

Senate Bill 289

By: Senator Jackson of the 2nd

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 selection, election, and appointment of members; to provide for the qualifications, terms, and
4 removal of members; to provide for vacancies; to provide for oaths and privileges; to provide
5 for the conduct of primaries and elections; to provide for meetings; to provide for an
6 executive director to serve as the election supervisor; to authorize the conduct of municipal
7 elections; to allow for joint primaries; to authorize expenditure of public funds; to provide
8 compensation for board members and staff; to provide for offices, supplies, and other
9 materials; to provide for the transfer of powers, duties, facilities, and personal property; to
10 provide for related matters; to provide an effective date; to repeal a specific Act; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the Official Code of Georgia
15 Annotated, there is created the Board of Elections and Registration of Chatham County. The
16 Board of Elections and Registration of Chatham County shall have the powers, duties, and

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

24 **SECTION 2.**

25 As used in this Act, the term:

- 26 (1) "Board" means the Chatham County Board of Elections and Registration.
27 (2) "Commissioners" means the Board of Commissioners of Chatham County.
28 (3) "County" means Chatham County.
29 (4) "Election," "elector," "primary," and "public office" shall have the same meanings
30 as ascribed to those terms by Code Section 21-2-2 of the Official Code of Georgia
31 Annotated, unless otherwise clearly apparent from the text of this Act.

32 **SECTION 3.**

- 33 (a) The board shall be composed of five members, each of whom shall be an elector and
34 resident of the county and who shall be appointed as provided in this section.
35 (b) Except for the initial board members as provided for in subsection (f) of this section,
36 four members of the board shall be elected as follows:
37 (1) Two members shall be elected by the political party whose candidate for the office
38 of Governor at the last election for such office received the highest number of votes cast
39 for such office within the county; and

40 (2) Two members shall be elected by the political party whose candidate for the office
41 of Governor at the last election for such office received the second highest number of
42 votes cast for such office within the county.

43 (c) The winners of each election provided for in subsection (b) of this section, and runoff
44 if necessary, shall take office as members of the board on January 1, 2023, for terms of four
45 years and until their successors are elected and qualified. Such winners shall be certified
46 by the board in office at the time of the primaries to the clerk of the superior court of
47 Chatham County and to the Secretary of State. Such winners, upon taking office, shall take
48 an oath substantially the same as the oath required by law for county registrars to take
49 office.

50 (d) Thereafter, pursuant to the same procedures and requirements set forth in this section,
51 successors shall be elected at the general primary, and runoff if necessary, immediately
52 preceding the expiration of the then current terms of office and shall take office on the first
53 day of January immediately following their election for terms of four years and until their
54 successors are elected and qualified.

55 (e)(1) The fifth member of the board shall be the chairperson of the board. Except as
56 provided for in subsection (f) of this section, the chairperson shall be appointed by the
57 Board of Commissioners of Chatham County within 30 days of the beginning of a
58 four-year term. The term of office of the chairperson shall coincide with the terms of
59 office of the elected members of the board.

60 (2) If, at the end of the 30 day period provided for in paragraph (1) of this subsection,
61 such county commissioners have not been able to agree upon the appointment of a
62 chairperson, the chairperson of the board shall be appointed by a committee composed
63 of the senior superior court judge of the Eastern Judicial Circuit, the Chairperson of the
64 Board of Commissioners of Chatham County, the judges of the State Court of Chatham
65 County, the foreman of the Grand Jury of Chatham County, and the chairperson of the
66 Grand Jury Conference Committee of Chatham County.

67 (f)(1) Four of the initial members of the board provided for by this Act shall be the four
68 elected members of the Board of Elections of Chatham County serving on June 30, 2021.
69 The fifth initial member shall be the chairperson of the Board of Registrars serving on
70 June 30, 2021.

71 (2) The initial members as outlined in this subsection shall serve until
72 December 31, 2022, and their successors having been duly elected, or in the case of the
73 chairperson appointed, and given the oath required by law for county registrars to take
74 office on January 1, 2023.

75 (3) The term of each initial member shall commence on July 1, 2021.

76 **SECTION 4.**

77 No person who holds elective or appointive office, or is a salaried employee of the governing
78 authority of Chatham County or of a municipality located within said county, or any member
79 of the Board of Education of Chatham County, or any member of any commission appointed
80 by the governing authority or any municipality located within Chatham County, shall be
81 eligible for appointment or election to the board if the person has so served within three
82 months immediately preceding the person's becoming a member of the board in the case of
83 the chairperson or within three months immediately preceding the person's qualifying to run
84 for any elected position on the board; provided, however, that any member of the board shall
85 be eligible for reelection to the board.

