

Senate Bill 382

By: Senator Gooch of the 51st

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Gilmer County; to provide for its powers  
2 and duties; to provide for definitions; to provide for the composition of the board and the  
3 selection, qualifications, terms, and removal of members; to provide for vacancies; to provide  
4 for oaths and privileges; to provide for the conduct of primaries and elections; to provide for  
5 meetings; to provide duties of the chairperson; to allow for joint primaries; to authorize the  
6 conduct of municipal elections; to provide for the election supervisor; to provide  
7 compensation for board members and staff; to provide for offices, supplies, and other  
8 materials; to provide for required training; to provide for the transfer of powers, duties,  
9 facilities, and personal property; to provide for related matters; to provide for an effective  
10 date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
14 Board of Elections and Registration of Gilmer County. The Board of Elections and  
15 Registration of Gilmer County shall have the powers, duties, and responsibilities of the  
16 superintendent of elections of Gilmer County under Chapter 2 of Title 21 of the O.C.G.A.,

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17 the "Georgia Election Code," as the same now exists or may hereafter be amended, which  
18 powers, duties, and responsibilities are currently being exercised by the judge of the Probate  
19 Court of Gilmer County, and the powers, duties, and responsibilities of the Board of  
20 Registrars of Gilmer County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
21 Election Code," as the same now exists or may hereafter be amended.

22

### **SECTION 2.**

23 As used in this Act, the term:

24 (1) "Board" means the Gilmer County Board of Elections and Registration.

25 (2) "Clerk of the superior court" means the clerk of the Superior Court of Gilmer County.

26 (3) "Commissioners" means the Board of Commissioners of Gilmer County.

27 (4) "County" means Gilmer County.

28 (5) "Election," "elector," "primary," and "public office" shall have the same meanings as  
29 ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly  
30 apparent from the text of this Act.

31

### **SECTION 3.**

32 (a) The board shall be composed of five members, each of whom shall be an elector and  
33 resident of the county, who shall be appointed by the commissioners.

34 (b) At all times, the board must have at least:

35 (1) One representative of the political party whose candidate at the last preceding regular  
36 general election held for the election of Governor received the largest number of votes in  
37 this state for Governor; and

38 (2) One representative of the political party whose candidate at the last preceding regular  
39 general election held for the election of Governor received the second largest number of  
40 votes in this state for Governor.

41 (c) The initial members of the board shall be appointed for terms of office beginning  
42 January 1, 2025. The commissioners shall designate two of the initial members to serve for  
43 terms of two years and three of the initial members to serve for terms of four years.  
44 Thereafter, all members shall be appointed for terms of four years.

45 (d) Every two years, the board shall appoint one of its members to serve as chairperson for  
46 a two-year term. A person may succeed himself or herself as chairperson. The chairperson  
47 shall preside over all meetings of the board and shall be entitled to vote on all matters coming  
48 before the board.

49

#### **SECTION 4.**

50 (a) No person who holds elective public office or a member of his or her immediate family  
51 shall be eligible to serve as a member of the board during the term of such elective service.  
52 The position of any member of the board shall be deemed vacant upon such member, or upon  
53 a member of such member's immediate family, qualifying as a candidate for elective public  
54 office. Further, there shall be no members of the same immediate family serving on the  
55 board or on the staff of the board at the same time.

56 (b) For the purpose of this section, the term "immediate family" shall be defined as a spouse,  
57 mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother,  
58 sister, stepbrother, stepsister, half-brother, or half-sister.

59 (c) Board members must have been registered to vote in Gilmer County prior to the date of  
60 appointment.

61

#### **SECTION 5.**

62 Each member of the board shall:

- 63 (1) Be eligible to be reappointed to succeed himself or herself;
- 64 (2) Have the right to resign at any time by giving written notice of such resignation to the  
65 commissioners and to the clerk of the superior court;

66 (3) Serve until his or her successor is appointed and qualified;

67 (4) Be subject to removal for good cause by the commissioners at any time after prior  
68 notice and a hearing; and

69 (5) Before entering upon his or her duties, take substantially the same oath as required by  
70 law for registrars and shall have the same privileges from arrest.

71 **SECTION 6.**

72 (a) The commissioners shall certify the appointment of each member of the board by filing  
73 an affidavit with the clerk of the superior court no later than 30 days preceding the date upon  
74 which such member is to take office, and such affidavit shall state the name and residential  
75 address of the person appointed and certify that such member has been duly appointed as  
76 provided in this Act.

77 (b) The clerk of the superior court shall record each such affidavit on the minutes of the  
78 superior court, shall certify the name of each such appointed member to the Secretary of  
79 State, and shall provide for the issuance of appropriate commissions to each such member  
80 within the same time and in the same manner as provided by law for registrars.

