

Senate Bill 349

By: Senators Buckner of the 44th, Jones of the 10th, Butler of the 55th, Tate of the 38th, Stoner of the 6th 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 increase the number of
3 members of the State Election Board; to provide for qualifications, appointment, vacation of
4 office, and terms of office of such new members; to provide for a quorum; to provide for
5 related matters; to provide an effective date; 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 by revising Code
11 Section 21-2-30, relating to the creation, composition, terms of service, vacancies, quorum,
12 seal, bylaws, and meetings of the State Election Board, as follows:

13 "21-2-30.

14 (a) There is created a state board to be known as the State Election Board, to be composed
15 of the Secretary of State, an elector to be elected by a majority vote of the Senate of the
16 General Assembly at its regular session held in each odd-numbered year, an elector to be
17 elected by a majority vote of the House of Representatives of the General Assembly at its
18 regular session held in each odd-numbered year, two members appointed by the justices
19 of the Georgia Supreme Court as provided in subsection (b.1) of this Code section, and a
20 member of each political party to be nominated and appointed in the manner provided in
21 this Code section. No person while a member of the General Assembly shall serve as a
22 member of the board.

23 (b) A member elected by a house of the General Assembly shall take office on the day
24 following the adjournment of the regular session in which elected and shall serve for a term
25 of two years and until his or her successor is elected and qualified, unless sooner removed.
26 An elected member of the board may be removed at any time by a majority vote of the

27 house which elected him or her. In the event a vacancy should occur in the office of such
28 a member of the board at a time when the General Assembly is not in session, then the
29 President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior
30 incumbent of such office was elected by the Senate or appointed by the President of the
31 Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector
32 to fill the vacancy if the prior incumbent of such office was elected by the House of
33 Representatives or appointed by the Speaker of the House of Representatives. A member
34 appointed to fill a vacancy may be removed at any time by a majority vote of the house
35 whose presiding officer appointed him or her.

36 (b.1) The two members selected by the justices of the Georgia Supreme Court shall be
37 legal residents of this state who are registered and eligible to vote in elections for members
38 of the General Assembly and who are not presently serving but who have previously served
39 as a member of a county or joint board of elections or board of elections and registration,
40 a county election supervisor, a probate judge who conducted elections, a member of a
41 county board of registrars, or director or deputy director of the Elections Division of the
42 Office of the Secretary of State. The initial members appointed under this subsection shall
43 be appointed by the justices of the Georgia Supreme Court by June 30, 2010, and shall take
44 office on July 1, 2010, and shall serve until December 31, 2012, and until their respective
45 successors are appointed and qualified, unless sooner removed. Thereafter, successors
46 shall be appointed within the month of December immediately preceding the expiration of
47 the member's term of office and shall take office on January 1 following their appointment
48 and shall serve for a term of two years and until their respective successors are appointed
49 and qualified, unless sooner removed. A member of the board appointed under this
50 subsection may be removed at any time by a majority vote of the justices of the Georgia
51 Supreme Court. In the event a vacancy should occur in the office of such a member of the
52 board appointed under this subsection, the justices of the Georgia Supreme Court shall
53 thereupon appoint a qualified individual to fill the vacancy for the unexpired term of office.
54 A member appointed under this subsection shall not serve as a member of a county or joint
55 board of elections or board of elections and registration, a county election supervisor, a
56 municipal election supervisor, a member of a county board of registrars, or director or
57 deputy director of the Elections Division of the Office of the Secretary of State during his
58 or her term of service on the State Election Board. The term of any person appointed under
59 this subsection who accepts such a position shall be immediately vacated.

60 (c) Within 30 days after April 3, 1968, the state executive committee of each political
61 party shall nominate a member of its party to serve as a member of the State Election Board
62 and, thereupon, the Governor shall appoint such nominee as a member of the board to serve
63 for a term of two years from the date of the appointment and until his or her successor is

64 elected and qualified, unless sooner removed. Thereafter, such state executive committee
 65 shall select a nominee for such office on the board within 30 days after a vacancy occurs
 66 in such office and shall also select a nominee at least 30 days prior to the expiration of the
 67 term of each incumbent nominated by it; and each such nominee shall be immediately
 68 appointed by the Governor as a member of the board to serve for the unexpired term in the
 69 case of a vacancy, and for a term of two years in the case of an expired term. Each
 70 successor, other than one appointed to serve an unexpired term, shall serve for a term of
 71 two years; and the terms shall run consecutively from the date of the initial gubernatorial
 72 appointment. No person shall be eligible for nomination by such state executive committee
 73 unless he or she is an elector and a member in good standing of the political party of the
 74 committee. Such a member shall cease to serve on the board and his or her office shall be
 75 abolished if and when his or her political organization shall cease to be a 'political party'
 76 as defined in Code Section 21-2-2.

77 (d) The Secretary of State shall be the chairperson of the board. ~~Three~~ Four members of
 78 the board shall constitute a quorum, and no vacancy on the board shall impair the right of
 79 the quorum to exercise all the powers and perform all the duties of the board. The board
 80 shall adopt a seal for its use and bylaws for its own government and procedure.

81 (e) Meetings shall be held whenever necessary for the performance of the duties of the
 82 board on call of the chairperson or whenever any two of its members so request. Minutes
 83 shall be kept of all meetings of the board and a record kept of the vote of each member on
 84 all questions coming before the board. The chairperson shall give to each member of the
 85 board prior notice of the time and place of each meeting of the board.

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

91 **SECTION 2.**

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

94 **SECTION 3.**

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