

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 1023:

A BILL TO BE ENTITLED
AN ACT

To create a Board of Elections and Registration for Camden County, which shall conduct primaries and elections for Camden County, the City of St. Marys, the City of Woodbine, and the City of Kingsland, and provide for its powers and duties; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and officers; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; to provide for board employees and their compensation; to provide for expenditures of public funds for certain purposes; to provide for compensation of the members of the board; to provide for offices and equipment; to provide for contracts with certain municipalities; to provide for the meaning of certain terms; to provide for 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 21-2-45 of the O.C.G.A., there is created the Board of Elections and Registration for Camden County, hereinafter referred to as "the board." Except as otherwise provided in this Act, the board shall have the powers, duties, and responsibilities of the election superintendent of Camden County, the municipal election superintendent of the City of St. Marys, the City of Woodbine, and the City of Kingsland, and the board of registrars of Camden County, all as provided for under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.

(a) Such board shall be composed of not less than three members, each of whom shall be an elector and a resident of the county, and who shall be appointed by the governing authority of Camden County.

(b) The initial members of the board shall be appointed for terms of office beginning January 1, 2019. The governing authority of the county shall designate one or two (if more than three initial members) of the initial members to serve for a term of two years and two or three (if more than three initial members) of the initial members to serve for terms of four years, and until their successors are appointed and qualified. Thereafter, all members of the board shall be appointed for terms of four years and until their successors are appointed and qualified.

(c) No person who holds or qualifies as a candidate for elective public office shall be eligible to serve as a member of the board during the term of such 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.

SECTION 3.

(a) The appointment of each member of the board shall be made by the governing authority of Camden County filing an affidavit with the clerk of the superior court no later than 30 days preceding the date at which such member is 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 court and shall certify the name of each such member to the Secretary of State and shall 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.

(b) If the governing authority of the county does not, in conformity with this Act, certify an appointment to the board within 30 days after the beginning of a term of office or within 30 days after the creation of a vacancy in that office, then the judge of the Probate Court of Camden County shall immediately fill that vacancy by making the appointment thereto and shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired term of office.

SECTION 4.

Each member of the board shall be eligible to succeed himself or herself without limitation and shall have the right to resign at any time by giving written notice of his or her resignation to the governing authority of Camden County and to the clerk of the superior court. Each

member shall be subject to removal from the board by the governing authority of the county at any time for cause after notice and hearing.

SECTION 5.

Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, the governing authority of Camden County shall appoint a successor for the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 6.

Before entering upon his or her duties, each member of the board shall take substantially the same oath as required by law for registrars. Each member of the board shall have the same privileges from arrest as registrars.

SECTION 7.

On January 1, 2019, the election superintendent of Camden County and the board of registrars of Camden 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 they shall deliver thereafter to the chairman of the board, upon his or her written request, custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties. At such time, the board of registrars of Camden County shall stand abolished.

SECTION 8.

The board shall be authorized and empowered to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of the elections supervisor, 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. Every two years the board shall elect one of its members to serve as chairman for a two-year term.

SECTION 9.

The board may hold regular meetings at the county courthouse or such other location as the board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by

the board shall be held only after notification of the time and place of the holding of such meeting has been communicated in writing to the elections supervisor who shall 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.

SECTION 10.

The elections supervisor shall be a Camden County employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and for other purposes. Such position shall be full time. The elections supervisor shall direct and control the administration of elections and voter registration in Camden County and the holding of any municipal primary or election to be conducted within the City of St. Marys, the City of Woodbine, and the City of Kingsland and shall supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The board shall act within 60 days of its members taking office under this Act, or of the date of any vacancy in such position, to submit and recommend for the position one to three names of qualified individuals to the County Administrator, who shall hire an elections supervisor based on a job description drawn by the board. The County Administrator may either hire one of the candidates submitted and recommended by the board, or the County Administrator may reject all the candidates submitted and recommended by the board and hire another qualified candidate. The elections supervisor shall be deemed a county department head and shall not be eligible to serve as a member of the board. As a county department head, the elections supervisor shall be subject to direction, evaluation, and corrective action by the County Administrator.

SECTION 11.

The elections supervisor shall be authorized to employ such full-time and part-time employees, including poll workers, as may be deemed necessary by the elections supervisor and as are approved in the annual budget adopted by the governing authority of Camden County. All such employees shall be considered county employees for purposes of pay, benefits, sick leave, vacation, and for other purposes.

SECTION 12.

With the consent of the governing authority of Camden County, the board shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other material designed to inform and instruct adequately the electors of the county 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 13.

The compensation of the chairman and other members of the board, the elections supervisor, clerical assistants, and other employees shall be as fixed by the governing authority of Camden County. Such compensation shall be paid from county funds.

SECTION 14.

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

SECTION 15.

The board shall have the authority to contract with any municipality located within Camden County for the holding by the board of any primary or election to be conducted within the municipality; provided, however, that any such contract must be approved and ratified by the governing authority of Camden County.

SECTION 16.

The words "election," "elector," "political party," "primary," and "public office" shall have the same meaning as ascribed to those words by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

SECTION 17.

This Act shall become effective on January 1, 2019, except that for purposes of making initial appointments to the board, it shall become effective on July 1, 2018.

SECTION 18.

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