

House Bill 781

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Chatham County; to provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 election, selection, and appointment of members and an elections supervisor; to provide for
4 the qualifications, terms, and removal of members; to provide for vacancies; to provide for
5 oaths and privileges; to provide for the conduct of primaries and elections; to provide for
6 meetings; to authorize the conduct of municipal elections; to allow for joint primaries; to
7 authorize expenditure of public funds; to provide compensation for board members and staff;
8 to 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 effective
10 dates; to repeal a specific Act; 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 Chatham County. The
15 Board of Elections and Registration of Chatham County shall have the powers, duties, and
16 responsibilities of the superintendent of elections of Chatham County under Chapter 2 of

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17 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same
18 now exists or may hereafter be amended, which powers, duties, and responsibilities are
19 currently being exercised by the Board of Elections of Chatham County, and the powers,
20 duties, and responsibilities of the Board of Registrars of Chatham County under Chapter 2
21 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the
22 same now exists or may hereafter be amended.

23 **SECTION 2.**

24 As used in this Act, the term:

- 25 (1) "Board" means the Chatham County Board of Elections and Registration.
26 (2) "Commissioners" means the Board of Commissioners of Chatham County.
27 (3) "County" means Chatham 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 elected or appointed to four-year terms
33 of office, each of whom shall be an elector and resident of Chatham County.
34 (b)(1) At each primary held for candidates for the office of Governor, one member shall
35 be elected by the political party whose candidate for the office of Governor at the last
36 election for such office received the highest number of votes cast for such office within
37 the county; and
38 (2) At each primary held for candidates for the office of Governor, one member shall be
39 elected by the political party whose candidate for the office of Governor at the last
40 election for such office received the second highest number of votes cast for such office
41 within the county.

42 (c) Three members shall be appointed by the chief judge of the Eastern Judicial Circuit,
43 regardless of partisan affiliation or status.

44 **SECTION 4.**

45 No person who holds elective public office shall be eligible to serve as a member of the
46 board during the term of such elective public office, and the position of membership of any
47 member shall be deemed vacant upon such member's qualifying as a candidate for an elective
48 public office. Each member of the board shall be eligible to serve successive terms, shall
49 have the right to resign at any time by giving written notice of such resignation to the clerk
50 of the Superior Court of Chatham County, and shall be subject to removal at any time, for
51 cause, after notice and hearing in the same manner as provided by general law for the
52 removal of registrars.

53 **SECTION 5.**

54 (a) The appointment of each appointed member of the board shall be evidenced by the
55 chief judge of the Eastern Judicial Circuit filing an order with the clerk of the Superior
56 Court of Chatham County no later than 30 days preceding the date on which such member
57 is to take office, stating the name and residence address of the person appointed and
58 certifying that such member has been duly appointed as provided in this Act. The clerk of
59 the Superior Court of Chatham County shall be notified of any interim appointments and
60 shall record and certify such appointments in the same manner as the regular appointment
61 of members. The clerk of the Superior Court of Chatham County shall record each
62 certification on the minutes of that superior court and shall certify the name of each
63 member to the Secretary of State and provide for the issuance of appropriate commissions
64 to the members as provided by law for county registrars.

65 (b) The election of each elected member of the board shall be evidenced by the
66 certification of the results of such election in a manner provided by Chapter 2 of Title 21

67 of the Official Code of Georgia Annotated, the "Georgia Election Code." Each elected
68 member of the board shall be subject to removal from office for misfeasance or
69 malfeasance in office on the grounds of and in the manner prescribed for the removal of
70 clerks of the superior court as provided in Code Section 15-6-82 of the Official Code of
71 Georgia Annotated.

72 **SECTION 6.**

73 In the event a vacancy occurs on the board by removal, death, resignation, or otherwise, the
74 chief judge of the Eastern Judicial Circuit shall appoint a qualified person to serve for the
75 remainder of the unexpired term. Such appointments shall be certified by such chief judge
76 in the same manner as the regular appointments of members.

77 **SECTION 7.**

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

80 **SECTION 8.**

81 The board shall be empowered with all the powers and duties relating to the conduct of
82 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
83 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The board
84 shall be empowered with all the powers and duties relating to the registration of voters and
85 absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2
86 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." This
87 Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the
88 Official Code of Georgia Annotated and shall be construed liberally so as to effectuate that
89 purpose. The board shall be authorized and empowered to organize itself, determine its
90 procedural rules and regulations, adopt bylaws, specify the functions and duties of its

91 employees, and otherwise take such action as is appropriate to the management of its affairs;
92 provided, however, that no such action shall conflict with state law. Action and decision by
93 the board shall be by a majority of the members of the board.

94

SECTION 9.

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

106

SECTION 10.

107 The board shall elect from its membership a person to serve as chairperson and may elect
108 from its membership persons to serve as vice chairperson and secretary. The chairperson of
109 the board shall chair all meetings of the board, serve as spokesperson for the board, and shall
110 generally supervise, direct, and control the administration of the affairs of the board pursuant
111 to law and duly adopted resolutions of the board.

112 **SECTION 11.**

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

117 **SECTION 12.**

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

121 **SECTION 13.**

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

127 **SECTION 14.**

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

133 **SECTION 15.**

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

137 **SECTION 16.**

138 Upon the effective date of this Act, the Board of Elections of Chatham County and the Board
139 of Registrars of Chatham County shall be relieved of all powers and duties and shall be
140 transferred to the board by this Act. Such board of elections and board of registrars shall
141 deliver to the board all facilities and personal property, including but not limited to
142 equipment, supplies, materials, books, papers, and records pertaining to such powers and
143 duties.

144 **SECTION 17.**

145 This Act shall become effective on January 1, 2023; provided, however, that for purposes of
146 making the initial appointment, election, and certification of the board established herein, this
147 Act shall become effective on July 1, 2021.

148 **SECTION 18.**

149 An Act creating the Board of Elections of Chatham County, approved March 29, 1984
150 (Ga. L. 1984, p. 5197), and all amendatory Acts are hereby repealed in their entirety.

151 **SECTION 19.**

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