

# **BYLAWS FOR THE ATHENS-CLARKE COUNTY BOARD OF ELECTIONS AND REGISTRATION**

As amended 12 July 2022

## **ARTICLE I DEFINITION**

SECTION 1. When used in these bylaws, the following terms and phrases shall have the specific meanings as set forth in this article.

- (a) "Board" shall mean the Athens-Clarke County Board of Elections and Registration, as described in 1993 Ga. Laws 4631-4636, §§ 1-12, as amended by 2002 Ga. Laws 3541-3544, §§ 1-2.
- (b) "Elections Department" shall mean the Elections Department of the Unified Government of Athens-Clarke County, Georgia.
- (c) "Enabling Legislation" shall mean the local legislation creating the Board, specifically, 1993 Ga. Laws 4631-4636, §§ 1-12, as amended by 2002 Ga. Laws 3541-3544, §§ 1-2, and any other pertinent local legislation that may hereinafter be adopted.
- (d) "Governing Authority" shall mean the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia.
- (e) "Supervisor" shall mean the Supervisor of Elections and Registration for Athens-Clarke County, Georgia, as described in the Enabling Legislation.
- (f) "Unified Government" shall mean the Unified Government of Athens Clarke County, Georgia.

## **ARTICLE II POWERS AND DUTIES OF THE BOARD**

SECTION 1. In accordance with its Enabling Legislation, the Board shall serve as the election superintendent and the board of registrars for Athens-Clarke County, Georgia, with those powers and duties as are described in Title 21 of the Official Code of Georgia Annotated.

SECTION 2. The Board shall also have the authority to contract with any municipality located within Athens-Clarke County for the purpose of holding any primary or election to be conducted within the municipal corporation.

## **ARTICLE III MEMBERS OF THE BOARD; ELIGIBILITY; APPOINTMENT; TERMS OF OFFICE; REMOVAL**

SECTION 1. Any elector and resident of Athens-Clarke County shall be eligible to become a member of the Board; however, no person who holds elective public office shall be eligible during the term of such elective office. Upon a member qualifying as a candidate for elective public office, his or her position shall be deemed vacant.

SECTION 2. In accordance with its Enabling Legislation, the Board shall be comprised of five (5) members, who are to be appointed as follows:

- (a) Three (3) members shall be appointed by the Governing Authority of the Unified Government, and shall serve terms of four (4) years each.
- (b) One (1) member shall be appointed by the chairperson of the county executive committee of the political party whose candidates received the largest number of votes in this state for members of the General Assembly at the last preceding general election. Said appointment shall be ratified by a majority of the members of the county executive committees of the political party voting at a meeting duly called and held for that purpose; provided, however, in the event that the members of such executive committee shall fail to elect any such member of the board within thirty (30) days of the expiration of the term of the predecessor in office, a member shall be appointed by the Governing Authority of the Unified Government. The term of office for such member shall be four (4) years.
- (c) One (1) member shall be appointed by the chairperson of the county executive committee of the political party whose candidates received the next largest number of votes in this state for members of the General Assembly at the last preceding general election. Said appointment shall be ratified by a majority of the members of the county executive committees of the political party voting at a meeting duly called and held for that purpose; provided, however, in the event that the members of such

executive committee shall fail to elect any such member of the board within thirty (30) days of the expiration of the term of the predecessor in office, a member shall be appointed by the Governing Authority of the Unified Government. The term of office for such member shall be four (4) years.

SECTION 3. Each member of the Board shall take all necessary oaths or affirmations as required by law before officially entering into his or her duties.

SECTION 4. It is anticipated that Board members shall put forth the necessary time and effort to ensure that they fully understand their duties and obligations as Board members and generally understand important concepts in the administration of elections, including, but not necessarily limited to, the process to register to vote, the purpose of provisional voting, general information pertaining to the current voting systems, the absentee ballot process, required forms of voter identification, and sensitive election deadlines.

SECTION 5. Each Board member will make a diligent effort to ensure that the Supervisor, Chairperson, and Vice-Chairperson has his or her contact information, to include a current address, current phone number, and current e-mail address. Unless otherwise advised, it shall be presumed that notice of meetings and other matters may be provided to Board members through e-mail.

SECTION 6. Members of the Board shall be subject to removal at any time for cause after notice and hearing, in the same manner and by the same authority as provided for removal by registrars.

## **ARTICLE IV OFFICERS**

SECTION 1. The Board shall have three (3) separate officers, a Chairperson, a Vice-Chairperson, and a Secretary. The Board shall select a Chairperson and a Vice-Chairperson as provided in this Article. The Board shall select a Secretary as provided in Article V of these bylaws.

