

House Bill 710 (AS PASSED HOUSE AND SENATE)

By: Representative Cheokas of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Schley 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, qualifications, terms, and removal of members; to provide for vacancies; to provide
4 for oaths and privileges; to provide for the conduct of primaries and elections; to provide for
5 meetings; to authorize the conduct of municipal elections; to allow for joint primaries; to
6 authorize expenditure of public funds; to provide compensation for board members and staff;
7 to provide for offices, supplies, and other materials; to provide for the transfer of powers,
8 duties, facilities, and personal property; to provide for related matters; to provide for
9 effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Pursuant to subsection (b) of Code Section 21-2-40 of the Official Code of Georgia
13 Annotated, there is created the Board of Elections and Registration of Schley County. The
14 Board of Elections and Registration of Schley County shall have the powers, duties, and
15 responsibilities of the superintendent of elections of Schley County under Chapter 2 of
16 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same

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17 now exists or may hereafter be amended, which powers, duties, and responsibilities are
18 currently being exercised by the judge of the Probate Court of Schley County, and the
19 powers, duties, and responsibilities of the Board of Registrars of Schley County under
20 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election
21 Code," as the same now exists or may hereafter be amended.

22 **SECTION 2.**

23 As used in this Act, the term:

24 (1) "Board" means the Board of Elections and Registration of Schley County.

25 (2) "Commissioners" means the Board of Commissioners of Schley County.

26 (3) "County" means Schley County.

27 (4) "Election," "elector," "political party," "primary," and "public office" shall have the
28 same meanings as ascribed to those terms by Code Section 21-2-2 of the Official Code
29 of Georgia Annotated, unless otherwise clearly apparent from the text of this Act.

30 **SECTION 3.**

31 (a) The board shall be composed of three members, each of whom shall be an elector and
32 resident of Schley County. All members of the board shall be appointed by the
33 commissioners. The board shall select a chairperson, a vice chairperson, and a secretary
34 from among its members, and a board member may serve in more than one of such positions.

35 (b) The three initial members of the board shall take office on January 1, 2025, and shall be
36 appointed for staggered terms of office. The commissioners shall appoint two of the initial
37 members of the board to terms of office ending on June 30, 2028, and upon the appointment
38 and qualification of their respective successors. The commissioners shall appoint one of the
39 initial members of the board to a term of office ending on June 30, 2029, and upon the
40 appointment and qualification of his or her successor. Thereafter, all members of the board
41 shall serve terms of office as provided for in Section 4 of this Act.

42 **SECTION 4.**

43 Each member of the board shall:

44 (1) Except as provided for in Section 3 of this Act, serve a term of office of four years
45 and until his or her successor is appointed and qualified;

46 (2) Be eligible to be reappointed to succeed himself or herself and shall have the right
47 to resign from the board at any time by giving written notice of such resignation to the
48 commissioners and the clerk of the Superior Court of Schley County; and

49 (3) Be subject to removal from office, at any time, for cause, after notice and hearing.
50 Such hearing shall be before the chief judge of the Superior Court of Schley County or
51 another superior court judge designated by such chief judge.

52 **SECTION 5.**

53 The appointment of each member of the board shall be evidenced by the commissioners
54 filing an affidavit with the clerk of the Superior Court of Schley County no later than 30 days
55 preceding the date on which such member is to take office, stating the name and residence
56 address of the person appointed and certifying that such member has been duly appointed as
57 provided for in this Act. The clerk of the Superior Court of Schley County shall be notified
58 of any interim appointments and shall record and certify such appointments in the same
59 manner as the regular appointment of members. The clerk of the Superior Court of Schley
60 County shall record each certification on the minutes of the superior court and shall certify
61 the name of each member to the Secretary of State and provide for the issuance of
62 appropriate commissions to the members as provided by law for county registrars.

63 **SECTION 6.**

64 In the event a vacancy occurs on the board by removal, death, resignation, or otherwise, the
65 commissioners shall appoint a successor in the same manner as the board member who has
66 vacated the office to serve out the remainder of the unexpired term. Such appointment shall

67 be certified by the commissioners in the same manner as the regular appointment of
68 members.

69 **SECTION 7.**

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

72 **SECTION 8.**

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

86 **SECTION 9.**

87 No person who holds elective public office shall be eligible to serve as a member of the
88 board during the term of such elective office. The position of any member of the board shall
89 be deemed vacant upon such member qualifying as a candidate for elective public office.

90 **SECTION 10.**

91 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
92 directives governing the execution of matters within its jurisdiction. The board shall hold
93 meetings at the county courthouse, at the place of meeting of the commissioners, or at the
94 office of the board. The board shall meet at least quarterly in years in which there are no
95 county-wide general elections. The board shall meet at least monthly in years in which there
96 is a county-wide general election. All meetings of the board of whatever kind shall be
97 conducted pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated,
98 relating to open and public meetings. The board shall maintain a written record of policy
99 decisions that shall be amended to include additions or deletions. Such written records shall
100 be subject to Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
101 relating to inspection of public records.

102 (b) Any rule or regulation promulgated by a county executive committee of a political party
103 under the provisions of subsection (c) of Code Section 21-2-111 of the Official Code of
104 Georgia Annotated with regard to the conduct of primaries shall be null and void if in
105 conflict with valid rules or regulations adopted by the board.

106 **SECTION 11.**

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

109 **SECTION 12.**

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

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

117 **SECTION 13.**

118 With the approval of the commissioners, the board shall be authorized to expend public funds
119 for the purpose of preparing and distributing material solely to inform and instruct electors
120 of the county adequately with regard to elections. No material distributed by the board shall
121 contain or express, in any manner or form, any commentary or expression of opinion or
122 request for support with respect to any political issue or matter of political concern.

123 **SECTION 14.**

124 (a) The governing authority of Schley County shall provide the board with such proper and
125 suitable offices, equipment, materials, and supplies and with such clerical assistance and
126 other employees as the commissioners deem appropriate.
127 (b) Compensation for the members of the board, clerical assistants, and other employees
128 shall be fixed by the commissioners. All amounts payable under this section shall be paid
129 from county funds.

130 **SECTION 15.**

131 The chairperson, or in the absence of the chairperson the vice chairperson, shall chair all
132 meetings of the board. The chairperson shall be the spokesperson for the board.

133 **SECTION 16.**

134 Upon the effective date of this Act, the Probate Court of Schley County and the Board of
135 Registrars of Schley County shall be relieved of all powers and duties transferred to the
136 board by this Act and shall deliver to the board all facilities and personal property, including

137 but not limited to equipment, supplies, materials, books, papers, and records pertaining to
138 such powers and duties.

139 **SECTION 17.**

140 For the purpose of making initial appointments to the board, this Act shall become effective
141 upon its approval by the Governor or upon its becoming law without such approval. The
142 remaining provisions of this Act shall become effective on January 1, 2025.

143 **SECTION 18.**

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