

House Bill 1201

By: Representatives McLaurin of the 51st, Dreyer of the 59th, Boddie of the 62nd, Jackson of the 64th, Schofield of the 60th, and others

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute and reestablish the board of elections and registration for Fulton County,
2 Georgia; to provide for its powers and duties; to provide for membership and chairperson of
3 the board and appointment of the same; to provide for qualifications of the members; to
4 provide for terms of office; to provide for vacancies; to provide for oaths of office; to provide
5 for power and duties of said board; to provide for reporting by the chairperson; to provide
6 for sample ballots and voter information; to provide for a chief administrative officer of the
7 board; to provide for compensation, offices, and employees; to provide for related matters;
8 to provide a contingent effective date and automatic repeal; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 (a) Pursuant to Code Section 21-2-40 of the O.C.G.A., as of August 1, 2020, the Fulton
13 County Board of Elections and Registration shall be reconstituted and reestablished, and such
14 board shall have the powers and duties of the election superintendent of Fulton County
15 relating to the conduct of elections and the powers and duties of the board of registrars
16 relating to the registration of voters and absentee balloting procedures.

17 (b) The board provided for in subsection (a) of this Section shall be the successor to the
18 Fulton County Board of Elections and Registration provided for in an Act to create a board
19 of elections and registration for Fulton County, Georgia, approved March 30, 1989
20 (Ga. L. 1989, p. 4577), as amended.

21 **SECTION 2.**

22 The board shall be composed of five members, each of whom shall be an elector and resident
23 of Fulton County, who shall be appointed in the following manner:

24 (1) Two members shall be appointed by the governing authority of Fulton County from
25 nominations made by the chairperson of the county executive committee of the political

26 party whose candidates at the last preceding regular general election held for the election
 27 of all members of the General Assembly received the largest number of votes in this state
 28 for members of the General Assembly;

29 (2) Two members shall be appointed by the governing authority of Fulton County from
 30 nominations made by the chairperson of the county executive committee of the political
 31 party whose candidates at the election described in paragraph (1) of this section received
 32 the second largest number of such votes; and

33 (3) One member shall be appointed by the governing authority of Fulton County from
 34 nominations made by the Fulton County legislative delegation in the General Assembly,
 35 which member shall be designated permanent chairperson of the board. The Fulton
 36 County legislative delegation shall be composed of all senators and representatives in the
 37 General Assembly whose districts are wholly or partially in Fulton County.

38 **SECTION 3.**

39 No person who holds elective public office shall be eligible to serve as a member of the
 40 board during the term of such elective office, and the position of any member of the board
 41 shall be deemed vacant upon such member qualifying as a candidate for elective public
 42 office.

43 **SECTION 4.**

44 Except for the appointment of the initial members of the board, who shall be appointed as
 45 soon as practical following the approval of this Act, the appointment of each member shall
 46 be made no later than 30 days preceding the date at which such member is to take office by
 47 notifying the clerk of the Superior Court of Fulton County in writing of the name and address
 48 of each person appointed. The clerk of the Superior Court of Fulton County shall make a
 49 record of such notification on the minutes of the court, certify such appointments to the
 50 Secretary of State, and provide for the issuance of appropriate commissions, within the same
 51 time and in the same manner as provided by law for registrars. In the event the appointing
 52 authority fails to make a regular appointment within the time specified in this section or fails
 53 to make an interim appointment to fill a vacancy within 90 days after the creation of such
 54 vacancy, such regular or interim appointment shall be made forthwith by the governing
 55 authority.

56 **SECTION 5.**

57 (a)(1) Except as provided for in paragraph (2) of this subsection, each member of the
 58 board appointed pursuant to paragraphs (1) and (2) of Section 2 of this Act to shall serve

59 for a term of two years and until a successor is appointed and qualified, except in the
60 event of resignation or removal as provided in Section 6 of this Act.

61 (2)(A) The initial members of the board appointed pursuant paragraphs (1) and (2) of
62 Section 2 of this Act shall be appointed for terms of office beginning August 1, 2020.

63 (B) The governing authority of Fulton County shall designate one of the initial
64 members appointed pursuant paragraph (1) of Section 2 of this Act and one member
65 appointed pursuant to paragraph (2) of Section 2 of this Act to serve for a term ending
66 on January 31, 2021, and until a successor is appointed and qualified, except in the
67 event of resignation or removal as provided for in Section 6 of this Act.

68 (C) The governing authority of Fulton County shall designate one of the initial
69 members appointed pursuant paragraph (1) of Section 2 of this Act and one member
70 appointed pursuant to paragraph (2) of Section 2 of this Act to serve for a term ending
71 on January 31, 2022, and until a successor is appointed and qualified, except in the
72 event of resignation or removal as provided for in Section 6 of this Act.

73 (b)(1) Except as provided for in paragraph (2) of this subsection, the chairperson of the
74 board appointed pursuant to paragraph (3) of Section 2 of this Act shall serve for a term
75 of one year, and until a successor is appointed and qualified, except in the event of
76 resignation or removal as provided for in Section 6 of this Act.

