

The Senate Committee on State and Local Governmental Operations offered the following substitute to SB 227:

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a board of elections in Bibb County, Georgia, known as the
2 Macon-Bibb County Board of Elections, approved April 23, 1969 (Ga. L. 1969, p. 3331), so
3 as to modernize and conform provisions to general law and the consolidation of Macon-Bibb
4 County; to revise provisions relating to appointment of board members and the election
5 supervisor; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to create a board of elections in Bibb County, Georgia, known as the Macon-Bibb
9 County Board of Elections, approved April 23, 1969 (Ga. L. 1969, p. 3331), is amended by
10 revising Sections 2 through 17 as follows:

11 **"SECTION 2.**

12 The board shall be composed of five members, each of whom shall be an elector and a
13 resident of Macon-Bibb County and who shall be appointed by the governing authority of
14 Macon-Bibb County in the following manner:

15 (1) Two members shall be selected and nominated by the county executive committee
16 of the political party which at the last preceding regular general election held for the
17 election of all members of the General Assembly elected the largest number of members
18 of the General Assembly. Such members so nominated shall be certified by the chairman
19 of the county executive committee of such political party to the governing authority of
20 Macon-Bibb County.

21 (2) Two members shall be selected and nominated in like fashion by the county
22 executive committee of the political party which, at such election, elected the next-largest
23 number of members of the General Assembly. Such members so nominated shall be
24 certified by the chairperson of the county executive committee of that political party to
25 the governing authority of said county.

26 (3) The fifth member shall be appointed by the governing authority of Macon-Bibb
27 County from a list of one or more nominees submitted to the governing authority of
28 Macon-Bibb County by a majority of the other four members of the board. The fifth
29 member so appointed shall be deemed to be a member at large. In the event a majority
30 of the four members of the board are unable to nominate one or more persons and submit
31 such nominations to the governing authority of Macon-Bibb County within the time
32 hereinafter specified for appointments, then the governing authority of said county shall
33 instead select and appoint an individual to fill this role as the member at large.

34 (4)(A) Notwithstanding any other provisions of this Act to the contrary, the governing
35 authority of Macon-Bibb County shall not appoint a person to the board who has not
36 been nominated as provided for in this section.

37 (B) If the governing authority of Macon-Bibb County does not hold a vote on a
38 nomination made pursuant to paragraphs (1) and (2) of this section within 60 days of
39 receiving such nomination, such failure to vote shall be presumed to be an acceptance
40 of such nomination and the nominee shall be appointed to the board by operation of
41 law.

42 (C) In the event that the governing authority of Macon-Bibb County rejects all the
43 names included on a list of nominees, any timelines related to the nomination or
44 appointment of board members shall be reset, and the nominating authority provided
45 for in this section shall select a new nominee or slate of nominees within 60 days of the
46 rejection by the governing authority.

47 SECTION 3.

48 The governing authority of Macon-Bibb County shall file with the clerk of the Superior
49 Court of Bibb County an affidavit which states the name and residential address of the
50 persons appointed pursuant to Section 2 of this Act and certifies that such members have
51 been duly appointed as provided in this Act. The clerk of the superior court shall record
52 each such certification on the minutes of the court and shall certify the name of each such
53 member to the Secretary of State and provide for the issuance of appropriate commissions
54 to the members and chairperson within the same time and in the same manner as provided
55 by law for registrars.

56 SECTION 4.

57 No person who holds elective public office shall be eligible to serve as a member of any
58 such board of elections during the term of such elective office and the position of any
59 member of the board shall be deemed vacant upon such member qualifying as a candidate
60 for elective public office.

61 SECTION 5.

62 (a) Upon the effective date of this Act, those members presently serving on the
63 Macon-Bibb County Board of Elections shall automatically continue serving in an
64 equivalent membership capacity, provided that the respective appointing and nominating
65 authorities shall reappoint such members or appoint new members to the board in the

66 manner prescribed in Section 2 of this Act no later than 60 days after this Act shall become
67 effective.

