

House Bill 1023 (AS PASSED HOUSE AND SENATE)

By: Representatives Spencer of the 180th and Corbett of the 174th

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 **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.

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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.

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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.