

# Request for Board of Commissioners' Action

From: Faye Hughes, County Administrator Date: December 31, 2020

Subject: Executive Session Issues Item Number:

Recreation Project

Conference Room Usage

Board of Elections & Registrations

# ENROLLMENT

April 16 2008  
The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

H.B. No. 1361

General



Act No. 490  
Assembly

*Handwritten signature of Chairman*

Chairman

*Handwritten signature of Speaker of the House*

Speaker of the House

*Handwritten signature of Clerk of the House*

Clerk of the House

*Handwritten signature of President of the Senate*

President of the Senate

*Handwritten signature of Secretary of the Senate*

Secretary of the Senate

Received Est. F. Helcombe  
Secretary, Executive Department

This 16<sup>th</sup> day of April 2008

Approved

*Handwritten signature of Governor*

Governor

This 12<sup>th</sup> day of May 2008

## AN ACT

To create a board of elections and registration for Cook 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 related matters; to provide for submission under Section 5 of the federal Voting Rights Act of 1965, as amended; and for other purposes.

## IN HOUSE

Read 1<sup>st</sup> time 2-29-08  
Read 2<sup>nd</sup> time 3-04-08  
Read 3<sup>rd</sup> time 3-05-08

And Passed

Yeas 132

Nays 0

*Handwritten signature of Clerk of the House*  
Clerk of the House

## IN SENATE

Read 1<sup>st</sup> time 3-06-08  
Read 2<sup>nd</sup> time  
Read 3<sup>rd</sup> time

And Passed 3-12-08

Yeas 50

Nays 0

Passed Both Houses

*Handwritten signature of Secretary of the Senate*  
Secretary of the Senate

By: Rep. Houston of the 170<sup>th</sup>

# Request for Board of Commissioners' Action

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Conference Room Usage

Board of Elections & Registrations

## **AN ACT**

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

### **SECTION 3.**

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

(b) The members of the board shall be appointed by the governing authority of Cook County. One member shall be selected by the governing authority of Cook County to serve as chairperson of the board who shall serve as such during his or her term of office.

(c) All appointments to the board shall be promptly certified by the governing authority of Cook County to the Clerk of the Superior Court of Cook County.

(d) In making the initial appointments to the board, the members shall be appointed by the governing authority of Cook County not later than January 1, 2009. The governing authority shall designate two of the initial appointees to serve a term beginning on January 1, 2009, and ending on December 31, 2010, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning January 1, 2011, and until their successors are duly appointed and qualified. The other appointees shall serve terms beginning on January 1, 2009, and ending on December 31, 2012, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning January 1, 2013, and until their successors are duly appointed and qualified. Thereafter, all members shall be appointed to serve four-year terms of office.

#### **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 Cook County and must have been registered voters in Cook County for a period of at least one year prior to the date of their appointment to the board.

#### **SECTION 5.**

The governing authority of Cook County 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 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 Cook County and to the clerk of the superior court and shall be subject to removal from the board by the governing authority of Cook 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 governing authority of Cook 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. 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 Cook County for the holding by the board of any primary or election to be conducted within such municipality.

#### **SECTION 11.**

(a) The governing authority of Cook County shall be authorized to appoint an election 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 election supervisor shall be considered an employee of Cook County and shall be entitled to the same benefits as other employees of Cook County.

(b) The governing authority of Cook 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 employees of Cook County and shall be entitled to the same benefits as other employees of Cook County.

#### **SECTION 12.**

Compensation for the members of the board, election supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Cook County. Such compensation shall be paid wholly from county funds.

#### **SECTION 13.**

The governing authority of Cook 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 governing authority of Cook County deems appropriate.

#### **SECTION 14.**

The board of commissioners of Cook 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 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 Cook County and the Board of Registrars of Cook 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 Cook County shall be abolished.

**SECTION 16.**

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

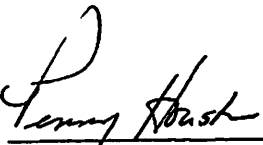


**NOTICE OF INTENTION TO  
INTRODUCE LOCAL LEGISLATION**

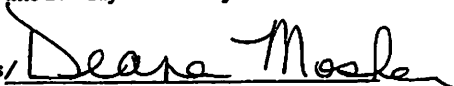
Notice is given that there will be introduced at the regular 2008 session of the General Assembly of Georgia a bill to create a board of elections and registration for Cook County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the 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.

**GEORGIA, FULTON COUNTY**

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Penny Houston, who on oath deposes and says that she is the Representative from District 170 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Adel News Tribune which is the official organ of Cook County on February 20, 2008, and that the notice requirements of Code Section 28-1-14 have been met.

s/   
Penny Houston  
Representative, District 170

Sworn to and subscribed before me,  
this 27<sup>th</sup> day of February 2008.

s/   
Deana Mosher  
Notary Public, Henry County, Georgia  
My Commission Expires Aug. 25, 2011  
(SEAL)



**APPROVED**  
MAY 12 2008  
BY GOVERNOR

**Overview of Job Responsibilities  
And the Make Up of the  
Board of Elections  
Cook County, Georgia**

Beginning January 1, 2009, a newly formed "Board of Elections" will be placed in Cook County.

This Board will be made up of 5 appointed Board members –

2 of which will be appointed for a term beginning January 1, 2009, and ending December 31, 2010. (A two (2) year term.) Successors to that term shall serve from January 1, 2011 until December 31, 2015, or until their successor(s) may be chosen. (A four (4) year term.)

The remaining three(3) members of the board will be appointed for a term beginning January 1, 2009, and ending December 31, 2012. (A three(3) year term.) Successors to that term shall server from January 1, 2013, until December 31, 2017, or until their successor(s) may be chosen. (A four (4) year term.).

Some of the duties and responsibilities of these Board Members include (but are not limited to.):

- Meeting as often as the Board and The Election Supervisor deem fit.
- Receiving and processing of voter registration applications
- Receiving felony notices, death notices, cancellations from other states, and removing these voters from the electors list. (Felons may be placed back on the roles upon satisfactory completion of their sentence under certain circumstances.)
- Holding hearings as necessary to challenge the right of persons to remain on the electors list.
- Issuing absentee ballots.
- Working with local groups in coordinating local registration drives.
- Entering credit for voting for elections within 60 days of an election.
- Maintaining and ordering electors lists for use by Election Superintendent.
- Determining and placing electors in the proper congressional, Senate, House, and local districts and mailing the acknowledgements/precinct cards to all electors.
- Maintaining the current voter registration applications; as well as, maintaining deleted registrations for at least two years.
- Working closely with municipal registrars and election superintendents in the districting of municipal voters as well as providing the municipality's electors list.
- Verifying provisional ballots within two days after each election and reporting findings to Election Superintendent.
- Assisting the Election Superintendent in the redrawing of precinct lines.
- Other duties as required by the Election Code.

- The enabling legislation for this local board contains the following wording:  
“The board shall fix, and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction.”

Computer skills will be required in order to adequately perform duties under these directives. Each board member will be expected to gain knowledge (primarily at the direction of the Election Superintendent and through any training the Election Superintendent deems necessary) of how the above duties and functions are handled through the computer system.

The pay for the position as defined in Georgia Code is “not less than \$242/mo”; The final figure on what the position will pay has not been established; but it should be close to that figure.

Each member of the Board of Commissioners has been asked to recommend someone from their respective districts as the initial appointee to the Board.

**In a separate action**, an Election Superintendent may be hired by the Board of Commissioners. That person cannot be one of these five Election Board members, nor can that person be an elected official.