

House Bill 1602

By: Representatives Jasperse of the 11th, Ridley of the 6th, and Barton of the 5th

A BILL TO BE ENTITLED
AN ACT

1 To establish the board of elections and registration for Murray County, Georgia; to provide
2 for its powers and duties; to provide for the composition of the board and the selection,
3 qualification, and terms of its members; to provide for resignation, succession, and removal
4 of members and for filling vacancies; to provide for oaths and privileges; to relieve certain
5 boards and officers of certain powers and duties and provide for the transfer of certain items
6 to the newly created board; to abolish a certain board and officers; to provide for meetings
7 and procedures; to provide for the election supervisor and the powers and duties of such
8 election supervisor; to provide for board employees and their compensation; to provide for
9 expenditures of public funds for certain purposes; to provide for compensation of the
10 members of the board and election supervisor; to provide for offices and equipment; to
11 provide for the board's performance of certain functions and duties for certain municipalities;
12 to provide for the meaning of certain terms; to provide for effective dates and automatic
13 repeal; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., as of March 1, 2023,
17 there is created the Murray County Board of Elections and Registration. The board shall
18 have the powers and duties of the election superintendent relating to the conduct of primaries
19 and elections and shall have the powers and duties of the board of registrars relating to the
20 registration of voters and absentee balloting procedures.

21 **SECTION 2.**

22 The board shall be composed of five members, each of whom shall be an elector and resident
23 of Murray County, who shall be appointed in the following manner:

24 (1) Two members shall be appointed by the governing authority of Murray County from
25 a list of four nominations made by the county executive committee of the political party
26 whose candidates at the last preceding regular general election held for the election of all
27 members of the General Assembly received the largest number of votes in this state for
28 members of the General Assembly;

29 (2) Two members shall be appointed by the governing authority of Murray County from
30 a list of four nominations made by the county executive committee of the political party
31 whose candidates at the election described in paragraph (1) of this section received the
32 second largest number of such votes; and

33 (3) One nonpartisan member shall be appointed by the governing authority of Murray
34 County, and such member shall serve as the chairperson of the board.

35 **SECTION 3.**

36 (a)(1) Except as provided for in paragraph (2) of this subsection, each member of the
37 board shall serve for a term of four years and until a successor is appointed and qualified,
38 except in the event of resignation or removal as provided for in subsection (c) of this
39 section.

40 (2)(A) The initial members of the board appointed pursuant to paragraphs (1) and (2)
41 of Section 2 of this Act shall be appointed for terms of office beginning on
42 March 1, 2023.

43 (B) The governing authority of Murray County shall designate one of the initial
44 members appointed pursuant to paragraph (1) of Section 2 of this Act and one of the
45 initial members appointed pursuant to paragraph (2) of Section 2 of this Act to serve
46 for terms ending on January 1, 2024, and until their successors are appointed and
47 qualified.

48 (C) The governing authority of Murray County shall designate one of the initial
49 members appointed pursuant to paragraph (1) of Section 2 of this Act and one of the
50 initial members appointed pursuant to paragraph (2) of Section 2 of this Act to serve
51 for terms ending on January 1, 2026, and until their successors are appointed and
52 qualified.

53 (D) The initial chairperson appointed pursuant to paragraph (3) of Section 2 of this Act
54 shall serve a term beginning on March 1, 2023, and ending on January 1, 2026, and
55 until a successor is appointed and qualified.

56 (b) Each member shall be eligible to succeed himself or herself and shall have the right to
57 resign at any time by giving written notice of resignation to the governing authority of
58 Murray County.

59 (c) Each member shall be subject to removal from the board at any time, for cause after
60 notice and hearing, in the same manner and by the same authority as provided for removal
61 of registrars. The members of the Board of Elections and Registration of Murray County
62 holding office on the effective date of this Act shall continue to hold office until their
63 successors are appointed in accordance with the provisions of this Act.

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SECTION 4.

65 The governing authority of Murray County shall file with the clerk of the Superior Court of
66 Murray County an affidavit which states the name and residential address of the person
67 appointed and certifies that such member has been duly appointed as provided in this Act.
68 The affidavit for the member who has been appointed as chairperson of the board shall also
69 specify that member's position as chairperson. The clerk of the superior court shall record
70 each such certification on the minutes of the court and shall certify the name of each such
71 member to the Secretary of State and provide for the issuance of appropriate commissions
72 to the members and chairperson within the same time and in the same manner as provided
73 by law for registrars.

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SECTION 5.

