

Senate Bill 510

By: Senator Tillery of the 19th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To create a board of elections and registration for Wheeler 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 and appointment of members; to provide for the qualifications, terms, and removal
4 of members; to provide for vacancies; to provide for rights, oaths, and privileges; to provide
5 for the conduct of primaries and elections; to provide for meetings; to authorize the conduct
6 of municipal elections; to allow for joint primaries; to provide for the hiring and management
7 of an election supervisor and staff; to provide for compensation of board members, the
8 election supervisor, the chief registrar, the election superintendent, and staff; to provide for
9 training of local election officials and poll workers; to provide for offices, supplies, and other
10 materials; to provide for the transfer of powers, duties, facilities, and personal property; to
11 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
12 for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
16 Board of Elections and Registration of Wheeler County. The Board of Elections and
17 Registration of Wheeler County shall have the powers, duties, and responsibilities of the
18 superintendent of elections of Wheeler County under Chapter 2 of Title 21 of the O.C.G.A.,
19 the "Georgia Election Code," as the same now exists or may hereafter be amended, which
20 powers, duties, and responsibilities are currently being exercised by the judge of the Probate
21 Court of Wheeler County, and the powers, duties, and responsibilities of the Board of
22 Registrars of Wheeler County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
23 Election Code," as the same now exists or may hereafter be amended.

SECTION 2.

As used in this Act, the term:

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

(2) "Commissioners" means the Board of Commissioners of Wheeler County.

(3) "County" means Wheeler County.

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

SECTION 3.

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

(b) The initial members of the board shall be appointed for terms of office beginning January 1, 2021. The commissioners shall designate one of the initial members to serve for a term of two years and the second and third members to serve for a term of four years. Thereafter, all members shall be appointed for terms of four years.

(c) Every two years, the board shall appoint or reappoint one of its members to serve as chairperson for a two-year term. The chairperson shall preside over all meetings of the board and shall be entitled to vote on all matters coming before the board.

SECTION 4.

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

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

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

SECTION 5.

Each member of the board shall:

(1) Be eligible to be reappointed to succeed himself or herself;

(2) Have the right to resign at any time by giving written notice of such resignation to the commissioners and to the clerk of the superior court;

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

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

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

SECTION 6.

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

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

SECTION 7.

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

SECTION 8.

The board shall be empowered with all the powers and duties relating to the conduct of primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." The board shall be empowered with all the powers and duties relating to the registration of voters and absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." This Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose. The board shall be authorized and empowered to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and

duties of its members, and otherwise take such action as is appropriate to the management of its affairs; provided, however, that no such action shall conflict with state law. Any action and decision taken by the board shall be by a majority vote of the members of the board.

SECTION 9.

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

SECTION 10.

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

SECTION 11.

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

SECTION 12.

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

SECTION 13.

(a) The county shall hire a full-time election supervisor to administer and supervise the conduct of the elections and primaries and the registration of electors of the county. The election supervisor shall not be eligible to serve as a member of the board. The election supervisor shall be considered a county employee for purposes of pay, benefits, sick leave,

vacation, termination of employment, and other purposes. The election supervisor shall be subject to direction, evaluation, and corrective action by the county.

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

(c) The same individual may serve as the chief registrar, the election superintendent, and the election supervisor at the discretion of the county.

SECTION 14.

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

SECTION 15.

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

SECTION 16.

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

SECTION 17.

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

SECTION 18.

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

SECTION 19.

This Act shall become effective on January 1, 2021.

151

SECTION 20.

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