

RESOLUTION OF THE SUMTER COUNTY
BOARD OF ELECTIONS AND REGISTRATION
TO AMEND ITS BYLAWS AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the Sumter County Board of Elections and Registration, pursuant to Section VI of its By-Laws, may from time to time amend its By-Laws upon a favorable majority vote of the Board; and

WHEREAS, the Sumter County Board of Elections and Registration desires to amend its current By-Laws; and

WHEREAS, upon a favorable majority vote of the Board of Elections and Registration; it is now therefore

RESOLVED, that the Sumter County Board of Elections and Registration hereby amends any By-Laws it adopted prior to the date below by replacing them in their entirety with the By-Laws attached hereto as Exhibit "A."

WHEREFORE, the Sumter County Board of Elections and Registration does hereby adopt this Resolution and amend its By-Laws, this 21st day of January, 2021.

**SUMTER COUNTY BOARD OF
ELECTIONS AND REGISTRATION**

BY: James Gaston
James Gaston, Chair

ATTEST: Randy Howard
Randy Howard, Secretary



Exhibit "A"

BYLAWS OF THE SUMTER COUNTY

BOARD OF ELECTIONS AND REGISTRATION

As Amended on the 21 day of January, 2021

STATE OF GEORGIA

COUNTY OF SUMTER

We, the members of the Sumter County Board of Elections and Registration, hereinafter referred to as "member" or "members," in compliance with Georgia law and to establish and maintain orderly and equitable working relations among its members and to provide prompt and complete arrangements and facilities for the citizens of Sumter County, Georgia in the conduct of voter registration and elections, do amend and re-establish these By-Laws for the Sumter County Board of Elections and Registration.

SECTION I

DEFINITIONS

When used in these By-Laws, the following words shall have the meaning assigned below, unless otherwise clearly apparent from the context.

- A. "Act" or "Local Act" shall refer to Local Act. No. 87 (House Bill 786), which is the House Bill enacted by the 2001 Session of the Georgia General Assembly that created the Sumter County Board of Elections and Registration and any amendments thereto.
- B. "Board" shall refer to the Sumter County Board of Elections and Registration.
- C. "Board of Commissioners" shall refer to the Sumter County Board of

Commissioners.

- D. “Registrar(s)” shall refer to the Sumter County Board of Elections and Registration.
- E. “Superintendent of Elections” or “Superintendent” shall refer to the Sumter County Board of Elections and Registration.
- F. “Supervisor” shall refer to the person appointed by the Sumter County Board of Elections and Registration to serve as the Supervisor of Elections, the administrator of said Board, and the chief election official of Sumter County pursuant to the Local Act.
- G. “Georgia Election Code” shall refer to the applicable chapter of Title 21 of the Official Code of Georgia, as amended, known as the Georgia Election Code.

SECTION II

MEMBERS

- A. The Board shall consist of five (5) members to be appointed by the Board of Commissioners. The members shall each serve a term of four years and until a successor is appointed and qualified pursuant to the Local Act. A member may serve a maximum of two, consecutive four-year terms; provided, however, that a member who has been off the Board at least 365 days prior to reappointment shall be eligible for reappointment.
- B. If a vacancy occurs in the office of any member before the expiration of his or her term by reason of removal, death, resignation, or otherwise, the Board of Commissioners shall appoint a successor to serve for the remainder of the unexpired term.
- C. As provided in the Local Act, each member of the Board shall be an elector and a resident of Sumter County.
- D. No person who holds elective public office shall be eligible to serve as a member of the Board during the term of such elective public office. The

position of membership of any member shall be deemed vacant upon such member's qualifying as a candidate for an elective public office.

- E. Members of the Board shall receive compensation for their services as members of the Board as provided in the Local Act. Members of the Board shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.
- F. Members of the Board shall not be precluded from supporting candidates of their choice as would any other citizen. However, discretion should be used regarding their position as a member of the Board. Per O.C.G.A. Section 21-2-214(c) of the Georgia Election Code, no member shall engage in any political activity while conducting the duties of office.
- G. Each member of the Board shall make a diligent effort to obtain a minimum of 12 hours of training during the member's four-year term of office. If a member fails to obtain the minimum number of hours of training within his or her term, the Board shall notify the Board of Commissioners and may recommend that the Board of Commissioners not reappoint said member. In determining whether to recommend that the Board of Commissioners not reappoint a member, the Board may consider whether the required 12 hours of training was reasonably available during the member's term. Nothing herein is intended to limit the authority of the Board of Commissioners to appoint members of the Board in its sole discretion.
- H. Members as individuals shall not initiate or promote any actions or changes that have not been approved by the Board.

SECTION III

ORGANIZATION OF THE BOARD

- A. The Board shall elect one of its members to serve as its Chair. The Chair shall be the spokesperson for the Board, facilitate all Board meetings, and in conjunction with the Supervisor, develop an agenda for all meetings.
- B. The members shall elect a Vice-Chair, who shall perform the same duties as the Chair in his or her absence.

