

Senate Bill 434

By: Senators James of the 35th, Butler of the 55th and Jones of the 10th

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 primaries and elections generally, so as to provide that municipalities shall use the same  
3 precinct lines and polling places as the counties in which such municipalities are located; to  
4 provide that absentee balloting locations shall be open as polling places on the day of a  
5 primary or election; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
10 elections generally, is amended by revising subsection (b) of Code Section 21-2-260, relating  
11 to designation of precincts, as follows:

12 "(b) The governing authority of each municipality shall ~~determine and establish the~~  
13 ~~number and boundaries of municipal voting precincts in accordance with the provisions of~~  
14 ~~this article. Insofar as practicable, the precincts shall be~~ utilize the same precincts and  
15 polling places in municipal elections as those used for state and county elections."

16 **SECTION 2.**

17 Said chapter is further amended by revising Code Section 21-2-261, relating to change in  
18 boundaries of precinct, as follows:

19 "21-2-261.

20 (a) The superintendent of a county ~~or the governing authority of a municipality~~ may, as  
21 provided in Code Section 21-2-262, divide or redivide any precinct in that county or any  
22 municipality located in that county into two or more precincts of compact and contiguous  
23 territory, ~~or~~ alter the bounds of any precinct in that county or municipality, ~~or~~ form a  
24 precinct out of two or more adjoining precincts or parts of precincts in that county or

25 municipality, or consolidate adjoining precincts in that county or municipality; so as to suit  
 26 the convenience of the electors and to promote the public interests.

27 (b) No new precinct shall be formed that ~~shall contain less~~ contains fewer than 100  
 28 electors.

29 (c) The bounds of a precinct shall not be altered on a day in which a primary or election  
 30 is held, ~~or~~ during the period of 60 days prior to any general primary or election, or during  
 31 the period of 30 days prior to any special primary or election. The superintendent of a  
 32 county ~~or the governing authority of a municipality~~ shall promptly notify the board of  
 33 registrars of any change in the bounds of precincts.

34 (d) Any precinct established or altered under the provisions of this article must conform  
 35 with the requirements of subsection (a) of Code Section 21-2-261.1."

### 36 SECTION 3.

37 Said chapter is further amended by revising Code Section 21-2-264, relating to  
 38 reimbursement of counties and municipalities for costs incurred pursuant to alteration of  
 39 precinct boundaries, as follows:

40 "21-2-264.

41 In all cases of the division, redivision, alteration, formation, or consolidation of precincts,  
 42 the costs of the proceedings shall be paid by the county ~~or municipal governing authority,~~  
 43 ~~as appropriate.~~ There may be appropriated to the Secretary of State funds to be granted to  
 44 counties ~~or municipalities~~ for purposes of meeting the requirements of Code Section  
 45 21-2-261.1. Upon the filing of a written request by the election officials of any qualified  
 46 county ~~or municipality~~, a qualified county ~~or municipality~~ shall be reimbursed for all  
 47 reasonable expenses incurred by such county ~~or municipality~~ which are directly related to  
 48 the redrawing of voting precinct boundaries, verification of voting precinct residency,  
 49 notification of voter precinct and polling place changes, and compilation and preparation  
 50 of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that  
 51 such reimbursement of costs shall not exceed 25¢ per registered voter whose name  
 52 appeared on such county's ~~or municipality's~~ electors list as of January 1, 1982. Any  
 53 qualified county ~~or municipality~~ seeking reimbursement of such costs shall present an  
 54 itemized description of such costs to the Secretary of State. If the Secretary of State, after  
 55 a review of the report of such costs incurred by a county ~~or municipality~~, ~~shall find~~ finds  
 56 that all or portions of such costs were reasonable and were directly related to the  
 57 preparation of such descriptions and lists, he or she shall approve all of those parts of the  
 58 costs deemed reasonable and shall reimburse the counties ~~or municipalities~~ for such  
 59 expenses. Any state funds necessary to carry out the provisions of this Code section shall  
 60 come only from those funds appropriated to the Secretary of State specifically for the

61 purpose of implementing the provisions of Code Section 21-2-261.1. If such funds are not  
 62 sufficient to bear completely the cost of fully implementing the provisions of Code Section  
 63 21-2-261.1, payment to the counties ~~or municipalities~~ seeking assistance shall be made on  
 64 a pro rata basis subject to the availability of appropriated funds."

65 **SECTION 4.**

66 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of  
 67 superintendent to select polling places, as follows:

68 "21-2-265.