68 (b) In the event of a vacancy on the board with respect to a member nominated by one of
69 the political parties as provided for in Section 2 of this Act, or upon the expiration of such
70 member's term of office, such political party shall nominate a successor within 60 days
71 after the date such vacancy is created or such term expires and the governing authority shall
72 appoint such successor in like manner as the person whose position is vacant for the
73 unexpired or succeeding term. In the event such political party fails to make a nomination
74 within 60 days after this Act shall become effective, within 60 days after a vacancy occurs
75 or a term expires, or within 60 days of the governing authority rejecting a list of nominees,
76 then the position shall instead be filled by direct appointment of the governing authority
77 of Macon-Bibb County.

78 (c) In the event of a vacancy on the board with respect to the member at large, the
79 members of the board nominated by the political parties shall submit to the Macon-Bibb
80 County Commission the names of one or more nominees to fill the unexpired term, such
81 nomination to be made within 60 days after the vacancy occurs. In the event the term of
82 office for the member at large ends, no nominees to succeed the member at large shall be
83 submitted to the governing authority of the county, and the 60 days for submitting
84 nominees to the county shall not begin to run until at least three of the political party
85 members have been duly appointed to serve for the new term of office. The governing
86 authority of Macon-Bibb County shall select and appoint the successor member at large
87 from the nominee or nominees whose names are submitted by a majority of the remaining
88 members of the board. In the event of the failure of the board to submit the names of such
89 nominee or nominees within 60 days after the vacancy occurs or the time for submitting
90 nominees for a new member at large begins to run, then the vacancy shall instead be filled
91 by the governing authority of Macon-Bibb County with any person otherwise qualified to
92 serve on the board.

93

SECTION 6.

94 Initial appointees hereunder shall take office upon appointment and shall serve until
95 March 31, 2025, and until a successor is appointed and qualified. The successors of the
96 initial appointees shall serve for terms beginning on April 1 in odd-numbered years and
97 ending on March 31 in the odd numbered year next following and shall continue in office
98 for such terms and until their successors are selected, appointed, and qualified. Each
99 member shall be eligible to succeed himself or herself, and shall have the right to resign
100 at any time by giving notice to the body which selected or nominated him or her and to the
101 governing authority of Macon-Bibb County. Each member shall be subject to removal
102 from the board at any time in the same manner and by the same authority provided for
103 removal of registrars under the provisions of Code Section 21-2-212 of the Official Code
104 of Georgia Annotated, or as hereafter amended. Upon removal of a member as provided
105 by law, a vacancy shall be deemed to exist and shall be filled for the unexpired term as
106 hereinabove provided.

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SECTION 7.

108 Before entering upon their duties, each member of the board shall take the following oath
109 before some officer authorized to administer oaths under the laws of this state in addition
110 to any other oaths required by law:

111 'I do solemnly swear that I will faithfully and impartially discharge, to the best of my
112 ability, the duties imposed upon me by law as a member of the Macon-Bibb County
113 Board of Elections.'

114

SECTION 8.

115 The board shall be responsible for the selection, appointment, training, and removal of poll
116 workers, and such workers shall be appointed insofar as practicable from the lists provided
117 to the board by the county executive committee of each political party.

118 SECTION 9.

119 The board of elections shall have the following powers and duties:

120 (1) The board shall have the powers and duties of the election superintendent relating to
121 the conduct of primaries and elections and shall have the powers and duties of the board
122 of registrars relating to the registration of voters and absentee balloting procedures.

123 (2) The board shall be authorized and empowered to organize itself, elect its officers,
124 determine its procedural rules and regulations, adopt by-laws, specify the functions and
125 duties of the elections supervisor, and otherwise take such action as is appropriate to the
126 management of the affairs committed to its supervision; provided, however, that no such
127 action shall conflict with state law.

128 SECTION 10.

129 Notwithstanding any other provision in this Act, the Macon-Bibb County Board of
130 Elections shall not have any of the following powers or duties:

131 (1) It shall not have the power to hold any money or real or personal property in its own
132 name, but rather all money and property to be held or used by the board shall be held and
133 titled in the name of Macon-Bibb County.