- C. A Secretary shall be designated by the Board, who shall keep the minutes of the meeting of the Board. The Board may designate the Supervisor as Secretary.
- D. The official minutes and all other records of the Board shall be maintained in the custody of the Supervisor and shall be available at all times to all members of the Board. The Secretary shall provide a draft of the minutes to each Board member within five business days after each meeting.

SECTION IV

MEETINGS

- A. The Board shall hold meetings at the Sumter County Courthouse or at the place of meeting of the Board of Commissioners. These meetings shall be held at least quarterly in years in which there is no county-wide election and at least monthly in years in which there is a county-wide election. All such regular Board meetings shall be held at the time designated by a majority vote of the five members of the Board. Any change of meeting date and time and any special called meetings shall be held only after notification of the time and place of the holding of such meeting has been communicated in writing to the Supervisor, and the Supervisor provides public notice of any such change or special called meeting as required by Georgia law.
- B. A quorum for meetings shall consist of the Chair (or Vice-Chair acting as Chair) and two other members. No vote at a meeting shall be held unless a quorum is present. In the absence of a quorum, the members of the Board may conduct a meeting for informational purposes only, but may not take any action. The Supervisor shall either be present at all Board meetings or shall have consulted with the Chair or Vice-Chair before the meeting.
- C. Meetings shall be conducted, insofar as practicable, in accordance with Robert's Rules of Order and shall be public meetings conducted pursuant to Chapter 14 of Title 50 of O.C.G.A., related to open meetings.
- D. Members are expected to attend all meetings. If a member cannot attend a meeting, prior notice shall be given to the Supervisor, if reasonably possible.

If any Member has three or more unexcused absences from the Board's meetings during a calendar year, the Board shall notify the Board of Commissioners and recommend removal of said Member.

An excused absence shall not count toward removal of any Member. An excused absence shall be for providential cause, such as illness, family death or any unavoidable emergency that reasonably requires the Member to be absent from a meeting.

Pursuant to O.C.G.A. Section 50-14-1(g), as amended from time to time, so long as a quorum of the Board is present in person, a member may participate in a Board meeting by teleconference if necessary due to reasons of health or absence from the jurisdiction. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence, no member of the Board shall participate by teleconference more than twice in one calendar year. Attendance via teleconference in accordance with this provision shall not constitute an absence, and the member shall be deemed present for the meeting. A member's attendance of a meeting via teleconference shall be duly noted in the minutes of such meeting. A member attending via teleconference shall take reasonable precautions to ensure other persons cannot hear the Board's confidential discussions in executive session or otherwise.

- E. The Board may take action and make decisions by a majority vote of a quorum of the members of the Board.

SECTION V

POLICIES, RULES, AND REGULATIONS

- A. The Board shall when necessary adopt policies, rules, and regulations consistent with Georgia law to further the conduct of fair, legal, and orderly elections and the registration of voters. A copy of such policies, rules, and regulations shall be maintained by the Secretary of the Board.
- B. The Board may adopt policies, rules, or regulations governing citizen comments at its meetings or the addition of items to its agenda at the request

of a citizen.

- C. When deemed advisable by the Board, public meetings or hearings may be held to allow interested citizens to make objections or recommendations on any proposed policies, rules, or regulations.
- D. Any policies, rules, or regulations promulgated by a political party under the provisions of O.C.G.A. Section 21-2-111 with regard to the conduct of primaries shall be null and void if in conflict with a valid rule or regulation of the Board.
- E. The Board shall have the authority to serve as municipal registrar and to conduct municipal elections and primaries for any municipal corporation located within Sumter County, if such municipal corporation has entered into an intergovernmental agreement for that purpose with the Board and the Board of Commissioners.
- F. With the approval of the Board of Commissioners, the Board shall be authorized to expend public funds. The Board is further authorized to expend public funds for the purpose of preparing and distributing material(s) solely to inform and instruct electors of the County adequately with regard to elections.
- G. No material distributed by the Board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.
- H. Board members and/or the Supervisor shall, whenever possible, resolve all questions and disputes in polling places peaceably and in compliance with the law and by request or in concert with the poll manager. On such occasions as may require decisions of a judicial nature, the poll manager shall consult the Supervisor. If the Supervisor is not available, the poll manager shall consult with the Chair of the Board or, if he or she is unavailable, any other member of the Board.

SECTION VI

COURT ACTION

- A. Upon a majority vote of a quorum of the Board, the Board shall have the authority to institute or intervene in any court action to compel compliance with the Georgia Election Code or other applicable laws.
- B. The Board shall call upon the County Attorney of Sumter County as needed to institute or intervene in any court action as outlined above or to address any legal question that cannot reasonably be resolved by the Board or the Supervisor. Before the County Attorney is engaged, the Supervisor shall notify the administrative officer who serves as the Board of Commissioners' liaison for the Board.
- C. Upon receipt of a copy of any legal proceeding, the Supervisor shall immediately forward a copy of same to the County Attorney and notify the Board and the administrative officer who serves as the Board of Commissioners' liaison for the Board. When urgent action is required and after consulting with as many members of the Board as reasonably possible, the Supervisor shall be authorized, without the necessity of a meeting of the Board, to engage the County Attorney to take appropriate action in the matter. In all other instances where urgent action is not required, the Board shall decide what course of action to take and whether to engage the County Attorney.

