

House Bill 1112

By: Representatives Leverett of the 123rd, LaHood of the 175th, Barrett of the 24th, Anderson of the 10th, Horner of the 3rd, 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 the
2 elections and primaries generally, so as to remove the Secretary of State from the State
3 Election Board; to provide that the board shall be administratively attached to the State
4 Accounting Office; to provide for the hiring and qualifications of investigators; so as to
5 authorize the board to investigate the election division of the Secretary of State's office; to
6 authorize the board to issue letters of instruction and letters of reprimand; to provide for
7 circumstances when such letters are appropriate; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
12 primaries generally, is amended in Code Section 21-2-30, relating to creation, membership,
13 terms of service, vacancies, quorum, bylaws, meetings, and executive director, by revising
14 subsections (d), (f), and (g), and paragraph (2) of subsection (k) and by adding a new
15 subsection to read as follows:

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16 ~~"(d) The Secretary of State shall be an ex officio nonvoting member of the board. Three~~
17 ~~voting members of the board shall constitute a quorum, and no vacancy on the board shall~~
18 ~~impair the right of the quorum to exercise all the powers and perform all the duties of the~~
19 ~~board. The board shall adopt a seal for its use and bylaws for its own government and~~
20 ~~procedure."~~

21 ~~"(f) If any member of the board, other than the Secretary of State, shall qualify as a~~
22 ~~candidate for any public office which is to be voted upon in any primary or election~~
23 ~~regulated by the board, that member's position on the board shall be immediately vacated~~
24 ~~and such vacancy shall be filled in the manner provided for filling other vacancies on the~~
25 ~~board."~~

26 ~~"(g) On and after July 1, 2023 2024, the board shall be a separate and distinct budget unit~~
27 ~~as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided,~~
28 ~~however, that the board shall be attached for administrative purposes only to the office of~~
29 ~~the Secretary of State State Accounting Office as provided for in Code Section 50-4-3. The~~
30 ~~board shall neither be under the jurisdiction of the Secretary of State nor shall it be~~
31 ~~considered a division of the office of the Secretary of State."~~

32 ~~"(2) With the approval of the board, employ and fix the compensation of personnel,~~
33 ~~including investigators, as determined necessary to assist the executive director in his or~~
34 ~~her duties. Persons hired to conduct investigations on behalf of the board shall have a~~
35 ~~level of experience and knowledge relative to the matters to be investigated and such~~
36 ~~level of experience and knowledge shall be determined by the board;"~~

37 ~~"(l) The board shall have the power to hire investigators for the purpose of conducting~~
38 ~~investigations authorized by this chapter."~~

39 **SECTION 2.**

40 Said chapter is further amended in Code Section 21-2-31, relating to duties of the State
41 Election Board, by revising paragraph (5) as follows:

64 **SECTION 4.**

65 Said chapter is further amended in Code Section 21-2-35, relating to emergency rules and
66 regulations, imminent peril requirement, and procedures, by revising paragraph (2) of
67 subsection (a) as follows:

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

71 (A) The Governor;

72 (B) The Lieutenant Governor;

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

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

76 (E) The Secretary of State;

77 ~~(E)~~(F) Legislative counsel; and

78 ~~(F)~~(G) The chief executive officer of each political party registered pursuant to
79 subsection (a) of Code Section 21-2-110; and"

80 **SECTION 5.**

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