81 **SECTION 7.**

82 In the event a vacancy occurs in the office of any board member before the expiration of his  
83 or her term, by removal, death, resignation, or otherwise, the commissioners shall appoint  
84 a successor to serve the remainder of the unexpired term, in the manner provided for in  
85 Section 3 of this Act. The clerk of the superior court shall be notified of such interim  
86 appointments and shall record and certify such appointments in the same manner as the  
87 regular appointment of members.

88

**SECTION 8.**

89 The board shall be empowered with all the powers and duties relating to the conduct of  
90 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of  
91 Title 21 of the O.C.G.A., the "Georgia Election Code." The board shall be empowered with  
92 all the powers and duties relating to the registration of voters and absentee balloting  
93 procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the  
94 O.C.G.A., the "Georgia Election Code." This Act is intended to implement the provisions  
95 of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally  
96 so as to effectuate that purpose. The board shall be authorized and empowered to organize  
97 itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and  
98 duties of its members, and otherwise take such action as is appropriate to the management  
99 of its affairs; provided, however, that no such action shall conflict with state law. Any action  
100 and decision taken by the board shall be by a majority vote of the members of the board.

101

**SECTION 9.**

102 The board shall fix and establish directives, by appropriate resolution entered on its minutes,  
103 governing the execution of matters within its jurisdiction. The board shall hold a minimum  
104 of quarterly meetings at times, dates, and places as determined by the board. Any special  
105 meetings shall be called by the chairperson or any three members of the board. All meetings  
106 of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating  
107 to open meetings. The board shall maintain a written record of policy decisions that shall be  
108 amended to include additions or deletions. Such written records shall be subject to Article 4  
109 of Chapter 18 of Title 50 of the O.C.G.A., relating to inspection of public records.

110 **SECTION 10.**

111 The chairperson of the board shall preside at all meetings of the board, serve as spokesperson  
112 for the board, and generally supervise, direct, and control the administration of the affairs of  
113 the board pursuant to law and duly adopted resolutions of the board.

114 **SECTION 11.**

115 The board shall have the authority to conduct municipal elections and primaries for any  
116 municipality located within the county if such municipality has entered into a contract for  
117 that purpose with the commissioners and in conformance with Code Section 21-2-45 of the  
118 O.C.G.A.

119 **SECTION 12.**

120 Nothing in this Act shall be construed to require or prohibit joint primaries or to require or  
121 prohibit the commissioners or any other public agency to bear any expense of conducting  
122 primaries not otherwise required by law.

123 **SECTION 13.**

124 (a) The county shall hire a full-time election supervisor to administer and supervise the  
125 conduct of the elections and primaries and the registration of electors of the county. The  
126 election supervisor shall not be eligible to serve as a member of the board. The election  
127 supervisor shall be considered a county employee for purposes of pay, benefits, sick leave,  
128 vacation, termination of employment, and other purposes. The election supervisor shall be  
129 subject to direction, evaluation, and corrective action by the county.

130 (b) The election supervisor may recommend to the county for employment such full-time  
131 and part-time employees as may be deemed necessary by the election supervisor and as are  
132 approved in an annual budget adopted by the commissioners. All such employees shall be  
133 considered county employees for purposes of pay, benefits, sick leave, vacation, termination

134 of employment, and other purposes in accordance with policies adopted by the  
135 commissioners.

136 **SECTION 14.**

137 Compensation for the members of the board, the election supervisor, clerical assistants, and  
138 other employees shall be fixed by the commissioners. All amounts payable under this  
139 section shall be paid from county funds.

140 **SECTION 15.**

141 The commissioners shall provide the board with such proper and suitable offices, equipment,  
142 materials, and supplies as the commissioners deem appropriate.

143 **SECTION 16.**

144 The local election officials of Gilmer County shall attend training as required by Code  
145 Section 21-2-100 of the O.C.G.A., and the commissioners shall pay the cost of such training.

146 **SECTION 17.**

147 The board shall be responsible for the selection, appointment, and training of poll workers.

148 **SECTION 18.**

149 Upon the effective date of this Act, the Probate Court of Gilmer County and the Board of  
150 Registrars of Gilmer County shall be relieved of all powers and duties transferred to the  
151 board by this Act and shall deliver to the board all facilities and personal property, including  
152 but not limited to equipment, supplies, materials, books, papers, and records, pertaining to  
153 such powers and duties.

154

**SECTION 19.**

155 This Act shall become effective on January 1, 2025.

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**SECTION 20.**

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