House Bill 830 (AS PASSED HOUSE AND SENATE)

By: Representative Ray of the 136th

A BILL TO BE ENTITLED

AN ACT

To create a board of elections and registration for Crawford County and provide for its powers and duties, to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for expenditures of public funds; to provide for compensation of members of the board; to provide for offices and equipment; to provide for personnel, including a chief election official, and compensation; to provide for the board´s performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

As used in this Act, the term:

(1) "Board" means the Crawford County Board of Elections and Registration.

(2) "Chief judge" means the chief judge of the Superior Court of Crawford County.

(3) "Commissioners" means the Board of Commissioners of Crawford County.

(4) "County" means Crawford County.

(5) "Election," "elector," "political party," "primary," and "public office" shall have the same meanings as set forth in Chapter 20 of Title 21 of the O.C.G.A., the "Georgia Election Code," unless otherwise clearly apparent from the text of this Act.

SECTION 2.

Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created, effective July 1, 2005, the Crawford County Board of Elections and Registration. The board shall have the powers and duties of the former Crawford County election superintendent relating to the conduct of primaries and elections and shall have the powers and duties of the Crawford County Board of Registrars relating to the registration of voters and absentee balloting procedures.

SECTION 3.

(a) The board shall be composed of three members, each of whom shall be an elector and a resident of Crawford County. The Crawford County Board of Elections and Registration shall select a chairperson from among its members.

(b) Each member of the commissioners shall submit, in writing, to the chief judge a nomination to the board. The initial nominations shall be submitted within 15 days after this Act becomes effective in 2005, and all subsequent nominations shall be submitted at least 15 days before the expiration of the term of office or at least 30 days after any other vacancy in office occurs, whichever is applicable. The chief judge shall appoint from the nominations initially submitted three persons to serve on the board; and thereafter, that judge shall appoint from the nominations the same number as the number of vacancies which occurred on the board whether by expiration of term or otherwise.

(c) The initial appointments to the board shall specify that one member shall serve a term expiring June 30, 2006; one member shall serve a term expiring June 30, 2007; and one member shall serve a term expiring June 30, 2008. After these initial terms, all members of the board shall serve for terms of four years. Members of the board shall serve for their respective terms of office and until the appointment and qualification of their respective successors.

SECTION 4.

The person holding office as chief registrar on the date this Act becomes effective in 2005 shall serve as the chief election official of Crawford County. Upon such person´s ceasing to hold such office, the chief election official of Crawford County shall be selected by the board, subject to confirmation by the commissioners. Such position shall be part time or full time as determined by the board and such person shall be paid a salary to be set by the board and payable from county funds. The chief election official shall generally direct and control the administration of elections and voter registration in Crawford County. The chief election official shall be supervised by the board and shall be subject to removal from office by the

board, with or without cause, when such removal is approved by the commissioners. The chief election official shall not be a member of the board nor an elected official.

SECTION 5.

Each member of the board shall:

(1) Serve for a term of four years and until a successor is appointed and qualified, except that initial terms of office shall be as provided in Section 3 of this Act;

(2) Be eligible to be reappointed to succeed himself or herself and shall have the right to resign at any time by giving written notice of such resignation to the commissioners and to the clerk of the Superior Court of Crawford County; and

(3) Be subject to removal from the board by the commissioners at any time for cause shown in the failure to perform the duties or meet the qualifications required by law, after notice and hearing before the chief judge of the Superior Court of Crawford County within 15 days after removal.

SECTION 6.

(a) The appointment of each member shall be evidenced by the appointing authority filing an affidavit with the clerk of the Superior Court of Crawford County no later than 30 days preceding the date on which such member is to take office. Such affidavit shall state the name and residence address of the person appointed and certify that such member has been duly appointed as provided in this Act. The clerk of the Superior Court of Crawford County shall be notified of interim appointments and shall record and certify such appointments in the same manner as the regular appointment of members.

(b) The clerk of the Superior Court of Crawford County shall record each such certification on the minutes of that superior court and shall certify the name of each member to the Secretary of State and provide for the issuance of appropriate commissions to the members as provided by law for county registrars.

