

SENATE SUBSTITUTE TO HB 87:

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
 2 primaries and elections generally, so as to provide for the election of certain officers on a
 3 nonpartisan basis; to authorize the use of the boundaries of a restricted access community,
 4 the boundaries of a retirement complex, assisted living facility, or residential care home
 5 housing more than 100 residents, the boundaries of an apartment complex housing more than
 6 100 residents, and the boundaries of a residential subdivision as the boundaries of a precinct;
 7 to require detailed maps and certain other information to be maintained; to require that such
 8 communities be open to the public on election days; to amend Article 2 of Chapter 5 of Title
 9 36 of the Official Code of Georgia Annotated, relating to county governing authorities, so
 10 as to provide that, in counties that utilize a chief executive officer/county commission form
 11 of government, all elections for the chief executive officer shall be conducted on a
 12 nonpartisan basis; to provide for related matters; to provide an effective date; to repeal
 13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

15 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
 16 elections generally, is amended by revising subsection (a) of Code Section 21-2-139, relating
 17 to the authorization for and conduct of nonpartisan elections, as follows:

18 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 19 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 20 to fill county judicial offices, offices of local school boards, offices of chief executive
 21 officers of county governing authorities utilizing a chief executive officer/county
 22 commission form of government, and offices of consolidated governments which are filled
 23 by the vote of the electors of said county or political subdivision. Except as otherwise
 24 provided in this Code section, the procedures to be employed in such nonpartisan elections
 25 shall conform as nearly as practicable to the procedures governing nonpartisan elections
 26

27 as provided in this chapter. Except as otherwise provided in this Code section, the election
 28 procedures established by any existing local law which provides for the nonpartisan
 29 election of candidates to fill county offices shall conform to the general procedures
 30 governing nonpartisan elections as provided in this chapter, and such nonpartisan elections
 31 shall be conducted in accordance with the applicable provisions of this chapter,
 32 notwithstanding the provisions of any existing local law. For those offices for which the
 33 General Assembly, pursuant to this Code section, provided by local Act for election in
 34 nonpartisan primaries and elections, such offices shall no longer require nonpartisan
 35 primaries. Such officers shall be elected in nonpartisan elections held and conducted in
 36 conjunction with the general primary in even-numbered years in accordance with this
 37 chapter without a prior nonpartisan primary. This Code section shall apply to all
 38 nonpartisan elections for members of consolidated governments. All nonpartisan elections
 39 for members of consolidated governments shall be governed by the provisions of this Code
 40 section and shall be considered county elections and not municipal elections for the
 41 purposes of this Code section. Nonpartisan elections for municipal offices shall be
 42 conducted on the dates provided in the municipal charter."

43 **SECTION 2.**

44 Said chapter is further amended by revising Code Section 21-2-261.1, relating to boundary
 45 requirements for precincts, as follows:

46 "21-2-261.1.

47 (a) All voting precincts established or altered under the provisions of this article shall
 48 consist of areas which are bounded on all sides only by:

49 (1) Visible features which are readily distinguishable upon the ground (such as streets,
 50 railroad tracks, streams, lakes, and ridges) and which are indicated upon official
 51 Department of Transportation maps, current census maps, city or county planning maps,
 52 official municipal maps, official county maps, or any combination of such maps;

53 ~~(1.1)~~(2) The boundaries of public parks;

54 ~~(1.2)~~(3) The boundaries of public school grounds;

55 ~~(1.3)~~(4) The boundaries of churches; ~~or~~

56 ~~(2)~~(5) The boundaries of counties and incorporated municipalities;

57 (6) The boundaries of restricted access residential communities;

58 (7) The boundaries of residential subdivision;

59 (8) The boundaries of retirement complexes, assisted living facilities, or residential care
 60 homes housing more than 100 residents; or

61 (9) The boundaries of apartment complexes housing more than 100 residents.

- 62 (b) The superintendent of a county or the governing authority of a municipality shall notify
 63 the board of registrars within ten days after such changes are adopted.
- 64 (c) The superintendent of a county or the governing authority of a municipality shall file
 65 with the Secretary of State and the Legislative and Congressional Reapportionment Office:
- 66 (1) A map reflecting any changes in precincts within 20 days after the changes are made;
 - 67 (2) A copy of any communications to or from the United States Department of Justice
 68 relating to any precincts within 20 days after such communication is sent or received;
 - 69 (3) A copy of any pleading initiating a court action potentially affecting any precincts
 70 within 30 days after it is filed;
 - 71 (4) A copy of any court order affecting any precincts within 20 days after it is entered;
 - 72 **and**
 - 73 (5) For precincts that use the boundaries of a restricted access residential community or
 74 residential subdivision, a map clearly delineating the boundaries of the community or
 75 subdivision and clearly depicting the streets contained within such community or
 76 subdivision and a list of the streets within such community or subdivision and the address
 77 ranges of such streets; and
 - 78 (6) Any other documentation necessary to allow the Secretary of State to maintain a
 79 current listing of all precincts in ~~the~~ this state."

80

SECTION 3.

81 Said chapter is further amended by adding a new subsection (c) to Code Section 21-2-266,
 82 relating to polling places, to read as follows:

83 "(c) When the boundaries of a restricted access residential community are used as the
 84 boundaries for a precinct and a polling place is established within such restricted access
 85 residential community for the use of the voters in such precinct, such restricted access
 86 community and polling place shall be open to full and complete access by the public when
 87 such polling place is in use on the day of a general or special primary or general or special
 88 election, including the time while poll officers are setting up the polling place prior to the
 89 opening of the polls, the time while the polls are open, and the time while the poll officers
 90 are completing the tabulation of the votes, election paperwork, and similar functions after
 91 the close of the polls. Such restricted access community and polling place shall also be
 92 open to full and complete access by the election superintendent, investigators of the State
 93 Election Board, all affected candidates and their representatives, and the public in the event
 94 of a recount or recanvass of the votes cast in any primary or election involving such
 95 precinct and polling place conducted at such precinct and polling place. In addition, in the
 96 event of a contest or challenge to the results of any primary or election involving such
 97 precinct and polling place, the election superintendent, upon reasonable notice and at

98 reasonable times, may require such restricted access community and polling place to be
99 open to full and complete access by the election superintendent, investigators of the State
100 Election Board, and all affected candidates and their representatives for the purpose of
101 determining the issues involved in such contest or challenge."

102 **SECTION 4.**

103 Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to
104 county governing authorities, is amended by revising Code Section 36-5-23, which was
105 previously reserved, as follows:

106 "36-5-23.

107 ~~Reserved~~ Notwithstanding any local law to the contrary, in counties that utilize a chief
108 executive officer/county commission form of government, the election of the chief
109 executive officer shall be conducted on a nonpartisan basis. This Code section shall not
110 affect the term of office of any chief executive officer in office on the effective date of this
111 Code section but shall apply to the next election to fill such office."

112 **SECTION 5.**

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

115 **SECTION 6.**

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