SECTION 2. During their first regularly-scheduled meeting of each calendar year, the members of the Board shall select a Chairperson and a Vice-Chairperson from among their membership. The Chairperson and the Vice-Chairperson shall each serve in their positions during the calendar year, and their terms shall expire at the adjournment of the first regularly-scheduled Board meeting at the beginning of the next calendar year after their appointment. The Chairperson and the Vice-Chairperson may be reselected for multiple terms.

SECTION 3. In the event that the Chairperson is absent or unavailable, then the Vice Chairperson shall serve as the acting Chairperson, and shall have all the powers and duties provided to the Chairperson under any applicable laws of the State of Georgia, the Enabling Legislation, these bylaws, and any policies or procedures of the Board. If the Chairperson is unable to complete the remainder of his or her term due to death, disability, resignation, removal, or other like causes, then the Vice Chairperson shall become the permanent Chairperson and serve the remainder of the former Chairperson's term, and the Board shall select from among their membership a new Vice-Chairperson as soon as practicable, but no later than sixty (60) days after the former Vice-Chairperson becomes the permanent Chairperson. The newly-selected Vice-Chairperson shall then serve the remainder of Vice-Chairperson's term.

SECTION 4. If the Vice-Chairperson is unable to complete the remainder of his or her term due to death, disability, resignation, removal, or other like causes, then the Board members shall select from their number a new Vice-Chairperson as soon as practicable, but no later than sixty (60) days after the former Vice-Chairperson becomes unable to complete the remainder of his or her term. The newly-selected Vice-Chairperson shall then serve the remainder of the former Vice-Chairperson's term.

SECTION 5. If both the Chairperson and Vice-Chairperson are absent from a particular meeting,

then as the first order of business, the Board members in attendance shall select an acting Chairperson from their number. During the meeting, the acting Chairperson shall have all the powers and duties provided to the Chairperson under any applicable laws of the State of Georgia, the Enabling Legislation, these bylaws, and any policies or procedures of the Board. Upon the arrival or appearance of the Chairperson or Vice-Chairperson at the meeting, the acting Chairperson shall cede his or her role to the Chairperson or Vice-Chairperson, as the case may be.

## **ARTICLE V RECORDS OF THE BOARD; SECRETARY AND ASSISTANT SECRETARY**

**SECTION 1.** The Board, with assistance from the Elections Department, shall maintain all records attendant to their duties as the election superintendent and the board of registrars for Athens-Clarke County, Georgia, and shall maintain minutes of their meetings in accordance with the laws of the State of Georgia.

**SECTION 2.** During their first regularly-scheduled meeting of each calendar year, the members of the Board shall select a Secretary from among their membership. The Secretary shall serve in his or her position during the calendar year, and the Secretary's term shall expire at the adjournment of the first regularly-scheduled Board meeting at the beginning of the next calendar year after his or her appointment. The Secretary may be reselected for multiple terms. If the Secretary is unable to complete the remainder of his or her term due to death, disability, resignation, removal, or other like causes, then the Board members shall select from their number a new Secretary as soon as practicable, but no later than sixty (60) days after the former Secretary becomes unable to complete the remainder of his or her term.

**SECTION 3.** The Board may nominate and approve a member from the staff of the Elections Department to serve as an Assistant Secretary of the Board. This staff member shall serve as Assistant Secretary for so long as he or she remains an employee of the Elections Department and does not otherwise resign from the position of Assistant Secretary. The Board may, at any time, vote to remove an Assistant Secretary and nominate and approve a new Assistant Secretary. The Assistant Secretary shall not be considered a member of the Board.

**SECTION 4.** The responsibilities of the Secretary and Assistant Secretary shall be to serve as custodians of the Board's records, to prepare—or cause to be prepared—agendas and minutes for Board meetings, to certify any records or copies of records as may be necessary, to authenticate the signature of the Chairperson or other members of the Board on official documents or other written instruments as may be necessary, and to otherwise perform all duties necessary or appropriate to keeping and maintaining the records of the Board.

