



# Baldwin County Commission

## Legislation Text

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**File #:** 20-1499, **Version:** 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 9/1/2020

**Item Status:** Addendum

**From:** Wayne Dyess, County Administrator; Anu Gary, Administrative Services Manager; Harry D'Olive, Judge of Probate; and Violetta Smith, Elections Coordinator

**Submitted by:** Anu Gary, Administrative Services Manager

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### **ITEM TITLE**

Voting Administration - Declaration of Emergency Warranting Relocation of Voting Place for Baldwin County Voting Precinct No. 23

### **STAFF RECOMMENDATION**

Pursuant to correspondence from the Baldwin County Judge of Probate, the Honorable Harry D'Olive, dated August 21, 2020, informing the Baldwin County Commission that due to extremely limited parking and lack of space in the Belforest Community Center building (current voting place for Baldwin County Voting Precinct 23), a public safety hazard exists which will cause undue delays and hardship to voters, take the following actions:

- 1) Declare an emergency exists warranting the relocation of the Voting Place for Baldwin County Voting Precinct No. 23 from the Belforest Community Center to the Belforest Christian Church, located at 25270 County Road 54 West, Daphne, Alabama, as such relocation is within ninety (90) of an election.
- 2) Adopt Resolution #2020-132, which amends Resolution #2020-016, to provide for certain changes affecting voting, in conformance with applicable Alabama law, specifically to relocate the voting place for Voting Precinct No. 23 (Belforest) from the Belforest Community Center to the Belforest Christian Church, located at 25270 County Road 54 West, Daphne, Alabama.
- 3) Authorize the Chairman to execute correspondence informing the voting place(s) involved of the changes affecting voting in Baldwin County, Alabama, and informing the required State and local governmental agencies of the changes to Baldwin County, Alabama, voting precinct(s).

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** November 5, 2019 - Resolution #2020-016 was adopted by the Commission, which approved various voting changes.

### **Background:**

## REQUEST:

On August 20, 2020, it was brought to staff's attention that the Belforest Christian Church is agreeable to serve as a polling place for Precinct 23. Staff has contacted the church leadership and verified this information.

On August 21, 2020, staff received a request from Harry D'Olive, Probate Judge, for the relocation of the polling place from the Community Center to the Church (see email attached).

The Americans with Disabilities Act (ADA) Checklist for Polling Locations was completed by County Building Maintenance Department on August 21, 2020. All non-compliant elements found can be remedied with temporary measures (see ADA Checklist and photos attached).

Due to the expected large voter turnout for the November 3, 2020, General Election, the existing public safety concerns due to the extremely limited parking which leaves voters parking on the side of the road and walking along the roadway to the building, and lack of space in the Belforest Community Center which will make it difficult to properly provide social distancing required due to the on-going Covid-19 pandemic, it would greatly benefit the general public as well as the elections staff/poll workers, that the polling place be relocated to a better suitable location.

## RECOMMENDATION:

Upon the circumstances presented, staff recommends the Baldwin County Commission declare an emergency to relocate the Voting Place for Baldwin County Voting Place No. 23. Staff understands the prohibition found at Section 17-6-4 (d) of the Code of Alabama 1975 disallowing voting places to be changed within three (3) months before an election and bases the aforementioned recommendation upon a September 1, 1999, Alabama Attorney General's Opinion providing that a county commission may change a polling place (i.e. voting place) within three (3) months of an election if an emergency exists that necessitates changing said polling place (See the September 1, 1999, Alabama Attorney General's Opinion attached).

## GENERAL INFORMATION AND BACKGROUND:

The Belforest Community Center is a designated Voting Place for Baldwin County Voting Precinct No. 23 (Belforest). This Baldwin County Voting Precinct and Voting Place is used for federal, state, county and district elections in accordance with Alabama law, excepting municipal elections, and is designated by the Baldwin County Commission pursuant to applicable Alabama law as found at Section 17-6-1 through Section 17-6-9 of the Code of Alabama 1975.

Pursuant to §17-6-6 (a) Code of Alabama 1975, as amended, the County Commission of Baldwin County, Alabama, retains the sole authority to change the configuration, boundaries, or designation of the Voting Precincts in Baldwin County, Alabama, and, furthermore, any change so determined shall be adopted by resolution. Pursuant to §17-6-4 Code of Alabama 1975, as amended, the County Commission of Baldwin County, Alabama, is, authorized to designate and select a Voting Place for each Voting Precinct

Section 17-6-4 (d) of the Code of Alabama 1975 prohibits voting places for voting precincts to be changed within three (3) months before an election.

