House Bill 551 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31st and McCall of the 30th

A BILL TO BE ENTITLED

AN ACT

To create a board of elections and registration for Jackson 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 and personnel; to provide for offices and equipment; 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 Jackson County, hereinafter referred to as "the board." The board shall have the powers, duties, and responsibilities of the superintendent of elections of Jackson 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 Jackson County, and the powers, duties, and responsibilities of the Board of Registrars of Jackson 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 Jackson County and "county" means Jackson County.

SECTION 3.

(a) The board shall be composed of a chairperson and two members who shall be appointed as provided in this section.

(b) The initial members of the board shall be the current board of registrars of Jackson County. The current chief registrar shall be the initial chairperson of the board. Successors to such members shall be selected by the chief judge of the Superior Court of Jackson County upon the recommendation of the grand jury of such county. The grand jury shall submit to such judge the names of a number of electors equal to twice the number of persons to be appointed and the appointment shall be made therefrom and shall be entered on the minutes of the court. When making such appointments when appropriate, such judge shall designate one of the persons appointed as the chairperson of the board who shall serve as such during such person's term of office, and such designation shall likewise be entered on the minutes of the court.

(c) The initial board shall serve terms of office which correspond with their present terms of office as members of the board of registrars and until their respective successors are appointed and qualified. Successors to such members shall be appointed not later than 30 days prior to the expiration of such members' term of office and every four years thereafter for terms of four years and until their respective successors are appointed and qualified.

SECTION 4.

(a) 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's qualifying as a candidate for elective public office.

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

SECTION 5.

The chief judge of the Superior Court of Jackson County shall certify the appointment of each member of the board to the clerk of the superior court no later than 15 days preceding the date upon which each member is to take office, stating the name and residential address of the person appointed and certifying 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 have the right to resign at any time by giving written notice of such resignation to the governing authority of Jackson County and to the clerk of the superior court and shall be subject to removal from the board by the chief judge of the Superior Court of Jackson County 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 chief judge of the Superior Court of Jackson County 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, specify the functions and duties of its employees, 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.

(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 have regular monthly meetings at times, dates, and locations as determined by the board. 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 Jackson County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

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

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

SECTION 12.

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

SECTION 13.

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

SECTION 14.

The board of commissioners of Jackson 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 on the first day of the month following the month in which it is approved by the Governor or becomes law without such approval. Upon this Act becoming effective, the judge of the Probate Court of Jackson County and the Board of Registrars of Jackson 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 Jackson County shall be abolished, but the members of the Board of Registrars shall become the initial members of the board as provided in this Act.

SECTION 16.

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