

Senate Bill 307

By: Senator Walker III of the 20th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To create a board of elections and registration for Pulaski 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 Pulaski County. The
15 Board of Elections and Registration of Pulaski County shall have the powers, duties, and
16 responsibilities of the superintendent of elections of Pulaski County under Chapter 2 of Title

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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 Pulaski County, and the powers, duties,
20 and responsibilities of the Board of Registrars of Pulaski 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.

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SECTION 2.

24 As used in this Act, the term:

- 25 (1) "Board" means the Pulaski County Board of Elections and Registration.
26 (2) "Commissioners" means the Board of Commissioners of Pulaski County.
27 (3) "County" means Pulaski 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.

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SECTION 3.

32 (a) The board shall be composed of five members, each of whom shall be an elector and
33 resident of Pulaski County, who shall be appointed in the following manner:

- 34 (1) Two members shall be appointed by the governing authority of Pulaski County from
35 nominations made by the chairperson of the county executive committee of the political
36 party whose candidates at the last preceding regular general election held for the election
37 of Governor received the largest number of votes in this state for members of the General
38 Assembly;
39 (2) Two members shall be appointed by the governing authority of Pulaski County from
40 nominations made by the chairperson of the county executive committee of the political

41 party whose candidates at the election described in paragraph (1) of this section received
42 the second largest number of such votes; and

43 (3) One nonpartisan member shall be appointed by the governing authority of Pulaski
44 County, and such member shall serve as chairperson of the board.

45 (b)(1) Except as provided for in paragraph (2) of this subsection, each member of the
46 board appointed pursuant to this section shall serve for a term of four years and until a
47 successor is appointed and qualified, except in the event of resignation or removal as
48 provided in Section 6 of this Act.

49 (2)(A) The initial members of the board appointed pursuant this Act shall be appointed
50 for terms of office beginning July 1, 2021.

51 (B) The governing authority of Pulaski County shall designate one of the initial
52 members appointed pursuant paragraph (1) of subsection (a) of this section and one
53 member appointed pursuant to paragraph (2) of subsection (a) of this section to serve
54 for a term ending on December 31, 2022, and until their successors are appointed and
55 qualified.

56 (C) The governing authority of Pulaski County shall designate one of the initial
57 members appointed pursuant paragraph (1) of subsection (a) of this section and one
58 member appointed pursuant to paragraph (2) of subsection (a) of this section to serve
59 for a term ending on December 31, 2024, and until their successors are appointed and
60 qualified.

61 (D) The initial member appointed pursuant to paragraph (3) of subsection (a) of this
62 section shall serve for a term ending on December 31, 2024, and until a successor is
63 appointed and qualified.

64 (c) The board shall select an elections supervisor. The elections supervisor shall be
65 responsible for the selection and training of poll workers in the primaries and elections and
66 other personnel. The elections supervisor shall generally direct and control the
67 administration of elections and voter registration in the county. The elections supervisor

68 shall be supervised by the board and shall be subject to removal from office by the board,
69 with cause shown. The elections supervisor shall be neither a member of the board nor an
70 elected official.

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SECTION 4.

72 No person who holds elective public office shall be eligible to serve as a member of the
73 board during the term of such elective public office, and the position of membership of any
74 member shall be deemed vacant upon such member's qualifying as a candidate for an elective
75 public office. Each member of the board shall be eligible to serve successive terms, shall
76 have the right to resign at any time by giving written notice of such resignation to the
77 commissioners and to the clerk of the Superior Court of Pulaski County, and shall be subject
78 to removal from the board by the commissioners at any time, for cause, after notice and
79 hearing.

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SECTION 5.

81 The appointment of each member of the board, except the initial members, shall be
82 evidenced by the board of commissioners filing an affidavit with the clerk of the Superior
83 Court of Pulaski County no later than 30 days preceding the date on which such member is
84 to take office stating the name and residence address of the person appointed and certifying
85 that such member has been duly appointed as provided in this Act. The clerk of the Superior
86 Court of Pulaski County shall be notified of any interim appointments and shall record and
87 certify such appointments in the same manner as the regular appointment of members. The
88 clerk of the Superior Court of Pulaski County shall record each certification on the minutes
89 of that superior court and shall certify the name of each member to the Secretary of State and
90 provide for the issuance of appropriate commissions to the members as provided by law for
91 county registrars.

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SECTION 6.

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

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SECTION 7.

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

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SECTION 8.

100 The board shall be empowered with all the powers and duties relating to the conduct of
101 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
102 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The board
103 shall be empowered with all the powers and duties relating to the registration of voters and
104 absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter
105 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." This
106 Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the
107 Official Code of Georgia Annotated and shall be construed liberally so as to effectuate that
108 purpose. The board shall be authorized and empowered to organize itself, determine its
109 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
110 employees, and otherwise take such action as is appropriate to the management of its affairs;
111 provided, however, that no such action shall conflict with state law. Action and decision by
112 the board shall be by a majority of the members of the board.

113

SECTION 9.

114 The board shall fix and establish, by appropriate resolution entered on its minutes, directives
115 governing the execution of matters within its jurisdiction. The board shall hold meetings in

116 its offices. Any specially called meetings held pursuant to bylaws adopted by the board shall
117 be held only after notification of the time and place of the holding of such meeting has been
118 communicated in writing to the elections supervisor in order to provide public notice of the
119 meetings as required by law. All meetings of whatever kind of the board shall be conducted
120 pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to
121 open meetings. The board shall maintain a written record of policy decisions that shall be
122 amended to include additions or deletions. Such written records shall be subject to Article
123 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection
124 of public records.

125 **SECTION 10.**

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

129 **SECTION 11.**

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

134 **SECTION 12.**

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

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SECTION 13.

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

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SECTION 14.

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

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SECTION 15.

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

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SECTION 16.

155 Upon the effective date of this Act, the Probate Court of Pulaski County and the Board of
156 Registrars of Pulaski County shall be relieved of all powers and duties transferred to the
157 board by this Act and shall deliver to the board all facilities and personal property, including
158 but not limited to equipment, supplies, materials, books, papers, and records pertaining to
159 such powers and duties.

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SECTION 17.

161 This Act shall become effective on July 1, 2021.

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SECTION 18.

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