

Senate Bill 358

By: Senators Burns of the 23rd, Gooch of the 51st, Robertson of the 29th, Dolezal of the 27th, Anavitarte of the 31st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Subpart 1 of Part 1 of Article 2 of Chapter 2 of Title 21 of the Official Code of
2 Georgia Annotated, relating to the State Election Board, so as to remove the Secretary of
3 State from the board; to authorize the board to investigate the Secretary of State; to require
4 the Secretary of State to cooperate with certain investigations; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Subpart 1 of Part 1 of Article 2 of Chapter 2 of Title 21 of the Official Code of Georgia
9 Annotated, relating to the State Election Board, is amended in Code Section 21-2-30, relating
10 to creation, membership, terms of service, vacancies, quorum, bylaws, meetings, and
11 executive director, by revising subsections (d) and (f) as follows:

12 ~~"(d) The Secretary of State shall be an ex officio nonvoting member of the board. Three~~
13 ~~voting members of the board shall constitute a quorum, and no vacancy on the board shall~~
14 ~~impair the right of the quorum to exercise all the powers and perform all the duties of the~~
15 ~~board. The board shall adopt a seal for its use and bylaws for its own government and~~
16 ~~procedure."~~

17 "(f) If any member of the board, ~~other than the Secretary of State,~~ shall qualify as a
18 candidate for any public office which is to be voted upon in any primary or election
19 regulated by the board, that member's position on the board shall be immediately vacated
20 and such vacancy shall be filled in the manner provided for filling other vacancies on the
21 board."

22 **SECTION 2.**

23 Said subpart is further amended in Code Section 21-2-31, relating to duties of the State
24 Election Board, by revising paragraph (5) as follows:

25 "(5) To investigate, or authorize the Secretary of State to investigate, when necessary or
26 advisable the administration of primary and election laws by the Secretary of State and
27 local election officials and frauds and irregularities in primaries and elections and to
28 report violations of the primary and election laws either to the Attorney General or the
29 appropriate district attorney who shall be responsible for further investigation and
30 prosecution. Nothing in this paragraph shall be so construed as to require any
31 complaining party to request an investigation by the board before such party might
32 proceed to seek any other remedy available to that party under this chapter or any other
33 provision of law;"

34 **SECTION 3.**

35 Said subpart is further amended in Code Section 21-2-33.1, relating to enforcement of
36 chapter, suspension of election superintendents, and support and assistance from the
37 Secretary of State, by revising subsection (h) as follows:

38 "(h) The Secretary of State shall, upon the request of the State Election Board, provide any
39 and all necessary support, cooperation, and assistance that the State Election Board, in its
40 sole discretion, determines is necessary to enforce this chapter or to carry out or conduct
41 any of its duties."

42 **SECTION 4.**

43 Said subpart is further amended in Code Section 21-2-35, relating to emergency rules and
44 regulations, imminent peril requirement, and procedures, by revising paragraph (2) of
45 subsection (a) as follows:

46 "(2) Immediately upon the setting of the date and time of the meeting at which such
47 emergency rule or regulation is to be considered give notice by email of its intended
48 action to:

49 (A) The Governor;

50 (B) The Lieutenant Governor;

51 (C) The Speaker of the House of Representatives;

52 (D) The chairpersons of the standing committees of each house of the General
53 Assembly tasked with election matters;

54 (E) The Secretary of State;

55 ~~(E)~~(F) Legislative counsel; and

56 ~~(F)~~(G) The chief executive officer of each political party registered pursuant to
57 subsection (a) of Code Section 21-2-110; and"

58 **SECTION 5.**

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