

House Bill 852

By: Representatives Gaines of the 120th, Wiedower of the 121st, and Rhodes of the 124th

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute and reestablish the Athens-Clarke County Board of Elections and
2 Registration; to provide for the powers and duties of the board; to provide for the
3 appointment, removal, terms of office, and compensation of its members; to provide for
4 filling of vacancies; to provide for meetings of the board; to provide for a supervisor of
5 elections and registration; to provide for an administrative office for elections and
6 registration; to provide for clerical assistants and other employees for such office; to provide
7 for compensation for administrative personnel and members of the board; to authorize joint
8 primaries; to authorize contracting with municipal corporations; to authorize expending
9 public funds to distribute election information; to provide for definitions; to provide for
10 related matters; to provide for a contingent effective date and automatic repeal; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 (a) Pursuant to Code Section 21-2-40 of the O.C.G.A., as of July 1, 2025, the Athens-Clarke
15 County Board of Elections and Registration shall be reconstituted and reestablished, and such
16 board shall have the powers and duties of the election superintendent of Athens-Clarke

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 Athens-Clarke County Board of Elections and Registration, provided for in an Act to create the Athens-Clarke County Board of Elections and Registration, approved April 5, 1993, (Ga. L. 1993, p. 4631), as amended.

SECTION 2.

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

(1) One member shall be appointed by the governing authority of Athens-Clarke County from nominations made by the county executive committee of the political party whose candidates at the last preceding general election held for the election of all members of the General Assembly received the largest number of votes in Athens-Clarke County for members of the General Assembly;

(2) One member shall be appointed by the governing authority of Athens-Clarke County from nominations made by 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)(A) Three members shall be appointed by the governing authority of Athens-Clarke County from lists of nominees compiled by each judge of the judicial circuit which includes Athens-Clarke County. Each such judge shall nominate two individuals to said governing authority, and a majority of such governing authority shall appoint board members nominated by such judges. Such members shall be appointed without regard to political affiliation.

(B) In the event that such judges do not provide a list of nominees to the board within 45 days of either:

(i) The appointment of members by the governing authority of Athens-Clarke County pursuant to paragraphs (1) and (2) of subsection (a) of this section at the beginning of a board term; or

(ii) A vacancy occurring in the office of a member pursuant to this paragraph, the remaining members of the board shall compile a list of at least three nominees and submit such list to the governing authority of Athens-Clarke County to appoint a board member from such list of nominees.

(b) In the event that the governing authority of Athens-Clarke County does not appoint a member within 30 days of receiving nominations pursuant to paragraph (1), (2), or (3) of subsection (a) of this section, the chief judge of the judicial circuit which includes Athens-Clarke County shall appoint such member from said nominations.

(c) Unless removed from office as provided in this Act, the members of the board shall serve terms of office of two years and until their successors are appointed and qualified; provided, however, that the initial members of the board appointed pursuant to this Act shall serve terms of office of one year and until their successors are appointed and qualified.

SECTION 3.

(a) Any elector and resident of Clarke County shall be eligible for membership on the board except that no person who holds elective public office shall be eligible during the term of such elective office and the position of any member shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Each member of the board shall take substantially the same oath as required by law for registrars before entering upon such member's duties. Each member shall have the same privileges from arrest provided by law for registrars.

SECTION 4.

(a) In the event a vacancy occurs in the office of any appointed member of the board before the expiration of such member's term, whether by removal, death, resignation, or otherwise, the respective nominating authority shall, within 90 days following such vacancy, nominate potential successors for appointment by the governing authority of Athens-Clarke County to serve the remainder of the unexpired term. The clerk of the Superior Court of Athens-Clarke County shall be notified of any such interim appointments and shall record and certify such appointments in the same manner as the regular appointment of members.

(b) All members shall be subject to removal from the board at any time for cause after notice and hearing in the same manner and by the same authority as provided for removal of registrars.

(c) The clerk of the superior court shall record each of such certifications on the minutes of the court, shall certify the name of each member to the Secretary of State, and shall provide for the issuance of appropriate commissions to the members as provided by law for registrars.

SECTION 5.

(a) The board shall be empowered with all the powers and duties of election superintendents relating to the conduct of primaries and elections pursuant to the provisions of Title 21 of the O.C.G.A.

(b) The board shall be empowered with all the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures pursuant to the provisions of Title 21 of the O.C.G.A.

(c) 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.

SECTION 6.

Compensation for members of the board and its employees and clerical assistants shall be fixed by the governing authority of Athens-Clarke County and shall be paid from funds of Athens-Clarke County. The governing authority of Athens-Clarke County shall provide the board with such proper and suitable offices and with such clerical assistants and other employees as such governing authority shall deem appropriate.

SECTION 7.

The board shall be responsible for the registration of electors of Athens-Clarke County; the preparing, equipping, and furnishing of polling places; the counting of all ballots, both absentee and those regularly cast; and for the selection, appointment, and training of poll workers. Such poll workers may be appointed, insofar as practicable, from a list provided to the board by the county executive committee of each political party.

SECTION 8.

(a) The supervisor of elections and registration for Athens-Clarke County, hereinafter referred to as "the supervisor," shall be the chief executive officer and shall generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction.

(b) The supervisor shall not be a member of the board. The supervisor shall be appointed and removed by the manager of the Unified Government of Athens-Clarke County in the same manner as department heads. The supervisor shall provide daily employee supervision, serve as staff support for the board, attend all meetings of the board, carry out the duties of voter registration and elections as required by law, and be a full-time employee of the Unified Government of Athens-Clarke County.

SECTION 9.

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

(b) The board shall have the authority to contract with any municipal corporation located within the county for the holding by the board of any primary or election to be conducted within the municipal corporation.

SECTION 10.

With the consent of the governing authority, the board shall be authorized to expend public funds for the purpose of preparing and distributing material solely to inform and instruct electors of the county adequately with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion, or request for support, with respect to any political issue or matter of political concern.

SECTION 11.

(a) The board shall be authorized and empowered to organize itself; elect its officers, including its chairperson, from within its own members; determine its procedural rules and regulations; adopt bylaws; specify the functions and duties of its employees; and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law.

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

SECTION 12.

(a) 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 regular monthly meetings at the county courthouse or at the place of meeting of the county governing authority.

(b) All meetings of the board shall be conducted in the manner specified in Chapter 14 of Title 50 of the O.C.G.A., relating to open and public meetings.

SECTION 13.

The governing authority of the county shall expend public funds to provide the supervisor with such proper and suitable administrative offices and with such clerical assistants and other employees as the governing authority shall deem appropriate in accordance with the merit system. Compensation for such administrative personnel shall be paid by the governing authority wholly from county funds.

SECTION 14.

Compensation for board members shall be set by the county governing authority and shall be paid by the governing authority wholly from county funds.

SECTION 15.

As used in this Act, the terms "election," "elector," "political party," "primary," and "public office" shall have the same meaning as ascribed to those words by Title 21 of the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

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 create the Athens-Clarke

161 County Board of Elections and Registration, approved April 5, 1993 (Ga. L. 1993, p. 4631),
162 as amended, is enacted in the 2025 session of the General Assembly of Georgia providing
163 for the abolition of such board of elections and registration on a date certain; if such abolition
164 Act is not so approved, this Act shall not become effective and shall be automatically
165 repealed on July 1, 2025.

166 **SECTION 17.**

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