

House Bill 1368 (AS PASSED HOUSE AND SENATE)

By: Representative Dukes of the 154<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a board of elections and registration for Miller County; to provide for its  
2 powers, duties, and responsibilities; to provide for the composition of the board and a method  
3 for selection, resignation, and removal of its members and for filling vacancies; to provide  
4 for the qualifications, terms, succession, and compensation of members; to provide for a  
5 supervisor of registration and elections and the powers, duties, and compensation of such  
6 supervisor; to provide for clerical assistants, poll workers, and other employees and for their  
7 compensation; to provide for expenditure of public funds; to provide for meetings and  
8 procedures; to provide for offices and equipment; to relieve certain boards and officers of  
9 powers and duties and to provide for transfer of certain items and property to the newly  
10 created board; to provide for contracts with certain municipalities; to provide for definitions;  
11 to provide for effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 (a) As used in this Act, the term:

15 (1) "Board" means the Miller County Board of Elections and Registration.

16 (2) "Commissioners" means the Miller County Board of Commissioners.

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17 (3) "County" means Miller County.

18 (b) The terms "election," "elector," "primary," and "public office" shall have the same  
19 meanings as provided for in Code Section 21-2-2 of the O.C.G.A. unless otherwise clearly  
20 apparent from the text of this Act.

21 **SECTION 2.**

22 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created and  
23 established a board of elections and registration for Miller County which shall have  
24 jurisdiction over the conduct of primaries and elections and the registration of electors in the  
25 county in accordance with the provisions of this Act. Such board shall be known as the  
26 Miller County Board of Elections and Registration. The board shall have all the powers,  
27 duties, and responsibilities of the superintendent of elections of Miller County under  
28 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," currently being  
29 exercised by the judge of the Probate Court of Miller County, and the powers, duties, and  
30 responsibilities of the Board of Registrars of Miller County under Chapter 2 of Title 21 of  
31 the O.C.G.A., the "Georgia Election Code." It is the purpose and intention of this Act to  
32 grant the Miller County Board of Elections and Registration all powers, duties, and  
33 responsibilities relating to the registration of voters and the preparation, conduct, and  
34 administration of primaries and elections in and for Miller County.

35 **SECTION 3.**

36 The board shall be composed of six members, each of whom shall be an elector and resident  
37 of Miller County and who shall be appointed by the governing authority of the county in the  
38 following manner:

39 (1) The initial members of the board shall be appointed for terms of office beginning on  
40 January 1, 2023. The commissioners shall appoint five members of the board. The  
41 commissioners from Districts 1, 3, and 5 shall designate three of the initial members to

42 serve for terms ending on December 31, 2026. Commissioners from Districts 2 and 4  
43 shall designate two of the initial members to serve for terms ending on  
44 December 31, 2025. Such members on the board shall serve until their respective  
45 successors are duly appointed and qualified;

46 (2) The final member shall be designated as supervisor of registration and elections and  
47 shall be appointed by the Miller County commissioners. Such member shall be the  
48 administrator and chairperson of the board, shall carry out all duties of voter registration  
49 and elections, shall be a full-time employee of the county, and shall not have a regular  
50 term of office;

51 (3) No person who holds or qualifies as a candidate for elective public office shall be  
52 eligible to serve as a member of the board during the term of such elective office, and the  
53 position of any such member shall be deemed vacant upon such member's qualifying as  
54 a candidate for elective public office;

55 (4) Successors shall be appointed in the manner specified in this section. Members shall  
56 be eligible to succeed themselves and shall have the right to resign at any time by giving  
57 written notice of resignation to the governing authority and to the clerk of the Superior  
58 Court of Miller County. Members shall be subject to removal from the board at any time,  
59 for cause, after notice and hearing by the appointing authority; and

60 (5) In the event a vacancy occurs in the office of any member other than the supervisor  
61 of registration and elections before the expiration of that member's term of office,  
62 whether by removal, death, resignation, or otherwise, the respective appointing authority  
63 shall appoint a successor to serve the remainder of the unexpired term and until a  
64 successor is duly appointed and qualified.

