

House Bill 788 (AS PASSED HOUSE AND SENATE)

By: Representative Stinson of the 150th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to create a board of elections and registration for Macon County and to
2 provide for its powers and duties, approved June 3, 2003 (Ga. L. 2003, p. 4532), as amended,
3 particularly by an Act approved June 30, 2020 (Ga. L. 2020, p. 3946), so as to rename the
4 position of chief election official as the chief election supervisor; to provide that the county
5 manager shall supervise the nonelection duties of the chief election supervisor and other staff
6 of the election office; to provide that board members shall not undertake certain political
7 activities; to provide for board members to take the same oath as registrars; to revise
8 provisions relating to the meetings, minutes, and records of the board; to provide that the
9 governing authority of the county shall provide compensation to the board members, chief
10 election supervisor, and election staff; to provide for related matters; to repeal conflicting
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 An Act to create a board of elections and registration for Macon County and to provide for
15 its powers and duties, approved June 3, 2003 (Ga. L. 2003, p. 4532), as amended, particularly

by an Act approved June 30, 2020 (Ga. L. 2020, p. 3946), is amended by revising Sections 4 and 5 as follows:

"SECTION 4.

The board shall appoint a person to serve as the chief election supervisor of Macon County. Such position shall be part time or full time as determined by the board and such person shall be paid a salary to be set by the board and payable from county funds. The chief election supervisor shall generally direct and control the administration of elections and voter registration in Macon County. The board shall supervise the election related duties of the chief election supervisor and all other election employees or staff. For all other matters the chief election supervisor and election employees or staff shall be subject to the supervision of the county manager. The chief election supervisor shall be subject to removal from office by the board, with or without cause; provided, however, that the county manager may recommend that the board remove the chief election supervisor for deficiencies in the performance of nonelection related duties. The chief election supervisor shall not be a member of the board nor an elected official.

SECTION 5.

Each member of the board shall:

- (1) Serve for a term of four years and until a successor is appointed and qualified;
- (2) Be eligible to be reappointed to succeed himself or herself and 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 Macon County;
- (3) Be subject to removal from the board at any time for cause, after notice and hearing, by the chief judge of the Superior Court of Macon County;
- (4) Not engage in political activity on behalf of any candidate, which shall include, but not be limited to:

- 41 (A) Distributing campaign literature;
42 (B) Engaging in any communication that advocates or criticizes a candidate or an
43 officeholder, including but not limited to social media; and
44 (C) Wearing badges, buttons, or clothing with partisan messages or displaying political
45 signage on vehicles if the signage is visible from or parked within 150 feet of the board
46 office or a designated polling place."

47 **SECTION 2.**

48 Said Act is further amended by revising Sections 7 and 8 as follows:

49 "SECTION 7.

50 In the event a vacancy occurs in the office of any member before the expiration of a term
51 by reason of removal, death, resignation, or otherwise, the appointing authority which is
52 required under Section 3 of this Act to make the appointment to the office upon expiration
53 of the term shall appoint a successor to serve for the remainder of the unexpired term in the
54 manner set forth in Section 3 of this Act.

55 **SECTION 8.**

56 Before entering upon the duties of office, each member shall take substantially the same
57 oath as required by law for county registrars and shall have the same privileges from
58 arrest."

59 **SECTION 3.**

60 Said Act is further amended by revising Section 15 as follows:

61 "SECTION 15.

62 (a) The board shall fix and establish by appropriate resolution entered on its minutes
63 directives governing the execution of matters within its jurisdiction. The board shall hold
64 meetings at the county courthouse, at the courthouse annex, or at the place of meeting of
65 the commissioners no less than monthly. Any specially called meetings must be approved
66 by a majority vote of the board and shall be held only after the notification of the time and
67 place of the holding of such meeting has been communicated in writing to the chief
68 election supervisor to provide public notice of the meeting as required by law. All
69 meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title
70 50 of the O.C.G.A., relating to open meetings.

71 (b) The board shall maintain minutes of its meetings and a written record of policy
72 decisions that shall be amended to include additions or deletions. Such minutes and written
73 record shall be subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A., relating to
74 inspection of public records."

75 **SECTION 4.**

76 Said Act is further amended by revising subsection (b) of Section 16 as follows:

77 "(b) The members of the board shall receive compensation, in an amount determined by
78 the governing authority of the county, for their service as members of the board and shall
79 also be reimbursed for their actual and necessary expenses incurred in the performance of
80 their duties."

81 **SECTION 5.**

82 Said Act is further amended by revising Section 17 as follows:

83 "SECTION 17.

84 Subject to appropriation of funds by the commissioners, the board shall be authorized to
85 expend county funds to provide for such proper and suitable administrative offices and for
86 such clerical assistance and other employees as the board shall deem appropriate.
87 Compensation for such administrative personnel shall be paid by the board under the
88 county personnel system wholly from county funds. This section shall not be construed
89 so as to require the board to expend any funds simply because they are authorized to do so
90 under this Act. Employees of the board shall be considered county employees for pay,
91 benefits, sick leave, vacation, and for other purposes, and such pay shall be as determined
92 by the governing authority of the county."

93 **SECTION 6.**

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