House Bill 1450 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 29th and Jamieson of the 28th

A BILL TO BE ENTITLED

AN ACT

To create a board of elections and registration for Franklin County and to 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 certain 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 supervisor, 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 under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the Board of Elections and Registration of Franklin County, hereinafter referred to as "the board." The board shall have the powers, duties, and responsibilities of the superintendent of elections of Franklin County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," currently being exercised by the judge of the Probate Court of Franklin County, and the powers, duties, and responsibilities of the Board of Registrars of Franklin County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.

The terms "election," "elector," "political party," "primary," and "public office" shall have the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," unless otherwise clearly apparent from the text of this Act; and the term

"commissioners" means the Board of Commissioners of Franklin County, and "county" means Franklin County.

SECTION 3.

The board shall be composed of five members, each of whom shall be an elector and a resident of the county and who shall be appointed as provided in this section. Two members of the board shall be appointed by the political party that received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such members. Two members of the board shall be appointed by the political party that received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such members. Each of the members appointed by such political parties shall be nominated by the chairperson and ratified by the county executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in such office. In the event that a political party entitled to appoint a member of the board does not have a county executive committee, such appointment shall be made by the state executive committee of such political party. One member shall be appointed by the most senior judge of the Northern Judicial Circuit whose primary office is located in Franklin County or, if there is no such judge, then the chief judge of the Northern Judicial Circuit. The judge appointing the fifth member of the board shall also appoint one of the members of the board to serve as chairperson. In making the initial appointments to the board, the members shall be selected at least 30 days prior to January 1, 2009. The initial members and their successors shall be appointed for terms of office of four years and until their successors are duly appointed and qualified. The term of each initial members shall commence on January 1, 2009. Each political party making an appointment under this section shall certify the name and residential address of each such appointee to the most senior judge of the Northern Judicial Circuit whose primary office is located in Franklin County or, if there is no such judge, then the chief judge of the Northern Judicial Circuit immediately upon making such appointment.

SECTION 4.

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

SECTION 5.

The most senior judge of the Northern Judicial Circuit whose primary office is located in Franklin County or, if there is no such judge, then the chief judge of the Northern Judicial Circuit shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 6.

Each member of the board shall be eligible to serve successive terms, shall have the right to resign at any time by giving written notice of such resignation to the appointing body and to the clerk of the superior court, and shall be subject to removal from the board by the appointing body at any time, for cause, after notice and hearing.

SECTION 7.

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

SECTION 8.

Before entering upon the member´s duties, each member shall take substantially the same 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, 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, and such workers shall be appointed,

insofar as practicable, from lists provided to the board by the county executive committee of each political party.

(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 hold regular meetings and shall meet not fewer than three times per year. Any specially called meeting shall be called by the chairperson or any two 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 Franklin County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

Compensation for the members of the board, clerical assistants, and other employees of the board shall be fixed by the Board of Commissioners of Franklin County. Such compensation shall be paid wholly from county funds.

SECTION 12.

The supervisor of elections and registration for Franklin County shall not be a member of the board. The supervisor shall be appointed and removed by the governing authority of Franklin County in the same manner as department heads. The supervisor shall provide daily employee supervision, serve as staff support for the board, attend all meetings of the board, carry out the duties of voter registration and elections as required by law, and be a full-time employee of Franklin County.

SECTION 13.

The Board of Commissioners of Franklin County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the board of commissioners of Franklin County deems appropriate.

SECTION 14.

The Board of Commissioners of Franklin 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 upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2009. Upon this Act becoming fully effective, the judge of the Probate Court of Franklin County and the Board of Registrars of Franklin 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 Franklin County shall be abolished.

SECTION 16.

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