## **ARTICLE VI MEETINGS OF THE BOARD**

**SECTION 1.** The Board shall hold regular monthly meetings, which shall be set by the Board as described in these bylaws. The Board may also hold specially-called or emergency meetings as necessary and in accordance with the laws of the State of Georgia. In regard to any and all meetings of the Board, the following shall apply:

- (a) The Chairperson shall ensure that the Supervisor and all members of the Board receive notice of the date, time, and place of any Board meetings. The Chairperson may delegate the responsibility of providing notice to Board members of Board meetings, or the cancellation or postponement thereof, to the staff of the Elections Department.
- (b) There must be at least three (3) of the five (5) members present at a meeting to constitute a quorum for conducting business.
- (c) Decisions of the Board shall be by a majority vote of the members present for the meeting. The Chairperson shall serve as a voting member of the Board.
- (d) Meetings of the Board shall generally be conducted in accordance with Robert's Rules of Order Newly Revised\*. The Chairperson shall decide points of order and procedure, and upon request of the Chairperson

or any member of the Board, the Athens-Clarke County Attorney (or the Attorney's designee), if in attendance, shall act as parliamentarian and render an opinion as to any point of order or procedure.

- (e) During discussions of the Board, members should confine their discourse to the matter at hand.
- (f) Board members shall seek recognition from the Chairperson prior to speaking. The Chairperson shall recognize members in the order in which recognition is sought. If two (2) or more Board members seek recognition at the same time, the Chairperson shall designate the order of members entitled to speak.
- (g) No Board member shall address the Board or question another member who is speaking, except through the Chairperson.
- (h) Questions from Board members to staff members or other persons present at the meeting shall be directed through the Chairperson.
- (i) It shall be the responsibility of the Chairperson to preserve order during the meeting. As part of this responsibility, and in the exercise of sound discretion, the Chairperson may pose the question of whether the discourse of the Board is irrelevant to the matter at hand. Upon the Chairperson posing such a question, the Board members shall take a vote to determine whether the discourse is irrelevant. If a majority of the members present determine the discourse to be irrelevant, then all members shall suspend such discourse.
- (j) Upon a motion, second, and majority vote of the members present, the Board may take a recess. The Chairperson may also, upon his or her own volition, grant a recess of up to twenty (20) minutes once during a meeting. If a meeting lasts in excess of three (3) hours, the Chairperson may, upon his or her own volition, grant a second recess of up to twenty (20) minutes during the meeting.

\*Reference shall generally be made to Henry M. Robert, et al., Robert's Rules of Order Newly Revised (10th ed., Perseus Publishing), or an updated version, if one exists.

**SECTION 2.** Unless otherwise provided under the Georgia Open Meetings Act, O.C.G.A. §§ 50 14-1, et seq., or other laws of the State of Georgia, all meetings of the Board shall be open to the public.

**SECTION 3.** During or before the last regularly-scheduled meeting of the calendar year, the Board shall approve the next calendar year's schedule for its regular meetings. Public notice for regularly-scheduled meetings shall be posted in the manner provided under the laws of the State of Georgia.

**SECTION 4.** The Secretary or Assistant Secretary shall ensure that an audio recording of each meeting is made, and such audio recording shall be kept in accordance with any applicable laws of the State of Georgia. The Secretary, Assistant Secretary, or a staff member designated by the Secretary or Assistant Secretary shall take minutes of each meeting of the Board.

**SECTION 5.** The Chairperson and any two (2) members may call a special or emergency meeting Board if they deem it necessary. Notice of any special or emergency meetings shall be posted in accordance with the laws of the State of Georgia, and the Chairperson shall ensure that the Supervisor and all members of the Board receive notice of such meetings.

**SECTION 6.** Upon request of the Supervisor and concurrence of any three (3) members of the Board, a special or emergency meeting may be held. Notice of any special or emergency meetings shall be posted in accordance with the laws of the State of Georgia, and the Chairperson shall ensure that the Supervisor and all members of the Board receive notice of such meetings.

**SECTION 7.** Meetings of the Board shall be deemed cancelled whenever the Unified Government has closed its offices due to inclement weather, emergency situations, or other like conditions. However, the Chairperson and any two (2) members of the Board may determine that such meeting should go forward, in which case the meeting shall be held as scheduled.

**SECTION 8.** A meeting of the Board may be cancelled or postponed as follows:

- (a) The Chairperson and any two (2) members of the Board may cancel a meeting or postpone a meeting to a later date.
- (b) Upon request of the Supervisor and concurrence of any three (3) members of the Board, a meeting may be cancelled or postponed to a later date.

