

House Bill 161 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31st and Gaines of the 117th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a board of elections and registration for Jackson County, approved
2 April 20, 2011 (Ga. L. 2011, p. 3673), so as to provide for the composition of the board of
3 elections and registration; to provide for the selection and qualifications of members of the
4 board; to provide for filling vacancies on the board; to provide for the appointment of an
5 elections supervisor; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to create a board of elections and registration for Jackson County, approved
10 April 20, 2011 (Ga. L. 2011, p. 3673), is amended by revising Section 3 as follows:

11 "SECTION 3.

12 (a) Until July 1, 2019, the board shall be composed of a chairperson and two members.
13 On and after July 1, 2019, the board shall be composed of five members, each of whom
14 shall be appointed as provided for in this section. The terms of the members of the Jackson
15 County Board of Elections and Registration in office on the effective date of this section
16 shall terminate on June 30, 2019.

17 (b) All members of the board shall be appointed by the chief judge of the Superior Court
18 of Jackson County. On and after July 1, 2019, two members of the board shall be
19 nominated by the political party whose candidate for the office of Governor at the last
20 election for such office received the highest number of votes cast for such office within the
21 county. Two members of the board shall be nominated by the political party whose
22 candidate for the office of Governor at the last election for such office received the second
23 highest number of votes cast for such office within the county. Each of the four members
24 nominated by political parties shall be nominated by the county executive committee of the
25 respective political party at least 30 days before the beginning of the term of office or

26 within 30 days after the creation of a vacancy in the office and, upon approval, the
27 nomination shall be immediately submitted to the chief judge of the Superior Court of
28 Jackson County for approval and appointment. Should such chief judge refuse to approve
29 and appoint such nominee, a new nominee shall be nominated and submitted for approval
30 and appointment in the same manner. In the event that a political party entitled to make
31 nominations under this section does not have an active and functioning county executive
32 committee, such nomination shall be made by the state executive committee of the political
33 party.

34 (c) The remaining member shall be appointed by the chief judge of the Superior Court of
35 Jackson County and shall serve as the chairperson of the board.

36 (d) The initial term of office of one member from each political party as set forth in
37 subsection (b) of this section and as designated by his or her appointment shall begin on
38 July 1, 2019, and shall expire on December 31, 2020, upon the appointment and
39 qualification of his or her respective successor. The initial term of office of the remaining
40 member from each political party as set forth in subsection (b) of this section shall begin
41 on July 1, 2019, and shall expire on December 31, 2022, and upon the appointment and
42 qualification of his or her respective successor. The initial term of office of the member
43 appointed by the chief judge of the Superior Court of Jackson County shall begin on
44 July 1, 2019, and shall expire on December 31, 2022, upon the appointment and
45 qualification of his or her respective successor. Successors to the members of the board
46 whose terms are to expire shall be appointed to take office on the first day of January
47 immediately following the expiration of such terms of office and shall serve for terms of
48 four years each and until their successors are duly appointed and qualified. The board shall
49 take no official action until all members have been certified to the clerk of the Superior
50 Court of Jackson County.

51 (e) The office of a member of the board shall be vacated immediately upon such member
52 qualifying for any nomination or office to be voted for at a primary or election or
53 qualifying for any nomination or office or qualifying to have such member's name placed
54 on any primary or election ballot pursuant to Code Sections 21-2-132 and 21-2-153 of the
55 O.C.G.A. or giving notice of such member's intention of write-in candidacy; provided,
56 however, that this subsection shall not apply to a member qualifying for or having such
57 member's name placed on the ballot or holding office as a presidential elector.

58 (f) No member of the board, while conducting the duties of such member's office, shall
59 engage in any political activity on behalf of a candidate, political party or body, or
60 question, including, but not limited to, distributing campaign literature, engaging in any
61 communication that advocates or criticizes a particular candidate, officeholder, or political
62 party or body, and wearing badges, buttons, or clothing with partisan messages.

63 (g) No person who holds office in a political party at any level of such political party shall
64 be eligible to serve as chairperson during the term of such political party office. The
65 position of chairperson shall be deemed vacant upon such chairperson's assuming a
66 political party office."

67 **SECTION 2.**

68 Said Act is further amended by revising Section 7 as follows:

69 "SECTION 7.

70 In the event a vacancy occurs in the office of any appointed member before the expiration
71 of his or her term, by removal, death, resignation, or otherwise, the chief judge of the
72 Superior Court of Jackson County shall appoint a successor to serve the remainder of the
73 unexpired term as provided for in Section 3 of this Act. In the case of a member who was
74 nominated by a political party, the appointment shall be based upon the nomination of the
75 party of the member whose seat has become vacant as provided for in Section 3 of this Act.
76 The clerk of the superior court shall be notified of such interim appointments and shall
77 record and certify such appointments in the same manner as the regular appointment of
78 members."

79 **SECTION 3.**

80 Said Act is further amended by revising subsection (a) of Section 11 as follows:

81 "(a) The governing authority of Jackson County shall be authorized to appoint an elections
82 supervisor to generally supervise, direct, and control the administration of the affairs of the
83 board pursuant to law and duly adopted resolutions of the board who shall serve at the
84 pleasure of the governing authority. The elections supervisor shall not be a member of the
85 board or an elected official. The elections supervisor shall be considered an employee of
86 Jackson County and shall be entitled to the same benefits as other employees of Jackson
87 County."

88 **SECTION 4.**

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