

Senate Bill 116

By: Senator Black of the 8th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Lanier 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 and appointment of members and an elections supervisor; to provide for the
4 qualifications, terms, and removal of members; to provide for vacancies; to provide for oaths
5 and privileges; to provide for the conduct of primaries and elections; to provide for meetings;
6 to authorize the conduct of municipal elections; to allow for joint primaries; to authorize
7 expenditure of public funds; to provide compensation for board members and staff; to
8 provide for offices, supplies, and other materials; to provide for the transfer of powers,
9 duties, facilities, and personal property; to provide for related matters; to provide 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 Official Code of Georgia
14 Annotated, there is created the Board of Elections and Registration of Lanier County. The
15 Board of Elections and Registration of Lanier County shall have the powers, duties, and
16 responsibilities of the superintendent of elections of Lanier County under Chapter 2 of Title
17 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same now
18 exists or may hereafter be amended, which powers, duties, and responsibilities are currently
19 being exercised by the judge of the Probate Court of Lanier County, and the powers, duties,
20 and responsibilities of the Board of Registrars of Lanier County under Chapter 2 of Title 21
21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same now
22 exists or may hereafter be amended.

23 **SECTION 2.**

24 As used in this Act, the term:

25 (1) "Board" means the Lanier County Board of Elections and Registration.

26 (2) "Commissioners" means the Board of Commissioners of Lanier County.

27 (3) "County" means Lanier County.

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

31 **SECTION 3.**

32 (a) The board shall be composed of five members, each of whom shall be an elector and
33 resident of the county and who shall be appointed as provided in this section.

34 (b) The initial members of the board shall be the current members of the Board of Registrars
35 of Lanier County, and their initial terms shall expire on December 31, 2019. Thereafter, all
36 successors to such members shall be appointed to serve four-year terms of office and until
37 their respective successors are appointed and qualified. All successor members of the board
38 shall be appointed by the grand jury of the county, with one member being a resident of the
39 county at large who shall serve as chairperson, and one member from each commission
40 district who shall be a resident of that district. The board shall elect from its members a vice
41 chairperson and secretary.

42 (c) The board shall select an elections supervisor. The elections supervisor shall be
43 responsible for the selection and training of poll workers in the primaries and elections and
44 other personnel. The elections supervisor shall generally direct and control the
45 administration of elections and voter registration in the county. The elections supervisor
46 shall be supervised by the board and shall be subject to removal from office by the board,
47 with cause shown. The elections supervisor shall be neither a member of the board nor an
48 elected official.

49 **SECTION 4.**

50 No person who holds elective public office shall be eligible to serve as a member of the
51 board during the term of such elective public office, and the position of membership of any
52 member shall be deemed vacant upon such member's qualifying as a candidate for an elective
53 public office. Each member of the board shall be eligible to serve successive terms, shall
54 have the right to resign at any time by giving written notice of such resignation to the
55 commissioners and to the clerk of the Superior Court of Lanier County, and shall be subject
56 to removal from the board by the commissioners at any time, for cause, after notice and
57 hearing.

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SECTION 5.

59 The appointment of each member of the board, except the initial members, shall be
60 evidenced by the foreman of the grand jury filing an affidavit with the clerk of the Superior
61 Court of Lanier County no later than 30 days preceding the date on which such member is
62 to take office stating the name and residence address of the person appointed and certifying
63 that such member has been duly appointed as provided in this Act. The clerk of the Superior
64 Court of Lanier County shall be notified of any interim appointments and shall record and
65 certify such appointments in the same manner as the regular appointment of members. The
66 clerk of the Superior Court of Lanier County shall record each certification on the minutes
67 of that superior court and shall certify the name of each member to the Secretary of State and
68 provide for the issuance of appropriate commissions to the members as provided by law for
69 county registrars.

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SECTION 6.

71 In the event a vacancy occurs on the board by removal, death, resignation, or otherwise, the
72 grand jury shall appoint an interim successor. Such appointments shall be certified by the
73 grand jury in the same manner as the regular appointments of members.

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SECTION 7.

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

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SECTION 8.

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

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SECTION 9.

92 The board shall fix and establish, by appropriate resolution entered on its minutes, directives
93 governing the execution of matters within its jurisdiction. The board shall hold meetings in
94 its offices. Any specially called meetings held pursuant to bylaws adopted by the board shall
95 be held only after notification of the time and place of the holding of such meeting has been
96 communicated in writing to the elections supervisor in order to provide public notice of the
97 meetings as required by law. All meetings of whatever kind of the board shall be conducted
98 pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to
99 open meetings. The board shall maintain a written record of policy decisions that shall be
100 amended to include additions or deletions. Such written records shall be subject to Article
101 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection
102 of public records.

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SECTION 10.

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

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SECTION 11.

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

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SECTION 12.

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

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SECTION 13.

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

122 **SECTION 14.**

123 Compensation for the members of the board, the elections supervisor, clerical assistants, and
124 other employees shall be fixed by the commissioners. In addition thereto, the members of
125 the board shall be reimbursed for their actual and necessary expenses incurred in the
126 performance of their duties. All amounts payable under this section shall be paid from
127 county funds.

128 **SECTION 15.**

129 The commissioners shall provide the board with such proper and suitable offices, equipment,
130 materials, and supplies and with such clerical assistance and other employees as the
131 commissioners deem appropriate.

132 **SECTION 16.**

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

138 **SECTION 17.**

139 This Act shall become effective on July 1, 2019.

140 **SECTION 18.**

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