

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

AS PASSED SENATE

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 provide
4 for the hiring of investigators; to require the Secretary of State to cooperate with certain
5 investigations; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

14 ~~"(d) The Secretary of State shall be an ex officio nonvoting member of the board.~~ Three
15 voting members of the board shall constitute a quorum, and no vacancy on the board shall
16 impair the right of the quorum to exercise all the powers and perform all the duties of the

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17 board. The board shall adopt a seal for its use and bylaws for its own government and
18 procedure."

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

24 "(2) With the approval of the board, employ and fix the compensation of personnel,
25 including investigators, as determined necessary to assist the executive director in his or
26 her duties;"

27 **SECTION 2.**

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

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

39 **SECTION 3.**

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

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

47 **SECTION 4.**

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

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

54 (A) The Governor;

55 (B) The Lieutenant Governor;

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

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

59 (E) The Secretary of State;

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

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

63

SECTION 5.

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