A BILL TO BE ENTITLED
AN ACT

To create a board of elections and registration for Elbert County; to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members and an elections supervisor; to provide for the qualifications, terms, and removal of members; to provide for vacancies; to provide for oaths and privileges; to provide for the conduct of primaries and elections; to provide for meetings; to authorize the conduct of municipal elections; to allow for joint primaries; to authorize expenditure of public funds; to provide compensation for board members and staff; to provide for offices, supplies, and other materials; to provide for the transfer of powers, duties, facilities, and personal property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Pursuant to subsection (b) of Code Section 21-2-40 of the Official Code of Georgia Annotated, there is created the Board of Elections and Registration of Elbert County. The Board of Elections and Registration of Elbert County shall have the powers, duties, and responsibilities of the superintendent of elections of Elbert County under Chapter 2 of
Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same now exists or may hereafter be amended, which powers, duties, and responsibilities are currently being exercised by the judge of the Probate Court of Elbert County, and the powers, duties, and responsibilities of the Board of Registrars of Elbert County under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same now exists or may hereafter be amended.

**SECTION 2.**

As used in this Act, the term:

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

**SECTION 3.**

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

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

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

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

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

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

(C) The remaining two initial members shall be designated to serve a term of office of four years and until their respective successors are appointed and qualified. Successors to such members shall be appointed no later than 30 days prior to the expiration of such members' term of office to take office on July 1, 2026, and every four years thereafter for a term of four years and until their respective successors are appointed and qualified.
(3) The initial members appointed by the political parties shall take office on July 1, 2022, and serve an initial term of two years which shall expire on June 30, 2024, and until their respective successors are appointed and qualified. Successors to such members shall be appointed no later than 30 days prior to the expiration of such members' term of office to take office on July 1, 2024, and every four years thereafter for a term of four years and until their respective successors are appointed and qualified.

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

SECTION 4.

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

SECTION 5.

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

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

The board shall be empowered with all the powers and duties relating to the conduct of primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The board shall be empowered with all the powers and duties relating to the registration of voters and absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." This Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the Official Code of Georgia Annotated and shall be construed liberally so as to effectuate that purpose. The board shall be authorized and empowered to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such actions as are appropriate to the management of its
affairs; provided, however, that no such action shall conflict with state law. Action and
decision by the board shall be by a majority of the members of the board.

SECTION 9.

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 meetings in
its offices. Any specially called meetings held pursuant to bylaws adopted by the board shall
be held only after notification of the time and place of the holding of such meeting has been
communicated in writing to the elections supervisor in order to provide public notice of the
meeting as required by law. All meetings of whatever kind of the board shall be conducted
pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to
open and public meetings. The board shall maintain a written record of policy decisions that
shall be amended to include additions or deletions. Such written records shall be subject to
Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
inspection of public records.

SECTION 10.

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

(b) The elections supervisor of Elbert County shall be authorized to employ additional
clerical assistants as needed to carry out the duties and functions of the board. All such
clerical assistants shall be considered to be employees of Elbert County and shall be entitled
to the same benefits as other employees of Elbert County.
SECTION 11.
The board shall have the authority to conduct municipal elections and primaries for any municipality located within the county if such municipality has entered into a contract for that purpose with the commissioners and in conformance with Code Section 21-2-45 of the Official Code of Georgia Annotated.

SECTION 12.
Nothing in this Act shall be construed to require or prohibit joint primaries or to require or prohibit the commissioners or any other public agency to bear any expense of conducting primaries not otherwise required by law.

SECTION 13.
The board shall be authorized to expend public funds for the purpose of preparing and distributing material solely to inform and instruct electors of the county adequately 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 14.
Compensation for the members of the board, the elections supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Elbert County. All amounts payable under this section shall be paid from county funds.

SECTION 15.
The governing authority of Elbert County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the commissioners deem appropriate.

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SECTION 16.

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

SECTION 17.

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

SECTION 18.

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