

The House Committee on Governmental Affairs offers the following substitute to SB 153:

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 it shall be illegal for certain persons
3 to engage in certain voter registration and other election related activities; to provide a
4 penalty; to authorize the use of the boundaries of a gated community as the boundaries of a
5 precinct; to require detail maps and certain other information to be maintained; to require that
6 such communities be open to the public on election days; to provide for related matters; to
7 provide for severability; to provide an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
11 primaries generally, is amended by adding a new subsection (g) to Code Section 21-2-214,
12 relating to qualifications of registrars and deputy registrars, to read as follows:
13

14 "(g)(1) It shall be illegal for a person who has been convicted of a violation of this
15 chapter or has been found by a court or an administrative body of this state to have
16 violated any of the provisions of this chapter to:

- 17 (A) Be a registrar or deputy registrar;
- 18 (B) Distribute applications for voter registration;
- 19 (C) Transfer or transport electors to the polls to vote;
- 20 (D) Be a poll watcher;
- 21 (E) Be or remain within 150 feet of the outer edge of a building in which a polling
22 place is located during the hours that the polls are open on an election day except to cast
23 his or her own ballot;
- 24 (F) Have in his or her possession or control an absentee ballot application or absentee
25 ballot of any elector other than himself or herself; or

1 (G) Transfer or transport electors to the office of the registrars or absentee ballot clerk
2 to vote an absentee ballot.

3 (2) A person who is convicted of a violation of paragraph (1) of this subsection upon the
4 first conviction shall be guilty of a misdemeanor of a high and aggravated nature. A
5 person who violates paragraph (1) of this subsection upon a second or subsequent
6 conviction shall be guilty of a felony and shall upon conviction be sentenced to serve one
7 to three years imprisonment or pay a fine not to exceed \$10,000.00, or both."

8 SECTION 2.

9 Said chapter is further amended by striking Code Section 21-2-261.1, relating to boundary
10 requirements for precincts, and inserting in lieu thereof a new Code Section 21-2-261.1 to
11 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.

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

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

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

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

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

34 ~~and~~

35 (5) For precincts that use the boundaries of a gated residential community, a map clearly
36 delineating the boundaries of the community and clearly depicting the streets contained

1 within such community and a list of the streets within such community and the address
 2 ranges of such streets; and
 3 (6) Any other documentation necessary to allow the Secretary of State to maintain a
 4 current listing of all precincts in the state."

5 SECTION 3.

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

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

27 SECTION 4.

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
 29 without such approval. In the event that Section 1, 2, or 3 of this Act is not precleared under
 30 Section 5 of the federal Voting Rights Act of 1965, as amended, such section or sections
 31 shall be automatically repealed by operation of law and the section or sections that are
 32 precleared shall continue in force and effect.

33 SECTION 5.

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