

Senate Bill 283

By: Senators Anderson of the 24th, Miller of the 49th, Mullis of the 53rd, Dugan of the 30th,
Gooch of the 51st and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To reconstitute and reestablish the board of elections and registration for Lincoln 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:

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15

SECTION 1.

16 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
17 Lincoln County Board of Elections and Registration. The board shall have the powers and
18 duties of the election superintendent relating to the conduct of primaries and elections and
19 shall have the powers and duties of the board of registrars relating to the registration of voters
20 and absentee balloting procedures.

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SECTION 2.

22 The board shall be composed of five members, each of whom shall be an elector and resident
23 of Lincoln County, who shall be appointed in the following manner:

- 24 (1) Three members shall be appointed by the Lincoln County Board of Commissioners;
- 25 (2) One member shall be appointed by the governing authority of the City of Lincolnton,
26 Georgia; and
- 27 (3) One member shall be appointed by the Board of Education of Lincoln County.

28

SECTION 3.

29 (a)(1) Except as provided for in paragraph (2) of this subsection, each member of the
30 board shall serve for a term of four years and until a successor is appointed and qualified,
31 except in the event of resignation or removal as provided in subsection (c) of this section.

32 (2)(A) The initial appointee of the Board of Education Lincoln County and two of the
33 initial appointees of the Lincoln County Board of Commissioners shall serve terms
34 beginning on July 1, 2021 and ending on December 31, 2024.

35 (B) The initial appointee of the governing authority of the City of Lincoln and the third
36 initial appointee of the Lincoln County Board of Commissioners shall serve terms
37 beginning on July 1, 2021 and ending on December 31, 2022.

38 (b) Each member shall be eligible to succeed himself or herself and shall have the right to
39 resign at any time by giving written notice of resignation to the appointing authority.

40 (c) Each member shall be subject to removal from the board by the respective appointing
41 authority at any time, for cause after notice and hearing, in the same manner and by the
42 same authority as provided for removal of registrars. A board member's failure to attend
43 multiple meetings of the board shall be considered cause for removal.

44 (d) The members of the Board of Registration and Elections of Lincoln County holding
45 office on the effective date of this Act shall continue to hold office until their successors
46 are appointed in accordance with the provisions of this Act.

47 **SECTION 4.**

48 The appropriate appointing authority shall file with the clerk of the Superior Court of Lincoln
49 County an affidavit which states the name and residential address of the person appointed
50 and certifies that such member has been duly appointed or elected as provided in this Act.
51 The clerk of the superior court shall record each such certification on the minutes of the court
52 and shall certify the name of each such member to the Secretary of State and provide for the
53 issuance of appropriate commissions to the members within the same time and in the same
54 manner as provided by law for registrars.

55 **SECTION 5.**

56 In the event that a vacancy occurs in the office of any member of the board by removal,
57 death, resignation, or otherwise, except by expiration of term, the respective appointing
58 authority shall appoint a successor for the remainder of the unexpired term. The clerk of the
59 superior court shall be notified of interim appointments and record and certify such
60 appointments or elections in the same manner as the regular appointment or election of
61 members.

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SECTION 6.

63 Before entering upon his or her duties, each member of the board shall take substantially the
64 same oath as required by law for registrars. Each member of the board shall have the same
65 privileges from arrest as registrars.

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SECTION 7.

67 (a) The board provided for in this Act shall be the successor to the Lincoln County Board
68 of Elections and Registration provided for in an Act to create a board of elections and
69 registration for Lincoln County approved April 4, 1996 (Ga. L. 1996, p. 4210), as amended.
70 (b) On July 1, 2021, the previous election superintendent of Lincoln County and the board
71 of registrars of Lincoln County shall be relieved of all powers and duties to which the
72 board succeeds by the provisions of this Act; and they shall deliver thereafter to the
73 chairperson of the board, upon his or her written request, the custody of all equipment,
74 supplies, materials, books, papers, records, and facilities of every kind pertaining to such
75 powers and duties.

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SECTION 8.

77 (a) The board shall be authorized to organize itself, elect its chairperson and officers,
78 determine its procedural rules and regulations, adopt bylaws, specify the functions and
79 duties of its employees, and otherwise take such action as is appropriate for the
80 management of the affairs committed to its supervision; provided, however, that no such
81 action shall conflict with state law.
82 (b) Action and decision by the board shall be by a majority of the members of the board.
83 (c) The chairperson shall be the chief executive officer of the board and shall generally
84 supervise, direct, and control the administration of the affairs of the board pursuant to the
85 law and duly adopted resolutions of the board.

86

SECTION 9.

87 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
88 directives governing the execution of matters within its jurisdiction. The board shall hold
89 regular monthly meetings at a time and place to be fixed by resolution of the board. All
90 meetings shall comply with the Open Meetings Laws and Open Records Laws of the State
91 of Georgia.

92 (b) The board shall maintain a written record of policy decisions that shall be amended to
93 include additions or deletions. Such written record shall be made available for the public
94 to review.

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SECTION 10.

96 (a) The board shall be responsible for the selection and appointment of an administrative
97 director, to be known as the elections supervisor, to administer and supervise conduct of
98 elections, primaries, and registration of electors for the county. The elections supervisor
99 shall serve at the pleasure of the board. The board shall act within 60 days of its members
100 taking office under this Act to retain or appoint an elections supervisor who shall be hired
101 by the board from a job description drawn by said board.

102 (b) In the event that the board fails to appoint or retain an elections supervisor to fill a
103 vacancy within the time specified in subsection (a) of this section, an acting elections
104 supervisor who shall temporarily fill such vacancy shall be appointed by the governing
105 authority to serve until the board fills the vacancy.

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SECTION 11.

107 The board shall be authorized to employ such full-time and part-time employees, including
108 a full-time chief clerk, as the board shall deem necessary. The governing authority of
109 Lincoln County shall have the right to approve the hiring of any such employee.

110 **SECTION 12.**

111 With the consent of the governing authority of Lincoln County, the board of elections and
112 registration shall be authorized to expend public funds for the purpose of distributing sample
113 ballots, voter information booklets, and other material designed to inform and adequately
114 instruct the electors of the county with regard to elections. No material distributed by the
115 board shall contain or express, in any manner or form, any commentary or expression of
116 opinion or request for support with respect to any political issue or matter of political
117 concern.

118 **SECTION 13.**

119 Compensation for the members of the board, employees of the board, and the elections
120 supervisor shall be fixed by the board with the approval of the governing authority of Lincoln
121 County. Such compensation shall be paid from county funds.

122 **SECTION 14.**

123 The governing authority of Lincoln County shall provide the board and the elections
124 supervisor with proper and suitable offices and equipment.

125 **SECTION 15.**

126 The board is authorized to perform for any municipality located wholly or partially within
127 Lincoln County any functions and duties which election superintendents and boards of
128 registrars are authorized by general law to perform on behalf of municipalities under such
129 conditions as provided by general law.

130 **SECTION 16.**

131 The words "election," "elector," "political party," "primary," "public office," "special
132 election," and "special primary" shall have the same meanings ascribed to those words by

133 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this
134 Act.

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SECTION 17.

136 This Act shall become effective upon its approval by the Governor or upon its becoming law
137 without such approval, provided that an Act to amend an Act creating a board of elections
138 and registration for Lincoln County approved April 4, 1996 (Ga. L. 1996, p. 4210), as
139 amended, is enacted in the 2021 session of the General Assembly providing for the abolition
140 of such board of elections and registration on a date certain; if such abolition Act is not so
141 approved, this Act shall not become effective and this Act shall be automatically repealed
142 on July 1, 2021.

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SECTION 18.

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