



Final Legislative Update

Volume # 12, Issue 13– April 13, 2021

2021 Session of the General Assembly

Georgia lawmakers adjourned the 2021 legislative session on Wednesday, March 31. There were multiple victories for Georgia's counties as legislation addressing several ACCG Policy Agenda items such as broadband funding, the dedication of trust funds, lodging facilitator tax collection, and more passed. ACCG appreciates Governor Kemp and the General Assembly for including in the Amended FY 2021 budget \$20 million for the state broadband grant program and \$10 million in the FY 2022 budget.

This report also contains a review of the final appropriations bills and lists items of interest to counties by state agency. For a complete overview, see **Appendix B on page 23** for the 2021 Supplemental Budget and the 2022 Budget.

Please review the summary of legislation below for more information on the 2021 General Assembly Session.

ACCG thanks all commissioners, County Legislative Coordinators (CLC's), and county staff who supported the Association's policy agenda this year by meeting with legislators and making personal contact through phone calls, texts and emails. A special thank you to this year's Policy Council for their hard work and dedication. County officials serve as the critical component of the ACCG legislative network. Your involvement was instrumental in helping ACCG staff stop or modify several bills that would have been detrimental to Georgia's local governments. A list of county-related bills that did not pass begins **on page 11**.

Bills Passed

ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Kathleen Bowen]

HB 577- GDOT Bill: Speed Limits & Penalties for Airports Operating Without a Valid Permit

(Rep. Kasey Carpenter, 4th) *Effective July 1, 2021*. This legislation contains several new policies for the Georgia Department of Transportation (GDOT) including authorizing GDOT to take enhanced administrative and civil action against any person that owns or operates an airport open to the public for general aviation purposes without a valid permit. In addition, this legislation clarifies that the speed limit is 30 miles per hour in any urban or residential area unless otherwise designated by appropriate signs.

HB 588 - Freight & Logistics, P3 and Locomotive Fuel Dedication

(Rep. Rick Jasperse, 11th) *Effective July 1, 2021*. This legislation incorporates recommendations from the Georgia Freight and Logistics Commission including further defining the public benefit definition under the GDOT State Freight Railroad Program, adds new GDOT and SRTA procedures around public-private partnership (P3) projects, and includes legislative intent that the state sales tax derived from the sale of locomotive

fuel should be used for freight and logistics projects located on or connected to publicly owned roads.

SB 210 - Digital License Plates Allowed (Sen. Randy Robertson, 29th) *Effective July 1, 2021*. This legislation sets standards and procedures for issuing and displaying digital license plates. Individuals would be allowed to apply to the county tag office indicating a preference for a digital license plate. A digital license plate provider can collect fees for the license plate hardware and services. Digital license plates would be renewed annually, and the Department of Revenue would be authorized to develop rules and regulations relating to the digital displays, messaging and personalization of digital license plates.

SB 255 - OneGeorgia Authority Grant Program Supporting Border Regions (Sen. Jeff Mullis, 53rd) *Effective July 1, 2021*. This legislation authorizes, subject to appropriations, the OneGeorgia Authority to establish and administer a grant program to be called the Border Region Retail Tourism Development Program, which shall serve the purpose of awarding grants to eligible applicants to encourage businesses to relocate, expand, or construct projects in Georgia rather than a bordering state. “Border Region” means any part of Georgia that lies within 25 miles of the state border.

GENERAL COUNTY GOVERNMENT

[Staff: Todd Edwards]

HB 98 – Public Hearings: Authorize by Teleconference (Rep. Eddie Lumsden, 12th) *Effective upon signature of Governor*. One of ACCG’s 2021 Policy Objectives, this legislation authorizes local governments to conduct public hearings by teleconference during declared federal, state or local emergency situations.

HB 112 – COVID-19 Liability Protections (Rep. Trey Kelley, 16th) *Effective July 1, 2021*. This legislation extends, through July 14, 2022, liability protections for local governments and businesses for negligence claims associated with exposure or transmission of COVID-19 on their premises.

HB 129 - Correction of Salary Tier - Sheriff's Compensation (Rep. Sam Watson, 172nd) *Effective upon signature of Governor*. This legislation corrects a calculation error in the sheriff’s compensation schedule. The 5% increase granted to the sheriffs in the previous session was not calculated for the population bracket 39,000 to 49,999. This bill adds that 5% increase to that bracket.

HB 134 – Cybersecurity: Allow Discussion in Executive Session and Exempt from Open Records (Rep. Victor Anderson, 10th) *Effective upon signature of Governor*. This bill allows local governments to discuss matters related to cybersecurity services in executive session; however, no vote in executive session can be binding – a subsequent vote must be taken in an open meeting. Secondly, this bill exempts certain cybersecurity documents from open records.

HB 156 – Cybersecurity: Locals Must Report Cyber Attacks (Rep. Don Parsons, 44th) *Effective March 25, 2021*. This legislation requires counties and cities to report certain cyber-attack, data breach or identified malware incidents to the state director of emergency management and homeland security. Incidents are to be reported if they create a life-safety event, substantially impact the security of data and information systems, or affect critical systems, equipment or service delivery. The director of emergency management shall promulgate rules specifying the reporting mechanism. These reports are not subject to open records.

HB 273 – Alcohol: Distilleries and Breweries can Sell More Directly to Public

(Rep. Mandi Ballinger, 23rd) *Effective upon signature of Governor.* This bill authorizes distilleries to sell more (up to 750 barrels) of their distilled spirits directly to the public for personal use off the premises - subject to the local government's alcohol sales laws and local taxes apply. Also, breweries are authorized to sell up to 6,000 barrels (formerly 3,000) of their malt beverages to persons from their licensed premises. Sales of beer for consumption on premises are not limited; however, sales for off-premises consumption are limited to 288 ounces per person, per day. Furthermore, breweries (under the same ownership) are allowed to transfer liquids and beer from one of their licensed breweries to another.

HB 392 – Alcohol: Locals May Set Beer and Wine Distance Requirements from School Grounds

(Rep. Jason Ridley, 6th) *Effective upon signature of Governor.* Currently, state law prevents the sale of beer, wine and liquor within certain distances of certain buildings and grounds. This bill gives local governments the ability to set distance requirements for beer and wine package sales in relation to school grounds, yet state distance requirements remain set at 100 yards for beer and wine sold near school buildings.

HB 470 – Recording of Plats and Plans – Not Required for Condominiums

(Rep. Dale Washburn, 141st) *Effective July 1, 2021.* This bill provides that plans for a unit - when the boundaries of the unit are not designated by walls, floors, ceilings, or other physical structures (condominiums) - do not have to be recorded. Furthermore, sub condominiums do not require a separate plat or survey.

HB 476 – Professional Engineers and Land Surveyors Act of 2021

(Rep. Dale Washburn, 141st) *Effective upon signature of Governor.* This legislation creates the “Georgia Professional Engineers and Land Surveyors Board”. The Board will select its own executive director and board members must be confirmed by the Georgia Senate. The Board will now have a separate and

distinct budget and still be administered by the Secretary of State’s (SOS) Office; however, it will no longer be under the jurisdiction nor the direction of the SOS’s office. The rest of the bill spells out the functions of the Board.

HB 574 - Establish Local Government Companion Animal Trust Fund

(Rep. Beth Camp, 131st) *Effective July 1, 2021.* This legislation dedicates fees collected from the state licensing of pet dealers, kennel, stable and animal shelter operations to a new trust fund called the “Local Government Companion Animal Trust Fund”. The trust fund would be administered by the Georgia Department of Agriculture with the proceeds made available to local governments for the reimbursement of impounding abused dogs, cats and horses.