69 (a) The superintendent of a county ~~or the governing authority of a municipality~~ shall select  
 70 and fix the polling place within each precinct and may, either on his, her, or its the  
 71 superintendent's own motion or on petition of ten electors of a precinct, change the polling  
 72 place within any precinct. Except in case of an emergency or unavoidable event ~~occurring~~  
 73 ~~within ten days of a primary or election, which emergency or event~~ which renders any  
 74 polling place unavailable for use ~~at such~~ within ten days of a primary or election, the  
 75 superintendent of a county ~~or the governing authority of a municipality~~ shall not change  
 76 any polling place until notice of the proposed change shall have been published for once  
 77 a week for two consecutive weeks in the legal organ for the county ~~or municipality~~ in  
 78 which the polling place is located. Additionally, on the first election day following such  
 79 change, a notice of such change shall be posted on the previous polling place and at three  
 80 other places in the immediate vicinity thereof. The occupant or owner of the previous  
 81 polling place, or his or her agent, shall be notified in writing of such change at the time  
 82 notice is published in the legal organ.

83 (b) Except in case of an emergency or unavoidable event ~~occurring within ten days of a~~  
 84 ~~primary or election, which emergency or event~~ which renders any polling place unavailable  
 85 for use within ten days of a primary or election, if a petition is presented to the  
 86 superintendent of a county ~~or the governing authority of a municipality~~ on or before the day  
 87 set for hearing of the petition for change of a polling place, signed by 20 percent of the  
 88 electors of the precinct objecting to the proposed change, such change shall not be ordered.

89 (c) In primaries, the superintendent of a county ~~or the governing authority of a~~  
 90 ~~municipality~~ in selecting and fixing the polling place in each precinct shall select a polling  
 91 place which will provide adequate space for all parties conducting their primaries therein.

92 (d) The superintendent of a county ~~or the governing authority of a municipality~~, in  
 93 selecting and fixing a polling place in each precinct, shall select, if practicable, a polling  
 94 place with suitable and appropriate access for disabled electors. If no such practicable  
 95 locations exist within the precinct, the superintendent of a county ~~or the governing~~  
 96 ~~authority of a municipality~~ may effect temporary modifications to such existing locations

97 as will, in his or her or its judgment, provide more convenient and appropriate access to the  
 98 polling place by the disabled elector. No polling place shall be selected or used under any  
 99 circumstances which does not have suitable and appropriate access for persons with  
 100 disabilities for the purpose of voting; and any person, whether or not personally aggrieved,  
 101 may bring an action for mandamus to require that all polling places in the county ~~or~~  
 102 ~~municipality~~ have suitable and appropriate access for persons with disabilities for the  
 103 purpose of voting.

104 (e) The superintendent may establish the polling place for a precinct outside the  
 105 boundaries of the precinct if there is no suitable facility within the precinct which could be  
 106 used as a polling place and if, by so doing, such polling place would better serve the needs  
 107 of the voters."

108 **SECTION 5.**

109 Said chapter is further amended by revising Code Section 21-2-266, relating to use of public  
 110 buildings as polling places, as follows:

111 "21-2-266.

112 (a) In selecting polling places, the superintendent of a county ~~or the governing authority~~  
 113 ~~of a municipality~~ shall select, wherever practicable and consistent with subsection (d) of  
 114 Code Section 21-2-265, schoolhouses, municipal buildings or rooms, or other public  
 115 buildings for that purpose. In selecting polling places, the superintendent of a county ~~or~~  
 116 ~~the governing authority of a municipality~~ shall give consideration to the comfort and  
 117 convenience those places to be selected will provide to both electors and poll officers.  
 118 School, county, municipal, or other governmental authorities, upon request of the  
 119 superintendent of a county ~~or the governing authority of a municipality~~, shall make  
 120 arrangements for the use of their property for polling places; provided, however, that such  
 121 use shall not substantially interfere with the use of such property for the purposes for which  
 122 it is primarily intended.

123 (b) The superintendent of a county ~~or the governing authority of a municipality~~ shall have  
 124 discretion to procure and provide portable or movable polling facilities of adequate size for  
 125 any precinct."

126 **SECTION 6.**

127 Said chapter is further amended by revising Part 1 of Article 11, relating to general  
 128 provisions regarding preparation for and conduct of primaries and elections, by adding a new  
 129 Code section to read as follows:

130 "21-2-420.

131 (a) In addition to all other polling places open on the day of a county or municipal primary  
132 or election, if not otherwise being used as a polling place, all locations at which electors  
133 could cast absentee ballots in person prior to the day of such primary or election shall be  
134 open as polling places at which any elector of the county or municipality, as appropriate,  
135 may vote in such primary or election.

136 (b) The State Election Board by rule or regulation shall establish procedures to assure that  
137 no person shall vote more than once in such primary or election."

138 **SECTION 7.**

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