

The Senate Ethics Committee offered the following substitute to HB 87:

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 and  
4 the boundaries of a residential subdivision as the boundaries of a precinct; to require detailed  
5 maps and certain other information to be maintained; to require that such communities be  
6 open to the public on election days; to amend Article 2 of Chapter 5 of Title 36 of the  
7 Official Code of Georgia Annotated, relating to county governing authorities, so as to  
8 provide that, in counties that utilize a chief executive officer/county commission form of  
9 government, all elections for the chief executive officer shall be conducted on a nonpartisan  
10 basis; to provide for related matters; to provide an effective date; to repeal conflicting laws;  
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

13 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
14 elections generally, is amended by revising subsection (a) of Code Section 21-2-139, relating  
15 to the authorization for and conduct of nonpartisan elections, as follows:  
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17 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General  
18 Assembly may provide by local Act for the election in nonpartisan elections of candidates  
19 to fill county judicial offices, offices of local school boards, offices of chief executive  
20 officers of county governing authorities utilizing a chief executive officer/county  
21 commission form of government, and offices of consolidated governments which are filled  
22 by the vote of the electors of said county or political subdivision. Except as otherwise  
23 provided in this Code section, the procedures to be employed in such nonpartisan elections  
24 shall conform as nearly as practicable to the procedures governing nonpartisan elections  
25 as provided in this chapter. Except as otherwise provided in this Code section, the election  
26 procedures established by any existing local law which provides for the nonpartisan

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

41 **SECTION 2.**

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

44 "21-2-261.1.

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

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

51 ~~(1.1)~~(2) The boundaries of public parks;

52 ~~(1.2)~~(3) The boundaries of public school grounds;

53 ~~(1.3)~~(4) The boundaries of churches; or

54 ~~(2)~~(5) The boundaries of counties and incorporated municipalities;

55 (6) The boundaries of restricted access residential communities; or

56 (7) The boundaries of residential subdivisions.

57 (b) The superintendent of a county or the governing authority of a municipality shall notify  
 58 the board of registrars within ten days after such changes are adopted.

59 (c) The superintendent of a county or the governing authority of a municipality shall file  
 60 with the Secretary of State and the Legislative and Congressional Reapportionment Office:

61 (1) A map reflecting any changes in precincts within 20 days after the changes are made;

- 62 (2) A copy of any communications to or from the United States Department of Justice  
 63 relating to any precincts within 20 days after such communication is sent or received;  
 64 (3) A copy of any pleading initiating a court action potentially affecting any precincts  
 65 within 30 days after it is filed;  
 66 (4) A copy of any court order affecting any precincts within 20 days after it is entered;  
 67 **and**  
 68 (5) For precincts that use the boundaries of a restricted access residential community or  
 69 residential subdivision, a map clearly delineating the boundaries of the community or  
 70 subdivision and clearly depicting the streets contained within such community or  
 71 subdivision and a list of the streets within such community or subdivision and the address  
 72 ranges of such streets; and  
 73 (6) Any other documentation necessary to allow the Secretary of State to maintain a  
 74 current listing of all precincts in ~~the~~ this state."

75 **SECTION 3.**

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

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

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**SECTION 4.**

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

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"36-5-23.

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

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**SECTION 5.**

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

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**SECTION 6.**

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