

Senate Bill 227

By: Senators Kennedy of the 18th and Williams of the 25th

**AS PASSED SENATE**

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:

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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.

107

## 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.