SECTION 9. Public comment shall be allowed at the regularly-scheduled monthly meetings of the Board and any specially-called or emergency meetings. The following shall apply to public comment at Board meetings:

- (a) A public comment list shall be provided prior to meetings where public comment is permitted. Those wishing to address the Board will be asked to provide a first name, a last name, and an address. If an organization wishes to address the Board, then the organization will be asked to provide the organization's legal name and business address. The organization shall designate one (1) person to speak on the organization's behalf.
- (b) Before public comment, a copy of the public comment list will be provided to the Chairperson. The Chairperson will call each person or organization in the order shown on the list.
- (c) Each person wishing to provide public comment shall have three (3) minutes to address the Board. The Secretary, Assistant Secretary, or other designated person shall keep time, providing notice to the speaker when he or she has thirty (30) seconds left. A person shall have one opportunity each meeting to provide comment, and may not reserve the remainder of his or her time or yield the remainder of his or her time to another person.
- (d) Board members, staff members, and members of the public should not interrupt, question, or debate a person while he or she is providing public comment.
- (e) Public comment shall proceed in an orderly fashion, with the Chairperson calling each person on the public comment list after the prior person wishing to comment has completed his or her statements. Board members shall refrain from questions, discussion, or deliberation until after all persons on the public comment list have provided their respective statements.
- (f) After the Board has heard from all persons on the public comment list, the Board members may discuss the comments or otherwise deliberate as necessary. The Board may request that staff of the Elections Department address comments as appropriate.

SECTION 10. An agenda shall be provided for each meeting of the Board, and must be approved, with or without amendments, by a majority vote of the members in attendance. For regularly-scheduled monthly meetings, the agenda shall usually be structured as follows:

- A. Approve Minutes of Prior Meetings
- B. Adopt Agenda
- C. Director's Update
- D. Public Comment
- E. Old Business
- F. New Business
- G. Announcements
- H. Adjournment

SECTION 11. The Secretary and staff of the Elections Department, in consultation with the Chairperson, shall be responsible for developing a tentative agenda for each meeting. Such tentative agenda shall be provided to Board members three (3) business days before the meeting. If a Board member wishes to add an item to the tentative agenda, such request must be made before the agenda is published for the applicable Board meeting; provided, however, that per the Georgia Open Meetings Act, failure to include on the agenda an item which becomes necessary to address during the course of a Board meeting shall not preclude considering and acting upon such item.

SECTION 12. Board members will make a diligent effort to attend all Board meetings. If a Board member anticipates missing a meeting, he or she will provide advance notice to the Chairperson and the Secretary or Assistant Secretary whenever possible.

## **ARTICLE VII ADOPTION OF POLICIES AND PROCEDURES**

SECTION 1. Within its authority as the election superintendent and the board of registrars for Athens-Clarke County, Georgia, the Board may adopt such written policies, procedures, and protocols as the Board deems appropriate. Generally, staff of the Elections Department will assist the Board with the development and drafting of policies, procedures, and protocols, and the Board may adopt them by majority vote. Any such policies, procedures, and protocols shall be kept in an organized fashion in the records of the Board.

SECTION 2. The Board may amend any policy, procedure, or protocol permitted under this Article, provided that any amendments must be presented to the Board members at least seven (7) days prior to the meeting in which they are to vote upon the amendment. However, if all Board members agree, this seven (7) day requirement may be waived.

SECTION 3. No policy, procedure, or protocol permitted under this Article, or any portion thereof, shall conflict with the laws of the State of Georgia or any applicable laws of the United States.

## **ARTICLE VIII INTERPRETATION AND CONFLICT OF RULES; SEVERABILITY**

SECTION 1. The following shall apply to the application and interpretation of these bylaws:

- (a) Whenever possible, these bylaws shall be read in such a way so as to accord with the laws of the State of Georgia (including the Enabling Legislation) and any applicable laws of the United States.
- (b) In the event of a conflict between these bylaws and any applicable laws of the United States, the laws of the United States shall govern.
- (c) In the event of a conflict between these bylaws and the laws of the State of Georgia (including the Enabling Legislation), the laws of the State of Georgia shall govern.
- (d) In the event of a conflict between Robert's Rules of Order Newly Revised and these bylaws, these bylaws shall govern.
- (e) These bylaws are intended to take the place of any past bylaws of the Board or its predecessor entities, and any past bylaws shall be void and have no effect.

SECTION 2. These bylaws shall be deemed effective as soon as they are adopted by the Board.

SECTION 3. If a court or other tribunal of proper jurisdiction determines any provision of these bylaws to be invalid or unenforceable, then to the extent possible, said provision shall be severed from the remaining provisions of these bylaws and the remaining provisions shall remain in effect.

SECTION 4. To the extent that any existing policies or procedures of the Board (or any of its predecessor entities) conflict with these bylaws, these bylaws shall take precedence over any conflicting portions of such policies or procedures.

## **ARTICLE IX AMENDMENT TO BYLAWS**

The Board may from time-to-time amend these bylaws. Any amendments shall be approved by a majority vote of the Board members present. Any proposed amendments must be provided to Board members at least ten (10) days prior to the meeting in which Board members are to vote on such proposed amendments.