

Senate Bill 304

By: Senator Gooch of the 51st

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for White 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; to provide for the qualifications, terms, and removal
 4 of members; to provide for vacancies; to provide for rights, oaths, and privileges; to provide
 5 for the conduct of primaries and elections; to provide for meetings; to authorize the conduct
 6 of municipal elections; to allow for joint primaries; to provide for the hiring and management
 7 of an elections supervisor and staff; to provide for compensation for board members, the
 8 elections supervisor, and staff; to provide for training of local election officials and poll
 9 workers; to provide for offices, supplies, and other materials; to provide for the transfer of
 10 powers, duties, facilities, and personal property; to provide for related matters; to provide for
 11 an effective date; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the Official Code of Georgia
 15 Annotated, there is created the Board of Elections and Registration of White County. The
 16 Board of Elections and Registration of White County shall have the powers, duties, and
 17 responsibilities of the superintendent of elections of White County under Chapter 2 of
 18 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same
 19 now exists or may hereafter be amended, which powers, duties, and responsibilities are
 20 currently being exercised by the judge of the Probate Court of White County, and the powers,
 21 duties, and responsibilities of the Board of Registrars of White County under Chapter 2 of
 22 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same
 23 now exists or may hereafter be amended.

24 **SECTION 2.**

25 As used in this Act, the term:

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

32 **SECTION 3.**

- 33 (a) The board shall be composed of five members, each of whom shall be an elector and
 34 resident of the county and shall be appointed by the commissioners.
 35 (b) The initial members of the board shall be appointed for terms of office beginning
 36 January 1, 2021. The commissioners shall designate two of the initial members to serve for
 37 a term of two years and the three of the initial members to serve for a term of four years.
 38 Thereafter, all members shall be appointed for terms of four years.
 39 (c) Every two years the board shall appoint or reappoint one of its members to serve as
 40 chairperson for a two-year term. The chairperson shall preside over all meetings of the board
 41 and shall be entitled to vote on all matters coming before the board.

42 **SECTION 4.**

- 43 (a) No person who holds elective public office or any member of his or her immediate
 44 family shall be eligible to serve as a member of the board during the term of such elective
 45 service. The position of any member of the board shall be deemed vacant upon such
 46 member's, or a member of such member's immediate family, qualifying as a candidate for
 47 elective public office. Further, there shall be no members of the same immediate family
 48 serving on the board or on the staff of the board at the same time.
 49 (b) For the purpose of this section, immediate family members shall be defined as a spouse,
 50 mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother,
 51 sister, stepbrother, stepsister, half-brother, half-sister, mother-in-law, father-in-law,
 52 brother-in-law, and sister-in-law.
 53 (c) Board members must have been registered to vote in White County prior to the date of
 54 appointment.

55 **SECTION 5.**

56 Each member of the board shall:

- 57 (1) Be eligible to be reappointed to succeed himself or herself;

- 58 (2) Have the right to resign at any time by giving written notice of such resignation to
 59 the commissioners and to the clerk of the superior court;
- 60 (3) Serve until his or her successor is appointed and qualified;
- 61 (4) Be subject to removal for good cause by the commissioners at any time after prior
 62 notice and a hearing; and
- 63 (5) Before entering upon his or her duties, take substantially the same oath as required
 64 by law for registrars and shall have the same privileges from arrest.

65 **SECTION 6.**

- 66 (a) The commissioners shall certify the appointment of each member of the board by filing
 67 an affidavit with the clerk of the superior court no later than 30 days preceding the date upon
 68 which such members are to take office, and such affidavit shall state the name and residential
 69 address of the person appointed and certify that such member has been duly appointed as
 70 provided in this Act.
- 71 (b) The clerk of the superior court shall record each such affidavit on the minutes of the
 72 superior court and shall certify the name of each such appointed member to the Secretary of
 73 State and provide for the issuance of appropriate commissions to the members within the
 74 same time and in the same manner as provided by law for registrars.

