

House Bill 403 (AS PASSED HOUSE AND SENATE)

By: Representative Jackson of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Washington County and to provide for its
2 powers and duties; to define certain terms; to provide for the composition of the board and
3 the selection, qualifications, and terms of its members; to provide for the resignation,
4 succession, and removal of members and for filling vacancies; to provide for oaths and
5 privileges; to provide for meetings, procedures, and vacancies; to relieve a certain board and
6 officers of certain powers and duties and provide for the transfer of certain items to the newly
7 created board; to abolish a certain board and officers; to provide for meetings and
8 procedures; to provide for an elections supervisor and the powers and duties of such elections
9 supervisor; to provide for board employees and their compensation; to provide for
10 expenditures of public funds for certain purposes; to provide for compensation of members
11 of the board and personnel; to provide for offices and equipment; to provide for contracts
12 with certain municipalities; to provide for related matters; to provide for effective dates; to
13 repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 As used in this Act, the term:

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

18 (2) "Commissioners" means the Washington County Board of Commissioners.

19 (3) "County" means Washington County.

20 (4) "Election," "elector," "primary," and "public office" shall have the same meanings
21 as ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise
22 clearly apparent from the text of this Act.

23 **SECTION 2.**

24 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created a board
25 of elections and registration for Washington County which shall have jurisdiction over the

26 conduct of primaries and elections and the registration of electors in such county in
27 accordance with the provisions of this Act. Such board shall be known as the Washington
28 County Board of Elections and Registration. The board shall have the powers, duties, and
29 responsibilities of the superintendent of elections of Washington County under Chapter 2 of
30 Title 21 of the O.C.G.A., the "Georgia Election Code," currently being exercised by the
31 judge of the Probate Court of Washington County, and the powers, duties, and
32 responsibilities of the Board of Registrars of Washington County under Chapter 2 of Title
33 21 of the O.C.G.A., the "Georgia Election Code."

34

SECTION 3.

35 (a) The board shall be composed of five members, each of whom shall be an elector of the
36 county and who shall be appointed by the commissioners.

37 (b) The initial members of the board shall be appointed for terms of office beginning
38 January 1, 2016. All members of the board shall be appointed by the Washington County
39 Board of Commissioners. The commissioners shall designate two of the initial members
40 to serve for a term ending on December 31, 2018, and three of the initial members to serve
41 for a term ending on December 31, 2020, and until their respective successors are
42 appointed and qualified. The subsequent terms shall be for a four-year period.

43 (c) No person who holds or qualifies as a candidate for elective public office shall be
44 eligible to serve as a member of the board during the term of such office, and the position
45 of any member of the board shall be deemed vacant upon such member's qualifying as a
46 candidate for elective public office.

47

SECTION 4.

48 (a) The appointment of each member shall be made by the commissioners filing an
49 affidavit with the clerk of the superior court no later than 30 days preceding the date upon
50 which such member is to take office, stating the name and residential address of the person
51 appointed and certifying that such member has been duly appointed as provided in this Act.
52 The clerk of the superior court shall record each of such certifications on the minutes of the
53 superior court and shall certify the name of each such appointed member to the Secretary
54 of State and provide for the issuance of appropriate commissions to the members within
55 the same time and in the same manner as provided by law for registrars.

56 (b) If the commissioners do not certify in conformity with this Act an appointment to the
57 board within 30 days after the beginning of a term of office or within 30 days after the
58 creation of a vacancy in that office, then the judge of the Probate Court of Washington
59 County shall immediately fill the vacancy by making the appointment and shall certify it

60 as provided in this section. Any person appointed to fill a vacancy shall serve out the
61 unexpired term of the office.

62 **SECTION 5.**

63 Each member of the board shall be eligible to succeed himself or herself without limitation
64 and shall have the right to resign at any time by giving written notice of his or her resignation
65 to the commissioners and to the clerk of the Superior Court of Washington County. Each
66 member shall be subject to removal for good cause from the board by the commissioners at
67 any time after notice and hearing.