SECTION 7.

In the event a vacancy occurs in the office of any member before the expiration of a term by reason of removal, death, resignation, or otherwise, the appointing authority which is required under Section 3 of this Act to make the appointment to the office upon expiration of the term shall appoint a successor to serve for the remainder of the unexpired term in the manner set forth in Section 3 of this Act.

SECTION 8.

(a) The first members of the board under this Act shall be appointed as provided in this Act and take office on July 1, 2005. The board shall take no official action until all members have been certified to the clerk of the Superior Court of Crawford County.

(b) Before entering upon the duties of office, each member shall take substantially the same oath as required by law for county registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The Crawford County Board of Elections and Registration shall be empowered with all the powers and duties relating to the conduct of primaries and elections as election superintendents pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(b) The board 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."

(c) This Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose.

SECTION 10.

No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective public office, and the position of membership of any member shall be deemed vacant upon such member´s qualifying as a candidate for an elective public office.

SECTION 11.

Any rule or regulation promulgated by a county executive committee of a political party under the provisions of subsection (c) of Code Section 21-2-111 of the O.C.G.A. with regard to the conduct of primaries shall be null and void if in conflict with a valid rule or regulation of the board.

SECTION 12.

(a) Nothing in this Act shall be construed to require or prohibit joint primaries or to require or prohibit the commissioners or any other public agency to bear any expense of conducting primaries not otherwise required by law.

(b) The board shall have the authority to serve as municipal registrar and to conduct municipal elections and primaries for any municipal corporation located within Crawford

County if such municipal corporation has entered into a contract for that purpose with the Crawford County Board of Commissioners.

SECTION 13.

With the approval of the commissioners, the board shall be authorized to expend public funds for the purpose of preparing and distributing material solely to inform and instruct electors of the county adequately with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.

SECTION 14.

(a) The board shall be authorized and empowered to organize itself, may elect from among its membership a vice chairperson, shall determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such actions as are appropriate to the management of its affairs; provided, however, that no such action shall conflict with general law.

(b) Action and decision by the board shall be by a majority vote of a quorum of the members of the board.

SECTION 15.

(a) 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 hold meetings at the county courthouse or at the place of meeting of the commissioners. These meetings shall be held quarterly in years in which there are no county-wide elections and monthly in years in which there are county-wide elections. Any specially called meetings held pursuant to the bylaws adopted by the board shall be held only after the notification of the time and place of the holding of such meeting has been communicated in writing to the chief election official to provide public notice of the meeting as required by law. All meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings.

(b) The board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Such written record shall be subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A., relating to inspection of public records.

SECTION 16.

(a) The chairperson of the board of elections and registration shall chair all meetings of the board and be the spokesperson for the board.

(b) The members of the board shall receive no compensation for their service as members of the board but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(c) All amounts payable under this section shall be paid from the funds of Crawford County.

SECTION 17.

Subject to appropriation of funds by the commissioners, the board shall be authorized to expend public funds to provide for such proper and suitable administrative offices and for such clerical assistance and other employees as the board shall deem appropriate. Compensation for such administrative personnel shall be paid by the board under the county personnel system wholly from county funds. This section shall not be construed so as to require the board to expend any funds simply because they are authorized to do so under this Act. Employees of the board shall be considered county employees for pay, benefits, sick leave, vacation, and for other purposes.

SECTION 18.

The board shall be responsible for the selection, appointment, and training of poll workers in elections. Such workers shall be appointed, insofar as practicable, from lists provided by the county executive committees of any political party whose nominee for President of the United States received at least 10 percent of the vote in Crawford County during the most recent general election for that office. It shall be the responsibility of any such political party to provide said list to the board in a timely fashion and to supplement said list upon a reasonable request to do so.

SECTION 19.

On July 1, 2005, or the date all members of the board have been certified under Section 8 of this Act, whichever is later, the election superintendent of Crawford County and the Board of Registrars of Crawford 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 20.

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

SECTION 21.

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