SB 32 – Disclosure of Public Employees’ Records

(Sen. Frank Ginn, 47th) *Effective upon signature of Governor.* This legislation exempts county employees' personal mobile or wireless telephone numbers from having to be disclosed pursuant to an open records request.

SB 49 – Building Inspections: Revision to Private Plan Review and Inspection

(Sen. Clint Dixon, 45th) *Effective upon signature of Governor.* ACCG and GMA compromised in good faith on HB 493 a few years ago, allowing for enhanced private plan review and inspection for building permits. This is the second legislative revision to that compromise, codifying language from Governor Kemp's March 20, 2020 executive order that allows for a permit applicant to retain a private provider for plan review or inspection, regardless of whether the local government has the capacity to complete the action within the required time frames for plan review and inspections. It can be argued whether this legislation further cuts the local government's fees (currently cut by 50%) if a private provider is immediately chosen for plan review or inspection. The bill also allows qualified inspectors to perform these plan reviews and inspections, but only in the areas on which they are certified.

SB 144 – City Housing Authorities – Counties Must Approve Operations in Unincorporated Areas (Sen. Lindsey Tippins, 37th) *Effective July 1, 2021.* Current law authorizes city housing authorities to operate their powers, unchecked, 10 miles outside their city limit without a county’s approval. This bill requires city housing authorities to get the permission of the county in which they wish to operate (outside the city limit) in unincorporated areas going forward. Current city housing authority operations outside the city's limits are grandfathered in.

SB 145 – Alcohol: Option to Remove 35% Petition to Authorize Package Liquor Sales (Sen. Matt Brass, 28th) *Effective upon signature of Governor.* This bill allows counties and cities to authorize package liquor sales without having to obtain petition signatures of at least 35% of the registered voters in the jurisdiction. Local governments would simply have to pass a resolution in order to present this issue to voters as a referendum.

SB 182 – Fence Detection Systems: Narrowly Define and Prohibit Local Government Bans (Sen. Randy Robertson, 29th) *Effective July 1, 2021.* This legislation defines a “fence detection system” in law as a fence that has an alarm system that transmits a signal intended to summon law enforcement in response to an intrusion or burglary; must be located on non-residential property; must be powered by a battery not exceeding 12 volts; and can be no more than 10 feet tall or two feet higher than a nonelectric perimeter fence, whichever is taller. Other strict conditions apply. Local governments must treat these fences as alarm systems in zoning and permitting matters and cannot completely ban these fences meeting the above definition.

SB 202 – Omnibus Election Bill for 2021 (Sen. Max Burns, 23rd) *Effective March 25th; Sections 21, 23, 25, 27, 28, and 29 effective July 1, 2021.* This was the only election legislation passed this session, merging many of the components of other election bills. The law incorporates several of ACCG’s 2021 Policy Agenda items, including:

- Authorizing poll workers to serve in adjoining counties from where they work or live;
- Allowing counties to begin processing and scanning absentee ballots on the third Monday before the election;
- Permitting counties to reduce the 1/250 (one voting machine per every 250 registered voters) mandate in non-general elections that have less turnout; and
- Revising the deadline by which counties must accept absentee ballot applications.

ACCG expressed opposition, concerns and neutrality with other measures in the bill. For ACCG’s section-by-section summary of SB 202, please see Appendix A.

SB 236 – Alcohol: Restaurants May Sell Mixed Drinks to Go (Sen. Matt Brass, 28th) *Effective upon signature of Governor.* This bill authorizes (unless prohibited by local ordinance) restaurants to sell mixed drinks for off-premises consumption. Customers are limited to two mixed drinks per entrée ordered; drinks must be in an approved container and accompanied by a food order and a sales receipt that indicates the date and time of the purchase; and drinks/food order are furnished to the customer within the premises or by way of an established curbside pick-up.

HEALTH & HUMAN SERVICES

[Staff: Debra Nesbit]

HB 271-Revise Requirements for EMS Upper Payment Limits (UPL) Program (Bert Reeves, 34th) *Effective July 1, 2021.* This legislation will allow private EMS providers to participate in the Upper Limit Payment (UPL) Program administered through the Department of Community

Health. Currently, private EMS providers must partner with a Hospital Authority to access the UPL Program.

HB 307-Revise and Expand Telehealth Services

(Rep. Sharon Cooper, 43rd) *Effective upon signature of Governor.* This legislation revises and expands telehealth services to include mental health services and streamlines the delivery of services and reimbursement of providers.

HB 591 - Allow Marriage and Family Therapist to Evaluate for Mental Competency

(Rep. Don Hogan, 179th) *Effective July 1, 2021.* This legislation allows marriage and family therapists to conduct evaluations for mental health competency and allows them to issue 1013's to involuntarily commit persons who are a danger to themselves or others. The Commission on Behavioral Health recommended this expansion in the scope of practice. This bill also requires that all emergency receiving facilities report the number of admissions and other related data annually.

SB 46 - Authorize EMT's and Cardiac Technicians to Administer Vaccines

(Sen. Dean Burke, 11th) *Effective upon signature of Governor.* This legislation allows EMTs and Cardiac Technicians to administer vaccines in public health emergencies. The bill also requires reporting to the Department of Public Health regarding vaccinations. This bill also allows persons completing the Department of Corrections firefighter course to apply for certification as an EMT but will have additional drug testing to maintain certification.

SB 235-Revise Offenses of Public Order Relating to Mask

(Sen. Ben Watson, 1st) *Effective July 1, 2021.* This legislation allows the wearing of mask or face covering to comply with any health care agency or health care provider guidance to prevent the spread of COVID-19 or other coronaviruses or influenza. Under current law it is against the law to wear masks in public places with a few exceptions such as Halloween, etc.

NATURAL RESOURCES & the ENVIRONMENT

[Staff: Kathleen Bowen]

HB 511 – Dedication of Trust Funds

(Rep. Bert Reeves, 34th) *Effective July 1, 2022.* In November 2020, Georgia voters approved Constitutional Amendment #1 that would allow the general assembly to dedicate fees and taxes for their intended purpose.

This legislation dedicates the following trust funds: Hazardous Waste Trust Fund, Solid Waste Trust Fund, State Children's Trust Fund, Wildlife Endowment Trust Fund, Trauma Care Network Trust Fund, Transportation Trust Fund, Georgia Agricultural Trust Fund, Fireworks Trust Fund, and the Georgia Transit Trust Fund. All of the trust funds would be dedicated for a ten-year period (July 1, 2022, - June 30, 2032).

HB 150 – Preemption: Locals Cannot Discriminate Against Types or Sources of Energy or Fuel

(Rep. Bruce Williamson, 115th) *Effective upon signature of Governor.* This preemption

legislation prohibits any Georgia local government from adopting any policy that prohibits, or has the effect of prohibiting, the connection or reconnection of any utility service based on the type or source of energy or fuel to be delivered to any customer. Local governments may still choose utility services for the properties they own.

SB 119 - Exceptions to Burn Permit Requirements for Yard Debris

(Sen. Tyler Harper, 7th) *Effective July 1, 2021.* Unless otherwise provided by local ordinance, this legislation allows the burning of leaf piles, yard debris, or hand-piled natural vegetation without obtaining a burn permit. The legislation further includes the following requirements: the burning must take place between the official sunrise and the official sunset for the location where the burning is taking place, the location of the burning is no less than 25 feet from any woodlands, forestland, and/or open field, and the location of the burning is no less than 50 feet from

any structure, including outbuildings, sheds, barns, and homes.

