

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 852:

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

H. B. 852 (SUB)

17 County relating to the conduct of elections and the powers and duties of the board of
18 registrars relating to the registration of voters and absentee balloting procedures.

19 (b) The board provided for in subsection (a) of this section shall be the successor to the
20 Athens-Clarke County Board of Elections and Registration, provided for in an Act to create
21 the Athens-Clarke County Board of Elections and Registration, approved April 5, 1993,
22 (Ga. L. 1993, p. 4631), as amended.

23 **SECTION 2.**

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

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

31 (2) Two members shall be appointed by the governing authority of Athens-Clarke County
32 from nominations made by the county executive committee of the political party whose
33 candidates at the election described in paragraph (1) of this subsection received the second
34 largest number of such votes; and

35 (3) One member shall be appointed by the governing authority of Athens-Clarke County.
36 Such member shall be nonpartisan and without a political affiliation.

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

41 (c) Unless removed from office as provided in this Act, the members of the board shall serve
42 terms of office of two years and until their successors are appointed and qualified; provided,

43 however, that the initial members of the board appointed pursuant to this Act shall serve
44 terms of office of one year and until their successors are appointed and qualified.

45 **SECTION 3.**

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

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

53 **SECTION 4.**

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

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

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

68 **SECTION 5.**

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

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

75 (c) This Act is intended to implement the provisions of subsection (b) of Code
76 Section 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that
77 purpose.

78 **SECTION 6.**

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

84 **SECTION 7.**

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

90 **SECTION 8.**

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

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

103 **SECTION 9.**

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

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

110 **SECTION 10.**

111 With the consent of the governing authority, the board shall be authorized to expend public
112 funds for the purpose of preparing and distributing material solely to inform and instruct
113 electors of the county adequately with regard to elections. No material distributed by the
114 board shall contain or express, in any manner or form, any commentary or expression of

115 opinion, or request for support, with respect to any political issue or matter of political
116 concern.

117 **SECTION 11.**

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

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

125 **SECTION 12.**

126 (a) The board shall fix and establish by appropriate resolution entered on its minutes
127 directives governing the execution of matters within its jurisdiction. The board shall hold
128 regular monthly meetings at the county courthouse or at the place of meeting of the county
129 governing authority.

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

132 **SECTION 13.**

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

138 **SECTION 14.**

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

141 **SECTION 15.**

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

145 **SECTION 16.**

146 This Act shall become effective upon its approval by the Governor or upon its becoming law
147 without such approval, provided that an Act amending an Act to create the Athens-Clarke
148 County Board of Elections and Registration, approved April 5, 1993 (Ga. L. 1993, p. 4631),
149 as amended, is enacted in the 2025 session of the General Assembly of Georgia providing
150 for the abolition of such board of elections and registration on a date certain; if such abolition
151 Act is not so approved, this Act shall not become effective and shall be automatically
152 repealed on July 1, 2025.

153 **SECTION 17.**

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