#### PAST COMMISSION ACTIONS:

The Baldwin County Commission has declared similar-type emergencies warranting voting (polling) places relocations in the past, and three months prior to several elections, based upon the aforementioned September 1, 1999, Alabama Attorney General's Opinion.

##### January 11, 2008 - Baldwin County Voting Precinct No. 45 (Spanish Fort)

Relocated Voting Place in Voting Precinct No. 45, Spanish Fort Elementary School, to the East Pointe Baptist Church, due to a major hazardous materials clean up at Spanish Fort Elementary School.

##### June 15, 2004 - Baldwin County Voting Precinct No. 2 (Tensaw)

Relocated Voting Place from the Tensaw Community Center to Tensaw VFD after Baldwin County Commission was informed that, without the knowledge of the county governing body, that the Voting Place was relocated to the VFD.

##### March 16, 2004 - Baldwin County Voting Precinct No. 24 (Silverhill)

Relocated Voting Place from the Silverhill Town Hall to Little Hall after being informed that town hall would be demolished in order to build a new town hall.

##### April 16, 2002 - Baldwin County Voting Precinct No. 31 (Summerdale)

Relocated Voting Place from the Summerdale Community Hall to Summerdale Alumni Building after community hall burned down.

##### April 4, 2000 - Baldwin County Voting Precinct No. 40 (Fort Morgan)

Relocated Voting Place from the Shell Banks Baptist Church to Fort Morgan VFD Station #2 after church declined use of the premises for voting.

#### FINANCIAL IMPACT

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

#### LEGAL IMPACT

**Is legal review necessary for this staff recommendation and related documents?**

Yes, County Attorney review is required.

**Reviewed/approved by:** Approved by Brad Hicks, County Attorney 08/25/2020 akc

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** Yes, public notice required (see attached Notice).

**If the proof of publication affidavit is not attached, list the reason:** Advertising will take place after Commission approval.

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** Time sensitive

**Individual(s) responsible for follow up:** Administration - **TIME SENSITIVE - ALL CORRESPONDENCE MUST GO OUT THE DATE OF MEETING.**

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**

1. (Hand Delivery) Letter and Resolution to:  
Baldwin County Probate Court  
ATTN: Judge of Probate Harry D'Olive

2. (Hand Delivery) Letter and Resolution to:  
Board of Registrars  
ATTN: Chairperson Betty Sweet

3. (Certified Mail) Letter and Resolution to:  
Reapportionment Office  
ATTN: Donna Shanholtzer, Director  
Alabama State House  
11 South Union Street  
Room 303  
Montgomery, Alabama 36130

cc: David Brewer, Chief of Staff, Alabama Secretary of State  
David.Brewer@sos.alabama.gov

- Public Notice to media, county facilities, county website
- Update Voting Locations Physical Address List on county website
- Update Voting Contacts List and email to Violetta Smith, James Smith, Matt Fail
- Update Voting webpage for changes in precincts and upload resolution and notice to the page
- Update mailing list for election notices (physical and mailing incl. labels)
- Update Public Voting Precincts Map on Probate website (K. McIlwain, CIS)

**Correspondence to Precincts (separate letters) via US Mail and Email to:**

1) Monica Taylor - Send correspondence regarding Commission action above to Belforest Community Center (thank you letter) and Belforest Christian Church (new designation with county contact info and business cards).

2) Miranda McKinnon - Send 2020 Presidential Election Cycle polling place notification letters to Belforest Christian Church.

**Precinct 23 - NEW POLLING PLACE**

Belforest Christian Church  
ATTN: Pastor Jeff Eifert  
25270 County Road 54 West  
Daphne, Alabama 36526  
Bccal1913@gmail.com  
Tel. 865-210-6218 or 251-626-0392

**Precinct 23 - REMOVED POLLING PLACE**

Belforest Community Center  
ATTN: Stephanie Foster Middleton  
25359 County Rd 54 E  
Daphne, Alabama 36526  
tester36\_2000@yahoo.com  
Tel. 251-626-2586

3) Anu Gary - Email distribution list, bcc: email to Precinct 23, reminder of November 3, 2020, Election date. Verify email list is up to date and correct to be used for the future. Follow up with phone calls to Pastor Jeff Eifert and Stephanie Foster Middleton.

**Additional instructions/notes:** N/A