SB 260 - Soil Amendments: Buffers and Setbacks (Sen. Tyler Harper, 7th) *Effective July 1, 2021*. This legislation is a follow up from HB 1057 that passed during the 2020 Session that gave authority to local governments to regulate the application of soil amendments derived from industrial by-products. This legislation continues to allow local governments to adopt or enforce zoning ordinances

related to soil amendments. These zoning ordinances can include the adoption of buffers and setbacks; however, they cannot exceed 100 feet in width. In addition, the Department of Agriculture will adopt rules and regulations that require every owner and operator of a farm on which soil amendments are being applied to procure a site-specific nutrient management plan and make a copy of such plan available for inspection at the request of the department.

PUBLIC SAFETY & the COURTS

[Staff: Debra Nesbit]

HB 43 – Additional Information be Included on Certain Driving Permits/Conditions that may Interfere with Registrant's Ability to Communicate (Rep. Wes Cantrell, 22nd) *Effective July 1, 2021*. This legislation will allow additional information to be included on permits and driver's licenses to alert enforcement if the registrant has a condition that may impair their ability to communicate.

Judge issues an emergency protective order, they may inquire if the petitioner wishes to have periodic safety checks at their home. The legislation allows the person receiving the protective order to notify the local law enforcement agency if safety checks are wanted. Local law enforcement will perform safety checks; the intervals and times of checks shall be at local law enforcement discretion. Safety checks may be performed for up to 60 days.

HB 97 - Require Oath for Chief Probate Court Clerks (Rep. Rob Leverett, 33rd) *Effective July 1, 2021*. Currently, probate judges also serve as chief clerks of the probate court by operation of law. This legislation will require that probate judges who appoint a chief clerk in place of acting as clerk themselves must administer an oath to the person appointed as a clerk.

HB 286 - Restrict Counties From Reducing Law Enforcement Budget (Rep. Houston Gaines, 117th) *Effective July 1, 2021*. This legislation violates home rule by restricting the county government from reducing a county police department budget by more than 5%. There is an exception for capital projects and an overall reduction in anticipated revenue. This requirement does not apply to departments with less than 25 full or part-time certified law enforcement officers.

HB 168 - Department of Corrections Must Provide District Attorney Offender Files When Requested (Rep. Jesse Petrea, 166th) *Effective July 1, 2021*. This legislation requires that the Department of Corrections provide the District Attorney, upon request, all records of inmates convicted of a serious violent felony against a person under the age of 18.

Section 3. of the bill requires that local governments who provide electronic payroll deposits to employees shall also provide for a deduction to purchase insurance that provides public safety employees with legal representation during all legal actions that are a result of their role as a public safety officer.

HB 0236 -Emergency Protective Orders-Mandatory Safety Checks by Law Enforcement when Requested (Rep. Yasmin Neal, 74th) *Effective upon signature of Governor*. When a Superior Court

HB 354 - Require the Board of Cemeterians to Report Suspected Unlawful Activity to the Sheriff and AG's Office (Rep. Rick Williams, 145th) *Effective upon signature of Governor*. This

legislation requires the State Board of Cemeterians to report suspected unlawful activity to the sheriff of the county the alleged unlawful activity occurred and the Attorney General's Office.

[HB 453 - Must Provide Proof of Eligibility for Special Firefighter License Plate](#) (Rep. Lauren McDonald, 26th) *Effective July 1, 2021*. This bill requires the Department of Revenue to provide a list of those eligible to receive a firefighter specialty plate, and local tag offices must verify eligibility.

[HB 465 - Prohibit Local Governments from Issuing Civil Fines for False Alarms](#) (Rep. Joseph Gullett, 19th) *Effective upon signature of Governor*. This legislation will prohibit local governments from issuing a civil penalty for false alarms when the alarm company can prove it was not a result of their equipment or service. Local Governments can issue civil penalties to the subscriber of the alarm system if they are responsible for the false alarm.

[HB 479 - Revise "Citizens Arrest" Powers](#) (Rep. Bert Reeves, 34th) *Effective upon signature of Governor*. This legislation revises the arrest power of certain individuals. It provides immunity from liability for certain owners and operators of retail establishments and food service establishments and their agents and employees for certain individuals' detention when criminal activity is suspected.

[HB 488 - Magistrate Court Judges Pay Raise](#) (Rep. Mitch Scoggins, 14th) *Effective upon signature of Governor*. This bill provides a 5% increase in the minimum base salary for all magistrate judges and clerks. The bill rolls all previous COLA's into the base; the 5% increase is effective January 1, 2022.

[HB 534 - Create an Offense for Drag Racing and Laying Drag](#) (Rep. Josh Bonner, 72nd) *Effective upon signature of Governor*. This bill creates an offense of drag racing and laying drag and sets forth a sentencing structure and penalties and fines for those found guilty.

[HB 631 - Georgia Emergency Communications Authority Develop a System on Individuals who Cannot Communicate with Law Enforcement and First Responders](#) (Rep. Mike Cheokas, 138th) *Effective July 1, 2021*. This bill requires the Georgia Emergency Communications Authority to develop and maintain a voluntary system/database of individuals who may not communicate effectively with law enforcement or first responders.

[HB 635 - Judicial Council COVID Task Force Case Backlog Resolutions](#) (Rep. Rob Leverett, 33rd) *Effective upon signature of Governor*. This bill allows judges of the superior, state, probate, and magistrate to perform duties from any location via video conferencing. The bill allows bench trials instead of jury trials when agreed to by both parties and allows district attorneys to file charges via accusation instead of the grand jury.

[SB 115 - Driver's Education Course on How to Interact with Law Enforcement/Local Law Enforcement may Operate Radar in School Zones](#) (Sen. Randy Robertson, 29th) *Effective July 1, 2021*. This legislation directs the Georgia Department of Public Safety to create and implement a driver's training course to address the proper way to interact with law enforcement. This bill also provides that local law enforcement agencies may apply for and operate radar speed control in school zones. All revenues from fines must be used for public safety purposes.

[SB 163 - Provide for Suspension of Speedy Trial Requirements During and after a Judicial Emergency](#) (Sen. Brian Strickland, 17th) *Effective July 1, 2021*. This bill provides that the Chief Superior Court Judge in the circuit may certify that meeting the speedy trial deadlines' requirements can be suspended because of a backlog of cases following a judicial emergency.

[SB 174 - Authorize Appointed Judges who are Filling a Vacancy of an Elected Judge to Issue Unsecured Judicial Release](#) (Sen. Steve Gooch, 51st) *Effective upon signature of Governor*. This bill allows appointed judges filling a vacancy of an

elected judge to issue unsecured judicial release until the elected judge position has been filled.

REVENUE & FINANCE

[Staff: Larry Ramsey]

[HB 63 – Title Ad Valorem Tax on Leased Vehicles](#)

(Rep. Shaw Blackmon, 146th) *Effective January 1, 2022.* This legislation revises the method of calculating title ad valorem tax (TAVT) on leased vehicles, to provide that TAVT will apply to the total of principal payments under the lease. Prior law also applied TAVT to the interest component of lease payments.

[HB 160 - Municipal Option Sales Tax \(MOST\)](#)

(Rep. Clark Boddie, 62nd) *Effective upon signature of Governor.* This legislation is an expansion of the Municipal Option Sales Tax (MOST) that currently is only available to the City of Atlanta. Under HB 160, several other cities located in Fulton County would be authorized to implement a 1% sales tax within their boundaries for water and wastewater infrastructure. ACCG has concerns that sales taxes covering less than an entire county (like LOST, SPLOST, T-SPLOST) are likely to lessen the chances of voter approval of countywide taxes.

