House Bill 801

By: Representative Erwin of the 28th

A BILL TO BE ENTITLED

AN ACT

To reconstitute and reestablish the board of registrations and elections for Stephens County, Georgia; to provide for the powers and duties of the board; to provide for the appointment, resignation, and removal of its members; to provide for meetings and special meetings of the board; to provide an administrative office for elections and registrations; to staff such office with an elections supervisor, clerical assistants, and other employees; to provide compensation for administrative personnel and members of the board; to provide definitions; to provide for related matters; to provide a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) Pursuant to Code Section 21-2-40 of the O.C.G.A., as of July 1, 2021, the Stephens County Board of Registrations and Elections shall be reconstituted and reestablished, and such board shall have the powers and duties of the election superintendent of Stephens County relating to the conduct of elections and the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures.

(b) The board provided for in subsection (a) of this section shall be the successor to the Stephens County Board of Registrations and Elections, provided for in an Act to provide for a Stephens County Board of Registrations and Elections, approved March 30, 1993 (Ga. L. 1993, p. 4205).

SECTION 2.

The terms "election," "elector," "primary," and "public office" shall have the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," unless otherwise clearly apparent from the text of this Act; the term "commissioners" means the Board of Commissioners of Stephens County; the term "county" means Stephens County; and the term "governing authority" means the Board of Commissioners of Stephens County.

SECTION 3.

(a) The board shall be composed of five members, each of whom shall be an elector and who shall be appointed by the governing authority of the county.

(b) Three members shall be at large members selected and appointed by the governing authority of the county.

(c) Two members shall be appointed by the governing authority of the county from nominations made as follows:

(1) One member shall be nominated by the county executive committee of the political party whose candidate for governor at the last election preceding such nomination received the largest number of votes in the count; and

(2) One member shall be nominated by the county executive committee of the political party whose candidate for governor at such election received the next largest number of votes in the county.

Each nomination shall have been ratified by a majority of the members of each of such respective executive committees voting at a regularly scheduled meeting of such executive

committees or a meeting duly called and held for such purpose. In the event such nominations are not ratified by a majority of the members of such executive committee at least six days preceding the date on which nominations are due to the governing authority, then the members of the respective executive committees may nominate such members by a two-thirds majority of the membership of such executive committees at a regularly scheduled meeting or at a meeting duly called and held for such purpose. In the event the members of said executive committees fail to nominate such members at least 30 days preceding the date on which such members are to take office, such members shall be appointed by the county governing authority. The nominee of each such county executive committee shall be submitted to the county governing authority for appointment. If the county governing authority rejects a nominee, the county executive committee shall submit another nominee. The governing authority shall have the right to reject any such nominee, and in the case of any such rejection, the county executive committee shall submit another nominee.

(d) The initial members of the board shall be appointed for terms of office beginning July 1, 2021. One of the three members appointed pursuant to subsection (b) of this section shall serve for an initial term of four years, one shall serve for an initial term of three years, and one shall serve for an initial term of two years and until their successors are appointed and qualified. The two members appointed pursuant to subsection (c) of this section shall serve for an initial term of two years. Thereafter, all members of the board shall be appointed for terms of four years and until their successors are appointed and qualified.

(e) Every year the board shall appoint or reappoint one of its members to serve as chairperson for a one-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 any 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 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, immediate family members shall be defined as a spouse, mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother, sister, stepbrother, stepsister, half-brother, half-sister, mother-in-law, father-in-law, brother-in-law, and sister-in-law.

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

SECTION 5.

Each member of the board shall:

(1) Be eligible to be reappointed to succeed such member;

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

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

(4) Be subject to removal for good cause by the governing authority at any time after prior notice and a hearing in the same manner and by the same authority as is provided for the removal of registrars.

SECTION 6.

(a) The governing authority 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 members are 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 and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members 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 governing authority shall appoint a successor to serve the remainder of the unexpired term as 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.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Decisions by the board shall be by a majority of the members of the board.

(b) 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 but shall be authorized to meet more frequently if necessary. Any specially called meeting shall be called by the chairperson or any two members of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review. All meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated.

SECTION 10.

The board shall have the authority to contract with any municipality located within the county for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

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

(b) The elections supervisor may recommend to the county administrator for employment of such full-time and part-time employees as may be deemed necessary by the elections supervisor and as are approved in an annual budget adopted by the governing authority. 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 governing authority.

SECTION 12.

Compensation for the members of the board, elections supervisor, clerical assistants, and other employees shall be fixed by the governing authority of the county. Such compensation shall be paid wholly from county funds.

SECTION 13.

The governing authority of the county shall provide the board with such proper and suitable offices, equipment, materials, and supplies as the governing authority deems appropriate.

SECTION 14.

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

SECTION 15.

The elections supervisor shall be responsible for the selection, appointment, and training of poll workers as approved by the board and consistent with the budget provided for poll workers by the governing authority.

SECTION 16.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, provided that an Act amending an Act to provide for a Stephens County Board of Registrations and Elections, approved March 30, 1993 (Ga. L. 1993, p. 4205), as amended, is enacted in the 2021 session of the General Assembly

providing for the abolition of such board of elections and registration on a date certain; if such abolition Act is not so approved, this Act shall not become effective and this Act shall be automatically repealed on July 1, 2021.

SECTION 17.

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