

House Bill 682 (AS PASSED HOUSE AND SENATE)

By: Representative Jasperse of the 11th

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.