68 **SECTION 6.**

69 Except as provided in subsection (b) of Section 4 of this Act, in the event a vacancy occurs
70 in the office of any member of the board by removal, death, resignation, or otherwise, the
71 commissioners shall appoint a successor for the remainder of the unexpired term. The clerk
72 of superior court shall be notified of interim appointments and shall record and certify such
73 appointments in the same manner as the regular appointments of members.

74 **SECTION 7.**

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

78 **SECTION 8.**

79 On January 1, 2016, the elections superintendent of Washington County and the board of
80 registrars of Washington County shall be relieved of all powers and duties to which the board
81 succeeds by the provisions of this Act. They shall deliver thereafter to the chairperson of the
82 board, upon his or her written request, custody of all equipment, supplies, materials, books,
83 papers, records, and facilities of every kind pertaining to such powers and duties. At such
84 time, the board of registrars of Washington County shall stand abolished.

85 **SECTION 9.**

86 The board shall be authorized and empowered to organize itself, elect its officers, determine
87 its procedural rules and regulations, adopt bylaws, specify the functions and duties of the
88 elections supervisor, and otherwise take such action as is appropriate to the management of
89 the affairs committed to its supervision; provided, however, that no such action shall conflict
90 with state law. Action and decision by the board shall be by a majority of the members of

91 the board. Every year, the board shall elect one of its members to serve as chairperson for
92 a one-year term.

93 **SECTION 10.**

94 The board may hold regular meetings at the county courthouse or such other locations as the
95 board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by
96 the board shall be held only after notification of the time and place of the holding of such
97 meeting has been communicated in writing to the elections supervisor who shall provide
98 public notice of the meeting as required by law. All meetings of the board of whatever kind
99 shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open
100 meetings.

101 **SECTION 11.**

102 There shall be a full-time elections supervisor to administer and supervise the conduct of
103 elections and primaries and the registration of electors of the county. The board shall act
104 within 60 days of its members taking office under this Act, or of the date of any vacancy in
105 such position, to submit and recommend for the position one to three names of qualified
106 individuals to the county administrator, who shall hire an elections supervisor based on a job
107 description drawn by the board. The county administrator may either hire one of the
108 candidates submitted and recommended by the board, or the county administrator may reject
109 all the candidates submitted and recommended by the board and hire another qualified
110 candidate. The elections supervisor shall not be eligible to serve as a member of the board.
111 The elections supervisor shall be considered a county employee for purposes of pay, benefits,
112 sick leave, vacation, termination of employment, and other purposes. The elections
113 supervisor shall be subject to direction, evaluation, and corrective action by the county
114 administrator.

115 **SECTION 12.**

116 The elections supervisor may recommend to the county administrator for employment such
117 full-time and part-time employees, including poll workers, as may be deemed necessary by
118 the elections supervisor and as are approved in the annual budget adopted by the governing
119 authority of the county. All such employees shall be considered county employees for
120 purposes of pay, benefits, sick leave, vacation, and other purposes in accordance with
121 policies adopted by the governing authority.

122 **SECTION 13.**

123 With the consent of the commissioners, the board shall be authorized to expend public funds
124 for the purpose of distributing sample ballots, voter information booklets, and other material
125 designed to inform and instruct adequately the electors of the county with regard to elections.
126 No material distributed by the board shall contain or express, in any manner or form, any
127 commentary or expression of opinion or request for support for any political issue or matter
128 of political concern.

129 **SECTION 14.**

130 The compensation of the chairperson and other members of the board, the elections
131 supervisor, clerical assistants, and other employees shall be as fixed by the commissioners
132 of the county. Such compensation shall be paid from county funds.

133 **SECTION 15.**

134 The commissioners shall provide the board and the elections supervisor with proper and
135 suitable offices and equipment.

136 **SECTION 16.**

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

141 **SECTION 17.**

142 (a) For the purposes of making initial appointments to the board, this Act shall become
143 effective on the first day of the month following the month in which it is approved by the
144 Governor or becomes law without such approval.

145 (b) For all other purposes, this Act shall become effective on the first day of the second
146 month following the month in which it is approved by the Governor or becomes law
147 without such approval.

148 **SECTION 18.**

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