

House Bill 503

By: Representatives Draper of the 90<sup>th</sup>, Griffin of the 149<sup>th</sup>, Campbell of the 35<sup>th</sup>, and Myles of the 126<sup>th</sup>

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 that the State Election Board may only  
3 promulgate, amend, adopt, or repeal nonemergency rules and regulations in odd-numbered  
4 years; to provide for related 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 revising Code Section 21-2-35, relating to emergency  
9 rules and regulations, imminent peril requirement, and procedures, as follows:

10 "21-2-35.

11 (a) Except for emergency rule making as provided for in subsection (b) of this Code  
12 section, the State Election Board shall only promulgate, amend, adopt, or repeal rules and  
13 regulations during odd-numbered years. After July 1, 2025, the State Election Board shall  
14 take no rule-making action upon nonemergency rules or regulations, including the initiation  
15 of any rule making, promulgation, amendment, adoption, or repeal of nonemergency rules  
16 or regulations in an even-numbered year.

H. B. 503

17 (b) Notwithstanding any other provision of this chapter, Chapter 3 of Title 38, relating to  
18 emergency management, or Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
19 Act,' to the contrary, the State Election Board may only adopt emergency rules or  
20 regulations in circumstances of imminent peril to public health, safety, or welfare. To  
21 adopt any such emergency rule or regulation, in addition to any other rule-making  
22 requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

- 23 (1) Give notice to the public of its intended action;
- 24 (2) Immediately upon the setting of the date and time of the meeting at which such  
25 emergency rule or regulation is to be considered give notice by email of its intended  
26 action to:
- 27 (A) The Governor;
  - 28 (B) The Lieutenant Governor;
  - 29 (C) The Speaker of the House of Representatives;
  - 30 (D) The chairpersons of the standing committees of each house of the General  
31 Assembly tasked with election matters;
  - 32 (E) The Secretary of State;
  - 33 (F) Legislative counsel; and
  - 34 (G) The chief executive officer of each political party registered pursuant to subsection  
35 (a) of Code Section 21-2-110; and
- 36 (3) State in the notices required by paragraphs (1) and (2) of this subsection the nature  
37 of the emergency and the manner in which such emergency represents an imminent peril  
38 to public health, safety, or welfare.

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

43 ~~(c)~~(d) In the event of any conflict between this Code section and any provision of Chapter  
44 13 of Title 50, this Code section shall govern and supersede any such conflicting  
45 provision."

46 **SECTION 2.**

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