[HB 173 – Investments by Public Retirement Systems](#)

(Rep. Tommy Benton, 31st) *Effective July 1, 2021.* This legislation increases (from 5% to 10%) the amount of funds in larger public retirement systems that may be invested in certain alternative investments.

[HB 244 – Uses of County Insurance Premium Tax](#)

(Rep. Don Hogan, 179th) *Effective upon signature of Governor.* This legislation expands the list of permissible uses of county insurance premium tax to include flood-reduction measures, including stormwater planning and infrastructure.

[HB 282 – Tax Assessment of Commercial Timberland](#)

(Rep. Steven Meeks, 178th) *Effective July 1, 2021.* This legislation makes changes to the procedure and methodology of the Department of Revenue’s valuation for tax purposes of “qualified

timberland property” – property used for the bona fide production of commercial timber.

[HB 292 – Training for Boards of Equalization](#)

(Rep. Noel Williams, 148th) *Effective upon signature of Governor.* To improve retention of members of county boards of equalization (BOEs) for tax appeals, this legislation reduces the continuing education requirements for BOE members in their 2nd and later terms of office.

[HB 317 - Lodging Facilitator Tax Collection](#)

(Rep. Ron Stephens, 164th) *Effective July 1, 2021.* An ACCG 2021 Policy Agenda item, this legislation will require online lodging platforms such as Airbnb and VRBO to collect and remit county and city hotel/motel taxes on short-term rentals (STRs) that are hosted via those platforms. These are taxes currently due from the STR owner but, in many cases, are not being collected. Fiscal estimates from the state anticipate this bill will generate additional annual local tax collections of between \$20 million and \$30 million. HB 317 also adds the \$5 per night state transportation fee to STR stays.

[HB 374 – Sales Tax Exemption for Public Water/Sewer Authorities](#)

(Rep. Houston Gaines, 117th) *Effective July 1, 2021.* This legislation would exempt from sales taxes sales made to public authorities that provide water or sewer service.

[HB 451 – Freeport Tax Exemptions](#)

(Rep. Eddie Lumsden, 12th) *Effective upon signature of Governor.* As a response to pandemic-related shipping delays, this legislation would allow manufacturers to extend any existing Freeport property tax exemption on goods produced in 2020 and held in inventory to also apply to the 2021 tax year.

HB 498 – Expansion of Family Farm Property Tax Exemptions (Rep. Sam Watson, 172nd). *Farm property tax exemption effective upon statewide referendum; sales tax exemption effective upon Governor’s signature.* This legislation extends the existing “family farm” property tax exemption to include entities that result from the merger of family farms; the resulting entity would not be required to be family-owned. The exemption is also expanded to include dairy products and unfertilized eggs. This legislation also creates a sales tax exemption for watercraft sold to out-of-state buyers.

HB 575 – Additional Sales Tax for Consolidated Governments (Rep. Robert Dickey, 140th) *Effective upon signature of Governor.* This legislation authorizes consolidated governments to seek voter approval of a second 1% local option sales tax (O-LOST), with the proceeds used to offset property taxes.

HB 579 – Public Safety and Judicial Facilities Authorities (Rep. Mary Margaret Oliver, 82nd) *Effective July 1, 2021.* This legislation would remove the referendum requirement for bonds issued by public safety and judicial facilities authorities. Under preexisting law, such authorities are allowed to operate in counties that also levy a sales tax for metropolitan transportation purposes.

SB 6 – Omnibus Tax Exemptions and Credits Bill (Sen. John Albers, 56th). *Effective July 1, 2021.* The annual omnibus collection of tax-related measures, this legislation creates or extends sales tax exemptions for tickets to fine arts performances/exhibitions, yacht repairs, parts for concrete mixers, and certain large economic development projects. This legislation also includes multiple income tax credits and allows for annual analyses of existing tax credits and exemptions.

SB193 – Tax Assessment for Mobile Homes (Sen. Jeff Mullis, 53rd). *Effective upon signature of Governor.* This legislation gives counties the option to require mobile homeowners to obtain decals from the tax commissioner as evidence of payment of property taxes.

SB 201 – Collection of Municipal Property Taxes by Certain County Tax Commissioners (Sen. Chuck Hufstetler, 52nd) *Effective July 1, 2021.* This legislation revises the law regarding city property tax collection by the Fulton and Gwinnett County tax commissioners, to provide that counties and cities may contract for such services without the approval of the tax commissioner. This legislation also provides the Department of Revenue with additional authority to obtain information on delinquent taxpayers.

2021 Study Committees

[HR 185 - Reauthorize House Rural Development Council](#) (Rep. David Ralston, 7th) This resolution reauthorizes the House Rural Development Council until December 31, 2022. The council is comprised of 15 members of the House of Representatives and will continue the study of existing issues in Georgia's rural areas including, but not limited to, education, infrastructure, access to health care, and economic growth incentives.

[HR 222 – Annexation: Create House Study Committee](#) (Rep. Victor Anderson, 10th) *Effective March 31, 2021.* To be composed of five House members, the House annexation study committee will examine the impacts of annexation, the laws and rules governing the creation of new cities, and whether changes should be made to Georgia's annexation dispute resolution process. The subcommittee must submit its report to the House by December 1, 2021.

[SR 84 - Joint Study Committee on Airport Infrastructure and Improvements](#) (Sen. Tyler Harper, 7th) This resolution creates the Joint Study Committee on Airport Infrastructure and Improvements that will be tasked with studying airport funding and policies that support the growth of the aviation industry. Committee membership includes those who “have expertise in the operation of an airport” representing a designated Tier 1 county, Tier 2 county, Tier 3 county and Tier 4 county.

[SR 102 - Georgia Commission on E-Commerce and Freight Infrastructure Funding](#) (Sen. Steve Gooch, 51st) This resolution creates the Georgia Commission on E-Commerce and Freight Infrastructure Funding. The resolution references the work of the 2019 – 2020 Georgia Commission on Freight and Logistics and states that a professional study is needed to determine the best course of action regarding funding and policy development relating to freight and logistics.

Bills that Failed to Pass in the 2021 Session

ECONOMIC DEVELOPMENT & TRANSPORTATION

- **HB 66** [Tax Abatement: Notification Provided to Counties](#)
- **HB 100** [Exempt Public Mass Transit Vehicles and School Buses from State Motor Fuel Tax](#)
- **HB 148** [Development Authorities: Board Membership, Appointment and Removal](#)
- **HB 400** [Statewide Regulations for Booting Vehicles](#)
- **HB 462** [Single County Transit SPLOST](#)
- **HB 496** [Truck Weight Increase for Logging Trucks \(Up to 95,000 lbs\)](#)
- **HB 557** [Permit Restrictions for New Landfills](#)
- **HB 608** [Changes to DCA Broadband Grant Program](#)
- **HB 632** [Authorizing the Use of Automated Truck Route Monitoring Devices](#)
- **SB 65** [Broadband Funding Through the Universal Access Fund](#)
- **SB 118** [Truck Weight Increase for Logging Trucks \(Up to 100,000 lbs\)](#)
- **SB 262** [Prohibits Use and Sale of Coal Tar Sealant Product](#)
- **SB 310** [Bicycles - Require Registration and License Plates](#)
- **SR 26** [Constitutional Amendment: Allowing State to Issue Bonds for Airport Projects](#)

