

House Bill 1095 (AS PASSED HOUSE AND SENATE)

By: Representatives Vance of the 133rd and Jackson of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Baldwin 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, qualifications, terms, and removal of members; to provide for vacancies; to provide
4 for oaths and privileges; to provide for the conduct of primaries and elections; to provide for
5 meetings; to provide duties of the chairperson; to allow for joint primaries; to authorize the
6 conduct of municipal elections; to provide for the election supervisor; to provide
7 compensation for board members and staff; to provide for offices, supplies, and other
8 materials; to provide for required training; to provide for the transfer of powers, duties,
9 facilities, and personal property; to provide for related matters; to provide for an effective
10 date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
14 Board of Elections and Registration of Baldwin County. The Board of Elections and
15 Registration of Baldwin County shall have the powers, duties, and responsibilities of the
16 superintendent of elections of Baldwin County under Chapter 2 of Title 21 of the O.C.G.A.,

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17 the "Georgia Election Code," as the same now exists or may hereafter be amended, which
18 powers, duties, and responsibilities are currently being exercised by the judge of the Probate
19 Court of Baldwin County, and the powers, duties, and responsibilities of the Board of
20 Registrars of Baldwin County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
21 Election Code," as the same now exists or may hereafter be amended.

22 **SECTION 2.**

23 As used in this Act, the term:

- 24 (1) "Board" means the Baldwin County Board of Elections and Registration.
25 (2) "Clerk of the superior court" means the clerk of the Superior Court of Baldwin County.
26 (3) "Commissioners" means the Board of Commissioners of Baldwin County.
27 (4) "County" means Baldwin County.
28 (5) "Election," "elector," "primary," and "public office" shall have the same meanings as
29 ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly
30 apparent from the text of this Act.

31 **SECTION 3.**

32 (a) The board shall be composed of five members, each of whom shall be an elector and
33 resident of Baldwin County, and, except as provided for in subsection (e) of this section, who
34 shall be appointed in the following manner:

- 35 (1) Two members shall be appointed by the commissioners from nominations made by
36 the chairperson of the county executive committee of the political party whose candidates
37 at the last preceding regular general election held for the election of all members of the
38 General Assembly received the largest number of votes in this state for members of the
39 General Assembly;
40 (2) Two members shall be appointed by the commissioners from nominations made by
41 the chairperson of the county executive committee of the political party whose candidates

42 at the election described in paragraph (1) of this subsection received the second largest
43 number of such votes; and

44 (3) One member shall be appointed by the commissioners regardless of political
45 affiliation.

46 (b) Every two years, the board shall appoint one of its members to serve as chairperson for
47 a two-year term. A person may succeed himself or herself as chairperson. The chairperson
48 shall preside over all meetings of the board and shall be entitled to vote on all matters coming
49 before the board.

50 (c) For board members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this
51 section:

52 (1) Such lists of nominations shall contain no less than three and no more than five
53 candidates;

54 (2) For nominations to succeed a board member whose term is set to expire at the end of
55 a year, a political party shall provide a list of such nominees no later than August 31 of
56 such year. If the commissioners reject all of the names provided for on a list of nominees,
57 such political party may submit a new list of nominees for consideration by the
58 commissioners on or before November 15 of such year; and

59 (3) If a political party fails to submit a list of nominees, either an initial list or a second list,
60 by the deadlines provided for in paragraph (2) of this subsection, the commissioners shall
61 appoint a board member at their discretion.

62 (d) Except as provided for in subsection (e) of this section, each board member shall serve
63 a four-year term of office and until his or her successor is appointed and qualified.

64 (e)(1) The initial board shall be composed of the members of the Baldwin County Board
65 of Registrars who are serving on the effective date of this Act.

66 (2) Two such members shall serve initial terms of four years ending on
67 December 31, 2028. The successor to one of these members shall be appointed pursuant

68 to paragraph (1) of subsection (a) of this section, and the other shall be appointed pursuant
69 to paragraph (2) of subsection (a) of this section.

70 (3) Three such members shall serve initial terms of six years ending on
71 December 31, 2030. The successor to one of these members shall be appointed pursuant
72 to paragraph (1) of subsection (a) of this section, the successor to another of these members
73 shall be appointed pursuant to paragraph (2) of subsection (a) of this section, and the
74 successor to the third member shall be appointed pursuant to paragraph (3) of subsection (a)
75 of this section.

76 (4) By no later than January 5, 2025, the chairperson of the commissioners shall assign the
77 name of each board member a random number and then shall draw such numbers at
78 random. The members of the board whose names match the first two numbers drawn shall
79 serve the two four-year terms of office. The members of the board whose names match the
80 last three numbers drawn shall serve the three six-year terms of office.

81 **SECTION 4.**

82 (a) No person who holds elective public office or a member of his or her immediate family
83 shall be eligible to serve as a member of the board during the term of such elective service.
84 The position of any member of the board shall be deemed vacant upon such member, or upon
85 a member of such member's immediate family, qualifying as a candidate for elective public
86 office. Further, there shall be no members of the same immediate family serving on the
87 board or on the staff of the board at the same time.

88 (b) For the purpose of this section, the term "immediate family" shall be defined as a spouse,
89 mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother,
90 sister, stepbrother, stepsister, half-brother, or half-sister whether by blood or marriage.

91 (c) Board members shall have been registered to vote in Baldwin County prior to the date
92 of appointment.

