

Senate Bill 222

By: Senators Burns of the 23rd, Watson of the 11th, Payne of the 54th, Dixon of the 45th,
Ginn of the 47th 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 primaries and elections generally, so as to provide that all costs and expenses relating to
3 election administration are paid for with lawfully appropriate public funds; to provide
4 definitions; to prohibit certain local governments and persons from soliciting or accepting
5 donations or other things of value to support the performance of election administration; to
6 require the return of certain donations; to provide for exceptions; to provide for penalties; to
7 remove existing provisions relating to election superintendents and registrars taking or
8 accepting any funding, grants, or gifts from any nongovernmental source; to remove study
9 requirements; to provide for related matters; to provide an effective date; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **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 adding a new Code section to read as follows:

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15 "21-2-18.

16 (a) As used in this Code section:

17 (1) 'Government employee' means any individual, committee, entity, or group acting in
18 concert who are members of the State Election Board or are employed by a county or
19 municipal government. Such term shall include, but not be limited to, election
20 superintendents, registrars, poll workers, and the agents and employees thereof.

21 (2) 'Person' means any individual, proprietorship, firm, partnership, joint venture,
22 syndicate, labor union, business trust, company, association, committee, corporation,
23 whether operated for profit or not, or any other organization of a group of persons acting
24 in concert, or any other nongovernmental third-party entity.

25 (b) All costs and expenses related to conducting primaries, elections, runoffs, or other
26 undertakings authorized or required by this chapter shall be paid from lawfully
27 appropriated public funds.

28 (c) Notwithstanding any other provision of law to the contrary, no county or municipal
29 government, government employee, or election official shall solicit, take, or otherwise
30 accept from any person a contribution, donation, service, or anything else of value for the
31 purpose of conducting primaries or elections or in support of performing his or her duties
32 under this chapter.

33 (d) Any county or municipal government, government employee, or election official who
34 on or after the effective date of this Code section, has taken or otherwise accepted from any
35 person a contribution, donation, service, or anything else of value for the purpose of
36 conducting primaries or elections or in support of performing his or her duties under this
37 chapter, shall immediately return the same to the entity which provided such thing of value
38 within 14 days.

39 (e) This Code section shall not apply to the donation or use of locations for voting
40 purposes, services provided without remuneration, or goods that have nominal value of less
41 than \$100.00.

42 (f) Violation of this Code section shall constitute a felony, and upon conviction shall be
43 punished by imprisonment for not less than one year and by a fine of not less than
44 \$10,000.00."

45 **SECTION 2.**

46 Said chapter is further amended by revising Code Section 21-2-71, relating to payment by
47 county or municipality of superintendent's expenses, and study and report on acceptance and
48 equitable distribution of donations, as follows:

49 "21-2-71.

50 (a) The governing authority of each county or municipality shall appropriate annually and
51 from time to time, to the superintendent of such county or municipality, the funds that it
52 shall deem necessary for the conduct of primaries and elections in such county or
53 municipality and for the performance of his or her other duties under this chapter,
54 including:

55 (1) Compensation of the poll officers, custodians, and other assistants and employees
56 provided for in this chapter;

57 (2) Expenditures and contracts for expenditures by the superintendent for polling places;

58 (3) Purchase or printing, under contracts made by the superintendent, of all ballots and
59 other election supplies required by this chapter, or which the superintendent shall
60 consider necessary to carry out the provisions of this chapter;

61 (4) Maintenance of all voting equipment required by this chapter, or which the
62 superintendent shall consider necessary to carry out this chapter; and

63 (5) All other expenses arising out of the performance of his or her duties under this
64 chapter.

65 ~~(b) No superintendent shall take or accept any funding, grants, or gifts from any source~~
66 ~~other than from the governing authority of the county or municipality, the State of Georgia,~~
67 ~~or the federal government.~~

68 ~~(c) The State Election Board shall study and report to the General Assembly a proposed~~
69 ~~method for accepting donations intended to facilitate the administration of elections and~~
70 ~~a method for an equitable distribution of such donations state wide by October 1, 2021."~~

71 **SECTION 3.**

72 Said chapter is further amended in Code Section 21-2-212, relating to county registrars,
73 appointment, certification, term of service, vacancies, compensation, and expenses of chief
74 registrar, registrars, and other officers and employees, and budget estimates, by revising
75 subsection (f) as follows:

76 "(f) The board of registrars of each county shall prepare annually a budget estimate in
77 which it shall set forth an itemized list of its expenditures for the preceding two years and
78 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
79 year and shall submit the same at the time and in the manner and form other county budget
80 estimates are required to be filed. ~~No board of registrars shall take or accept any funding,~~
81 ~~grants, or gifts from any source other than from the governing authority of the county, the~~
82 ~~State of Georgia, or the federal government."~~

83 **SECTION 4.**

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

86 **SECTION 5.**

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