

House Bill 1273 (AS PASSED HOUSE AND SENATE)

By: Representative Werkheiser of the 157th

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Evans 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 provide duties of the chairperson; to allow for joint primaries; to authorize the
6 conduct of municipal elections; to provide for the election supervisor; to provide
7 compensation for board members and staff; to provide for offices, supplies, and other
8 materials; to provide for required training; to provide for the transfer of powers, duties,
9 facilities, and personal property; to provide for related matters; to provide for an effective
10 date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
14 Board of Elections and Registration of Evans County. The Board of Elections and
15 Registration of Evans County shall have the powers, duties, and responsibilities of the
16 superintendent of elections of Evans County under Chapter 2 of Title 21 of the O.C.G.A., the

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17 "Georgia Election Code," as the same now exists or may hereafter be amended, which
18 powers, duties, and responsibilities are currently being exercised by the judge of the Probate
19 Court of Evans County, and the powers, duties, and responsibilities of the Board of
20 Registrars of Evans County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
21 Election 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 Evans County Board of Elections and Registration.
25 (2) "Clerk of the superior court" means the clerk of the Superior Court of Evans County.
26 (3) "Commissioners" means the Board of Commissioners of Evans County.
27 (4) "County" means Evans County.
28 (5) "Election," "elector," "primary," and "public office" shall have the same meanings as
29 ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly
30 apparent from the text of this Act.

31 **SECTION 3.**

- 32 (a) The board shall be composed of three members, each of whom shall be an elector and
33 resident of Evans County, who shall be appointed by the commissioners.
34 (b) The initial members of the board shall be appointed for terms of office beginning
35 January 1, 2025. The commissioners shall designate one of the initial members to serve for
36 a term of two years and two of the initial members to serve for terms of four years.
37 (c) Every two years, the board shall appoint or reappoint one of its members to serve as the
38 chairperson. The chairperson shall preside over all meeting of the board and shall be entitled
39 to vote on all matters coming before the board.

40 **SECTION 4.**

41 (a) No person who holds elective public office or a member of his or her immediate family
42 shall be eligible to serve as a member of the board during the term of such elective service.

43 The position of any member of the board shall be deemed vacant upon such member, or upon
44 a member of such member's immediate family, qualifying as a candidate for elective public
45 office. Further, there shall be no members of the same immediate family serving on the
46 board or on the staff of the board at the same time.

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

50 (c) Board members must have been registered to vote in Evans County prior to the date of
51 appointment.

52 **SECTION 5.**

53 Each member of the board shall:

54 (1) Be eligible to be reappointed to succeed himself or herself;

55 (2) Have the right to resign at any time by giving written notice of such resignation to the
56 commissioners and to the clerk of the superior court;

57 (3) Serve until his or her successor is appointed and qualified;

58 (4) Be subject to removal for good cause by the commissioners at any time after prior
59 notice and a hearing; and

60 (5) Before entering upon his or her duties, take substantially the same oath as required by
61 law for registrars and shall have the same privileges from arrest.

62 **SECTION 6.**

63 (a) The commissioners shall certify the appointment of each member of the board by filing

64 an affidavit with the clerk of the superior court no later than 30 days preceding the date upon
65 which such member is to take office, and such affidavit shall state the name and residential
66 address of the person appointed and certify that such member has been duly appointed as
67 provided in this Act.

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

72 **SECTION 7.**

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

79 **SECTION 8.**

80 The board shall be empowered with all the powers and duties relating to the conduct of
81 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
82 Title 21 of the O.C.G.A., the "Georgia Election Code." The board shall be empowered with
83 all the powers and duties relating to the registration of voters and absentee balloting
84 procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the
85 O.C.G.A., the "Georgia Election Code." This Act is intended to implement the provisions
86 of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally
87 so as to effectuate that purpose. The board shall be authorized and empowered to organize
88 itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and

89 duties of its members, and otherwise take such action as is appropriate to the management
90 of its affairs; provided, however, that no such action shall conflict with state law. Any action
91 and decision taken by the board shall be by a majority vote of the members of the board.

92

SECTION 9.

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

101

SECTION 10.

102 The chairperson of the board shall preside at all meetings of the board, serve as spokesperson
103 for the board, and generally supervise, direct, and control the administration of the affairs of
104 the board pursuant to law and duly adopted resolutions of the board.

105

SECTION 11.

106 The board shall have the authority to conduct municipal elections and primaries for any
107 municipality located within the county if such municipality has entered into a contract for
108 that purpose with the commissioners and in conformance with Code Section 21-2-45 of the
109 O.C.G.A.

110 **SECTION 12.**

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

114 **SECTION 13.**

115 (a) The county shall hire a full-time election supervisor to administer and supervise the
116 conduct of the elections and primaries and the registration of electors of the county. The
117 election supervisor shall not be eligible to serve as a member of the board. The election
118 supervisor shall be considered a county employee for purposes of pay, benefits, sick leave,
119 vacation, termination of employment, and other purposes. The election supervisor shall be
120 subject to direction, evaluation, and corrective action by the county.

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

127 **SECTION 14.**

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

131 **SECTION 15.**

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

134 **SECTION 16.**

135 The local election officials of Evans County shall attend training as required by Code
136 Section 21-2-100 of the O.C.G.A., and the commissioners shall pay the cost of such training.

137 **SECTION 17.**

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

139 **SECTION 18.**

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

145 **SECTION 19.**

146 This Act shall become effective on December 31, 2024.

147 **SECTION 20.**

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