GENERAL COUNTY GOVERNMENT

- **HB 23** [Annexation: Include Schools in Dispute Resolution](#)
- **HB 24** [Annexation: Expand County Objection to Tax Abatements](#)
- **HB 70** [County Boards Must Represent the General Population](#)
- **HB 79** [Fireworks: Counties and Cities to Regulate Use, Dates and Times](#)
- **HB 167** [Open Meetings – More Information Required of Local Governments](#)
- **HB 180** [Counties Must Maintain Database of all Funding Available to Public](#)
- **HB 181** [Counties Must Provide New Employees all State and Federal Notices](#)
- **HB 182** [Waive Local Government Fees for New Businesses](#)
- **HB 186** [Website Publication of Zoning Notices](#)
- **HB 187** [Publication of County Ordinances/Codes](#)
- **HB 221** [School Board Appointees to Zoning Planning Commissions](#)
- **HB 243** [Annexation: Clarify Contiguity Requirements](#)
- **HB 257/SB 116** [Zoning Preemption for Maternity Supportive Housing](#)
- **HB 302** [Latest County Permitting Preemption](#)
- **HB 334** [Superior Court Clerks: Authorize Online Notarization](#)
- **HB 435** [Bids: Public Works Construction Projects Exemption](#)
- **HB 449** [Call Before You Dig Mandates on Counties](#)
- **HB 499** [Authorize Local Governments to Require Minimum Wage in Contracts](#)
- **HB 573** [Open Records Exemption for Law Enforcement Officer Property Records](#)
- **HB 609** [Pets: Prohibit Places Where They may be Sold](#)
- **HB 726** [Elections: Probate Judges Authorized to Shed Election Responsibilities](#)
- **HB 812** [Disparate Impact Zoning Standards](#)
- **HB 814** [Written Explanation of Zoning Decisions](#)
- **HR 30** [Gambling: Authorize Casinos in Georgia](#)
- **SB 30** [Gambling: Authorize Horse Racing and Betting in Georgia](#)
- **SB 95** [Bona Fide Coin Operated Amusement Machines: Many Revisions](#)
- **SB 142** [Gambling: Authorize Sports Betting](#)
- **SB 218** [County Officials Indicted for Felonies Cannot Receive Pay](#)
- **SB 220** [Create Georgia Commission on Civics Education](#)
- **SB 227** [Condemnation of Blighted Properties](#)

HEALTH & HUMAN SERVICES

- **HB 590** [Establish a Grant Program for the Implementation of Assisted Outpatient Treatment Programs for Mental Illness](#)
- **HB 713** [Reducing Street Homelessness Act of 2021](#)
- **HB 717** [Mental Health Jail Diversion](#)
- **SB 82** [EMS - Clarify Federal Prudent Layperson Standard Shall Not be Affected by Final Diagnosis](#)
- **SB 256** [Appointment of District Health Directors](#)

NATURAL RESOURCES & ENVIRONMENT

- **HB 647** [Post-Closure Requirements for Coal Ash Ponds](#)
- **SB 94** [Requirements for Building Below Category II Dams](#)
- **SB 265** [Buffer Requirements Around New Landfills](#)

PUBLIC SAFETY & THE COURTS

- **HB 138** [Law Enforcement Agencies Must Post All Crimes by Apartment Complex Monthly](#)
- **HB 218** [Expand Reciprocity for Weapons Permit/License](#)
- **HB 272** [Increase Juvenile Court Jurisdiction from Age 17 to Age 18](#)
- **HB 0274** [Provide State Paid Supplement for Juvenile Court Judges](#)
- **HB 368** [GBI to be Primary Law Enforcement Agency Investigating Death of Persons 18 and Under](#)
- **HB 409** [Establish a Judicial Legal Defense Fund](#)
- **HB 411** [Create Prosecuting Attorneys Oversight Commission](#)
- **HB 463** [Increase 911 Fees Charged by Counties and Municipalities](#)
- **HB 640** [Revise Laws Regarding Weapons Carry Permits and Applications](#)
- **HB 652** [Require Juvenile Court Judges be Elected by Circuits](#)
- **SB 76** [Next Generation 911 Fund - 911 Fee Increase](#)
- **SB 82** [EMS-Clarify Federal Prudent Layperson Standard Shall Not be Affected by Final Diagnosis](#)
- **SB 183** [Revise Requirement for Office of Sheriff](#)

REVENUE & FINANCE

- **HB 75** [Clarification of Property Tax Notice](#)
- **HB 151** [Changes to Property Tax Exemption for Property Owned Outside Borders](#)
- **HB 269** [Taxability of Airport Facilities Outside Government's Borders](#)
- **HB 352** [Property Tax System Overhaul](#)
- **HB 393** [Expansion of Data Processing Centers Sales Tax Exemption](#)
- **HB 563** [Expansion of High Technology Data Center Sales Tax Exemption](#)
- **HB 594** [Taxation of Digital Goods and Services](#)
- **HB 642/643** [Changes to Property Tax Exemption for Airport Property Outside Government Borders](#)
- **HB 696** [Use of SPLOST Proceeds for Infrastructure Maintenance](#)
- **HB 805/831** [Elimination of Local Excise Taxes on Alcohol](#)
- **HB 835** [Contracts for City Property Tax Collection](#)
- **HB 837** [Low-Income Homestead Property Tax Exemption](#)
- **HR 164/HB 482** [Preferential Tax Assessment for Urban Farming](#)
- **SB 41** [New Tax Commissioner Retirement Plan](#)
- **SB 148** [State Revenue Study Committee](#)

Appendix A



SB 202 – Omnibus Election Bill for 2021

Abbreviations:

- AG- Attorney General
- BOC- Board of Commissioners
- SEB- State Election Board
- SOS- Secretary of State

Section 1 – Naming the Act

- Names legislation the “Election Integrity Act of 2021”

Section 2 – Legislative Findings

- Series of declarations and ‘facts’ on the presence and pervasiveness of voter fraud in 2018 and 2020 elections, need for uniformity in administration
 - Lack in voter confidence
 - Numerous lawsuits from all sides of political spectrum
 - Dramatic increase in absentee ballots
 - Problems with variation in county voting policies, external funding, variation in county size leads to problems, and some dysfunctional county election systems
- Language explaining drop boxes and their evolution
- Lengthy runoff and early absentee processes cause confusion and exhaustion
- Line warming interfered with electors, etc.

Section 3 – Defining Superintendent

- Expands definition of “superintendent” to include county officials appointed by the SEB under their power to remove and reinstate

Section 4 – Voter Complaint Hotline

- AG will maintain a voter hotline for complaints of voter intimidation and illegal election activities

Section 5 – Removing SOS from SEB

- Removes the SOS from the SEB, replaces with a non-partisan chairperson to be elected by the General Assembly
- SOS becomes an ex officio nonvoting member of SEB

Section 6 – SEB May Remove Underperforming Election Superintendents

- SEB may suspend county or municipal superintendents and appoint someone temporarily
- Cannot suspend more than 4 total superintendents at any one time (change from 8 in previous versions)
- SOS must provide any assistance requested by the SEB