77 (2) The initial chairperson appointed pursuant to paragraph (3) of Section 2 of this Act
78 shall serve a term beginning on August 1, 2020, and ending on January 31, 2021, and
79 until a successor is appointed and qualified, except in the event of resignation or removal
80 as provided for in Section 6 of this Act.

81 (c) Each member shall be eligible to succeed himself or herself and shall have the right to
82 resign at any time by giving written notice of resignation to the appointing authority.

83 (d) Each member shall be subject to removal from the board at any time, for cause after
84 notice and hearing, in the same manner and by the same authority as provided for removal
85 of registrars. The members of the Board of Registration and Elections of Fulton County
86 holding office on the effective date of this Act shall continue to hold office until their
87 successors are appointed in accordance with the provisions of this Act.

88 **SECTION 6.**

89 In the event a vacancy occurs in the office of any member before the expiration of his or her
90 term by removal, death, resignation, or otherwise, the appointing authority shall appoint a
91 successor in the same manner as provided for in Section 2 of this Act to serve the remainder
92 of the unexpired term. The clerk of the Superior Court of Fulton County shall be notified of
93 interim appointments and shall record and certify such appointments in the same manner as
94 for regular appointments.

95 **SECTION 7.**

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

98 **SECTION 8.**

99 The board shall be responsible for the registration of electors of Fulton County; the
100 preparing, equipping, and furnishing of polling places; the counting of all ballots, both
101 absentee and those regularly cast; and for the selection, appointment, and training of poll
102 workers. Such poll workers shall be appointed, insofar as practicable, from a list provided
103 to the board by the county executive committee of each political party.

104 **SECTION 9.**

105 (a) The board shall:

106 (1) With regard to the preparation for the conduct and administration of elections,
107 succeed to and exercise all duties and powers granted to and incumbent upon the probate
108 judge under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," or any
109 other provision of law;

110 (2) With regard to the preparation for and conduct of primaries:

111 (A) Succeed to all duties and powers granted to and incumbent upon the probate judge
112 under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code";

113 (B) Formulate, adopt, and promulgate rules and regulations consistent with law and the
114 rules and regulations of the state executive committee of each political party governing
115 the conduct of primaries to the end that, insofar as practicable, all primaries shall be
116 uniformly conducted by the county executive committee of each political party, poll
117 workers shall be properly trained, and voters shall be adequately informed and
118 instructed; and

119 (C) Consistent with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the
120 "Georgia Election Code," supervise the registration of electors in Fulton County;
121 cooperate with the various municipalities of Fulton County in providing lists of electors
122 within such municipalities; appoint, train, and direct, where deemed necessary, deputy
123 registrars to register qualified electors more adequately and sufficiently; supervise and
124 accept applications for absentee ballots; and transmit absentee ballots to applications
125 therefor, receive and count absentee ballots, and inform and advise the governing
126 authority of the county, the State Election Board, and all other agencies and officers at
127 interest concerning all of said activities.

128 (b) Nothing in this Act shall be construed to require joint primaries or to require the
129 governing authority or any other public agency to bear any expense of conducting primaries
130 not otherwise required by law.

131 (c) Beginning on May 1 of each even-numbered year and continuing until November 15 of
132 each such year, the board chairperson shall provide, on every other Friday, updated
133 information on the administration of the general election of such year in a hearing,
134 telephonically or in person, before those members of the governing authority of Fulton
135 County and the members of the Fulton County legislative delegation, as defined in paragraph
136 (3) of Section 2 of this Act, attending such hearing.

137 **SECTION 10.**

138 With the consent of the governing authority of Fulton County, the board shall be authorized
139 to expend public funds for the purpose of distributing sample ballots, voter information
140 booklets, and other materials designed to inform and instruct adequately the electors of the
141 county with regard to elections.

142 **SECTION 11.**

143 There shall be a chief administrative officer of the board who shall be appointed by the
144 governing authority of the county upon the recommendation of the board and shall be
145 designated elections supervisor. He or she shall have such duties and functions in regard to
146 elections as may be prescribed by the board. The elections supervisor shall be an elector of
147 Fulton County.

148 **SECTION 12.**

149 The compensation of each member of the board, the elections supervisor, any clerical
150 assistants, and other employees of the board shall be fixed by the governing authority of
151 Fulton County and shall be paid wholly from county funds.

152 **SECTION 13.**

153 The governing authority of Fulton County shall provide the board with such proper and
154 suitable offices and with such clerical assistants and other employees as the governing
155 authority shall deem appropriate.

156 **SECTION 14.**

157 This Act shall become effective upon its approval by the Governor or upon its becoming law
158 without such approval, provided that an Act amending an Act to create a board of elections
159 and registration for Fulton County, Georgia, approved March 30, 1989 (Ga. L. 1989,

160 p. 4577), as amended, is enacted in the 2020 session of the General Assembly providing for
161 the abolition of such board of elections and registration on a date certain; if such abolition
162 Act is not so approved, this Act shall not become effective and this Act shall be
163 automatically repealed on the first day of January, 2021.

164

SECTION 15.

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