SECTION VII

AMENDMENTS TO BY-LAWS

- A. These By-Laws may be amended upon a favorable vote of a majority of the five members of the Board.
- B. Unless there are exigent circumstances, notice of any amendment to the By-Laws shall be given to the members of the Board in advance of the meeting at which said amendment will be voted upon.

SECTION VIII

ADMINISTRATIVE ORGANIZATION

- A. The Supervisor shall serve as the chief election official of Sumter County pursuant to the Local Act and shall generally direct and control the administration of elections and voter registration in Sumter County.
- B. The Supervisor shall have all powers to act for the Board in all matters of voter registration and elections as authorized by the Board and in accordance with Georgia law.
- C. The Supervisor, serving as administrator for the Board, shall keep all members informed of any significant changes that concern elections and primaries, voter registration, and any other business connected with the Board.
- D. Pursuant to the Local Act, the Supervisor shall not be a member of the Board nor an elected official.
- E. The Supervisor shall be supervised by the Board and shall be subject to removal from office by the Board, with or without cause, as an at-will employee.

SECTION IX

POWERS AND DUTIES OF THE BOARD

A. Powers and Duties of the Board as Superintendent of Elections.

The Board, as Superintendent of Elections, shall exercise all the powers granted to it by the Georgia Election Code and shall perform all the duties imposed upon it by the Code, which shall include, but not be limited to, the following:

- 1. To receive and act upon all petitions presented by electors, or a political party, for the division, redivision, alteration, change, or consolidation of precincts;

2. To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy with the Board in accordance with provisions of the Georgia Election Code;
3. To act as filing officer for Campaign Contribution Disclosure Reports for candidates, as per the Ethics in Government Act, enacted by GA L. 1986, p. 957, Sect. 21-5-34;
4. To act as filing officer for Financial Disclosure Statements of public officers (every elected County official) as per the Ethics in Government Act, enacted by GA L. 1986, p.957, Sect. 21-5-50;
5. To prepare and publish, in the manner provided by the Georgia Election Code, all notices and advertisements in connection with the conduct of elections, which may be required by law, and to transmit immediately to the Secretary of State a copy of any publication in which a call for a special primary, election, or runoff is issued;
6. To select and equip polling places for use in primaries and elections in accordance with the provisions of the Georgia Election Code;
7. To purchase, preserve, store and maintain election equipment of all kinds and all other supplies for primaries and elections;
8. To appoint poll workers to serve in all applicable primaries and elections in accordance with the provisions of the Georgia Election Code;
9. To make and issue such policies, rules, regulations, and instructions, consistent with law (including the rules and regulations promulgated by the State Election Board), as it may deem necessary for the guidance of poll workers, custodians, and electors in primaries and elections;
10. To instruct poll workers and others in their duties, calling them together in meetings whenever deemed advisable, and to oversee systematically and thoroughly the conduct of primaries and elections in the several precincts to the end that primaries and elections may be

honestly, efficiently, and uniformly conducted;

11. To receive from poll workers the returns of all primaries and elections, to canvass and compute the same, and to certify as soon as practicable following the primary and election, the results thereof to such authorities as may be prescribed by law;
12. To timely and publicly announce the results of all applicable primaries and elections; and
13. To perform such other duties as may be prescribed by law.

B. Powers and Duties of the Board as Registrar.

The Board, as Board of Registrars, shall exercise all powers granted to it by the Georgia Election Code. The Board or the Supervisor, as authorized by the Board, shall exercise the following powers:

1. To approve all applicants for voter registration;
2. To conduct hearings, when necessary, for applicants rejected by the Board as registrar;
3. To prepare the list of qualified electors for use in primaries and elections;
4. To notify, in writing, any applicant whose right to remain on the voters list is questioned;
5. To approve and set up additional sites and hours for voter registration, both permanent and temporary, as consistent with the rules and regulations of the State Election Board and the Georgia Election Code;
6. To handle all absentee and advance in person voting in primaries and elections; and
7. To perform such other duties as may be prescribed by law or

requested by the Board.

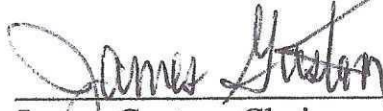
C. Board's Duty to Obtain Minimum Annual Training.

Pursuant to the Georgia Election Code, as amended from time to time, at least one member of the Board or a designee of the Board, such as the Supervisor, shall obtain a minimum of 12 hours of training annually as may be selected by the Secretary of State. A waiver of the requirement of minimum training may be granted by the Secretary of State as outlined in O.C.G.A. Section 21-2-100 or as otherwise authorized by law.

Amended and approved this 24 day of January, 2021.

**SUMTER COUNTY BOARD OF
ELECTIONS AND REGISTRATION**

BY:


James Gaston, Chair

ATTEST:


Randy Howard, Secretary