Section 7 – Removal of Underperforming Election Superintendents

- Enumerates those allowed to petition the SEB for removal of the superintendent
 - Any county governing authority (majority of the board, changed from a single commissioner)
 - The SEB, following the recommendation of a performance review board
 - If the county has more than 3 State Reps and 3 State Senators → at least 2 Reps and 2 Senators
 - If the county has fewer → at least 1 Rep and 1 Senator
 - Governing authority of the county or municipality
- Process of suspension of a superintendent
 - At least 3 members of the SEB must agree
 - The superintendent has committed at least 3 violations in the last 2 general election cycles and has not remedied
 - Or has for at least 2 elections in a 2-year period. demonstrated nonfeasance, malfeasance, or gross negligence in the administering of elections
- After receipt of such petition, SEB shall conduct a preliminary investigation and hold a preliminary hearing between 30 and 90 days after receipt of petition to decide whether sufficient cause exists to proceed to full hearing
- A majority of the members of the board of elections, board of elections and registration, county commissioner; probate judge serving as superintendent; or sole commissioner may petition for continuation of scheduled hearing
 - Hearings shall not be open to public
- If the superintendent is found guilty
 - Suspended with pay and SEB shall appoint a temporary substitute
 - Suspended individual may petition for reinstatement between 30 and 60 days after suspension – if the individual does not petition for reinstatement: suspension becomes permanent and the temporary superintendent becomes permanent
- Local govts shall not expend any public funds for attorneys' fees, and suspended individuals may be reimbursed upon reinstatement
- When a probate court judge serves as elections superintendent, the suspension shall only apply to elections duties and not those related to judge duties

Section 8 – SEB Emergency Rule Conditions

- SEB may only adopt emergency rules in situations of imminent peril to public health/safety/welfare and must immediately notify:
 - Public, Governor, Lt. governor, Speaker, chairs of committees that deal with elections, legislative counsel, and the heads of the political parties
- SEB, members, SOS, and any staff must give at least 5 business days heads up prior to entering into any consent agreement to the House and Senate Judiciary Committees

Section 9 – Prohibit Election Superintendents from Accepting Outside Grants/Funding

- Bans acceptance and use of grants, gifts or funds **unless** they are from the federal, state or county governments

- SEB shall study and report (by October 1, 2021) to Gen Assembly a proposed method for accepting donations and equitably distributing among counties for the purpose of administering elections

Section 10 – Replacing Incapacitated Probate Judge

- If a county does not have a board of elections and the probate court judge is unable to fulfil the duties, then the chief judge of the superior court shall appoint a qualified individual to serve as acting superintendent
 - Once probate court vacancy is filled, the judge shall resume duties
- Sole commissioner or BOC shall fix compensation for the acting superintendent, to be paid from county general funds

Section 11 – Poll Workers May Serve in Adjoining Counties to Where they Live

- Poll officers shall be allowed to serve in an adjacent county if the home county superintendent waives the residency requirement and has enough workers

Section 12 – Initiating Superintendent Performance Review Boards

- The county governing authority or legislative delegation may request that performance reviews of local elections official be conducted
 - SEB shall request that the SOS appoint an independent review board within 30 days, composed one 1 SOS employee and 2 local election officials not from the county under review
 - Performance review board shall investigate and issue a written report to the SOS, SEB, and local governing authority
 - Local governing authority shall reimburse members for reasonable expenses
- SEB can appoint a review board of its own motion, with same procedures as above
- SOS and SEB shall promulgate rules necessary for administration

Section 13 – Death of Candidate in Nonpartisan Election

- If a candidate on the ballot of a nonpartisan election dies before the election, their name shall remain
 - If the deceased wins, shall be handled as a failure to fill the office
 - If the deceased qualifies for a runoff, shall be handled as per runoff procedures

Section 14 - Prohibit Boards of Registrars from Accepting Outside Grants/Funding

- No board of registrars shall accept and use grants, gifts or funds unless they are from the federal, state or county governments

Section 15 – Challenging Qualifications of Electors

- Persons who challenge the qualification of electors shall not be limited in the number of people whose qualifications they can challenge
- Challenges must have hearings scheduled within 10 business days of filing
- Failure to comply subjects the county board of registrars to sanctions by SEB

Section 16 – Challenging Qualifications of Electors

- Persons who challenge the qualification of electors shall not be limited in the number of people whose qualifications they may challenge
- Failure to comply possibly subjects the county board of registrars to sanctions by SEB

Section 17 – Georgia to Join ERIC – the Multi-State Voter List Verification System

- State of GA shall join and use ERIC, the interstate voter registration system, to remove electors from voting lists if they have moved to another state, died, or otherwise become ineligible
- SOS shall use this info to conduct maintenance on the list of eligible voters

Section 18 – Counties Must Address Long Voter Lines Going Forward

- If a precinct had more than 2,000 voters at the previous general election and they had to wait more than an hour to vote, then the superintendent shall reduce the size of the precinct or provide for more equipment or poll workers

Section 19 – Notification of Change to Polling Locations

- During 7 days before and on the day of the first election following a change in polling place, the notice shall be posted (change from just requiring posting on the day of the election)
- Notice must state where the polling place has been moved to
- Must place at least one notice on a board that is at least 4’x4’ in size

Section 20, 20A and 20B – Restrict Use of Mobile Voting Units

- Adds ‘advance voting locations’ to the language surrounding choice of polling locations
- Buses and other mobile voting units can only be used in Governor-declared emergencies to supplement the capacity of the polling place where emergency occurred
- Every ballot must have the name and designation of the precinct printed at the top of the ballot – absentee and in person ballots

Section 21, 21A and 21B – Precinct Information Must be Printed on Ballots

- Every ballot must have the name and designation of the precinct printed at the top of the ballot – absentee and in person ballots

Section 22 – Counties May Reduce the 1/250 (voting machine to registered voter, per precinct) Ratio in Non-General Elections

- Superintendents must continue to provide at least 1 voting booth for every 250 electors for state-wide general elections
- Counties may provide more or less machines in other elections based on turnout expectations and advance/early voter turnout

Section 23 – Ballots to Entail Added Security Measures

- Ballots shall be printed on security paper that incorporates measures to authenticate the ballot

- Does not apply to ballots sent to overseas citizens

Section 24 – Notification of Testing Voting Machines

- Superintendent of each county shall publish notice of the testing of ballot markers on the county’s website (if accessible), in a newspaper, and in a prominent location
 - Shall also provide this info to the SOS who will publish the info received from superintendents on their website
 - Public will be allowed to come but shall not interfere with testing

Section 25 – Absentee Ballot Application Changes

- Absentee ballot by mail applications can be accepted between 78 and 11 days prior to the day of the election
 - Must provide name, DOB, address, number of GA DL or ID card
 - If the voter does not have a DL or ID card, must provide a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not have any of the forms of identification listed in this subsection, such elector may vote a provisional ballot
 - Must also sign an oath
 - Application forms to be made available on SOS website, but the SOS/superintendents/board of registrars/other govt entity is NOT allowed to send applications to electors without elector request
 - No one is allowed to send applications with information pre-filled out to the elector
- Sets forth requirements for third parties sending applications to electors: “not an official government publication”
Electors in jails or other detention facilities who are eligible to vote shall be granted access to personal effects necessary for voting
- Absentee ballot applications can only be sent to electors who have not already requested an absentee ballot
 - Subject to \$100 per duplicate application fine
- Sets procedures for absentee ballot clerks verifying voter identity
 - If there is a mismatch in info or if the oath is not signed, the clerk shall notify the elector in writing and request the missing info

Section 26 – Absentee Ballot Drop Boxes Required Inside Advance Voting Locations

- Changes language from “location” to “building” in reference to advance voting polling ‘locations’
- Counties must have at least one absentee ballot drop box.
- Counties may elect to also employ either one drop box for every 100,000 active registered voters in the county or the number of advance voting locations in the county (whichever is less)
- Absentee ballots shall be kept in a safe and secure manner than will prevent tampering
 - Drop boxes shall be open during hours of advance voting only, placed inside the voting location, and shall be under constant surveillance
 - Ballot boxes may be placed outside during an emergency declared by the Governor
 - Ballots are to be collected daily, by a team of at least two people
 - The team must complete and sign a ballot transfer form, including the date, time, location, number of ballots, confirmation that the drop box was locked after the removal of the ballots, and the identity of each person collecting the ballots.

