

House Bill 1023 (COMMITTEE SUBSTITUTE)

By: Representatives Spencer of the 180<sup>th</sup> and Corbett of the 174<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a Board of Elections and Registration for Camden County, which shall conduct  
2 primaries and elections for Camden County, the City of St. Marys, the City of Woodbine,  
3 and the City of Kingsland, and provide for its powers and duties; to provide for the  
4 composition of the board and the selection, qualification, and terms of its members; to  
5 provide for resignation, succession, and removal of members and for filling vacancies; to  
6 provide for oaths and privileges; to relieve certain boards and officers of certain powers and  
7 duties and provide for the transfer of certain items to the newly created board; to abolish a  
8 certain board and officers; to provide for meetings and procedures; to provide for the  
9 elections supervisor and the powers and duties of such elections supervisor; to provide for  
10 board employees and their compensation; to provide for expenditures of public funds for  
11 certain purposes; to provide for compensation of the members of the board; to provide for  
12 offices and equipment; to provide for contracts with certain municipalities; to provide for the  
13 meaning of certain terms; to provide for effective dates; to repeal conflicting laws; and for  
14 other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Pursuant to subsection (b) of Code Section 21-2-45 of the O.C.G.A., there is created the  
18 Board of Elections and Registration for Camden County, hereinafter referred to as "the  
19 board." Except as otherwise provided in this Act, the board shall have the powers, duties,  
20 and responsibilities of the election superintendent of Camden County, the municipal election  
21 superintendent of the City of St. Marys, the City of Woodbine, and the City of Kingsland,  
22 and the board of registrars of Camden County, all as provided for under Chapter 2 of Title 21  
23 of the O.C.G.A., the "Georgia Election Code."

24

**SECTION 2.**

25 (a) Such board shall be composed of not less than three members, each of whom shall be an  
26 elector and a resident of the county, and who shall be appointed by the governing authority  
27 of Camden County.

28 (b) The initial members of the board shall be appointed for terms of office beginning  
29 January 1, 2019. The governing authority of the county shall designate one or two (if more  
30 than three initial members) of the initial members to serve for a term of two years and two  
31 or three (if more than three initial members) of the initial members to serve for terms of four  
32 years, and until their successors are appointed and qualified. Thereafter, all members of the  
33 board shall be appointed for terms of four years and until their successors are appointed and  
34 qualified.

35 (c) No person who holds or qualifies as a candidate for elective public office shall be eligible  
36 to serve as a member of the board during the term of such office, and the position of any  
37 member of the board shall be deemed vacant upon such member's qualifying as a candidate  
38 for elective public office.

39

**SECTION 3.**

40 (a) The appointment of each member of the board shall be made by the governing authority  
41 of Camden County filing an affidavit with the clerk of the superior court no later than 30  
42 days preceding the date at which such member is to take office stating the name and  
43 residential address of the person appointed and certifying that such member has been duly  
44 appointed as provided in this Act. The clerk of the superior court shall record each of such  
45 certifications on the minutes of the court and shall certify the name of each such member to  
46 the Secretary of State and shall provide for the issuance of appropriate commissions to the  
47 members within the same time and in the same manner as provided by law for registrars.

48 (b) If the governing authority of the county does not, in conformity with this Act, certify an  
49 appointment to the board within 30 days after the beginning of a term of office or within 30  
50 days after the creation of a vacancy in that office, then the judge of the Probate Court of  
51 Camden County shall immediately fill that vacancy by making the appointment thereto and  
52 shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve  
53 out the unexpired term of office.

54

**SECTION 4.**

55 Each member of the board shall be eligible to succeed himself or herself without limitation  
56 and shall have the right to resign at any time by giving written notice of his or her resignation  
57 to the governing authority of Camden County and to the clerk of the superior court. Each

58 member shall be subject to removal from the board by the governing authority of the county  
59 at any time for cause after notice and hearing.

60 **SECTION 5.**

61 Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs  
62 in the office of any member of the board by removal, death, resignation, or otherwise, the  
63 governing authority of Camden County shall appoint a successor for the remainder of the  
64 unexpired term. The clerk of the superior court shall be notified of interim appointments and  
65 record and certify such appointments in the same manner as the regular appointment of  
66 members.