65

**SECTION 4.**

66 (a) The appointment of each member shall be made by the commissioners filing an affidavit  
67 with the clerk of the Superior Court of Miller County no later than 30 days preceding the date  
68 upon which such member is to take office, stating the name and residential address of the  
69 person appointed and certifying such member has been duly appointed as provided in this  
70 Act. The clerk of the superior court shall record each of such certifications on the minutes  
71 of the superior court and shall certify the name of each such appointed member to the  
72 Secretary of State and provide for the issuance of appropriate commissions to the members  
73 within the same time and in the same manner as provided by general state law for registrars.  
74 (b) In the event that the commissioners do not certify in conformity with this Act an  
75 appointment to the board within 60 days after the beginning of a term or within 60 days after  
76 the creation of a vacancy on the board, the judge of the Probate Court of Miller County shall  
77 immediately fill the vacancy by making the appointment and shall certify it as provided in  
78 this section. Any person appointed to fill a vacancy shall serve out the unexpired term.

79

**SECTION 5.**

80 (a) The supervisor of registration and elections shall serve as a member of the board. Such  
81 supervisor shall be considered a county employee for purposes of pay, benefits, vacation,  
82 termination of employment, and other purposes. Such supervisor shall be subject to  
83 direction, evaluation, and corrective action by the county administrator.  
84 (b) The compensation of the supervisor of registration and elections shall be fixed by the  
85 governing authority of the county in the same manner as that of other county employees.  
86 (c) The supervisor of registration and elections may recommend to the county administrator  
87 for employment such full-time or part-time employees as may be deemed necessary and as  
88 approved in the annual budget by the governing authority of the county.  
89 (d) The supervisor of registration and elections and the board shall be responsible for the  
90 selection, appointment, and training of poll workers for primaries and elections.

91 **SECTION 6.**

92 (a) The board shall be authorized and empowered to organize itself, determine procedural  
93 rules and regulations, adopt bylaws, and otherwise take action as is appropriate to the  
94 management of the affairs committed to its supervision; provided, however, that no such  
95 action shall conflict with state law. Actions and decisions by the board shall be by majority  
96 vote of the members of the board.

97 (b) Board members function as working members. With the consent of the governing  
98 authority of the county, the board shall be authorized to expend public funds for the purpose  
99 of distributing sample ballots, voter information booklets, and other materials designed to  
100 inform and adequately instruct the electors of the county with regard to elections. No  
101 material distributed by the board shall contain or express in any manner any commentary or  
102 expression of opinion or request support for any political issue or matter of political concern.

103 (c) The compensation of members of the board, clerical assistants, and other employees shall  
104 be fixed by the governing authority of the county and shall be paid from county funds.

105 (d) Before entering upon a member's duties, each board member shall take substantially the  
106 same oath as required by general state law for registrars and shall have the same privileges  
107 from arrest.

108 **SECTION 7.**

109 The board shall hold regular meetings at the county courthouse, the county administration  
110 public meeting room, or any other locations as the board may prescribe. Meetings shall be  
111 held only after proper notice, including date, time, and place, is communicated by public  
112 notice as required by law. All meetings of the board shall be conducted pursuant to  
113 Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings.

114 **SECTION 8.**

115 The commissioners shall provide the board and supervisor of registration and elections with  
116 suitable offices and equipment and with other employees as the governing authority shall  
117 deem appropriate.

118 **SECTION 9.**

119 On January 1, 2023, the elections superintendent of Miller County and the board of registrars  
120 of Miller County shall be relieved of all powers and duties to which the board succeeds by  
121 provisions of this Act. Prior thereto, they shall deliver to the board's supervisor of  
122 registration and elections, upon written request, custody of all equipment, supplies, materials,  
123 books, papers, records, registrations, and facilities of every kind pertaining to the powers,  
124 duties, and responsibilities such abolished board and superintendent had immediately prior  
125 to their abolition.

126 **SECTION 10.**

127 The commissioners shall have the authority to contract with any municipality located within  
128 the county for the holding by the board of any primary or election to be conducted within the  
129 municipality. Nothing in this Act shall be construed to require or prohibit joint primaries or  
130 elections.

131 **SECTION 11.**

132 (a) For the purposes of selecting the initial members of the board, this Act shall become  
133 effective on July 1, 2022.

134 (b) For all other purposes, this Act shall become effective on January 1, 2023.

135 **SECTION 12.**

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