

House Bill 769

By: Representatives Mathiak of the 73rd and Knight of the 130th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to provide a board of elections for Spalding County, approved March 19,
2 1987 (Ga. L. 1987, p. 4432), as amended, particularly by an Act approved June 3, 2003
3 (Ga. L. 2003, p. 4311), so as to revise the composition of the board; to provide for the
4 termination of the term of the present fifth member; to provide for the appointment of a new
5 fifth member; to provide for terms of office; to provide for the duties and requirements of the
6 board; to provide for an elections supervisor and employees; to provide for qualifications and
7 limitations on the election supervisor and employees; to provide for the county attorney to
8 serve as legal adviser and represent the board; to provide for related matters; to provide for
9 an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act to amend an Act to provide a board of elections for Spalding County, approved
13 March 19, 1987 (Ga. L. 1987, p. 4432), as amended, particularly by an Act approved June 3,
14 2003 (Ga. L. 2003, p. 4311), is amended by revising Section 2 as follows:

"SECTION 2.

(a) The board of elections and registration shall be composed of five members, each of whom shall be at least 21 years of age and an elector of Spalding County and each of whom shall be appointed as provided in this Act. Two members shall be appointed by the chairperson of the county executive committee of the political party whose candidates at the last preceding general election received the largest number of votes in this state for members of the General Assembly. Two members shall be appointed by the chairperson of the county executive committee of the political party whose candidates at such election received the next largest number of votes. Each of the appointments by the political parties shall be made and certified as follows: The member shall be nominated by the chairperson and ratified by the county executive committee of each of the above-designated political parties at least 40 days before the beginning of the term of office, or within 40 days after the creation of a vacancy in the office, and the certification of the appointment of each member shall be made by the executive committee filing an affidavit with the clerk of the superior court no later than 30 days preceding the date at which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this Act.

(b) The fifth member of the board shall be selected and appointed by the vote of a majority of the judges of the Superior Court of Spalding County. The selection and appointment of the fifth member of the board shall be made at least 30 days before the beginning of his or her term of office, or within 30 days after the creation of a vacancy in the office, and certification of the appointment of such member shall be made by the filing of an order by the chief judge of the superior court with the clerk of superior court no later than 20 days preceding the date on which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly selected and appointed as provided in this Act.

(c) If the appointment of any such member of the board of elections and registration appointed by the political parties is not made and certified as provided in this Act, such member shall be appointed forthwith by the governing authority of Spalding County and, within five days after such appointment, certification thereof shall be made by any member of the governing authority filing an affidavit with the clerk of superior court stating the name and residential address of the person appointed and certifying that such member has been duly selected and appointed as provided in this Act."

SECTION 2.

Said Act is further amended by revising Section 5 as follows:

"SECTION 5.

(a) The members of the board appointed by political parties in office on the effective date of this section shall serve out the terms to which they were elected. Successors shall be appointed for terms of four years and until their respective successors are duly appointed and qualified. Terms of office of board members appointed by the political parties shall begin on the first day of January following the expiration of their immediately preceding terms of office.

(b) The term of the member selected by the other members of the board shall terminate on the effective date of this section. The initial member appointed by the judges of the superior court shall then take office not later than July 1, 2021, and shall serve an initial term ending on January 1, 2025, and until a successor is appointed and qualified. Successors to such fifth member shall be appointed and take office on July 1 immediately following the expiration of their immediately preceding terms of office and shall serve four-year terms of office and until their successors are appointed and qualified; provided, however, that such fifth member shall be subject to removal at any time for cause by a majority of the superior court judges of Spalding County after notice and hearing.

(c) The board shall select one of its members to serve as chairperson of the board for a term of two years, beginning on the first day of January of each odd-numbered year and until a successor is duly selected and qualified. The chairperson shall be the chief executive officer of the board and the board may, at its pleasure, specify his or her powers and duties; and, if so specified, the effective date of any revocation or decrease of such powers and duties shall be after the expiration of the current term of office of such chairman. The board may appoint such other officers to serve at the pleasure of the board and may specify their duties, powers, and authority as the board, from time to time, may deem proper."

SECTION 3.

Said Act is further amended by revising Section 9 as follows:

"SECTION 9.

