

Senate Bill 504

By: Senator Burns of the 23rd

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Warren 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, eligibility, qualifications, certification terms, and removal of members; to provide
4 for vacancies; to provide for oaths and privileges; to provide for the conduct of elections and
5 primaries; to provide for meetings; to provide duties of the chairperson; to allow for joint
6 primaries; to authorize the conduct of municipal elections; to provide for the election
7 supervisor; to provide compensation for board members and staff; to provide for offices,
8 equipment, supplies, and other materials; to provide for required training; to provide for poll
9 workers; to provide for the transfer of powers, duties, facilities, and personal property; to
10 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

S. B. 504

- 1 -

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

23 **SECTION 2.**

24 As used in this Act, the term:

- 25 (1) "Board" means the Board of Elections and Registration of Warren County.
26 (2) "Clerk of the superior court" means the clerk of the Superior Court of Warren County.
27 (3) "County" means Warren County.
28 (4) "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 (5) "Governing authority" means the board of commissioners of Warren County.

32 **SECTION 3.**

- 33 (a) The board shall be composed of a chairperson and four members who shall be appointed
34 as provided in this section.
35 (b) All members of the board shall be appointed by the governing authority. The governing
36 authority shall appoint a person to serve as the chairperson of the board.
37 (c)(1) The initial members of the board shall be appointed no later than
38 December 1, 2024, and shall take office on January 1, 2025.
39 (2) Two of the initial members shall be appointed by the governing authority to serve
40 two-year terms of office and until their successors are appointed and qualified. The
41 chairperson and the two remaining members of the board shall be appointed by the

42 governing authority to four-year terms of office and until their successors are appointed
43 and qualified.

44 (3) Successors to the initial board members shall be appointed no later than 30 days prior
45 to the expiration of the incumbent's term of office, and shall serve four-year terms of
46 office or until their successors are appointed and qualified. Such successors shall be
47 appointed and certified in the same manner as the initial members of the board, except
48 as provided for in this subsection.

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SECTION 4.

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

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

59 (c) Board members shall have been registered to vote in Warren County for at least 12
60 months prior to the date of appointment.

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SECTION 5.

62 Each member of the board shall:

- 63 (1) Be eligible to be reappointed to succeed himself or herself;
64 (2) Have the right to resign at any time by giving written notice of such resignation to the
65 governing authority and to the clerk of the superior court;
66 (3) Serve until his or her successor is appointed and qualified;

- 67 (4) Be subject to removal for good cause by the governing authority at any time after prior
68 notice and a hearing; and
- 69 (5) Before entering upon his or her duties, take substantially the same oath as required by
70 law for registrars and shall have the same privileges from arrest.

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SECTION 6.

- 72 (a) The governing authority shall certify the appointment of each member of the board by
73 filing an affidavit with the clerk of the superior court no later than 30 days preceding the date
74 upon which such member is to take office, and such affidavit shall state the name and
75 residential address of the person appointed and certify that such member has been duly
76 appointed as provided in this Act.
- 77 (b) The clerk of the superior court shall record each such affidavit on the minutes of the
78 superior court, shall certify the name of each such appointed member to the Secretary of
79 State, and shall provide for the issuance of appropriate commissions to each such member
80 within the same time and in the same manner as provided by law for registrars.

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SECTION 7.

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

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SECTION 8.

- 89 The board shall be empowered with all the powers and duties relating to the conduct of
90 elections and primaries as the election superintendent pursuant to the provisions of Chapter

91 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." The board shall be empowered
92 with all the powers and duties relating to the registration of voters and absentee balloting
93 procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the
94 O.C.G.A., the "Georgia Election Code." This Act is intended to implement the provisions
95 of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally
96 so as to effectuate that purpose. The board shall be authorized and empowered to organize
97 itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and
98 duties of its members, and otherwise take such action as is appropriate to the management
99 of its affairs; provided, however, that no such action shall conflict with state law. Any action
100 and decision taken by the board shall be by a majority vote of the members of the board.

101

SECTION 9.

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

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SECTION 10.

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

115 **SECTION 11.**

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

120 **SECTION 12.**

121 Nothing in this Act shall be construed to require or prohibit joint primaries or to require or
122 prohibit the governing authority or any other public agency to bear any expense of
123 conducting primaries not otherwise required by law.

124 **SECTION 13.**

125 (a) The county governing authority may hire a full-time election supervisor to administer
126 and supervise the conduct of the elections and primaries and the registration of electors of
127 the county. The election supervisor shall not be eligible to serve as a member of the board.
128 The election supervisor shall be considered a county employee for purposes of pay, benefits,
129 sick leave, vacation, termination of employment, and other purposes. The election supervisor
130 shall be subject to direction, evaluation, and corrective action by the county.

131 (b) The election supervisor may recommend to the county for employment such full-time
132 and part-time employees as may be deemed necessary by the election supervisor and as are
133 approved in an annual budget adopted by the governing authority. All such employees shall
134 be considered county employees for purposes of pay, benefits, sick leave, vacation,
135 termination of employment, and other purposes in accordance with policies adopted by the
136 governing authority.

137 **SECTION 14.**

138 Compensation for the members of the board, the election supervisor, clerical assistants, and
139 other employees shall be fixed by the governing authority. All amounts payable under this
140 section shall be paid from county funds.

141 **SECTION 15.**

142 The governing authority shall provide the board with such proper and suitable offices,
143 equipment, materials, and supplies as the governing authority deems appropriate.

144 **SECTION 16.**

145 The local election officials of Warren County shall attend training as required by Code
146 Section 21-2-100 of the O.C.G.A., and the governing authority shall pay the cost of such
147 training.

148 **SECTION 17.**

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

150 **SECTION 18.**

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

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SECTION 19.

157 For the purpose of appointing the initial board under this Act, this Act shall become effective
158 upon its approval by the Governor or upon its becoming law without such approval. For all
159 other purposes, this Act shall become effective on January 1, 2025.

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SECTION 20.

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