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, Georgia; to provide for its powers and duties; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and officers; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; to provide for board employees and their compensation; to provide for expenditures of public funds for certain purposes; to provide for compensation of the members of the board and elections supervisor; to provide for offices and equipment; to provide for the board’s performance of certain functions and duties for certain municipalities; to provide for the meaning of certain terms; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
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
duties of the election superintendent relating to the conduct of primaries and elections and
shall have the powers and duties of the board of registrars relating to the registration of voters
and absentee balloting procedures.

SECTION 2.
21 The board shall be composed of five members, each of whom shall be an elector and resident
22 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
28 (3) One member shall be appointed by the Board of Education of Lincoln County.

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

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

SECTION 4.

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

SECTION 5.

In the event that a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, except by expiration of term, the respective appointing authority shall appoint a successor for the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments or elections in the same manner as the regular appointment or election of members.
SECTION 6.
Before entering upon his or her duties, each member of the board shall take substantially the same oath as required by law for registrars. Each member of the board shall have the same privileges from arrest as registrars.

SECTION 7.
(a) The board provided for in this Act shall be the successor to the Lincoln County Board of Elections and Registration provided for in an Act to create a board of elections and registration for Lincoln County approved April 4, 1996 (Ga. L. 1996, p. 4210), as amended.
(b) On July 1, 2021, the previous election superintendent of Lincoln County and the board of registrars of Lincoln County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act; and they shall deliver thereafter to the chairperson of the board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

SECTION 8.
(a) The board shall be authorized to organize itself, elect its chairperson and officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law.
(b) Action and decision by the board shall be by a majority of the members of the board.
(c) The chairperson shall be the chief executive officer of the board and shall generally supervise, direct, and control the administration of the affairs of the board pursuant to the law and duly adopted resolutions of the board.
SECTION 9.
(a) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular monthly meetings at a time and place to be fixed by resolution of the board. All meetings shall comply with the Open Meetings Laws and Open Records Laws of the State of Georgia.
(b) The board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Such written record shall be made available for the public to review.

SECTION 10.
(a) The board shall be responsible for the selection and appointment of an administrative director, to be known as the elections supervisor, to administer and supervise conduct of elections, primaries, and registration of electors for the county. The elections supervisor shall serve at the pleasure of the board. The board shall act within 60 days of its members taking office under this Act to retain or appoint an elections supervisor who shall be hired by the board from a job description drawn by said board.
(b) In the event that the board fails to appoint or retain an elections supervisor to fill a vacancy within the time specified in subsection (a) of this section, an acting elections supervisor who shall temporarily fill such vacancy shall be appointed by the governing authority to serve until the board fills the vacancy.

SECTION 11.
The board shall be authorized to employ such full-time and part-time employees, including a full-time chief clerk, as the board shall deem necessary. The governing authority of Lincoln County shall have the right to approve the hiring of any such employee.
SECTION 12.
With the consent of the governing authority of Lincoln County, the board of elections and registration shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other material designed to inform and adequately instruct the electors of the county with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.

SECTION 13.
Compensation for the members of the board, employees of the board, and the elections supervisor shall be fixed by the board with the approval of the governing authority of Lincoln County. Such compensation shall be paid from county funds.

SECTION 14.
The governing authority of Lincoln County shall provide the board and the elections supervisor with proper and suitable offices and equipment.

SECTION 15.
The board is authorized to perform for any municipality located wholly or partially within Lincoln County any functions and duties which election superintendents and boards of registrars are authorized by general law to perform on behalf of municipalities under such conditions as provided by general law.

SECTION 16.
The words "election," "elector," "political party," "primary," "public office," "special election," and "special primary" shall have the same meanings ascribed to those words by
SECTION 17.

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

SECTION 18.

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