Section 27 – Rank Choice Ballots for Overseas Voters

- Special (Rank Choice) absentee ballots for those electors who qualify under the Uniformed and Overseas Citizens Absentee Voting Act
 - To be mailed between 29 and 25 days prior to the election
 - Shall list the titles of all offices being contested at the general primary and the candidates for each
 - Elector will rank preference for each candidate for each office
 - Separate ballot shall be prepared for each political party but elector shall only be mailed appropriate ballot
 - Ballots shall be of a distinctive color, different than that used in general primary or election
 - Same thing for general election, rank ordered preference
 - Elector does not have to indicate preference for more than one candidate
 - A special absentee ballot shall be enclosed with each general primary absentee and general election absentee ballot
- Absentee ballots are also allowed for electors confined to a hospital bed, to be processed and delivered on the same day

Section 28 – Absentee Ballot ID, Verification and Reporting Requirements – Advance Voting Changes

- Electors shall be required to print their DL or ID number on their absentee ballot on the outer oath envelope
 - If they do not have such a number, shall sign oath so stating and write the last 4 digits of their SSN if do not have an SSN, use one of the forms of ID outlined in section 25
- Advance voting shall commence on the fourth Monday prior to an election
 - Voting shall be available 9am-5pm on weekdays (other than observed state holidays) and occur on the second **and** third Saturday.
 - Counties may opt to provide advance voting on the second and/or third Sunday prior to the election (hours determined by county, but can be no longer than 7:00 a.m. to 7:00 p.m.)
 - Registrars may extend hours to 7am-7pm, but only on days so specified- no advance voting on any other days
- Board of registrars shall publish times/dates/locations of advance voting on homepage of website or newspaper no later than 14 days prior to the beginning of advance voting
 - Shall not remove advance voting locations after such publication unless there is an emergency
- Mandatory reporting daily of # of absentee ballots issued, # returned, # rejected on their website or public place of prominence and to the SOS
 - # of people who have voted at the advance voting sites
 - # of provisional ballots issued, # of provisional ballots verified/cured/accepted, and # rejected

Section 29 – Absentee Ballot Receipt, Verification, Processing and Reporting

- Ballot clerks shall compare DL number on absentee ballot application to that on file
 - Or the SSN and birthday to that on file
 - Shall also confirm that the correct people (elector, assistant, etc) have signed the oath
 - Language update to replace ‘signature match’ with ‘identifying information
- Superintendents shall begin to open outer oath envelope beginning at 8am on the third Monday before the election
 - Shall begin to scan the absentee ballots → however, no tabulating/tallying is allowed
 - Shall notify the SOS at least seven days prior to beginning this process with the dates, start and end times, and locations where such process will occur. SOS shall publish such information on their website if they have one
- Process shall be open to the public but no one from the public shall handle ballots

- Monitors to be appointed by executive committees of the political parties
 - Shall not interfere in any way, bring photography devices, engage in campaigning, tally or attempt to tally ballots
 - SEB shall promulgate rules requiring reconciliation procedures
- When requested by the superintendent, but no earlier than the third Monday prior to the election, the registrar/absentee ballot clerk shall deliver the ballots to the location designated by the superintendent
- Superintendent must have the report on verified and accepted absentee ballots by 5pm on the day following the election, or may be subject to investigation by the SEB

Section 30 – SOS May Audit Absentee Ballot Applications

- SOS authorized to inspect and audit absentee ballot applications for 2 years after the election

Section 31 – Extending Poll Hours

- Poll hours can only be extended by superior court judge upon evidence that that persons were unable to vote during specific times

Section 32 – Poll Watcher Access and Required Training

- Locations selected by superintendent for monitoring of scanning must allow for fair observance by poll watchers
- Poll watchers must have completed a training by the political party, political body, or candidate
 - SOS shall make available materials for such training

Section 33 - No Gifts, Money, Food or Drink within 150 Feet of Polling Building

- No person shall give or offer to give any money or gifts to electors in line within 150 feet of the outer polling building, within any polling place, or within 25 feet of any voter standing in line to vote at any polling place.
 - Includes food and drink
 - County election offices may make available self-service water from an unattended receptacle to an elector waiting in line

Section 34 – Addressing Folks Who Show Up to Vote at Wrong Precinct

- For persons who show up at wrong precinct to vote on election day, but are in the correct county:
 - Before 5pm, elector is not allowed a provisional ballot, but shall be directed to the correct precinct
 - After 5pm, elector can cast a provisional ballot if they sign a statement affirming that they cannot get to the correct precinct prior to the closing of the polls

Section 35 – Those Voting at Wrong Precinct and Duplicate Ballot Review

- Updates language specifying incorrect or correct precinct for provisional ballots
- Sworn statements must be provided to SOS with certification documents, and shall be reviewed by the SEB

Section 36 – Extensive New County Reporting Mandates

- Poll officials shall report total number of ballots and provisional ballots cast in each precinct to the superintendent, shall post a copy of the tabulated results on the door of the precinct and then deliver all required documentation and election materials to superintendent
 - Tabulation shall not cease until all ballots are counted
 - SEB shall set regulations on the reporting and posting of information to ensure transparency, accuracy, and security
- Poll officials must have the following totals by 10pm following the closing of the polls
 - Number of ballots and provisional ballots cast
 - Number of advance voting ballots by advance location
 - Total number of absentee ballots returned to board of registrar
- Superintendent shall compare these numbers to prior reports with rejected and uncured absentee ballots, uncounted provisional ballots, and other uncounted ballots and report such total to the SOS

Section 37 – New Reporting Mandates

- Eliminates language allowing for the stopping and resuming of the counting of ballots

Section 38 – Death of Nonpartisan Candidates

- Adjusts language to account for changes in procedure with death of a candidate in a nonpartisan election and the naming of the precinct on the ballots

Section 39 – Duplication Panels for Damaged/Flawed Ballots

- Duplication panels for damaged ballots
 - Composed of the superintendent or designee thereof and one person appointed by each political party on the ballot. If nonpartisan election, superintendent and 2 electors
 - Superintendent may create more than one duplication panel if the demand dictates
 - Duplicates must have a unique number traceable back to the original ballot but not identifiable to the voter

Section 40 – Computation and Canvassing

- Computation and canvassing to begin following the close of the polls on election day

Section 41 – Tabulation Cannot Cease (No Breaks)

- Updating language to require the start of tabulation at the closing of the polls, and not allowing for cessation until all ballots have been counted
 - Must be completed by 5pm on the Monday following the election
- SOS shall create a pilot program for the posting of digital images of the scanned paper ballots

Section 42 – Runoff Dates Revised

- Runoffs to be held on the 28th day following the general or special primary, or the general or special election

Section 43 – Special Primaries Created

- Creates special primaries for special elections (eliminating the “jungle primary”)
- All special primaries and special elections are to be held at the time of a general primary and shall be conducted by the poll officers by the use of the same equipment and facilities as the general primaries
- If a vacancy occurs in a partisan office to which the Governor is authorized to appoint an individual to serve until the next general election, a special primary shall precede the special election
- Adjusts language to account for special primaries
 - Candidates must be listed alphabetically on ballot