86 **SECTION 5.**

87 Each member of the board shall be eligible to serve successive terms, shall have the right to
88 resign at any time by giving written notice of such resignation to the board, to the clerk of
89 the superior court, and to the Secretary of State. Each member of the board shall be subject
90 to removal from office for misfeasance or malfeasance in office on the grounds of and in the

91 manner prescribed for the removal of clerks of the superior court as provided in Code
92 Section 15-6-82 of the Official Code of Georgia Annotated.

93 **SECTION 6.**

94 In the event any vacancy shall occur for any reason, the party which elected the member in
95 which the vacancy shall occur shall nominate a qualified person to be appointed by the Board
96 of Commissioners of Chatham County to fill the vacancy for the unexpired term. In the
97 event any vacancy shall occur for any reason in the office of chairperson, the remaining
98 members of the board shall appoint a chairperson within 30 days following the occurrence
99 of the vacancy. If, at the end of such 30 day period, such members have not been able to
100 agree upon the appointment of a chairperson, the chairperson shall be appointed by the Board
101 of Commissioners of Chatham County when the other members of the board fail to act.

102 **SECTION 7.**

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

105 **SECTION 8.**

106 (a) The board shall be authorized to organize itself, determine its procedural rules and
107 regulations, adopt bylaws, specify policies for the functions and duties of its employees and
108 poll workers, and otherwise take such action as is appropriate to the management of the
109 affairs committed to its supervision; provided, however, that no such action shall conflict
110 with state law. Action and decision by the board shall be by a majority of the members of
111 the board.

112 (b)(1) Except as provided in paragraph (2) of this subsection, the board shall be
113 responsible for the selection and appointment of an executive director, to be known as the
114 election supervisor, to administer and supervise conduct of elections, primaries, and

115 registration of electors for the county. The election supervisor may be terminated with
116 cause by the board and shall not be governed under the authority of the board of
117 commissioners or any of their agents. The election supervisor shall have the authority,
118 within the policies established by the board, over retention, termination, and discipline
119 of employees, as well as training of poll workers in primaries and elections, such poll
120 workers to be appointed by the election supervisor.

121 (2) The Board of Commissioners of Chatham County shall appoint an initial permanent
122 executive director under this Act. The executive director shall serve immediately
123 following said appointment.

124 (c) The board shall be empowered with all the powers and duties relating to the conduct
125 of primaries and elections as election superintendent pursuant to the provisions of Chapter
126 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The
127 board shall be empowered with all the powers and duties relating to the registration of
128 voters and absentee balloting procedures as boards of registrars pursuant to the provisions
129 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election
130 Code." This Act is intended to implement the provisions of subsection (b) of Code Section
131 21-2-40 of the Official Code of Georgia Annotated and shall be construed liberally so as
132 to effectuate that purpose. The board shall be authorized and empowered to organize itself,
133 determine its procedural rules and regulations, adopt bylaws, specify the functions and
134 duties of its employees, and otherwise take such action as is appropriate to the management
135 of its affairs; provided, however, that no such action shall conflict with state law. Action
136 and decision by the board shall be by a majority of the members of the board.

137 **SECTION 9.**

138 The election supervisor shall be authorized to employ such full-time and part-time
139 employees, including poll workers, as may be deemed necessary by the election supervisor

140 and as approved in the annual budget adopted by the Board of Commissioners of Chatham
141 County.

142 **SECTION 10.**

143 Compensation for the members of the board, clerical assistants, and other employees shall
144 be fixed by the Board of Commissioners of Chatham County. Such compensation shall be
145 paid wholly from county funds.

146 **SECTION 11.**

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

151 **SECTION 12.**

152 The chairperson of the board shall conduct all meetings of the board and shall possess a
153 reserved vote in the event of a tie amongst the four elected board members. The board shall
154 fix and establish, by appropriate resolution or motion entered on its minutes, directives
155 governing the execution of matters within its jurisdiction. The board shall have regular
156 meetings and shall meet not fewer than four times per year. Any special called meeting shall
157 be called by the chairperson or any two members of the board. All meetings of whatever
158 kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the Official Code
159 of Georgia Annotated, relating to open meetings. The board shall maintain a written record
160 of policy decisions that shall be amended to include additions or deletions. Such written
161 records shall be subject to Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia
162 Annotated, relating to inspection of public records.

163 **SECTION 13.**

164 The Board of Commissioners of Chatham County shall provide the board with such proper
165 and suitable offices, equipment, materials, and supplies and with such clerical assistance and
166 other employees as the Board of Commissioners of Chatham County shall deem appropriate.

167 **SECTION 14.**

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

171 **SECTION 15.**

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

177 **SECTION 16.**

178 Upon the effective date of this Act, the Board of Elections of Chatham County and the Board
179 of Registrars of Chatham County shall be relieved of all powers and duties transferred to the
180 board by this Act and shall deliver to the board all facilities and personal property, including
181 but not limited to equipment, supplies, materials, books, papers, and records pertaining to
182 such powers and duties.

183 **SECTION 17.**

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

185 **SECTION 18.**

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

188 **SECTION 19.**

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