67 **SECTION 6.**

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

71 **SECTION 7.**

72 On January 1, 2019, the election superintendent of Camden County and the board of  
73 registrars of Camden County shall be relieved from all powers and duties to which the board  
74 of elections and registration succeeds by the provisions of this Act; and they shall deliver  
75 thereafter to the chairman of the board, upon his or her written request, custody of all  
76 equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining  
77 to such powers and duties. At such time, the board of registrars of Camden County shall  
78 stand abolished.

79 **SECTION 8.**

80 The board shall be authorized and empowered to organize itself, elect its officers, determine  
81 its procedural rules and regulations, adopt bylaws, specify the functions and duties of the  
82 elections supervisor, and otherwise take such action as is appropriate to the management of  
83 the affairs committed to its supervision; provided, however, that no such action shall conflict  
84 with state law. Action and decision by the board shall be by a majority of the members of  
85 the board. Every two years the board shall elect one of its members to serve as chairman for  
86 a two-year term.

87 **SECTION 9.**

88 The board may hold regular meetings at the county courthouse or such other location as the  
89 board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by

90 the board shall be held only after notification of the time and place of the holding of such  
91 meeting has been communicated in writing to the elections supervisor who shall provide  
92 public notice of the meeting as required by law. All meetings of whatever kind of the board  
93 shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open  
94 meetings.

#### 95 **SECTION 10.**

96 The elections supervisor shall be a Camden County employee for purposes of pay, benefits,  
97 sick leave, vacation, termination of employment, and for other purposes. Such position shall  
98 be full time. The elections supervisor shall direct and control the administration of elections  
99 and voter registration in Camden County and the holding of any municipal primary or  
100 election to be conducted within the City of St. Marys, the City of Woodbine, and the City of  
101 Kingsland and shall supervise, direct, and control the administration of the affairs of the  
102 board pursuant to law and duly adopted resolutions of the board. The board shall act within  
103 60 days of its members taking office under this Act, or of the date of any vacancy in such  
104 position, to submit and recommend for the position one to three names of qualified  
105 individuals to the County Administrator, who shall hire an elections supervisor based on a  
106 job description drawn by the board. The County Administrator may either hire one of the  
107 candidates submitted and recommended by the board, or the County Administrator may  
108 reject all the candidates submitted and recommended by the board and hire another qualified  
109 candidate. The elections supervisor shall be deemed a county department head and shall not  
110 be eligible to serve as a member of the board. As a county department head, the elections  
111 supervisor shall be subject to direction, evaluation, and corrective action by the County  
112 Administrator.

#### 113 **SECTION 11.**

114 The elections supervisor shall be authorized to employ such full-time and part-time  
115 employees, including poll workers, as may be deemed necessary by the elections supervisor  
116 and as are approved in the annual budget adopted by the governing authority of Camden  
117 County. All such employees shall be considered county employees for purposes of pay,  
118 benefits, sick leave, vacation, and for other purposes.

#### 119 **SECTION 12.**

120 With the consent of the governing authority of Camden County, the board shall be authorized  
121 to expend public funds for the purpose of distributing sample ballots, voter information  
122 booklets, and other material designed to inform and instruct adequately the electors of the  
123 county with regard to elections. No material distributed by the board shall contain or

124 express, in any manner or form, any commentary or expression of opinion or request for  
125 support with respect to any political issue or matter of political concern.

126 **SECTION 13.**

127 The compensation of the chairman and other members of the board, the elections supervisor,  
128 clerical assistants, and other employees shall be as fixed by the governing authority of  
129 Camden County. Such compensation shall be paid from county funds.

130 **SECTION 14.**

131 The governing authority of Camden County shall provide the board and the elections  
132 supervisor with proper and suitable offices and equipment.

133 **SECTION 15.**

134 The board shall have the authority to contract with any municipality located within Camden  
135 County for the holding by the board of any primary or election to be conducted within the  
136 municipality; provided, however, that any such contract must be approved and ratified by the  
137 governing authority of Camden County.

138 **SECTION 16.**

139 The words "election," "elector," "political party," "primary," and "public office" shall have  
140 the same meaning as ascribed to those words by Code Section 21-2-2 of the O.C.G.A., unless  
141 otherwise clearly apparent from the text of this Act.

142 **SECTION 17.**

143 This Act shall become effective on January 1, 2019, except that for purposes of making  
144 initial appointments to the board, it shall become effective on July 1, 2018.

145 **SECTION 18.**

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