

Senate Bill 434

By: Senator Burns of the 23rd

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Glascock 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, qualifications, terms, and removal of members; to provide for a supervisor of
4 elections; to provide for vacancies; to provide for certification; to provide for oaths and
5 privileges; to provide for the conduct of primaries and elections; to authorize the conduct of
6 municipal elections; to allow for joint primaries; to provide for meetings; 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 Glascock County. The
15 Board of Elections and Registration of Glascock County shall have the powers, duties, and
16 responsibilities of the superintendent of elections of Glascock County under Chapter 2 of
17 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same

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

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

27 (3) "County" means Glascock County.

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

31

SECTION 3.

32 (a) The board shall be composed of three members, each of whom shall be an elector and
33 resident of Glascock County. All members of the board shall be appointed by the
34 commissioners. The board shall select a chairperson from among its members, and may
35 select a vice-chairperson from among its members.

36 (b) The three initial members of the board shall take office on the first day of the month
37 following the month in which this Act is approved by the Governor or in which it becomes
38 law without such approval. At the time of appointment the commissioners shall designate
39 two of the initial members to terms of office that shall expire on December 31, 2027, and
40 upon the appointment and qualification of their respective successors. The initial term of
41 office for the third member of the board shall expire on December 31, 2028, and upon the
42 appointment and qualification of his or her successor.

43 (c) Successors to members of the board whose terms of office are to expire shall be
44 appointed to take office on the first day of January immediately following the expiration of
45 such terms of office and shall serve for terms of four years and until their successors are duly
46 appointed and qualified.

47 (d) The board shall take no official action until all members have been certified by the clerk
48 of the Superior Court of Glascock County.

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SECTION 4.

50 (a) The board may appoint an individual to serve as the supervisor of elections of Glascock
51 County. If so appointed, the supervisor of elections shall generally direct and control the
52 administration of elections and voter registration in the county. The supervisor of elections
53 shall be supervised by the board and shall be subject to removal from office by the board,
54 with or without cause. The supervisor of elections shall not be a member of the board nor
55 an elected official.

56 (b) The board shall be responsible for the selection, appointment, and training of poll
57 workers for elections.

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SECTION 5.

59 Each member of the board shall:

60 (1) Except as provided for in Section 3 of this Act, serve a term of office of four years
61 and until his or her successor is appointed and qualified;

62 (2) Be eligible to be reappointed to succeed himself or herself and shall have the right
63 to resign from the board at any time by giving written notice of such resignation to the
64 commissioners and the clerk of the Superior Court of Glascock County; and

65 (3) Be subject to removal from office, at any time, for cause, after notice and hearing.
66 Such hearing shall be before the chief judge of the Superior Court of Glascock County
67 or another superior court judge designated by such chief judge.

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SECTION 6.

69 (a) The appointment of each member of the board shall be evidenced by the commissioners
70 filing an affidavit with the clerk of the Superior Court of Glascock County no later than 30
71 days preceding the date on which such member is to take office, stating the name and
72 residence address of the person appointed and certifying that such member has been duly
73 appointed as provided for in this Act. The clerk of the Superior Court of Glascock County
74 shall be notified of any interim appointments and shall record and certify such appointments
75 in the same manner as the regular appointment of members.

76 (b) The clerk of the Superior Court of Glascock County shall record each certification on the
77 minutes of the superior court and shall certify the name of each member to the Secretary of
78 State and provide for the issuance of appropriate commissions to the members as provided
79 by law for county registrars.

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SECTION 7.

81 In the event a vacancy occurs on the board by removal, death, resignation, or otherwise, the
82 commissioners shall appoint a successor in the same manner as the board member who has
83 vacated the office to serve out the remainder of the unexpired term. Such appointment shall
84 be certified by the commissioners in the same manner as the regular appointment of
85 members.

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SECTION 8.

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

89

SECTION 9.

90 (a) The board shall be empowered with all the powers and duties relating to the conduct of
91 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
92 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code."

93 (b) The board shall be empowered with all the powers and duties relating to the registration
94 of voters and absentee balloting procedures as boards of registrars pursuant to the provisions
95 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election
96 Code."

97 (c) This Act is intended to implement the provisions of subsection (b) of Code
98 Section 21-2-40 of the Official Code of Georgia Annotated and shall be construed liberally
99 so as to effectuate that purpose.

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SECTION 10.

101 No person who holds elective public office shall be eligible to serve as a member of the
102 board during the term of such elective office. The position of any member of the board shall
103 be deemed vacant upon such member qualifying as a candidate for elective public office.

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SECTION 11.

105 Any rule or regulation promulgated by a county executive committee of a political party
106 under the provisions of subsection (c) of Code Section 21-2-111 of the Official Code of
107 Georgia Annotated with regard to the conduct of primaries shall be null and void if in
108 conflict with valid rules or regulations adopted by the board.

109

SECTION 12.

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

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

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SECTION 13.

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

123

SECTION 14.

124 (a) The board shall be authorized and empowered to organize itself, determine its procedural
125 rules and regulations, adopt bylaws, specify the functions and duties of its employees, and
126 otherwise take such actions as are appropriate to the management of its affairs; provided,
127 however, that no such action shall conflict with state law.

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

129

SECTION 15.

130 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
131 directives governing the execution of matters within its jurisdiction, including, but not
132 limited to, a schedule of regular meetings. The board shall hold meetings in the office of the
133 board. Any specially called meeting shall be held only after notification of the time and
134 place of the holding of such meeting has been communicated in writing to the supervisor of
135 elections and all public notices required by law have been made. All meetings of the board
136 of whatever kind shall be conducted pursuant to Chapter 14 of Title 50 of the Official Code
137 of Georgia Annotated, relating to open and public meetings.

138 (b) The board shall maintain a written record of policy decisions that shall be amended to
139 include additions or deletions. Such written records shall be subject to Article 4 of
140 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection of
141 public records.

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SECTION 16.

143 (a) The chairperson, or in the absence of the chairperson the vice chairperson, shall chair all
144 meetings of the board. The chairperson shall be the spokesperson for the board.

145 (b) Board members shall receive such compensation for their services as may be determined
146 reasonable by the commissioners. Board members shall be reimbursed for the actual and
147 necessary expenses incurred in the performance of their duties.

148 (c) All amounts payable under this section shall be paid from the funds of the county.

149

SECTION 17.

150 The governing authority of Glascock County shall provide the board with such proper and
151 suitable offices, equipment, materials, and supplies and with such clerical assistance and
152 other employees as the commissioners deem appropriate. Compensation for such
153 administrative personnel shall be paid by the board under the county personnel system
154 wholly from county funds. Employees of the board shall be considered county employees
155 for pay, benefits, personal leave, and for other purposes. Nothing in this section shall be
156 construed so as to require the board to expend any funds simply because they are authorized
157 to do so.

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SECTION 18.

159 On the first day of the month following the month in which this Act is approved by the
160 Governor or in which it becomes law without such approval, the judge of the Probate Court
161 of Glascock County and the Board of Registrars of Glascock County shall be relieved of all
162 powers and duties transferred to the board by this Act and shall deliver to the board all

163 facilities and personal property, including, but not limited to, equipment, supplies, materials,
164 books, papers, and records pertaining to such powers and duties.

165 **SECTION 19.**

166 This Act shall become effective upon its approval by the Governor or upon it becoming law
167 without such approval.

168 **SECTION 20.**

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