

House Bill 1475 (AS PASSED HOUSE AND SENATE)

By: Representative Leverett of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Elbert County; to provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members and an elections supervisor; to provide for the
4 qualifications, terms, and removal of members; to provide for vacancies; to provide for oaths
5 and privileges; to provide for the conduct of primaries and elections; to provide for meetings;
6 to authorize the conduct of municipal elections; to allow for joint primaries; to authorize
7 expenditure of public funds; to provide compensation for board members and staff; to
8 provide for offices, supplies, and other materials; to provide for the transfer of powers,
9 duties, facilities, and personal property; to provide for related matters; to provide 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 Official Code of Georgia
14 Annotated, there is created the Board of Elections and Registration of Elbert County. The
15 Board of Elections and Registration of Elbert County shall have the powers, duties, and
16 responsibilities of the superintendent of elections of Elbert County under Chapter 2 of

17 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same
18 now exists or may hereafter be amended, which powers, duties, and responsibilities are
19 currently being exercised by the judge of the Probate Court of Elbert County, and the powers,
20 duties, and responsibilities of the Board of Registrars of Elbert County under Chapter 2 of
21 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same
22 now exists or may hereafter be amended.

23 **SECTION 2.**

24 As used in this Act, the term:

- 25 (1) "Board" means the Elbert County Board of Elections and Registration.
26 (2) "Commissioners" means the Board of Commissioners of Elbert County.
27 (3) "County" means Elbert County.
28 (4) "Election," "elector," "political party," "primary," and "public office" shall have the
29 same meanings as ascribed to those terms by Code Section 21-2-2 of the Official Code
30 of Georgia Annotated, unless otherwise clearly apparent from the text of this Act.

31 **SECTION 3.**

32 (a) The board shall be composed of a chairperson and four members, each of whom shall
33 be an elector and resident of Elbert County for a period of at least one year prior to his or
34 her appointment, who shall be appointed in the following manner:

- 35 (1) Three members shall be appointed by the governing authority of Elbert County, one
36 of whom shall serve as chairperson of the board during his or her term of office;
37 (2) One member shall be appointed by the governing authority of Elbert County from
38 nominations made by the chairperson of the county executive committee of the political
39 party whose candidate for the office of Governor at the last preceding regular general
40 election received the highest number of votes cast for such office in the county; and

41 (3) One member shall be appointed by the governing authority of Elbert County from
42 nominations made by the chairperson of the county executive committee of the political
43 party whose candidate at the election described in paragraph (2) of this subsection
44 received the second highest number of such votes.

45 (b) The nominations of members to be appointed pursuant to paragraphs (2) and (3) of
46 subsection (a) of this section shall be made by the respective political party chairperson and
47 ratified by the county executive committee of such political party at least 30 days prior to
48 the beginning of the term of office or within 30 days after the creation of a vacancy in the
49 office. In the event that a political party entitled to appoint a member of the board does not
50 have a county executive committee, such nomination shall be made by the state executive
51 committee of such political party. Should either political party fail to make its
52 appointment, then the other appointed members of the board shall be authorized to conduct
53 the business of the board.

54 (c)(1) The initial members of the board shall be appointed no later than June 1, 2022.

55 (2)(A) The initial members appointed by the governing authority of Elbert County shall
56 take office on July 1, 2022.

57 (B) One of the initial members shall be designated to serve a term of office of two
58 years and until his or her successor is appointed and qualified. A successor to such
59 member shall be appointed no later than 30 days prior to the expiration of such
60 member's term of office to take office on July 1, 2024, and every four years thereafter
61 for a term of four years and until his or her successor is appointed and qualified.

62 (C) The remaining two initial members shall be designated to serve a term of office of
63 four years and until their respective successors are appointed and qualified. Successors
64 to such members shall be appointed no later than 30 days prior to the expiration of such
65 members' term of office to take office on July 1, 2026, and every four years thereafter
66 for a term of four years and until their respective successors are appointed and
67 qualified.

68 (3) The initial members appointed by the political parties shall take office on
69 July 1, 2022, and serve an initial term of two years which shall expire on June 30, 2024,
70 and until their respective successors are appointed and qualified. Successors to such
71 members shall be appointed no later than 30 days prior to the expiration of such members'
72 term of office to take office on July 1, 2024, and every four years thereafter for a term of
73 four years and until their respective successors are appointed and qualified.

74 (4) Successors to the initial members shall be appointed and certified in the same manner
75 as the initial members of the board.

76 **SECTION 4.**

77 No person who holds elective public office shall be eligible to serve as a member of the
78 board during the term of such elective public office, and the position of membership of any
79 member shall be deemed vacant upon such member's qualifying as a candidate for an elective
80 public office. Each member of the board shall be eligible to serve two four-year terms, shall
81 have the right to resign at any time by giving written notice of such resignation to the
82 commissioners and to the clerk of the Superior Court of Elbert County, and shall be subject
83 to removal from the board by the commissioners at any time, for cause, after notice and
84 hearing.

