Senate Bill 589

By: Senators Hamrick of the 30th, Dean of the 31st and Lee of the 29th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend an Act providing for the Carroll County Board of Elections, approved April 29, 1997 (Ga. L. 1997, p. 4592), so as to change the name of said board and to change the functions of said board to include powers and duties of boards of registrars and relieve the Board of Registrars of Carroll County of such powers and duties; to change the composition and method of selection of board members and change terms of office; to provide for resignations and removal; to provide for an election supervisor and employees; to provide for offices and equipment; to provide for performance of certain municipal functions and duties; to provide for a submission and effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for the Carroll County Board of Elections, approved April 29, 1997 (Ga. L. 1997, p. 4592), is amended by striking Section 1 thereof and inserting in its place the following:

"SECTION 1.

There is created in and for Carroll County the Carroll County Board of Elections which shall succeed to all the powers and duties of that board of elections established in and for counties having a population of not less than 45,000 and not more than 50,000, according to the 1970 United States decennial census or any future such census pursuant to an Act approved March 28, 1974 (Ga. L. 1974, p. 3556), as amended. The Carroll County Board of Elections so created, sometimes referred to in this Act as the 'board,' is empowered with the powers and duties of the election superintendent relating to the conduct of primaries and elections and, upon the date this section becomes effective in 2004, shall be designated as the Carroll County Board of Elections and Registration and also be empowered with the

powers and duties of the Carroll County Board of Registrars relating to the registration of voters and absentee ballot procedures."

SECTION 2.

Said Act is further amended by striking Sections 2 and 3 thereof and inserting in their place the following:

"SECTION 2.

(a) The terms of office of members of the board serving as such on June 30, 2004, shall expire on July 1, 2004, or the date the third member of the newly constituted three-person board is appointed and takes office pursuant to subsection (b) of this section, whichever date is later. If the three members of the newly constituted board have not been appointed and taken office by July 1, 2004, the holdover members of the five-person board shall exercise the powers of the board until the three members of the newly constituted board have taken office.

(b) Except as provided in subsection (a) of this section, the board shall be composed of three members, each of whom shall be an elector and a resident of Carroll County. All members of the board shall be appointed by the Board of Commissioners of Carroll County.

(c) The initial term of office of one member of the newly constituted board, as designated in that person´s appointment, shall expire December 31, 2005; the initial term of one member of the newly constituted board, as designated in that person´s appointment, shall expire December 31, 2006; and the initial term of one member of the newly constituted board, as designated in that person´s appointment, shall expire December 31, 2007. Successors to members whose terms of office expire shall be appointed as provided in subsection (b) of this section to serve for terms of office of three years each. Members shall serve the designated terms of office and until their respective successors are appointed and qualified.

(d) Each board member shall be eligible to succeed himself or herself and shall have the right to resign at any time by giving notice of his or her resignation to the appointing body. Each member shall be subject to removal from the board at any time for cause, after notice and hearing by the Board of Commissioners of Carroll County.

SECTION 3.

The Board of Commissioners of Carroll County shall appoint a person to serve as the election supervisor of Carroll County. Such position shall be full time and such person shall be paid a salary to be set by that board of commissioners and payable from county

funds. The election supervisor shall generally direct and control the administration of elections and voter registration in Carroll County. The election supervisor shall be supervised by the board and shall be subject to removal by the board at any time for cause, after notice and hearing. Said removal shall be subject to approval by the Board of Commissioners of Carroll County. The election supervisor shall not be a member of the board or an elected official.″

SECTION 3.

Said Act is further amended by adding between paragraphs (1) and (2) of Section 6 the following:

″(1.1) It is empowered with all the powers and duties relating to the registration of voters and absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'″

SECTION 4.

Said Act is further amended by adding between Sections 7 and 8 thereof the following:

″SECTION 7.1.

Effective on the date this section becomes effective in 2004, the Board of Registrars of Carroll County shall be relieved from all powers and duties to which the board of elections and registration succeeds by the provisions of this Act and shall deliver thereafter to the chairperson of the board, upon the chairperson´s written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

SECTION 7.2.

The board shall be authorized to employ such full-time and part-time employees, including a full-time chief clerk, with the consent of the governing authority of Carroll County.

SECTION 7.3.

The governing authority of Carroll County shall provide the board and the election supervisor with proper and suitable offices and equipment.

SECTION 7.4.

The board is authorized to perform for any municipality located wholly or partially within Carroll County any functions and duties which election superintendents and board of

registrars are authorized by general law to perform on behalf of municipalities under such conditions as provided by general law."

SECTION 5.

The governing authority of Carroll County shall through its legal counsel cause this Act to be submitted for preclearance under 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 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.

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