(a) The board of elections and registration shall:

(1) With regard to the preparation for, conduct, and administration of primaries and elections, succeed to and exercise all duties and powers granted to and incumbent upon the judge of the probate court pursuant to Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code';

(2) With regard to voter registration, succeed to and exercise all duties and powers granted to and incumbent upon the board of registrars pursuant to Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code';

(3) Formulate, adopt, and promulgate rules and regulations, consistent with law, governing the conduct of primaries and elections and voter registration; and

(4) Always strive to achieve openness, confidence, and integrity in their actions and to ensure the confidence of the public in the voter registration and elections process and the results of elections in Spalding County.

(b) The board shall comply fully with the provisions of Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings, and Article 4 of Chapter 18 of the O.C.G.A., relating to open records. The board shall ensure that the public has adequate access to its meetings. The board shall provide notices of its meetings and meeting agendas on the county website and by posting in a prominent public place in its offices at least one week before a regular meeting and at least 24 hours in advance of a special or emergency meeting. Such notices shall include the date, time, and location of such meetings and show the date and time at which the notice was posted.

(c) The regular minutes of a meeting subject to this section shall be promptly recorded and such records shall be open to public inspection once approved as official by the board, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this section shall prohibit the earlier release of minutes, whether approved by the board or not. Such minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining. Once approved, such minutes shall be signed and show the approval date.

(d) Neither the board nor its employees shall conduct voter registration or voter outreach drives. The board may conduct educational events on voter registration and to demonstrate how to vote on the election equipment being used by the county.

(e) The board shall be responsible for training or causing to be trained all employees of the board and all poll workers in election laws and procedures.

(f) The board shall annually develop and submit to the county governing authority a budget for its operations.

(g) For the security of its staff and to provide public confidence in the voter registration and elections process, the board shall ensure that security cameras are placed in its offices and that such cameras operate 24 hours a day. The video feeds from such cameras shall be recorded and such recordings shall be maintained for 12 months following the date of recording."

SECTION 4.

Said Act is further amended by revising Section 12 as follows:

"SECTION 12.

(a) There shall be an administrative director, to be known as the elections supervisor, to administer and supervise the conduct of elections, primaries, and registration of electors for the county who shall serve at the pleasure of the board. The board shall act to appoint such administrative director or elections supervisor within 60 days of the effective date of this section, or of the date of any vacancy in such position. Such elections supervisor shall be a legal resident of and registered to vote in Spalding County and shall remain a legal resident of and a registered elector of Spalding County while serving as elections supervisor.

(b) The elections supervisor shall be a full-time employee and shall not have any other employment while in such position. The elections supervisor shall be an employee of Spalding County and shall be entitled to all benefits available to other employees.

(c) Compensation for the elections supervisor shall be set by the board consistent with the budget of the board approved by the governing authority of Spalding County. Such compensation shall be paid wholly from county funds.

(d) The board shall be authorized to employ such full-time and part-time employees as the board shall deem necessary consistent with the budget of the board approved by the governing authority of Spalding County. All such employees shall be legal residents of and

registered to vote in Spalding County and shall remain legal residents of and registered electors of Spalding County while employed by the board.

(e) No person who holds an elective public office shall be eligible to serve as elections supervisor or as an employee of the board of elections during the term of his or her elective office, and the position of elections supervisor or any employee of the board shall be deemed vacant upon such person qualifying as a candidate in any primary or election for public office. No person shall be eligible to serve as elections supervisor or employee of the board of elections while holding any public office to which he or she was appointed or while he or she is a salaried employee of the governing authority of Spalding County or of any municipality within the county or of any board of education or commission, board, or authority appointed by the governing authority of the county or any municipality within the county."

SECTION 5.

Said Act is further amended by revising Section 14 as follows:

"SECTION 14.

(a) The governing authority of Spalding County shall provide the board with such proper and suitable offices, furniture, and equipment as the governing authority shall deem appropriate.

(b) The county attorney shall be the legal adviser to the board and represent the board in all matters. The board shall not have the authority to hire any other legal counsel. If the county attorney has a conflict of interest, the board of commissioners of the county shall provide an attorney to represent the board of elections and registration."

164 **SECTION 6.**

165 This Act shall become effective upon its approval by the Governor or upon its becoming law
166 without such approval.

167 **SECTION 7.**

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