

House Bill 1312 (AS PASSED HOUSE AND SENATE)

By: Representatives Jasperse of the 11th, Hagan of the 156th, and McCollum of the 30th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated,
2 relating to organization and members of the Public Service Commission, so as to address the
3 delayed 2022 and 2024 elections for commissioners and maintain staggered elections and
4 terms on the commission; to revise provisions related to the election of commissioners; to
5 provide for legislative intent; to revise the terms of current commissioners; to provide a
6 schedule of general elections, special elections, and special primaries; to provide for interim
7 terms for certain commissioners; to provide that such elections shall be conducted as
8 provided by general law; to provide for related matters; to provide an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to
13 organization and members of the Public Service Commission, is amended by revising
14 subsections (a) and (d) of Code Section 46-2-1, relating to election of Public Service
15 Commissioners and terms of office, as follows:

16 "(a) The Georgia Public Service Commission shall consist of five members to be elected
17 as provided in this Code section. ~~The members in office on January 1, 2022, and any~~
18 ~~member appointed or elected to fill a vacancy in such membership prior to the expiration~~
19 ~~of a term of office shall continue to serve out their respective terms of office. As terms of~~
20 ~~office expire, new members~~ Members elected to the commission shall be required to be
21 residents of one of five Public Service Commission Districts as hereafter provided, but
22 each member of the commission shall be elected state wide by the qualified voters of this
23 state who are entitled to vote for members of the General Assembly. Except as otherwise
24 provided in this Code section, the election shall be held under the same rules and
25 regulations as apply to the election of Governor. The Commissioners, ~~who~~ shall give their
26 entire time to the duties of their offices; Except as otherwise provided for in this chapter,
27 the Commissioners shall be elected at the general election next preceding the expiration of
28 the terms of office of the respective incumbents, ~~and. Their~~ their terms of office shall be
29 six years and shall expire on December 31."

30 "(d)(1) Those members of the commission elected at the 2020 general election, and any
31 person appointed to fill a vacancy in such office, and those members of the commission
32 serving in seats that were scheduled to be filled in either the 2022 or 2024 general
33 election, shall serve the terms provided for in Code Section 46-2-1.1 and until their
34 successors are elected and qualified. Notwithstanding any other law to the contrary,
35 successors to such members shall be elected as provided for in Code Section 46-2-1.1 and
36 shall serve the terms to which they were elected and until their successors are elected and
37 qualified. The first members of the commission elected under this Code section shall be
38 elected thereto on the Tuesday next following the first Monday in November, 2024, from
39 Public Service Commission Districts 3 and 5, shall take office on the first day of January
40 immediately following that election, and shall serve for terms of office of six years and
41 until the election and qualification of their respective successors. Those members of the
42 commission elected thereto on the Tuesday next following the first Monday in

43 ~~November, 2026, from Public Service Commission Districts 1 and 4 shall take office on~~
44 ~~the first day of January immediately following that election and shall serve for terms of~~
45 ~~office of six years and until the election and qualification of their respective successors.~~
46 ~~The member of the commission elected thereto on the Tuesday next following the first~~
47 ~~Monday in November, 2022, from Public Service Commission District 2 shall take office~~
48 ~~on the first day of January immediately following that election and shall serve for a term~~
49 ~~of office of six years and until the election and qualification of his or her respective~~
50 ~~successor.~~

51 (2) Except as provided for in paragraph (1) of this subsection, all future successors
52 to members of the commission whose terms of office are to expire shall be elected at the
53 state-wide general election immediately preceding the expiration of such terms, shall take
54 office on the first day of January immediately following that election, and shall serve for
55 terms of office of six years."

56 **SECTION 2.**

57 Said article is further amended by adding a new Code section to read as follows:

58 "46-2-1.1.

59 (a) The provisions of this Code section are intended to address the situation created as a
60 result of elections for Public Service Commission Districts 2, 3, and 5 not being conducted
61 in 2022 or 2024 pursuant to an injunction issued in *Rose v. Raffensperger*, 619 F. Supp. 3d
62 1241 (N.D. Ga., 2022), and is further intended to preserve the state's interest in ensuring
63 that members of the commission are elected in staggered elections and serve staggered
64 terms.

65 (b) Those members of the commission in office on January 1, 2024, as well as any person
66 appointed to fill a vacancy in such office, shall serve the term provided for in this Code
67 section and until their successors are elected and qualified as provided for in this
68 subsection:

69 (1) A state-wide general election for Public Service Commission District 1 shall be held
70 on the Tuesday following the first Monday in November, 2028. The commissioner
71 elected at such election shall serve a six-year term beginning on January 1, 2029, and
72 ending on December 31, 2034;

73 (2) A state-wide special election for Public Service Commission District 2 shall be held
74 on the same day as the 2025 municipal general election, the Tuesday following the first
75 Monday in November, 2025. The commissioner elected at such election shall serve a
76 five-year term beginning on January 1, 2026, and ending on December 31, 2030;

77 (3) A state-wide special election for Public Service Commission District 3 shall be held
78 on the same day as the 2025 municipal general election, the Tuesday following the first
79 Monday in November, 2025. The commissioner elected at such election shall serve a
80 one-year term beginning on January 1, 2026, and ending on December 31, 2026;

81 (4) A state-wide general election for Public Service Commission District 4 shall be held
82 on the Tuesday following the first Monday in November, 2028. The commissioner
83 elected at such election shall serve a six-year term beginning on January 1, 2029, and
84 ending on December 31, 2034; and

85 (5) A state-wide general election for Public Service Commission District 5 shall be held
86 on the Tuesday following the first Monday in November, 2026. The commissioner
87 elected at such election shall serve a six-year term beginning on January 1, 2027, and
88 ending on December 31, 2032.

89 (c) Notwithstanding any other provision of law to the contrary on the timing of special
90 primary elections, for the Public Service Commission District 2 and 3 special elections
91 provided for in subsection (b) of this Code section, a special primary shall be held on the
92 third Tuesday in June, 2025. The period during which a candidate may qualify to run for
93 the special primary and special election for Public Service Commission Districts 2 and 3
94 shall be held on the eleventh week prior to the date of such special primary election and
95 shall remain open for a period of two and one-half days.

- 96 (d) Unless otherwise provided for in this Code section, the special primary elections,
97 special elections, and general elections provided for in this Code section shall be held and
98 conducted in all respects in accordance with the provisions of Chapter 2 of Title 21, the
99 'Georgia Election Code.'
- 100 (e) Successors to the commission elected pursuant to this Code section shall be elected
101 pursuant to Code Section 46-2-1."

102 **SECTION 3.**

103 This Act shall become effective upon its approval by the Governor or upon its becoming law
104 without such approval.

105 **SECTION 4.**

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