

Senate Bill 598

By: Senators Mangham of the 55th, Jones II of the 22nd, Wicks of the 34th, Parkes of the 7th, Howard of the 35th 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 that nonemergency rules or regulations
3 adopted by the State Election Board within 180 days of an election shall not be effective for
4 such election; to provide that certain changes to election practices or procedures made by a
5 local election superintendent within 180 days of an election shall not be effective for such
6 election; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
10 primaries generally, is amended by revising Code Section 21-2-35, relating to emergency
11 rules and regulations, imminent peril requirement, and procedures, as follows:

12 "21-2-35.

13 (a) Except for the adoption of any emergency rule or regulation as provided for in
14 subsection (b) of this Code section, if the State Election Board adopts a rule, as such term
15 is defined in Code Section 50-13-2, or a regulation and the date of such adoption is within
16 180 days of:

17 (1) The date of a presidential preference primary, general primary, general election, or
18 runoff thereof, the effective date of such rule or regulation shall be the day following the
19 date such primary, election, or runoff is certified; or

20 (2) The date of a special primary, special election, or runoff thereof, the effective date
21 of such rule or regulation shall be as otherwise provided by law; provided, however, that
22 such rule or regulation shall not be applicable to the conducting of any such special
23 primary, special election, or runoff.

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

30 (1) Give notice to the public of its intended action;

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

34 (A) The Governor;

35 (B) The Lieutenant Governor;

36 (C) The Speaker of the House of Representatives;

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

39 (E) The Secretary of State;

40 (F) Legislative counsel; and

41 (G) The chief executive officer of each political party registered pursuant to
42 subsection (a) of Code Section 21-2-110; and

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

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

50 ~~(e)(d)~~ In the event of any conflict between this Code section and any provision of Chapter
 51 13 of Title 50, this Code section shall govern and supersede any such conflicting
 52 provision."

53 SECTION 2.

54 Said chapter is further amended by adding a new Code section to read as follows:

55 "21-2-79.

56 Except for where specifically authorized or required by this chapter, if a local election
 57 superintendent adopts or revises any practice or procedure related to elections or voter
 58 registration within 180 days of:

59 (1) The date of a presidential preference primary, general primary, general election, or
 60 runoff thereof, the effective date of such practice or procedure shall be the day following
 61 the date such primary, election, or runoff is certified; or

62 (2) The date of a special primary, special election, or runoff thereof, the effective date
 63 of such rule or regulation shall be as otherwise provided by law; provided, however, that
 64 such practice or procedure shall not be applicable to the conducting of any such special
 65 primary, special election, or runoff."

66 SECTION 3.

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