93 (d) The initial members of the board provided for by this Act shall not be subject to the
94 immediate family limitations provided for in subsection (a) of this section, but such
95 exemption shall only apply to such member's initial term on the board, and any successive
96 term on the board shall be subject to such limitations.

97 **SECTION 5.**

98 Each member of the board shall:

- 99 (1) Be eligible to be reappointed to succeed himself or herself;
100 (2) Have the right to resign at any time by giving written notice of such resignation to the
101 commissioners and to the clerk of the superior court;
102 (3) Serve until his or her successor is appointed and qualified;
103 (4) Be subject to removal for good cause by the commissioners at any time after prior
104 notice and a hearing; and
105 (5) Before entering upon his or her duties, take substantially the same oath as required by
106 law for registrars and have the same privileges from arrest.

107 **SECTION 6.**

108 (a) The commissioners shall certify the appointment of each member of the board by filing
109 an affidavit with the clerk of the superior court no later than 30 days preceding the date upon
110 which such member is to take office, and such affidavit shall state the name and residential
111 address of the person appointed and certify that such member has been duly appointed as
112 provided in this Act.

113 (b) The clerk of the superior court shall record each such affidavit on the minutes of the
114 superior court, shall certify the name of each such appointed member to the Secretary of
115 State, and shall provide for the issuance of appropriate commissions to each such member
116 within the same time and in the same manner as provided by law for registrars.

117 **SECTION 7.**

118 In the event a vacancy occurs in the office of any board member before the expiration of his
119 or her term, by removal, death, resignation, or otherwise, the commissioners shall appoint
120 a successor to serve the remainder of the unexpired term, in the manner provided for in
121 Section 3 of this Act. The clerk of the superior court shall be notified of such interim
122 appointments and shall record and certify such appointments in the same manner as the
123 regular appointment of members.

124 **SECTION 8.**

125 The board shall be empowered with all the powers and duties relating to the conduct of
126 primaries and elections as election superintendents pursuant to the provisions of Chapter 2
127 of Title 21 of the O.C.G.A., the "Georgia Election Code." The board shall be empowered
128 with all the powers and duties relating to the registration of voters and absentee balloting
129 procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the
130 O.C.G.A., the "Georgia Election Code." This Act is intended to implement the provisions
131 of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally
132 so as to effectuate that purpose. The board shall be authorized and empowered to organize
133 itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and
134 duties of its members, 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. Any action
136 and decision taken by the board shall be by a majority vote of the members of the board.

137 **SECTION 9.**

138 The board shall fix and establish directives, by appropriate resolution entered on its minutes,
139 governing the execution of matters within its jurisdiction. The board shall hold a minimum
140 of quarterly meetings at times, dates, and places as determined by the board. Any special
141 meetings shall be called by the chairperson or any three members of the board. All meetings

142 of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating
143 to open meetings. The board shall maintain a written record of policy decisions that shall be
144 amended to include additions or deletions. Such written records shall be subject to Article 4
145 of Chapter 18 of Title 50 of the O.C.G.A., relating to inspection of public records.

146 **SECTION 10.**

147 The chairperson of the board shall preside at all meetings of the board, serve as spokesperson
148 for the board, and generally supervise, direct, and control the administration of the affairs of
149 the board pursuant to law and duly adopted resolutions of the board.

150 **SECTION 11.**

151 The board shall have the authority to conduct municipal elections and primaries for any
152 municipality located within the county if such municipality has entered into a contract for
153 that purpose with the commissioners and in conformance with Code Section 21-2-45 of the
154 O.C.G.A.

155 **SECTION 12.**

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

159 **SECTION 13.**

160 (a) The county shall hire a full-time election supervisor to administer and supervise the
161 conduct of the elections and primaries and the registration of electors of the county. The
162 election supervisor shall be appointed, and may be removed for cause following a hearing,
163 by majority vote of the commissioners. The election supervisor shall not be eligible to serve
164 as a member of the board. The election supervisor shall be considered a county employee

165 for purposes of pay, benefits, sick leave, vacation, termination of employment, and other
166 purposes. The election supervisor shall be subject to direction, evaluation, and corrective
167 action by the county.

168 (b) The election supervisor may recommend to the county for employment such full-time
169 and part-time employees as may be deemed necessary by the election supervisor and as are
170 approved in an annual budget adopted by the commissioners. All such employees shall be
171 considered county employees for purposes of pay, benefits, sick leave, vacation, termination
172 of employment, and other purposes in accordance with policies adopted by the
173 commissioners.

174 **SECTION 14.**

175 Compensation for the members of the board, the election supervisor, clerical assistants, and
176 other employees shall be fixed by the commissioners. All amounts payable under this
177 section shall be paid from county funds.

178 **SECTION 15.**

179 The commissioners shall provide the board with such proper and suitable offices, equipment,
180 materials, and supplies as the commissioners deem appropriate.

181 **SECTION 16.**

182 The local election officials of Baldwin County shall attend training as required by Code
183 Section 21-2-100 of the O.C.G.A., and the commissioners shall pay the cost of such training.

184 **SECTION 17.**

185 The board shall be responsible for the selection, appointment, and training of poll workers.

186 **SECTION 18.**

187 Upon the effective date of this Act, the Probate Court of Baldwin County and the Board of
188 Registrars of Baldwin County shall be relieved of all powers and duties transferred to the
189 board by this Act and shall deliver to the board all facilities and personal property, including
190 but not limited to equipment, supplies, materials, books, papers, and records, pertaining to
191 such powers and duties.

192 **SECTION 19.**

193 This Act shall become effective on January 1, 2025.

194 **SECTION 20.**

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