effective date of this section  
16 shall terminate on June 30, 2019.

17 (b) All members of the board shall be appointed by the chief judge of the Superior Court  
18 of Jackson County. On and after July 1, 2019, two members of the board shall be  
19 nominated by the political party whose candidate for the office of Governor at the last  
20 election for such office received the highest number of votes cast for such office within the  
21 county. Two members of the board shall be nominated by the political party whose  
22 candidate for the office of Governor at the last election for such office received the second  
23 highest number of votes cast for such office within the county. Each of the four members  
24 nominated by political parties shall be nominated by the county executive committee of the  
25 respective political party at least 30 days before the beginning of the term of office or

26     within 30 days after the creation of a vacancy in the office and, upon approval, the  
27     nomination shall be immediately submitted to the chief judge of the Superior Court of  
28     Jackson County for approval and appointment. Should such chief judge refuse to approve  
29     and appoint such nominee, a new nominee shall be nominated and submitted for approval  
30     and appointment in the same manner. In the event that a political party entitled to make  
31     nominations under this section does not have an active and functioning county executive  
32     committee, such nomination shall be made by the state executive committee of the political  
33     party.

34       (c) The remaining member shall be appointed by the chief judge of the Superior Court of  
35     Jackson County and shall serve as the chairperson of the board.

36       (d) The initial term of office of one member from each political party as set forth in  
37     subsection (b) of this section and as designated by his or her appointment shall begin on  
38     July 1, 2019, and shall expire on December 31, 2020, upon the appointment and  
39     qualification of his or her respective successor. The initial term of office of the remaining  
40     member from each political party as set forth in subsection (b) of this section shall begin  
41     on July 1, 2019, and shall expire on December 31, 2022, and upon the appointment and  
42     qualification of his or her respective successor. The initial term of office of the member  
43     appointed by the chief judge of the Superior Court of Jackson County shall begin on  
44     July 1, 2019, and shall expire on December 31, 2022, upon the appointment and  
45     qualification of his or her respective successor. Successors to the members of the board  
46     whose terms are to expire shall be appointed to take office on the first day of January  
47     immediately following the expiration of such terms of office and shall serve for terms of  
48     four years each and until their successors are duly appointed and qualified. The board shall  
49     take no official action until all members have been certified to the clerk of the Superior  
50     Court of Jackson County.

51       (e) The office of a member of the board shall be vacated immediately upon such member  
52     qualifying for any nomination or office to be voted for at a primary or election or  
53     qualifying for any nomination or office or qualifying to have such member's name placed  
54     on any primary or election ballot pursuant to Code Sections 21-2-132 and 21-2-153 of the  
55     O.C.G.A. or giving notice of such member's intention of write-in candidacy; provided,  
56     however, that this subsection shall not apply to a member qualifying for or having such  
57     member's name placed on the ballot or holding office as a presidential elector.

58       (f) No member of the board, while conducting the duties of such member's office, shall  
59     engage in any political activity on behalf of a candidate, political party or body, or  
60     question, including, but not limited to, distributing campaign literature, engaging in any  
61     communication that advocates or criticizes a particular candidate, officeholder, or political  
62     party or body, and wearing badges, buttons, or clothing with partisan messages.

63 (g) No person who holds office in a political party at any level of such political party shall  
64 be eligible to serve as chairperson during the term of such political party office. The  
65 position of chairperson shall be deemed vacant upon such chairperson's assuming a  
66 political party office."

## SECTION 2.

68 Said Act is further amended by revising Section 7 as follows:

## "SECTION 7.

70 In the event a vacancy occurs in the office of any appointed member before the expiration  
71 of his or her term, by removal, death, resignation, or otherwise, the chief judge of the  
72 Superior Court of Jackson County shall appoint a successor to serve the remainder of the  
73 unexpired term as provided for in Section 3 of this Act. In the case of a member who was  
74 nominated by a political party, the appointment shall be based upon the nomination of the  
75 party of the member whose seat has become vacant as provided for in Section 3 of this Act.  
76 The clerk of the superior court shall be notified of such interim appointments and shall  
77 record and certify such appointments in the same manner as the regular appointment of  
78 members."

## SECTION 3.

80 Said Act is further amended by revising subsection (a) of Section 11 as follows:

81       "(a) The governing authority of Jackson County shall be authorized to appoint an elections  
82 supervisor to generally supervise, direct, and control the administration of the affairs of the  
83 board pursuant to law and duly adopted resolutions of the board who shall serve at the  
84 pleasure of the governing authority. The elections supervisor shall not be a member of the  
85 board or an elected official. The elections supervisor shall be considered an employee of  
86 Jackson County and shall be entitled to the same benefits as other employees of Jackson  
87 County."

## SECTION 4.

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