

House Bill 1015 (AS PASSED HOUSE AND SENATE)

By: Representative Hagan of the 156th

A BILL TO BE ENTITLED
AN ACT

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
16 Board of Elections and Registration of Montgomery County. The Board of Elections and

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17 Registration of Montgomery County shall have the powers, duties, and responsibilities of the
18 superintendent of elections of Montgomery County under Chapter 2 of Title 21 of the
19 O.C.G.A., the "Georgia Election Code," as the same now exists or may hereafter be
20 amended, which powers, duties, and responsibilities are currently being exercised by the
21 judge of the Probate Court of Montgomery County, and the powers, duties, and
22 responsibilities of the Board of Registrars of Montgomery County under Chapter 2 of
23 Title 21 of the O.C.G.A., the "Georgia Election Code," as the same now exists or may
24 hereafter be amended.

25 **SECTION 2.**

26 As used in this Act, the term:

27 (1) "Board" means the Montgomery County Board of Elections and Registration.

28 (2) "Clerk of the superior court" means the clerk of the Superior Court of Montgomery
29 County.

30 (3) "Commissioners" means the Board of Commissioners of Montgomery County.

31 (4) "County" means Montgomery County.

32 (5) "Election," "elector," "primary," and "public office" shall have the same meanings
33 as ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise
34 clearly apparent from the text of this Act.

35 **SECTION 3.**

36 (a) The board shall be composed of five members, each of whom shall be an elector and
37 resident of the county, who shall be appointed by the commissioners.

38 (b) The initial members of the board shall be appointed for terms of office beginning
39 January 1, 2023. The commissioners shall designate two of the initial members to serve for
40 terms of two years and three of the initial members to serve for terms of four years.
41 Thereafter, all members shall be appointed for terms of four years.

42 (c) Every two years, the board shall appoint or reappoint one of its members to serve as
43 chairperson for a two-year term. The chairperson shall preside over all meetings of the board
44 and shall be entitled to vote on all matters coming before the board.

45

SECTION 4.

46 (a) No person who holds elective public office or a member of his or her immediate family
47 shall be eligible to serve as a member of the board during the term of such elective service.
48 The position of any member of the board shall be deemed vacant upon such member's, or
49 upon a member of such member's immediate family, qualifying as a candidate for elective
50 public office. Further, there shall be no members of the same immediate family serving on
51 the board or on the staff of the board at the same time.

52 (b) For the purpose of this section, the term "immediate family" shall be defined as a spouse,
53 mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother,
54 sister, stepbrother, stepsister, half-brother, or half-sister.

55 (c) Board members must have been registered to vote in Montgomery County prior to the
56 date of appointment.

57

SECTION 5.

58 Each member of the board shall:

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

67

SECTION 6.

68 (a) The commissioners shall certify the appointment of each member of the board by filing
69 an affidavit with the clerk of the superior court no later than 30 days preceding the date upon
70 which such member is to take office, and such affidavit shall state the name and residential
71 address of the person appointed and certify that such member has been duly appointed as
72 provided in this Act.

73 (b) The clerk of the superior court shall record each such affidavit on the minutes of the
74 superior court, shall certify the name of each such appointed member to the Secretary of
75 State, and shall provide for the issuance of appropriate commissions to each such member
76 within the same time and in the same manner as provided by law for registrars.

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SECTION 7.

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

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SECTION 8.

85 The board shall be empowered with all the powers and duties relating to the conduct of
86 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
87 Title 21 of the O.C.G.A., the "Georgia Election Code." The board shall be empowered with
88 all the powers and duties relating to the registration of voters and absentee balloting
89 procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the
90 O.C.G.A., the "Georgia Election Code." This Act is intended to implement the provisions
91 of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally

92 so as to effectuate that purpose. The board shall be authorized and empowered to organize
93 itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and
94 duties of its members, and otherwise take such action as is appropriate to the management
95 of its affairs; provided, however, that no such action shall conflict with state law. Any action
96 and decision taken by the board shall be by a majority vote of the members of the board.

97 **SECTION 9.**

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

106 **SECTION 10.**

107 The chairperson of the board shall preside at all meetings of the board, serve as spokesperson
108 for the board, and generally supervise, direct, and control the administration of the affairs of
109 the 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 O.C.G.A.

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 election supervisor to administer and supervise the
121 conduct of the elections and primaries and the registration of electors of the county. The
122 election supervisor shall not be eligible to serve as a member of the board. The election
123 supervisor shall be considered a county employee for purposes of pay, benefits, sick leave,
124 vacation, termination of employment, and other purposes. The election supervisor shall be
125 subject to direction, evaluation, and corrective action by the county.

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

132 **SECTION 14.**

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

136 **SECTION 15.**

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

139 **SECTION 16.**

140 The local election officials of Montgomery County shall attend training as required by Code
141 Section 21-2-100 of the O.C.G.A., and the commissioners shall 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 Montgomery County and the Board
146 of Registrars of Montgomery County shall be relieved of all powers and duties transferred
147 to the board by this Act and shall deliver to the board all facilities and personal property,
148 including but not limited to equipment, supplies, materials, books, papers, and records,
149 pertaining to such powers and duties.

150 **SECTION 19.**

151 This Act shall become effective on January 1, 2023.

152 **SECTION 20.**

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