

House Bill 1063 (COMMITTEE SUBSTITUTE)

By: Representative Lumsden of the 12th

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Chattooga County; to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection, qualifications, terms, and removal of members; to provide for vacancies; to
4 provide for oaths and privileges; to provide for the conduct of primaries and elections; to
5 provide for meetings; to provide duties of the chairperson; to allow for joint primaries; to
6 authorize the conduct of municipal elections; to provide for the election supervisor; to
7 provide 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 Chattooga County. The Board of Elections and
15 Registration of Chattooga County shall have the powers, duties, and responsibilities of the
16 superintendent of elections of Chattooga County under Chapter 2 of Title 21 of the O.C.G.A.,

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

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

(3) "County" means Chattooga 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.

(5) "Governing authority" means the sole county commissioner of Chattooga County.

SECTION 3.

(a) The board shall be composed of five members, each of whom shall be an elector and resident of Chattooga County, who shall be appointed in the following manner:

(1) Two members shall be appointed by the governing authority of Chattooga County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly;

(2) Two members shall be appointed by the governing authority of Chattooga County from nominations made by the chairperson of the county executive committee of the

political party whose candidates at the election described in paragraph (1) of this subsection received the second largest number of such votes; and

(3) One member shall be appointed by the governing authority of Chattooga County regardless of political affiliation, who shall serve as the chairperson of the board.

(b) For the board members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this section, the relevant county executive committee shall provide the governing authority with a list of at least three nominees.

SECTION 4.

(a) No person who holds elective public office or a 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, 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 Chattooga County for at least 12 months 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 governing authority and to the clerk of the superior court;

(3) Serve four-year terms of office and until his or her successor is appointed and qualified; provided, however, that the governing authority shall appoint one of the initial board members provided for by paragraph (1) of subsection (a) of Section 3 of this Act and one of the initial board members provided for by paragraph (2) of subsection (a) of Section 3 of this Act to initial terms of office of two years;

(4) Be subject to removal for good cause by the governing authority 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 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 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 governing authority 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

90 appointments and shall record and certify such appointments in the same manner as the
91 regular appointment of members.

92 **SECTION 8.**

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

105 **SECTION 9.**

106 The board shall fix and establish directives, by appropriate resolution entered on its minutes,
107 governing the execution of matters within its jurisdiction. The board shall hold a minimum
108 of quarterly meetings at times, dates, and places as determined by the board. Any special
109 meetings shall be called by the chairperson or any three members of the board. All meetings
110 of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating
111 to open meetings. The board shall maintain a written record of policy decisions that shall be
112 amended to include additions or deletions. Such written records shall be subject to Article 4
113 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 governing authority 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 governing authority or any other public agency to bear any expense of conducting primaries not otherwise required by law.

SECTION 13.

- (a) The county governing authority 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 governing authority. All such employees shall be considered county employees for purposes of pay, benefits, sick leave, vacation,

138 termination of employment, and other purposes in accordance with policies adopted by the
139 governing authority.

140 **SECTION 14.**

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

144 **SECTION 15.**

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

147 **SECTION 16.**

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

151 **SECTION 17.**

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

153 **SECTION 18.**

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

159 **SECTION 19.**

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

161 **SECTION 20.**

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