

House Bill 769 (AS PASSED HOUSE AND SENATE)

By: Representatives Mathiak of the 73<sup>rd</sup> and Knight of the 130<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a board of elections for Spalding County, approved March 19,  
2 1987 (Ga. L. 1987, p. 4432), as amended, particularly by an Act approved June 3, 2003  
3 (Ga. L. 2003, p. 4311), so as to revise the composition of the board; to provide for the  
4 termination of the term of the present fifth member; to provide for the appointment of a new  
5 fifth member; to provide for terms of office; to provide for the duties and requirements of the  
6 board; to provide for an elections supervisor and employees; to provide for qualifications and  
7 limitations on the election supervisor and employees; to provide for the county attorney to  
8 serve as legal adviser and represent the board; to provide for related matters; to provide for  
9 an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act to amend an Act to provide a board of elections for Spalding County, approved  
13 March 19, 1987 (Ga. L. 1987, p. 4432), as amended, particularly by an Act approved June 3,  
14 2003 (Ga. L. 2003, p. 4311), is amended by revising Section 2 as follows:

H. B. 769

## "SECTION 2.

(a) The board of elections and registration shall be composed of five members, each of whom shall be at least 21 years of age and an elector of Spalding County and each of whom shall be appointed as provided in this Act. Two members shall be appointed by the chairperson of the county executive committee of the political party whose candidates at the last preceding general election received the largest number of votes in this state for members of the General Assembly. Two members shall be appointed by the chairperson of the county executive committee of the political party whose candidates at such election received the next largest number of votes. Each of the appointments by the political parties shall be made and certified as follows: The member shall be nominated by the chairperson and ratified by the county executive committee of each of the above-designated political parties at least 40 days before the beginning of the term of office, or within 40 days after the creation of a vacancy in the office, and the certification of the appointment of each member shall be made by the executive committee filing an affidavit with the clerk of the superior court no later than 30 days preceding the date at which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this Act.

(b) The fifth member of the board shall be selected and appointed by the vote of a majority of the judges of the Superior Court of Spalding County. The selection and appointment of the fifth member of the board shall be made at least 30 days before the beginning of his or her term of office, or within 30 days after the creation of a vacancy in the office, and certification of the appointment of such member shall be made by the filing of an order by the chief judge of the superior court with the clerk of superior court no later than 20 days preceding the date on which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly selected and appointed as provided in this Act.

41 (c) If the appointment of any such member of the board of elections and registration  
42 appointed by the political parties is not made and certified as provided in this Act, such  
43 member shall be appointed forthwith by the governing authority of Spalding County and,  
44 within five days after such appointment, certification thereof shall be made by any member  
45 of the governing authority filing an affidavit with the clerk of superior court stating the  
46 name and residential address of the person appointed and certifying that such member has  
47 been duly selected and appointed as provided in this Act."

48 **SECTION 2.**

49 Said Act is further amended by revising Section 5 as follows:

50 "SECTION 5.

51 (a) The members of the board appointed by political parties in office on the effective date  
52 of this section shall serve out the terms to which they were elected. Successors shall be  
53 appointed for terms of four years and until their respective successors are duly appointed  
54 and qualified. Terms of office of board members appointed by the political parties shall  
55 begin on the first day of January following the expiration of their immediately preceding  
56 terms of office.

57 (b) The term of the member selected by the other members of the board shall terminate on  
58 the effective date of this section. The initial member appointed by the judges of the  
59 superior court shall then take office not later than July 1, 2021, and shall serve an initial  
60 term ending on January 1, 2025, and until a successor is appointed and qualified.  
61 Successors to such fifth member shall be appointed and take office on July 1 immediately  
62 following the expiration of their immediately preceding terms of office and shall serve  
63 four-year terms of office and until their successors are appointed and qualified; provided,  
64 however, that such fifth member shall be subject to removal at any time for cause by a  
65 majority of the superior court judges of Spalding County after notice and hearing.

66 (c) The board shall select one of its members to serve as chairperson of the board for a  
67 term of two years, beginning on the first day of January of each odd-numbered year and  
68 until a successor is duly selected and qualified. The chairperson shall be the chief  
69 executive officer of the board and the board may, at its pleasure, specify his or her powers  
70 and duties; and, if so specified, the effective date of any revocation or decrease of such  
71 powers and duties shall be after the expiration of the current term of office of such  
72 chairman. The board may appoint such other officers to serve at the pleasure of the board  
73 and may specify their duties, powers, and authority as the board, from time to time, may  
74 deem proper."

75 **SECTION 3.**

76 Said Act is further amended by revising Section 9 as follows:

77 "SECTION 9.

78 (a) The board of elections and registration shall:

79 (1) With regard to the preparation for, conduct, and administration of primaries and  
80 elections, succeed to and exercise all duties and powers granted to and incumbent upon  
81 the judge of the probate court pursuant to Chapter 2 of Title 21 of the O.C.G.A., the  
82 'Georgia Election Code';

83 (2) With regard to voter registration, succeed to and exercise all duties and powers  
84 granted to and incumbent upon the board of registrars pursuant to Chapter 2 of Title 21  
85 of the O.C.G.A., the 'Georgia Election Code';

86 (3) Formulate, adopt, and promulgate rules and regulations, consistent with law,  
87 governing the conduct of primaries and elections and voter registration; and

88 (4) Always strive to achieve openness, confidence, and integrity in their actions and to  
89 ensure the confidence of the public in the voter registration and elections process and the  
90 results of elections in Spalding County.

