

House Bill 682

By: Representative Jasperse of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To reconstitute and reestablish the board of elections and registration for Pickens County,  
2 Georgia; to provide for its powers and duties; to provide for the composition of the board and  
3 the selection, qualification, and terms of its members; to provide for resignation, succession,  
4 and removal of members and for filling vacancies; to provide for oaths and privileges; to  
5 relieve certain boards and officers of certain powers and duties and provide for the transfer  
6 of certain items to the newly created board; to abolish a certain board and officers; to provide  
7 for meetings and procedures; to provide for the elections supervisor and the powers and  
8 duties of such elections supervisor; to provide for board employees and their compensation;  
9 to provide for expenditures of public funds for certain purposes; to provide for compensation  
10 of the members of the board and elections supervisor; to provide for offices and equipment;  
11 to provide for the board's performance of certain functions and duties for certain  
12 municipalities; to provide for the meaning of certain terms; to provide for effective dates; to  
13 repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., as of July 1, 2021, there  
17 is created the Pickens County Board of Elections and Registration. The board shall have the  
18 powers and duties of the election superintendent relating to the conduct of primaries and  
19 elections and shall have the powers and duties of the board of registrars relating to the  
20 registration of voters and absentee balloting procedures.

21 **SECTION 2.**

22 The board shall be composed of five members, each of whom shall be an elector and resident  
23 of Pickens County, who shall be appointed in the following manner:

24 (1) Two members shall be appointed by the governing authority of Pickens County from  
25 a list of four nominations made by the county executive committee of the political party  
26 whose candidates at the last preceding regular general election held for the election of all  
27 members of the General Assembly received the largest number of votes in this state for  
28 members of the General Assembly;

29 (2) Two members shall be appointed by the governing authority of Pickens County from  
30 a list of four nominations made by the county executive committee of the political party  
31 whose candidates at the election described in paragraph (1) of this section received the  
32 second largest number of such votes; and

33 (3) One nonpartisan member shall be appointed by the governing authority of Pickens  
34 County, and such member shall serve as the chairperson of the board.

35 **SECTION 3.**

36 (a)(1) Except as provided for in paragraph (2) of this subsection, each member of the  
37 board shall serve for a term of four years and until a successor is appointed and qualified,  
38 except in the event of resignation or removal as provided in subsection (c) of this section.

39 (2)(A) The initial members of the board appointed pursuant to paragraphs (1) and (2)  
40 of Section 2 of this Act shall be appointed for terms of office beginning July 1, 2021.

41 (B) The governing authority of Pickens County shall designate one of the initial  
42 members appointed pursuant to paragraph (1) of Section 2 of this Act and one member  
43 appointed pursuant to paragraph (2) of Section 2 of this Act to serve for a term ending  
44 on January 1, 2022, and until a successor is appointed and qualified.

45 (C) The governing authority of Pickens County shall designate one of the initial  
46 members appointed pursuant to paragraph (1) of Section 2 of this Act and one member  
47 appointed pursuant to paragraph (2) of Section 2 of this Act to serve for a term ending  
48 on January 1, 2024, and until a successor is appointed and qualified.

49 (D) The initial chairperson appointed pursuant to Section 2 of this Act shall serve a  
50 term beginning on July 1, 2021, and ending on January 1, 2024, and until a successor  
51 is appointed and qualified.

52 (b) Each member shall be eligible to succeed himself or herself and shall have the right to  
53 resign at any time by giving written notice of resignation to the appointing authority.

54 (c) Each member shall be subject to removal from the board at any time, for cause after  
55 notice and hearing, in the same manner and by the same authority as provided for removal  
56 of registrars. The members of the Board of Registration and Elections of Pickens County  
57 holding office on the effective date of this Act shall continue to hold office until their  
58 successors are appointed in accordance with the provisions of this Act.

59 **SECTION 4.**

60 The governing authority of Pickens County shall file with the clerk of the Superior Court of  
61 Pickens County an affidavit which states the name and residential address of the person  
62 appointed and certifies that such member has been duly appointed or elected as provided in  
63 this Act. The affidavit for the member who has been appointed as chairperson of the board  
64 shall also specify that member's position as chairperson. The clerk of the superior court shall

65 record each such certification on the minutes of the court and shall certify the name of each  
66 such member to the Secretary of State and provide for the issuance of appropriate  
67 commissions to the members and chairperson within the same time and in the same manner  
68 as provided by law for registrars.

69 **SECTION 5.**

70 In the event that a vacancy occurs in the office of any member of the board by removal,  
71 death, resignation, or otherwise, except by expiration of term, the respective appointing  
72 authority shall appoint a successor for the remainder of the unexpired term. The clerk of the  
73 superior court shall be notified of interim appointments and record and certify such  
74 appointments or elections in the same manner as the regular appointment or election of  
75 members.