Section 44 - Clerical Changes

- Adjusts language to specify special or general primary and election

Section 45 – U.S. Senate Vacancies to Have Special Primary

- US Senate vacancies to be filled with a special primary to be held at time of next general primary

Section 46 – Addressing Vacancies of Magistrate Judge

- Vacancies of chief judge of a magistrate court shall be filled with a Governor’s appointee until the following election

Section 47 – Limit Those Returning an Absentee Ballot on Behalf of a Voter

- Makes it a felony to accept an absentee ballot from an elector for return to board of registrars unless
 - Elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector

Section 48 – Cannot Observe Elector Casting Ballot

- No person shall intentionally observe an elector while casting their ballot unless the individual is a child or authorized assistance

Section 49 – Delayed 2020 Census Information for Municipal Elections

- Related to reapportionment of election districts
 - If the publication of the decennial census occurs within 120 days of the next election, reapportionment shall be effective for subsequent special elections and general elections

Section 50 – Legislature May Suspend an SEB Emergency Rule

- Any emergency rule adopted by the SEB pursuant to the provisions of this subsection may be suspended with a majority vote of the House of Representatives or Senate Committees on Judiciary within 10 days of the receipt of such rule by the committees

Section 51 – Scanned Ballot Images Subject to Open Records

- Scanned ballot images shall be public records subject to Open Records Requests

Section 52 – Effective Dates

- Sections 21, 23, 25, 27, 28, and 29 shall become effective on July 1, 2021
- All other parts shall become effective upon signature of the Governor

Section 53 - All laws and parts of laws in conflict are repealed

Appendix B



OVERVIEW OF AMENDED FY 2021 AND FY 2022 BUDGETS

GOVERNOR'S BUDGET RECOMMENDATIONS

The final overall number available for appropriation for the AFY 2021 in state funds is \$26.5 billion. The overview below details the budget by agency which presents an interest to or impacts counties.

The final overall number available for appropriation for the FY22 in state funds is \$27.2 billion.

You can view the Governor's original budget recommendations [here](#).

Judicial Council of Georgia

FY 2022

- Increase funds for the operation of the Weighted Caseload Project (\$236K)
- Increase funds for the operation of the Juvenile Data Exchange Program (\$244K)
- Increase funds for legal services for domestic violence (\$175K)
- Increase funds for grants for legal services for Kinship Care Families (\$250K)
- Increase funds for two attorney positions for the Judicial Qualifications Commission (\$251K)

Prosecuting Attorneys Council

AFY 2021

- Increase funds for personal services for leave and retirement expenses (\$1.1 million)
- Increase funds for legal representation for District Attorneys, (\$446K)

FY 2022

- Provide funds for personal services for ongoing recruitment and retention of staff (\$3.9 million)
- Increase funds for 12 additional assistant district attorneys (\$1.2 million)
- Increase funds for restoration of funds from furloughs (\$379K)
- Increase funds to reflect restoration of funds from hiring delays (\$540K)

Superior Courts

FY2022

- Increase funds for law clerks for judges without any, prioritizing multi-county circuits, (\$2.4 million)

Department of Behavioral Health and Developmental Disabilities

FY 2022

- Increase funds for 100 additional slots for New Options Waiver (NOW) and Comprehensive Supports Waiver Program (COMP) for individuals with intellectual and developmental disabilities **(\$1.1 million)**
- Increase funds to annualize 40 bed forensic unit at West Georgia Regional Hospital in Columbus **(\$4.7 million)**

Department of Community Affairs

AFY 2021

- Provide new funding to OneGeorgia Authority to establish a broadband infrastructure grant program to enable rural communities to leverage existing federal, local, and private resources to quickly target high-need broadband expansion within their areas **(\$20 million)**

FY 2022

- Eliminate one-time funds for the Metropolitan North Georgia Water Planning District to complete the stat's five-year water plan update **(\$550K)**
- Provide funds to the One-Georgia Authority to establish a Rural Innovation Fund to assist rural communities in developing target solutions for challenges within their regions **(\$39.5 million)**
- Provide funds to establish a broad band infrastructure grant program to rural communities **(\$10 million)**
- Provide funds to hire a grant administrator and continue mapping to assist rural communities **(\$150K)**

Georgia Department of Community Health

AFY 2021

- Increase funds to provide the state match for Disproportionate Share Hospital DSH payment for provide deemed and non-deemed hospitals **(\$35.7 million)**

FY2022

- Annualize the state match for DSH payments **(\$35 million)**

Department of Corrections

AFY 2021

- Utilize existing funds to provide 10% pay increase correctional officers in state facilities

FY 2022

- Utilize existing funds to provide 10% pay increase correctional officers in state facilities

Department of Economic Development

FY 2022

- Provide one-time funds for a targeted advertising campaign to promote interstate Georgia tourism **(\$1 million)**

Georgia Bureau of Investigation

FY 2022

- Provide funds for three positions to support the Legal Division and GBI Gang Task Force

- Increase funds to CJCC for grants to local domestic violence shelters and sexual assault centers (\$700K)

Department of Natural Resources

AFY 2021

- Increase funds for grants and benefits to reflect collections for the Georgia Outdoor Stewardship Program (\$3.4 million)

FY 2022

- Increase funds for the Georgia Outdoor Stewardship Program for grants and benefits (\$4.7 million)

Juvenile Courts

AFY 2021

- Increase funds for operating expenses from two additional superior court judgeships (\$25K)

FY 2022

- Provide funds for Juvenile Detention Alternative Initiative Statewide Coordinator Position, (\$123K)
- Increase funds for grants to counties for additional judgeships (\$59K)

Georgia Department of Public Health

AFY 2021

- Increase funds for the Georgia Trauma Care Network Commission to reflect Super Speeder Collections and fireworks excise tax, (\$9 million)

Secretary of State's Office

FY 2022

- Increase funds to implement overt, covert and forensic ballot security protocols as outlined in SB 62

Department of Revenue

AFY 2021

- Increase funds for grant reimbursement for Forestland Protection Grants (\$25 million)

FY 2022

- Increase funds for grant reimbursement for Forestland Protection Grants \$25 million (brings total for grants to \$39.5 million)

Department of Transportation

AFY 2021

- Increase funds Local Maintenance and Improvement (LMIG) based on projected revenues (\$21.6 million)
- Increase funds for routine maintenance (\$35.1 million)

FY 2022

- Increase funds Local Maintenance and Improvement (LMIG) based on projected revenues (\$15.9 million)
- Increase funds for routine maintenance (\$35.1 million)
- \$100 million in bond funds for the repair, replacement, and renovation of bridges, statewide

- Increase funds for Airport Aid (\$1 million)
- Increase funds for state railroad clearing (\$75K)

Economic Development & Transportation: Kathleen Bowen
General County Government: Todd Edwards
Health & Human Services: Debra Nesbit
Natural Resources & the Environment: Kathleen Bowen
Public Safety & the Courts: Debra Nesbit
Revenue & Finance: Larry Ramsey
Federal: Kathleen Bowen


Kathleen Bowen – kbowen@accg.org

Todd Edwards – tedwards@accg.org

Debra Nesbit – dnesbit@accg.org

Larry Ramsey – lr Ramsey@accg.org

Legislative Director: Clint Mueller – cmueller@accg.org



The *Legislative Update* is published by:
ACCG, Georgia's County Association
191 Peachtree Street, N.E.
Suite 700
Atlanta, GA 30303
Phone: 404.522.5022
Fax: 404.525.2477
Web: www.accg.org