91 (b) The board shall comply fully with the provisions of Chapter 14 of Title 50 of the  
92 O.C.G.A., relating to open meetings, and Article 4 of Chapter 18 of the O.C.G.A., relating  
93 to open records. The board shall ensure that the public has adequate access to its meetings.  
94 The board shall provide notices of its meetings and meeting agendas on the county website  
95 and by posting in a prominent public place in its offices at least one week before a regular  
96 meeting and at least 24 hours in advance of a special or emergency meeting. Such notices  
97 shall include the date, time, and location of such meetings and show the date and time at  
98 which the notice was posted.

99 (c) The regular minutes of a meeting subject to this section shall be promptly recorded and  
100 such records shall be open to public inspection once approved as official by the board, but  
101 in no case later than immediately following its next regular meeting; provided, however,  
102 that nothing contained in this section shall prohibit the earlier release of minutes, whether  
103 approved by the board or not. Such minutes shall, at a minimum, include the names of the  
104 members present at the meeting, a description of each motion or other proposal made, the  
105 identity of the persons making and seconding the motion or other proposal, and a record  
106 of all votes. The name of each person voting for or against a proposal shall be recorded.  
107 It shall be presumed that the action taken was approved by each person in attendance unless  
108 the minutes reflect the name of the persons voting against the proposal or abstaining. Once  
109 approved, such minutes shall be signed and show the approval date.

110 (d) Neither the board nor its employees shall conduct voter registration or voter outreach  
111 drives. The board may conduct educational events on voter registration and to demonstrate  
112 how to vote on the election equipment being used by the county.

113 (e) The board shall be responsible for training or causing to be trained all employees of the  
114 board and all poll workers in election laws and procedures.

115 (f) The board shall annually develop and submit to the county governing authority a  
116 budget for its operations.

117 (g) For the security of its staff and to provide public confidence in the voter registration  
118 and elections process, the board shall ensure that security cameras are placed in its offices  
119 and that such cameras operate 24 hours a day. The video feeds from such cameras shall  
120 be recorded and such recordings shall be maintained for 12 months following the date of  
121 recording."

122 **SECTION 4.**

123 Said Act is further amended by revising Section 12 as follows:

124 "SECTION 12.

125 (a) There shall be an administrative director, to be known as the elections supervisor, to  
126 administer and supervise the conduct of elections, primaries, and registration of electors  
127 for the county who shall serve at the pleasure of the board. The board shall act to appoint  
128 such administrative director or elections supervisor within 60 days of the effective date of  
129 this section, or of the date of any vacancy in such position. Such elections supervisor shall  
130 be a legal resident of and registered to vote in Spalding County and shall remain a legal  
131 resident of and a registered elector of Spalding County while serving as elections  
132 supervisor.

133 (b) The elections supervisor shall be a full-time employee and shall not have any other  
134 employment while in such position. The elections supervisor shall be an employee of  
135 Spalding County and shall be entitled to all benefits available to other employees.

136 (c) Compensation for the elections supervisor shall be set by the board consistent with the  
137 budget of the board approved by the governing authority of Spalding County. Such  
138 compensation shall be paid wholly from county funds.

139 (d) The board shall be authorized to employ such full-time and part-time employees as the  
140 board shall deem necessary consistent with the budget of the board approved by the  
141 governing authority of Spalding County. All such employees shall be legal residents of and

142 registered to vote in Spalding County and shall remain legal residents of and registered  
143 electors of Spalding County while employed by the board.

144 (e) No person who holds an elective public office shall be eligible to serve as elections  
145 supervisor or as an employee of the board of elections during the term of his or her elective  
146 office, and the position of elections supervisor or any employee of the board shall be  
147 deemed vacant upon such person qualifying as a candidate in any primary or election for  
148 public office. No person shall be eligible to serve as elections supervisor or employee of  
149 the board of elections while holding any public office to which he or she was appointed or  
150 while he or she is a salaried employee of the governing authority of Spalding County or of  
151 any municipality within the county or of any board of education or commission, board, or  
152 authority appointed by the governing authority of the county or any municipality within the  
153 county."

154 **SECTION 5.**

155 Said Act is further amended by revising Section 14 as follows:

156 "SECTION 14.

157 (a) The governing authority of Spalding County shall provide the board with such proper  
158 and suitable offices, furniture, and equipment as the governing authority shall deem  
159 appropriate.

160 (b) The county attorney shall be the legal adviser to the board and represent the board in  
161 all matters. The board shall not have the authority to hire any other legal counsel. If the  
162 county attorney has a conflict of interest, the board of commissioners of the county shall  
163 provide an attorney to represent the board of elections and registration."

164 **SECTION 6.**

165 This Act shall become effective upon its approval by the Governor or upon its becoming law  
166 without such approval.

167 **SECTION 7.**

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