

Senate Bill 10

By: Senators Ramsey, Sr. of the 43rd, Jones of the 10th, Henson of the 41st, Davenport of the 44th and Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-5-6 of the Official Code of Georgia Annotated, relating to public
2 official investigated by special commission upon indictment, gubernatorial review if
3 commission recommends suspension, reinstatement, and replacement officer, so as to revise
4 the manner of appointment for a temporary replacement officer under certain circumstances;
5 to provide for related matters; to provide for an effective date and applicability; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 45-5-6 of the Official Code of Georgia Annotated, relating to public official
10 investigated by special commission upon indictment, gubernatorial review if commission
11 recommends suspension, reinstatement, and replacement officer, is amended by revising
12 subsection (j) as follows:

13 "(j) Unless otherwise provided by local law, in the event the Governor appoints a member
14 of a governing authority as a temporary replacement for a suspended public official under
15 paragraph (1) of subsection (d) of this Code section, the member of the governing authority
16 so appointed or the executive officer of the governing authority, by majority vote, shall
17 select undertake a formal and transparent process to nominate not more than three qualified
18 persons as a temporary replacement, who is qualified by law to serve as such member of
19 the governing authority, Provided that no formal objection has been filed, such member of
20 the governing authority or the executive officer of such governing authority shall forward
21 the nominee or nominees to the governing authority for a formal vote on such nominee or
22 nominees, which shall be held within 30 days of the nomination. If the governing authority
23 fails to vote to ratify a nominee or if the vacancy has existed for a period exceeding
24 180 days at the time this subsection becomes law, then the Governor shall be authorized
25 to select a temporary replacement from the nominee list to fill such member's seat on the
26 governing authority until such time as the suspension of the public official is terminated
27 or the end of such member's current term on the governing authority, whichever is earlier.

28 ~~Before selecting such temporary replacement, the governing authority shall advertise its~~
29 ~~intention to select such temporary replacement in the applicable legal organ at least once~~
30 ~~a week for two weeks and on the governing authority's website, if it has one, and shall~~
31 ~~solicit applicants for such temporary replacement position~~ The member making the
32 nominations shall not vote on the selection of such temporary replacement."

33 **SECTION 2.**

34 This Act shall become effective upon its approval by the Governor or upon its becoming law
35 without such approval and shall apply to all persons serving as temporary replacements for
36 suspended public officials on the effective date of this Act as well as all persons appointed
37 as temporary replacements for suspended public officials on and after the effective date of
38 this Act.

39 **SECTION 3.**

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