

Senate Bill 269

By: Senators Harrell of the 40th, Butler of the 55th, Orrock of the 36th, Halpern of the 39th,
Parent of the 42nd 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 change the manner of selection of the members
3 of the State Election Board; to provide for terms of office; to provide for related matters; to
4 provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**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 21-2-30, relating to creation,
9 composition, terms of service, vacancies, quorum, seal and bylaws, and meetings of the State
10 Election Board, as follows:

11 "21-2-30.

12 (a) There is created a state board to be known as the State Election Board, to be composed
13 of the Secretary of State, an elector to be elected by a majority vote of the majority party
14 caucus of the Senate of the General Assembly at its regular session held in each
15 odd-numbered year, an elector to be elected by a majority vote of the minority party caucus
16 of the Senate of the General Assembly at its regular session held in each odd-numbered

17 year, an elector to be elected by a majority vote of the majority party caucus of the House
18 of Representatives of the General Assembly at its regular session held in each
19 odd-numbered year, and a member of each political party to be nominated and appointed
20 in the manner provided in this Code section an elector to be elected by a majority vote of
21 the minority party caucus of the House of Representatives of the General Assembly at its
22 regular session held in each odd-numbered year. No person while a member of the General
23 Assembly shall serve as a member of the board.

24 (b) A member elected by a caucus of a house of the General Assembly shall take office on
25 the day following the adjournment of the regular session in which elected and shall serve
26 for a term of two years and until his or her successor is elected and qualified, unless sooner
27 removed. An elected member of the board may be removed at any time by a majority vote
28 of the caucus of the house which elected him or her. In the event a vacancy should occur
29 in the office of such a member of the board at a time when the General Assembly is not in
30 session, then the ~~President of the Senate~~ majority leader of the Senate shall ~~thereupon~~
31 appoint an elector to fill the vacancy if the prior incumbent of such office was elected by
32 the majority party caucus of the Senate or appointed by the ~~President of the Senate~~ majority
33 leader of the Senate; the minority leader of the Senate shall appoint an elector to fill the
34 vacancy if the prior incumbent of such office was elected by the minority party caucus of
35 the Senate or appointed by the minority leader of the Senate; the majority leader of the
36 House of Representatives shall appoint an elector to fill the vacancy if the prior incumbent
37 of such office was elected by the majority party caucus of the House of Representatives or
38 appointed by the majority leader of the House of Representatives; and the Speaker minority
39 leader of the House of Representatives shall ~~thereupon~~ appoint an elector to fill the vacancy
40 if the prior incumbent of such office was elected by the minority party caucus of the House
41 of Representatives or appointed by the Speaker minority leader of the House of
42 Representatives. A member appointed to fill a vacancy may be removed at any time by a

43 majority vote of the caucus of the house whose ~~presiding officer~~ leader appointed him or
44 her.

45 (c) With the exception of the Secretary of State, the terms of those members of the State
46 Election Board who are in office on July 1, 2021, shall end on that date and new members
47 shall be appointed in accordance with subsections (a) and (b) of this Code section ~~Within~~
48 ~~30 days after April 3, 1968, the state executive committee of each political party shall~~
49 ~~nominate a member of its party to serve as a member of the State Election Board and,~~
50 ~~thereupon, the Governor shall appoint such nominee as a member of the board to serve for~~
51 ~~a term of two years from the date of the appointment and until his or her successor is~~
52 ~~elected and qualified, unless sooner removed. Thereafter, such state executive committee~~
53 ~~shall select a nominee for such office on the board within 30 days after a vacancy occurs~~
54 ~~in such office and shall also select a nominee at least 30 days prior to the expiration of the~~
55 ~~term of each incumbent nominated by it; and each such nominee shall be immediately~~
56 ~~appointed by the Governor as a member of the board to serve for the unexpired term in the~~
57 ~~case of a vacancy, and for a term of two years in the case of an expired term. Each~~
58 ~~successor, other than one appointed to serve an unexpired term, shall serve for a term of~~
59 ~~two years; and the terms shall run consecutively from the date of the initial gubernatorial~~
60 ~~appointment. No person shall be eligible for nomination by such state executive committee~~
61 ~~unless he or she is an elector and a member in good standing of the political party of the~~
62 ~~committee. Such a member shall cease to serve on the board and his or her office shall be~~
63 ~~abolished if and when his or her political organization shall cease to be a 'political party'~~
64 ~~as defined in Code Section 21-2-2.~~

65 (d) The Secretary of State shall be the chairperson of the board. Three members of the
66 board shall constitute a quorum, and no vacancy on the board shall impair the right of the
67 quorum to exercise all the powers and perform all the duties of the board. The board shall
68 adopt a seal for its use and bylaws for its own government and procedure.

69 (e) Meetings shall be held whenever necessary for the performance of the duties of the
70 board on call of the chairperson or whenever any two of its members so request. Minutes
71 shall be kept of all meetings of the board and a record kept of the vote of each member on
72 all questions coming before the board. The chairperson shall give to each member of the
73 board prior notice of the time and place of each meeting of the board.

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

79 **SECTION 2.**

80 This Act shall become effective on July 1, 2021.

81 **SECTION 3.**

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