75 **SECTION 7.**

76 In the event a vacancy occurs in the office of any board member before the expiration of his
 77 or her term, by removal, death, resignation, or otherwise, the commissioners shall appoint
 78 a successor to serve the remainder of the unexpired term as provided for in Section 3 of this
 79 Act. The clerk of the superior court shall be notified of such interim appointments and shall
 80 record and certify such appointments in the same manner as the regular appointment of
 81 members.

82 **SECTION 8.**

83 The board shall be empowered with all the powers and duties relating to the conduct of
 84 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
 85 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The board
 86 shall be empowered with all the powers and duties relating to the registration of voters and
 87 absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2
 88 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." This
 89 Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the
 90 Official Code of Georgia Annotated and shall be construed liberally so as to effectuate that
 91 purpose. The board shall be authorized and empowered to organize itself, determine its

92 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
93 members, and otherwise take such action as is appropriate to the management of its affairs;
94 provided, however, that no such action shall conflict with state law. Action and decision by
95 the board shall be by a majority of the members of the board.

96 **SECTION 9.**

97 The board shall fix and establish, by appropriate resolution entered on its minutes, directives
98 governing the execution of matters within its jurisdiction. The board shall hold a minimum
99 of quarterly meetings at times, dates, and places as determined by the board. Any specially
100 called meetings shall be called by the chairperson or any two members of the board. All
101 meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50
102 of the Official Code of Georgia Annotated, relating to open meetings. The board shall
103 maintain a written record of policy decisions that shall be amended to include additions or
104 deletions. Such written records shall be subject to Article 4 of Chapter 18 of Title 50 of the
105 Official Code of Georgia Annotated, relating to inspection of public records.

106 **SECTION 10.**

107 The chairperson of the board shall chair all meetings of the board, serve as spokesperson for
108 the board, and generally supervise, direct, and control the administration of the affairs of the
109 board pursuant to law and duly adopted resolutions of the board.

110 **SECTION 11.**

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

115 **SECTION 12.**

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

119 **SECTION 13.**

120 (a) The county shall hire a full-time elections supervisor to administer and supervise the
121 conduct of the elections and primaries and the registration of electors of the county. The
122 elections supervisor shall not be eligible to serve as a member of the board. The elections
123 supervisor shall be considered a county employee for purposes of pay, benefits, sick leave,

124 vacation, termination of employment, and other purposes. The elections supervisor shall be
125 subject to direction, evaluation, and corrective action by the county manager.

126 (b) The elections supervisor may recommend to the county manager for employment such
127 full-time and part-time employees as may be deemed necessary by the elections supervisor
128 and as are approved in an annual budget adopted by the commissioners. All such employees
129 shall be considered county employees for purposes of pay, benefits, sick leave, vacation, and
130 other purposes in accordance with policies adopted by the commissioners.

131 **SECTION 14.**

132 Compensation for the members of the board, the elections supervisor, clerical assistants, and
133 other employees shall be fixed by the commissioners. All amounts payable under this
134 section shall be paid from county funds.

135 **SECTION 15.**

136 The commissioners shall provide the board with such proper and suitable offices, equipment,
137 materials, and supplies as the commissioners deem appropriate.

138 **SECTION 16.**

139 The local election officials of White County shall attend training as required by Code
140 Section 21-2-100 of the Official Code of Georgia Annotated, and the commissioners shall
141 pay the cost of such training.

142 **SECTION 17.**

143 The board shall be responsible for the selection, appointment, and training of poll workers.

144 **SECTION 18.**

145 Upon the effective date of this Act, the Probate Court of White County and the Board of
146 Registrars of White County shall be relieved of all powers and duties transferred to the board
147 by this Act and shall deliver to the board all facilities and personal property, including but
148 not limited to equipment, supplies, materials, books, papers, and records pertaining to such
149 powers and duties.

150 **SECTION 19.**

151 This Act shall become effective on January 1, 2021.

152 **SECTION 20.**

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