

House Bill 756

By: Representative Meeks of the 178th

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute and reestablish the Board of Elections and Registration of Pierce County,
2 Georgia; to provide for the powers and duties of the board; to provide for definitions; to
3 provide for the composition of the board and the selection and appointment of members; to
4 provide for the qualification, terms, and removal of members; to provide for oaths and
5 privileges; to provide for meetings, procedures, and vacancies; to provide for certain
6 expenditures of public funds; to provide for compensation of members of the board and
7 personnel; to provide for offices and equipment; to provide for the board's performance of
8 certain functions and duties for certain municipalities; to provide for related matters; to
9 provide a contingent effective date and automatic repeal; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 (a) Pursuant to Code Section 21-2-40 of the O.C.G.A., as of July 1, 2021, the Board of
14 Elections and Registration of Pierce County shall be reconstituted and reestablished, and
15 such board shall have the powers and duties of the election superintendent of Pierce County

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16 relating to the conduct of elections and the powers and duties of the board of registrars
17 relating to the registration of voters and absentee balloting procedures.

18 (b) The board provided for in subsection (a) of this section shall be the successor to the
19 Board of Elections and Registration of Pierce County, provided for in an Act to create a
20 board of elections and registration for Pierce County, approved May 11, 2009
21 (Ga. L. 2009, p. 4143).

22 **SECTION 2.**

23 The terms "election," "elector," "political party," "primary," and "public office" shall have
24 the same meanings as set forth in Code Section 21-2-2 of the O.C.G.A. unless otherwise
25 clearly apparent from the text of this Act; the term "commissioners" means the Board of
26 Commissioners of Pierce County; and "county" means Pierce County.

27 **SECTION 3.**

28 (a) The board shall be composed of five members, each of whom shall be an elector and
29 resident of the county and who shall be appointed as provided in this section.

30 (b)(1) Three members of the board shall be appointed by the Pierce County grand jury.

31 (2) One member shall be appointed by the judge of the Probate Court of Pierce County
32 from nominations made by the political party which received the highest number of votes
33 within the county for its candidate for Governor in the general election immediately
34 preceding the appointment of such member.

35 (3) One member of the board shall be appointed by the judge of the Probate Court of
36 Pierce County from nominations made by the political party which received the second
37 highest number of votes within the county for its candidate for Governor in the general
38 election immediately preceding the appointment of such member.

39 (4) Nominations made pursuant to paragraphs (2) and (3) of this subsection shall be
40 made by the party chairperson and ratified by the county executive committee of the

67 **SECTION 5.**

68 The appointing authorities shall certify the appointment of each member by filing an affidavit
69 with the judge of the Probate Court of Pierce County no later than 15 days preceding the date
70 upon which such members are to take office, stating the name and residential address of the
71 person appointed and certifying such member has been duly appointed as provided in this
72 Act. The judge of the Probate Court of Pierce County shall record each such certification on
73 the minutes of the probate court and shall certify the name of each such appointed member
74 to the Secretary of State and provide for the issuance of appropriate commissions to the
75 members within the same time and in the same manner as provided by law for registrars.

76 **SECTION 6.**

77 Each member of the board shall be eligible to serve two full terms of office, shall have the
78 right to resign at any time by giving written notice of such resignation to the appointing
79 authority and to the judge of the Probate Court of Pierce County, and shall be subject to
80 removal from the board by the appointing authority at any time, for cause, after notice and
81 hearing.

82 **SECTION 7.**

83 In the event a vacancy occurs in the office of any appointed member before the expiration
84 of his or her term, by removal, death, resignation, or otherwise, the original appointing
85 authority shall appoint a successor to serve the remainder of the unexpired term as provided
86 for in Section 3 of this Act. The judge of the Probate Court of Pierce County shall be
87 notified of such interim appointments and record and certify such appointments in the same
88 manner as the regular appointment of members.

89 **SECTION 8.**

90 Before entering upon the member's duties, each member shall take substantially the same
91 oath as required by law for registrars and shall have the same privileges from arrest.

92 **SECTION 9.**

93 (a) The board shall be authorized to organize itself, determine its procedural rules and
94 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
95 take such action as is appropriate to the management of the affairs committed to its
96 supervision; provided, however, that no such action shall conflict with state law. Action
97 and decision by the board shall be by a majority of the members of the board. The board
98 shall be responsible for the selection, appointment, and training of poll workers in
99 primaries and elections, and such workers shall be appointed, insofar as is practicable, from
100 lists provided to the board by the county executive committee of each political party.

101 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
102 directives governing the execution of matters within its jurisdiction. The board shall hold
103 regular meetings and shall meet no fewer than three times per year. Any specially called
104 meeting shall be called by the chairperson or any three members of the board. The board
105 shall maintain a written record of policy decisions amended to include additions or
106 deletions. Such written records shall be made available for the public to review.

107 **SECTION 10.**

108 The board shall have the authority to contract with any municipality located within Pierce
109 County for the holding by the board of any primary or election to be conducted within such
110 municipality.

111 **SECTION 11.**

112 (a) The board shall be authorized to appoint an election supervisor to generally supervise,
113 direct, and control the administration of the affairs of the board pursuant to law and duly
114 adopted resolutions of the board. The election supervisor shall not be a member of the
115 board and shall not be an elected public official or an officer of a political party or body.
116 The election supervisor may be a part-time employee.

117 (b) The board shall be authorized to employ additional clerical assistants as needed to
118 carry out the duties and functions of the board.

119 **SECTION 12.**

120 Compensation for the members of the board, election supervisor, clerical assistants, and other
121 employees shall be fixed by the Board of Commissioners of Pierce County. Such
122 compensation shall be paid wholly from county funds.

123 **SECTION 13.**

124 The Board of Commissioners of Pierce County shall provide the board with such proper and
125 suitable offices, equipment, materials, and supplies and with such clerical assistance and
126 other employees as the Board of Commissioners of Pierce County deems appropriate.

127 **SECTION 14.**

128 This Act shall become effective upon its approval by the Governor or upon its becoming law
129 without such approval, provided that an Act amending an Act to create a board of elections
130 and registration for Pierce County, approved May 11, 2009 (Ga. L. 2009, p. 4143), is enacted
131 in the 2021 session of the General Assembly, providing for the abolition of such board of
132 elections and registration on a date certain; if such abolition Act is not so approved, this Act
133 shall not become effective and this Act shall be automatically repealed on July 1, 2021.

134

SECTION 15.

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