

House Bill 28

By: Representative Brooks of the 47<sup>th</sup>

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 provide that each person registering to vote shall  
3 declare a political party preference; to provide that in a primary election, a voter shall be  
4 entitled to vote the ballot of the political party designated on the voter's registration card; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
9 primaries generally, is amended by inserting at the end of Part 2 of Article 4 a new Code  
10 Section 21-2-159 to read as follows:

11 "21-2-159.

12 In a primary election, a qualified elector is entitled to vote the official primary election  
13 ballot of the political party designated on the elector's registration card and no other. It  
14 shall be unlawful for any elector to vote in a primary for any candidate running for  
15 nomination from a political party other than that in which such elector is registered, except  
16 as provided in subsection (b) of Code Section 21-2-221.1, relating to unaffiliated electors."

17 **SECTION 2.**

18 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
19 primaries generally, is further amended by inserting immediately following Code Section  
20 21-2-221 a new Code Section 21-2-221.1 to read as follows:

21 "21-2-221.1.

22 (a) Each application for voter registration shall provide a place for the applicant to state  
23 a preference to be affiliated with one of the political parties registered with the Secretary  
24 of State under Code Section 21-2-110 or a preference to be an 'unaffiliated' voter. Every  
25 person who applies to register shall state his or her preference, and such preference shall

1 be designated on the registration card. If the applicant fails to declare a preference for a  
2 political party or for unaffiliated status, that person shall be listed as unaffiliated.

3 (b) The application for voter registration shall inform the applicant that any elector may  
4 decline to state a political affiliation, but no person shall be entitled to vote the ballot of any  
5 political party at any primary election unless he or she has stated the name of the party with  
6 which he or she intends to affiliate or unless he or she has declined to state a party  
7 affiliation and the political party, by party rule duly noticed to the Secretary of State,  
8 authorizes a person who has declined to state a party affiliation to vote the ballot of that  
9 political party. The application for voter registration shall include a listing of all registered  
10 political parties.

11 (c) Any elector who desires to have the record of his or her political party affiliation or  
12 unaffiliated status changed on the registration list shall, no later than the deadline for  
13 making application to register under Code Section 21-2-224 before the election, indicate  
14 the change on a voter registration application form. No elector shall be permitted to change  
15 party affiliation or unaffiliated status for a primary, special, or general election after the  
16 deadlines for registration applications for that election as set out in Code Section 21-2-224."

17 **SECTION 3.**

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