

House Bill 491

By: Representatives Blackmon of the 146th, Kelley of the 16th, Taylor of the 173rd, Powell of the 32nd, Hatchett of the 150th, and others

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 elections and primaries generally, so as to provide additional requirements on the State
3 Election Board's power to adopt emergency rules and regulations; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by adding a new Code section to read as follows:

9 "21-2-35.

10 (a) Notwithstanding any other provision of this chapter, Chapter 3 of Title 38, relating to
11 emergency management, or Chapter 13 of Title 50, the "Georgia Administrative Procedure
12 Act," to the contrary, the State Election Board may only adopt emergency rules or
13 regulations in circumstances of imminent peril to public health, safety, or welfare. To
14 adopt any such emergency rule or regulation, in addition to any other rule-making
15 requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

16 (1) Give at least seven days' notice to the public of its intended action;

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

(A) The Governor;

(B) The Lieutenant Governor;

(C) The Speaker of the House of Representatives;

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

(E) Legislative counsel; and

(F) The chief executive officer of each political party or body registered pursuant to subsection (a) of Code Section 21-2-110; and

(3) State in the notices required by paragraphs (1) and (2) of this subsection the nature of the emergency and the manner in which such emergency represents an imminent peril to public health, safety, or welfare.

(b) Upon adoption or promulgation of any emergency rule or regulation pursuant to this Code section, a majority of the State Election Board shall certify in writing that such emergency rule or regulation was made in strict and exact compliance with the provisions of this chapter and subsection (e) of Code Section 50-13-4.

(c) In the event of any conflict between this Code section and any provision of Chapter 13 of Title 50, this Code section shall govern and supersede any such conflicting provision."

SECTION 2.

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