134 (2) It shall not have the power to hire or employ any person or entity, or to contract with
135 any person or entity for the performance of any service or the purchase or sale of any
136 goods, but rather all persons employed for the benefit of the board or for the purpose of
137 exercising the powers or performing the duties thereof shall be employees of Macon-Bibb
138 County, and all contracts for the performance of any service or the purchase or sale of
139 any goods for the use or benefit of the board shall be in the name of Macon-Bibb County
140 instead and shall be subject to all contracting requirements imposed upon Macon-Bibb
141 County by state or local law.

142 (3) It shall not have any powers not expressly granted to the board by this Act or
143 otherwise provided in state law.

144 SECTION 11.

145 To accomplish the foregoing, the board shall formulate, adopt, and promulgate rules and
146 regulations consistent with law and the rules and regulations of the State Election Board
147 governing the conduct of primaries, special primaries, elections, special elections, and
148 runoffs thereof. Action and decision by the board shall be by a majority of the members
149 of the board. Nothing in this Act shall be construed to require joint primaries or to require
150 the governing authority of Macon-Bibb County or any other public agency to bear any
151 expense conducting primaries not otherwise required or permitted by law.

152 SECTION 12.

153 The governing authority of Macon-Bibb County shall select and appoint a person whose title
154 shall be 'elections supervisor' who shall be the chief administrative officer of the board, have
155 such duties and functions as may be prescribed by the board, and who shall serve at the
156 pleasure of the county manager of Macon-Bibb County. Whenever a vacancy of the
157 elections supervisor position occurs, the board of elections may, within 30 days of the
158 occurrence of such vacancy, recommend a person to fill such vacancy to the governing
159 authority of Macon-Bibb County. The governing authority shall consider any such
160 recommendation timely submitted to the governing authority by the board of elections as
161 provided for in this Act. Upon such consideration, or at any time thereafter, the governing
162 authority may appoint the person so recommended by the board of elections, if any, or may
163 instead appoint any other person it deems qualified to fill the role of elections supervisor in
164 its sole discretion.

165 SECTION 13.

166 Compensation for members of the board of elections, the elections supervisor, clerical
167 assistants, and other employees working for the benefit of the board shall be such as may
168 be fixed from time to time by the governing authority of Macon-Bibb County.

169 SECTION 14.

170 The governing authority of Macon-Bibb County shall provide the board with such proper
171 and suitable offices and with such clerical assistants and other employees as the governing
172 authority shall deem appropriate. The elections supervisor and other employees
173 functioning under their supervision shall be deemed to be employees of Macon-Bibb
174 County.

175 SECTION 15.

176 Annually, or at other convenient intervals as may be determined by the board, the board
177 shall determine the actual cost of its operations, including the payment of employees
178 working for the benefit of the board, the purchase of supplies, the holding of primaries and
179 elections, the reasonable value of goods, services, or office space furnished in kind, and
180 shall certify the total cost as so determined to the governing authority of Macon-Bibb
181 County. Such certification shall include such reasonable itemizations as will enable the
182 governing authority to review and examine the certification of costs. Upon receipt of such
183 certification so made by the board of elections, the governing authority of Macon-Bibb
184 County shall appropriate such sums at such time and in such amounts as it deems necessary
185 for the operation of the board.

186 SECTION 16.

187 With the consent of the governing authority of Macon-Bibb County, the board of elections
188 shall be authorized to expend public funds for the purpose of distributing sample ballots,
189 voter information booklets, and other material designed to inform and adequately instruct
190 the electors of the county with regard to elections. No material distributed by the board
191 shall contain or express, in any manner or form, any commentary or expression of opinion
192 or request for support with respect to any political issue or matter of political concern.

193

SECTION 17.

194 The words 'election,' 'elector,' 'political party,' 'primary,' 'public office,' 'special election,'
195 and 'special primary' shall have the same meanings ascribed to those words by Code
196 Section 21-2-2 of the Official Code of Georgia Annotated, unless otherwise clearly
197 apparent from the text of this Act."

198

SECTION 2.

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