

_____ offers the following
substitute to SB 467:

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.,

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 do not make an appointment from the list of nominees by
 57 the second regular meeting of the commissioners in October of such year, such political
 58 party may submit a new list of nominees for consideration by the commissioners on or
 59 before November 15 of such year; and

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

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

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

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

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

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

77 (4) By no later than January 7, 2025, the chairperson of the commissioners shall assign the
78 name of each board member a random number and then shall draw such numbers at
79 random. The members of the board whose names match the first two numbers drawn shall
80 serve the two four-year terms of office. The members of the board whose names match the
81 last three numbers drawn shall serve the three six-year terms of office.

82 **SECTION 4.**

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

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

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

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

98 **SECTION 5.**

99 Each member of the board shall:

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

108 **SECTION 6.**

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

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

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SECTION 7.

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

SECTION 8.

The board shall be empowered with all the powers and duties relating to the conduct of primaries and elections as election superintendents pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." The board shall be empowered with all the powers and duties relating to the registration of voters and absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." This Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose. The board shall be authorized and empowered to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its members, and otherwise take such action as is appropriate to the management of its affairs; provided, however, that no such action shall conflict with state law. Any action and decision taken by the board shall be by a majority vote of the members of the board.

SECTION 9.

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

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

147 **SECTION 10.**

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

151 **SECTION 11.**

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

156 **SECTION 12.**

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

160 **SECTION 13.**

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

166 for purposes of pay, benefits, sick leave, vacation, termination of employment, and other
167 purposes. The election supervisor shall be subject to direction, evaluation, and corrective
168 action by the county. The board shall advise the commissioners on issues related to
169 corrective action or termination of employment of the election supervisor.

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

176 (c) No person who holds elective public office or a member of his or her immediate family
177 shall be eligible to serve as the election supervisor during the term of such elective service.
178 Notwithstanding any other provision of this Act to the contrary, the position of election
179 supervisor shall be deemed vacant upon such election supervisor, or upon a member of such
180 election supervisor's immediate family, qualifying as a candidate for elective public office.

181 (d) No members of the same immediate family shall serve as election supervisor and on the
182 staff of the board at the same time.

183 (e) For the purpose of this section, the term "immediate family" shall have the same meaning
184 as provided for in Section 4 of this Act.

185 **SECTION 14.**

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

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SECTION 15.

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

SECTION 16.

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

SECTION 17.

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

SECTION 18.

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

SECTION 19.

This Act shall become effective on January 1, 2025.

SECTION 20.

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