

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Consideration of Approval of a Resolution 2026-02-003 Calling for a Special Election to Fill the District 3 Commissioner Unexpired Term

DATE: February 9, 2026

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

~~ANNUAL-~~

☐ **OTHER**

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: February 16, 2026

PURPOSE: To approve a resolution formally calling for a special election to fill the vacancy on the Habersham County Board of Commissioners for District 3 for the remainder of the unexpired term ending December 31, 2026.

BACKGROUND / HISTORY

Commissioner Jimmy Tench resigned from the District 3 seat, effective February 13, 2026, creating a vacancy on the Habersham County Board of Commissioners. House Bill 924 (Act 457), approved in 2020, amended the local legislation governing the Habersham County Board of Commissioners to require that any vacancy occurring prior to the expiration of a term be filled by special election, with the person elected serving the remainder of the unexpired term. The current District 3 term expires December 31, 2026.

FACTS AND ISSUES:

- HB 924 mandates that a vacancy on the Board of Commissioners be filled by special election.
 - The proposed resolution calls for the special election to be held on May 19, 2026, in conjunction with the county-wide General Primary Election.
 - Conducting the special election on the same date as the General Primary allows the election to be held with little or no additional financial impact to Habersham County.
 - The special election will fill the unexpired term through December 31, 2026.
 - A separate regular election will also be held on May 19, 2026 for the full four-year term beginning January 1, 2027. These are separate races, and candidates wishing to run in both must qualify separately for each election.
 - The qualifying period for both the special election and the regular election will take place March 2 through March 6, 2026.
 - If a runoff is required for either race, the runoff election would be held on June 16, 2026.
 - Upon approval of the resolution, the Habersham County Board of Elections and Voter Registration, acting as the County's election superintendent pursuant to O.C.G.A. § 21-2-70, will prepare and publish all required notices and advertisements for the call of the special election.
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OPTIONS:

- 1) Approve the resolution calling for the special election.
 - 2) Deny approval of the resolution.
 - 3) Provide alternative direction consistent with state law.
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RECOMMENDED SAMPLE MOTION: ““I move to approve Resolution 2026-02-003 calling for a special election to fill the District 3 Commissioner unexpired term through December 31, 2026.”

DEPARTMENT:

Prepared by: Brandy Carnes, County Clerk

Director: Brandy Carnes, County Clerk

**ADMINISTRATIVE
COMMENTS:**_____

_____ **DATE:** _____

County Manager

RESOLUTION 2026-02-003

A RESOLUTION OF THE HABERSHAM COUNTY BOARD OF COMMISSIONERS REGARDING THE CALLING OF A SPECIAL ELECTION TO FILL A VACANCY ON THE HABERSHAM COUNTY BOARD OF COMMISSIONERS

WHEREAS, effective June 30, 2020, House Bill (“HB”) 924, approved by the Georgia General Assembly and signed by the Governor Kemp as Act 457, amended the local legislation that created the Habersham County Board of Commissioners (Ga. L. 1956, p. 2077), to provide that in the event a vacancy occurs on the Board of Commissioners prior to a term’s expiration, such vacancy “shall be filled by a special election” and the person so elected shall serve for the remainder of the unexpired term; and

WHEREAS, there is currently a vacancy for the District 3 seat on the Board of Commissioners, with the current term of District 3 set to expire on December 31, 2026; and

WHEREAS, pursuant to HB 924, and in the best interests of the citizens of the County, the Habersham County Board of Commissioners has determined that a special election should be held for a person to complete the unexpired term for District 3; and

WHEREAS, there is county-wide General Primary Election set to be held on May 19, 2026 and a special election may be had on that same date for little or no financial impact to Habersham County;

NOW, THEREFORE, BE IT RESOLVED by the Habersham Board of Commissioners, requests that the Habersham County Board of Elections and Voter Registration, as the County’s election superintendent and pursuant to its authority in O.C.G.A. § 21-2-70, prepare and publish all notices and advertisements for the call of a special election on May 19, 2026 for the purpose of selecting a person as the District 3 Commissioner until December 31, 2026.

SO RESOLVED this ____ day of _____, 2026.

HABERSHAM COUNTY BOARD OF COMMISSIONERS

(SEAL)

By: _____
Bruce Harkness, Chairman

ATTEST:

By: _____
Brandalin Carnes, County Clerk

CLERK'S CERTIFICATE

The undersigned Clerk of Habersham County, Georgia (the "County") DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted by the Habersham County Board of Commissioners on _____, 2026, at a meeting duly called and assembled and open to the public and at which a quorum was present and acting throughout, that the original of such resolution has been inserted into the County's minute book, which is my custody and control, and that such resolution has not been modified, repealed, revoked or rescinded as of the date hereof.

WITNESS my official hand and the seal of the County, this _____ day of _____, 2026.

Brandalin Carnes, County Clerk

(SEAL)