

House Bill 1228 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Smith of the 87th, Powell of the 23rd, DeLoach of the 127th, and Boggs of the 145th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-261.1 of the Official Code of Georgia Annotated, relating to
2 boundary requirements for precincts, so as to authorize the use of the boundaries of a gated
3 community as the boundaries of a precinct; to require detail maps and certain other
4 information to be maintained; to require that such communities be open to the public on
5 election days; to provide for related matters; to provide an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 21-2-261.1 of the Official Code of Georgia Annotated, relating to boundary
10 requirements for precincts, is amended by striking the Code section and inserting in lieu
11 thereof a new Code Section 21-2-261.1 to read as follows:

12 "21-2-261.1.

13 (a) All voting precincts established or altered under the provisions of this article shall
14 consist of areas which are bounded on all sides only by:

15 (1) Visible features which are readily distinguishable upon the ground (such as streets,
16 railroad tracks, streams, lakes, and ridges) and which are indicated upon official
17 Department of Transportation maps, current census maps, city or county planning maps,
18 official municipal maps, official county maps, or any combination of such maps;

19 ~~(1.1)~~ (2) The boundaries of public parks;

20 ~~(1.2)~~ (3) The boundaries of public school grounds;

21 ~~(1.3)~~ (4) The boundaries of churches; ~~or~~

22 ~~(2)~~ (5) The boundaries of counties and incorporated municipalities; or

23 (6) The boundaries of a gated residential community.

24 (b) The superintendent of a county or the governing authority of a municipality shall notify
25 the board of registrars within ten days after such changes are adopted.

1 (c) The superintendent of a county or the governing authority of a municipality shall file
2 with the Secretary of State and the Legislative and Congressional Reapportionment Office:

3 (1) A map reflecting any changes in precincts within 20 days after the changes are made;

4 (2) A copy of any communications to or from the United States Department of Justice
5 relating to any precincts within 20 days after such communication is sent or received;

6 (3) A copy of any pleading initiating a court action potentially affecting any precincts
7 within 30 days after it is filed;

8 (4) A copy of any court order affecting any precincts within 20 days after it is entered;

9 and

10 (5) For precincts that use the boundaries of a gated residential community, a map clearly
11 delineating the boundaries of the community and clearly depicting the streets contained
12 within such community and a list of the streets within such community and the address
13 ranges of such streets; and

14 (6) Any other documentation necessary to allow the Secretary of State to maintain a
15 current listing of all precincts in the state."

16 SECTION 2.

17 Said chapter is further amended by adding a new subsection (c) to Code Section 21-2-266,
18 relating to polling places, to read as follows:

19 "(c) When the boundaries of a gated residential community are used as the boundaries for
20 a precinct and a polling place is established within such gated residential community for
21 the use of the voters in such precinct, such gated community and polling place shall be
22 open to full and complete access by the public when such polling place is in use on the day
23 of a general or special primary or general or special election, including the time while poll
24 officers are setting up the polling place prior to the opening of the polls, the time while the
25 polls are open, and the time while the poll officers are completing the tabulation of the
26 votes, election paperwork, and similar functions after the close of the polls. Such gated
27 community and polling place shall also be open to full and complete access by the election
28 superintendent, investigators of the State Election Board, all affected candidates and their
29 representatives, and the public in the event of a recount or recanvass of the votes cast in
30 any primary or election involving such precinct and polling place conducted at such
31 precinct and polling place. In addition, in the event of a contest or challenge to the results
32 of any primary or election involving such precinct and polling place, the election
33 superintendent, upon reasonable notice and at reasonable times, may require such gated
34 community and polling place to be open to full and complete access by the election
35 superintendent, investigators of the State Election Board, and all affected candidates and

1 their representatives for the purpose of determining the issues involved in such contest or
2 challenge.”

3 **SECTION 3.**

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

6 **SECTION 4.**

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