

House Bill 713

By: Representatives Seay of the 93<sup>rd</sup>, Powell of the 23<sup>rd</sup>, Barnes of the 97<sup>th</sup>, Dodson of the 94<sup>th</sup> and Jordan of the 96<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,  
2 relating to registration of voters, so as to require the development of a method for providing  
3 voters who register at driver's license locations with a receipt or other proof showing they  
4 made application to register to vote; to provide the procedure to be followed when the names  
5 of voters who registered at driver's license locations do not appear on the list of electors; to  
6 provide for a hearing; to provide for challenged voting; to provide for an appeal; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
11 registration of voters, is amended by striking Code Section 21-2-221, relating to driver's  
12 license application serving as application to register to vote, and inserting in lieu thereof a  
13 new Code section to read as follows:

14 "21-2-221.

15 (a) Each application to obtain, renew, or change the name or address on a driver's license  
16 or identification card issued by the Department of Public Safety pursuant to Chapter 5 of  
17 Title 40 made by an applicant who is within six months of such applicant's eighteenth  
18 birthday or older shall also serve as an application for voter registration unless the applicant  
19 declines to register to vote through specific declination or by failing to sign the voter  
20 registration application.

21 (b) The commissioner of public safety and the Secretary of State shall agree upon and  
22 design such procedures and forms as will be necessary to comply with this Code section  
23 and shall jointly devise a method to give an applicant a receipt or other record to show that  
24 he or she did make an application to register to vote.

25 (c) The forms designed by the commissioner of public safety and the Secretary of State:

- 1 (1) Shall not require the applicant to duplicate any information required in the driver's  
2 license portion of the application with the exception of a second signature;
- 3 (2) Shall include such information as required on other voter registration cards issued by  
4 the Secretary of State;
- 5 (3) Shall contain a statement that states each eligibility requirement contained in Code  
6 Section 21-2-216, that contains an attestation that the applicant meets each such  
7 requirement, and that requires the signature of the applicant under penalty of perjury; and
- 8 (4) Shall include, in print that is identical to that used in the attestation, the penalties  
9 provided by law for submission of a false voter registration application; and a statement  
10 that, if an applicant declines to register to vote, the fact that the applicant has declined to  
11 register will remain confidential and will be used only for voter registration purposes.
- 12 (d) Any change of address submitted to the Department of Public Safety for the purpose  
13 of changing the information contained on a driver's license or identification card issued by  
14 the Department of Public Safety shall serve as a notification of change of address for voter  
15 registration unless the registrant states that at the time of submitting the change of address  
16 that the change of address is not for voter registration purposes.
- 17 (e) The Department of Public Safety shall transmit the completed applications for voter  
18 registration to the Secretary of State at the conclusion of each business day. The Secretary  
19 of State shall forward the applications to the appropriate county board of registrars to  
20 determine the eligibility of the applicant and, if found eligible, to add the applicant's name  
21 to the list of electors and to place the applicant in the correct precinct and voting districts.
- 22 (f) The Department of Public Safety shall maintain such statistical records on the number  
23 of registrations and declinations as requested by the Secretary of State.
- 24 (g) No information relating to the failure of an applicant for a driver's license or  
25 identification card issued by the Department of Public Safety to sign a voter registration  
26 application may be used for any purpose other than voter registration.
- 27 (h) The Secretary of State and the commissioner of public safety shall have the authority  
28 to promulgate rules and regulations to provide for the transmission of voter registration  
29 applications and signatures electronically. Such electronically transmitted signatures shall  
30 be valid as signatures on the voter registration application and shall be treated in all  
31 respects as a manually written original signature and shall be recognized as such in any  
32 matter concerning the voter registration application."

**SECTION 2.**

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2 Said article is further amended by inserting immediately following Code Section 21-2-230  
3 a new Code Section 21-2-230.1 to read as follows:

4 "21-2-230.1.

5 (a) Any person who appears at the polls to vote claiming to have registered to vote under  
6 Code Section 21-2-221 and presents the receipt or other record required under that Code  
7 section, but whose right to vote is challenged because his or her name does not appear on  
8 the list of electors, shall be given the opportunity to appear before the registrars and answer  
9 the grounds of the challenge. If it is practical to conduct a hearing on the challenge prior  
10 to the close of the polls, the registrars shall conduct such hearing and determine the merits  
11 of the challenge.

12 (b) If the registrars deny the challenge, the elector shall be permitted to vote in the election  
13 notwithstanding the fact that the polls may have closed prior to the time the registrars  
14 render their decision and the elector can actually vote, provided that the elector proceeds  
15 to vote immediately after the decision of the registrars. If the registrars uphold the  
16 challenge, the challenged elector shall not be permitted to vote.

17 (c) If it is not practical to conduct a hearing prior to the close of the polls or if the registrars  
18 begin a hearing and subsequently find that a decision on the challenge cannot be rendered  
19 within a reasonable time, the challenged elector shall be permitted to vote by having the  
20 word 'Challenged' and the elector's name written across the back of the elector's ballot  
21 notwithstanding the fact that the polls may have closed prior to the time the registrars make  
22 such a determination, provided that the elector proceeds to vote immediately after such  
23 determination of the registrars. The election superintendent shall not certify the  
24 consolidated returns until such hearing is complete and the registrars have rendered their  
25 decision on the challenge. If the registrars deny the challenge, the superintendent shall  
26 proceed to certify the consolidated returns. If the registrars uphold the challenge, the ballot  
27 of the challenged elector shall be rejected and not counted and, if necessary, the returns  
28 shall be adjusted to remove any votes cast by such elector. The elector making the  
29 challenge and the challenged elector may appeal the decision of the registrars in the same  
30 manner as provided in subsection (e) of Code Section 21-2-229."

**SECTION 3.**

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