75 In the event that a vacancy occurs in the office of any member of the board by removal,
76 death, resignation, or otherwise, except by expiration of term, the respective appointing
77 authority shall appoint a successor for the remainder of the unexpired term. The clerk of the
78 superior court shall be notified of interim appointments and record and certify such
79 appointments in the same manner as the regular appointment of members.

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SECTION 6.

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

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SECTION 7.

85 (a) The board provided for in this Act shall be the successor to the Murray County Board
86 of Elections provided for in an Act to create the board of elections of Murray County,
87 approved March 12, 1984 (Ga. L. 1984, p. 4009), as amended.

88 (b) On March 1, 2023, the previous election superintendent of Murray County and the
89 board of registrars of Murray County shall be relieved of all powers and duties to which
90 the board succeeds by the provisions of this Act; and such election superintendent and
91 board of registrars shall deliver thereafter to the chairperson of the board, upon his or her
92 written request, the custody of all equipment, supplies, materials, books, papers, records,
93 and facilities of every kind pertaining to such powers and duties.

94 **SECTION 8.**

95 (a) The board shall be authorized to organize itself, elect its officers, determine its
96 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
97 employees, and otherwise take such action as is appropriate for the management of the
98 affairs committed to its supervision; provided, however, that no such action shall conflict
99 with state law.

100 (b) Action and decision by the board shall be by a majority of the members of the board.

101 **SECTION 9.**

102 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
103 directives governing the execution of matters within its jurisdiction. The board shall hold
104 regular monthly meetings at a time and place to be fixed by resolution of the board. All
105 meetings shall comply with the open meetings laws and open records laws of the State of
106 Georgia.

107 (b) The board shall maintain a written record of policy decisions that shall be amended to
108 include additions or deletions. Such written record shall be made available for the public
109 to review.

110 **SECTION 10.**

111 (a) The board shall be responsible for the selection and appointment of an administrative
112 director, to be known as the election supervisor, to administer and supervise conduct of
113 elections, primaries, and registration of electors for the county. The election supervisor
114 shall serve at the pleasure of the board. The board shall act within 60 days of its members
115 taking office under this Act to retain or appoint an election supervisor who shall be hired
116 by the board from a job description drawn by said board.

117 (b) In the event that the board fails to appoint or retain an election supervisor to fill a
118 vacancy within the time specified in subsection (a) of this section, an acting election
119 supervisor who shall temporarily fill such vacancy shall be appointed by the governing
120 authority of Murray County to serve until the board fills the vacancy.

121 **SECTION 11.**

122 The board shall be authorized to employ such full-time and part-time employees, including
123 a full-time chief clerk, as the board shall deem necessary. The governing authority of
124 Murray County shall have the right to approve the hiring of any such employee.

125 **SECTION 12.**

126 With the consent of the governing authority of Murray County, the board of elections and
127 registration shall be authorized to expend public funds for the purpose of distributing sample
128 ballots, voter information booklets, and other material designed to inform and adequately
129 instruct the electors of the county with regard to elections. No material distributed by the
130 board shall contain or express, in any manner or form, any commentary or expression of
131 opinion or request for support with respect to any political issue or matter of political
132 concern.

133 **SECTION 13.**

134 Compensation for the members of the board, employees of the board, and the election
135 supervisor shall be fixed by the board with the approval of the governing authority of Murray
136 County. Such compensation shall be paid from county funds.

137 **SECTION 14.**

138 The governing authority of Murray County shall provide the board and the election
139 supervisor with proper and suitable offices and equipment.

140 **SECTION 15.**

141 The board is authorized to perform for any municipality located wholly or partially within
142 Murray County any functions and duties which election superintendents and boards of
143 registrars are authorized by general law to perform on behalf of municipalities under such
144 conditions as provided by general law.

145 **SECTION 16.**

146 The words "election," "elector," "political party," "primary," "public office," "special
147 election," and "special primary" shall have the same meanings ascribed to those words by
148 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this
149 Act.

150 **SECTION 17.**

151 This Act shall become effective upon its approval by the Governor or upon its becoming law
152 without such approval, provided that an Act to amend an Act to create a board of elections
153 of Murray County, approved March 12, 1984 (Ga. L. 1984, p. 4009), as amended, is enacted
154 in the 2022 regular session of the General Assembly providing for the abolition of such board

155 of elections on a date certain; if such abolition Act is not so approved, this Act shall not
156 become effective and shall be automatically repealed on July 1, 2022.

157 **SECTION 18.**

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