76 **SECTION 6.**

77 Before entering upon his or her duties, each member of the board shall take substantially the  
78 same oath as required by law for registrars. Each member of the board shall have the same  
79 privileges from arrest as registrars.

80 **SECTION 7.**

81 (a) The board provided for in this Act shall be the successor to the Pickens County Board  
82 of Elections and Registration provided for in an Act to create a board of elections and  
83 registration for Pickens County and provide for its powers and duties approved  
84 April 13, 2001 (Ga. L. 2001, p. 3598), as amended.

85 (a) On July 1, 2021, the previous election superintendent of Pickens County and the board  
86 of registrars of Pickens County shall be relieved of all powers and duties to which the  
87 board succeeds by the provisions of this Act; and they shall deliver thereafter to the  
88 chairperson of the board, upon his or her written request, the custody of all equipment,

89 supplies, materials, books, papers, records, and facilities of every kind pertaining to such  
90 powers and duties.

91 **SECTION 8.**

92 (a) The board shall be authorized to organize itself, elect its officers, determine its  
93 procedural rules and regulations, adopt bylaws, specify the functions and duties of its  
94 employees, and otherwise take such action as is appropriate for the management of the  
95 affairs committed to its supervision; provided, however, that no such action shall conflict  
96 with state law.

97 (b) Action and decision by the board shall be by a majority of the members of the board.

98 **SECTION 9.**

99 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,  
100 directives governing the execution of matters within its jurisdiction. The board shall hold  
101 regular monthly meetings at a time and place to be fixed by resolution of the board. All  
102 meetings shall comply with the Open Meetings Laws and Open Records Laws of the State  
103 of Georgia.

104 (b) The board shall maintain a written record of policy decisions that shall be amended to  
105 include additions or deletions. Such written record shall be made available for the public  
106 to review.

107 **SECTION 10.**

108 (a) The board shall be responsible for the selection and appointment of an administrative  
109 director, to be known as the elections supervisor, to administer and supervise conduct of  
110 elections, primaries, and registration of electors for the county. The elections supervisor  
111 shall serve at the pleasure of the board. The board shall act within 60 days of its members

112 taking office under this Act to retain or appoint an elections supervisor who shall be hired  
113 by the board from a job description drawn by said board.

114 (b) In the event that the board fails to appoint or retain an elections supervisor to fill a  
115 vacancy within the time specified in subsection (a) of this section, an acting elections  
116 supervisor who shall temporarily fill such vacancy shall be appointed by the governing  
117 authority to serve until the board fills the vacancy.

118 **SECTION 11.**

119 The board shall be authorized to employ such full-time and part-time employees, including  
120 a full-time chief clerk, as the board shall deem necessary. The governing authority of  
121 Pickens County shall have the right to approve the hiring of any such employee.

122 **SECTION 12.**

123 With the consent of the governing authority of Pickens County, the board of elections and  
124 registration shall be authorized to expend public funds for the purpose of distributing sample  
125 ballots, voter information booklets, and other material designed to inform and adequately  
126 instruct the electors of the county with regard to elections. No material distributed by the  
127 board shall contain or express, in any manner or form, any commentary or expression of  
128 opinion or request for support with respect to any political issue or matter of political  
129 concern.

130 **SECTION 13.**

131 Compensation for the members of the board, employees of the board, and the elections  
132 supervisor shall be fixed by the board with the approval of the governing authority of Pickens  
133 County. Such compensation shall be paid from county funds.

134 **SECTION 14.**

135 The governing authority of Pickens County shall provide the board and the elections  
136 supervisor with proper and suitable offices and equipment.

137 **SECTION 15.**

138 The board is authorized to perform for any municipality located wholly or partially within  
139 Pickens County any functions and duties which election superintendents and boards of  
140 registrars are authorized by general law to perform on behalf of municipalities under such  
141 conditions as provided by general law.

142 **SECTION 16.**

143 The words "election," "elector," "political party," "primary," "public office," "special  
144 election," and "special primary" shall have the same meanings ascribed to those words by  
145 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this  
146 Act.

147 **SECTION 17.**

148 This Act shall become effective upon its approval by the Governor or upon its becoming law  
149 without such approval, provided that an Act to amend an Act to create a board of elections  
150 and registration for Pickens County and provide for its powers and duties approved  
151 April 13, 2001 (Ga. L. 2001, p. 3598), as amended, is enacted in the 2021 session of the  
152 General Assembly providing for the abolition of such board of elections and registration on  
153 a date certain; if such abolition Act is not so approved, this Act shall not become effective  
154 and this Act shall be automatically repealed on July 1, 2021.

155 **SECTION 18.**

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