85 **SECTION 5.**

86 The appointment of each member of the board, except the initial members, shall be
87 evidenced by the board of commissioners filing an affidavit with the clerk of the Superior
88 Court of Elbert County no later than 30 days preceding the date on which such member is
89 to take office stating the name and residence address of the person appointed and certifying
90 that such member has been duly appointed as provided for in this Act. The clerk of the
91 Superior Court of Elbert County shall be notified of any interim appointments and shall
92 record and certify such appointments in the same manner as the regular appointment of

93 members. The clerk of the Superior Court of Elbert County shall record each certification
94 on the minutes of that superior court and shall certify the name of each member to the
95 Secretary of State and provide for the issuance of appropriate commissions to the members
96 as provided by law for county registrars.

97 **SECTION 6.**

98 In the event a vacancy occurs on the board by removal, death, resignation, or otherwise, the
99 governing authority of Elbert County shall appoint a successor in the same manner as the
100 board member who has vacated the office. Such appointment shall be certified by the
101 governing authority in the same manner as the regular appointment of members.

102 **SECTION 7.**

103 Before entering upon his or her duties, a member of the board shall take substantially the
104 same oath as required by law for registrars and shall have the same privileges from arrest.

105 **SECTION 8.**

106 The board shall be empowered with all the powers and duties relating to the conduct of
107 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
108 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The board
109 shall be empowered with all the powers and duties relating to the registration of voters and
110 absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2
111 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." This
112 Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the
113 Official Code of Georgia Annotated and shall be construed liberally so as to effectuate that
114 purpose. The board shall be authorized and empowered to organize itself, determine its
115 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
116 employees, and otherwise take such actions as are appropriate to the management of its

117 affairs; provided, however, that no such action shall conflict with state law. Action and
118 decision by the board shall be by a majority of the members of the board.

119 **SECTION 9.**

120 The board shall fix and establish, by appropriate resolution entered on its minutes, directives
121 governing the execution of matters within its jurisdiction. The board shall hold meetings in
122 its offices. Any specially called meetings held pursuant to bylaws adopted by the board shall
123 be held only after notification of the time and place of the holding of such meeting has been
124 communicated in writing to the elections supervisor in order to provide public notice of the
125 meeting as required by law. All meetings of whatever kind of the board shall be conducted
126 pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to
127 open and public meetings. The board shall maintain a written record of policy decisions that
128 shall be amended to include additions or deletions. Such written records shall be subject to
129 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
130 inspection of public records.

131 **SECTION 10.**

132 (a) The county administrator of Elbert County shall be authorized to appoint a full-time
133 elections supervisor to generally supervise, direct, and control the administration of the
134 affairs of the board pursuant to law and duly adopted resolutions of the board. The elections
135 supervisor shall not be a member of the board or an elected official. The elections supervisor
136 shall be considered an employee of Elbert County and shall be entitled to the same benefits
137 as other employees of Elbert County.

138 (b) The elections supervisor of Elbert County shall be authorized to employ additional
139 clerical assistants as needed to carry out the duties and functions of the board. All such
140 clerical assistants shall be considered to be employees of Elbert County and shall be entitled
141 to the same benefits as other employees of Elbert County.

142 **SECTION 11.**

143 The board shall have the authority to conduct municipal elections and primaries for any
144 municipality located within the county if such municipality has entered into a contract for
145 that purpose with the commissioners and in conformance with Code Section 21-2-45 of the
146 Official Code of Georgia Annotated.

147 **SECTION 12.**

148 Nothing in this Act shall be construed to require or prohibit joint primaries or to require or
149 prohibit the commissioners or any other public agency to bear any expense of conducting
150 primaries not otherwise required by law.

151 **SECTION 13.**

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

157 **SECTION 14.**

158 Compensation for the members of the board, the elections supervisor, clerical assistants, and
159 other employees shall be fixed by the governing authority of Elbert County. All amounts
160 payable under this section shall be paid from county funds.

161 **SECTION 15.**

162 The governing authority of Elbert County shall provide the board with such proper and
163 suitable offices, equipment, materials, and supplies and with such clerical assistance and
164 other employees as the commissioners deem appropriate.

165 **SECTION 16.**

166 Upon the effective date of this Act, the Probate Court of Elbert County and the Board of
167 Registrars of Elbert County shall be relieved of all powers and duties transferred to the board
168 by this Act and shall deliver to the board all facilities and personal property, including but
169 not limited to equipment, supplies, materials, books, papers, and records pertaining to such
170 powers and duties.

171 **SECTION 17.**

172 For the purpose of making initial appointments to the board, this Act shall become effective
173 upon its approval by the Governor or upon its becoming law without such approval. The
174 remaining provisions of this Act shall become effective on July 1, 2022.

175 **SECTION 18.**

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