

House Bill 87

By: Representatives Hightower of the 68th, Smith of the 70th, Powell of the 171st, Nix of the 69th, Cooke of the 18th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
2 relating to precincts and polling places, so as to authorize the use of the boundaries of a gated
3 community as the boundaries of a precinct; to require detailed 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 Article 7 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
10 precincts and polling places, is amended by revising Code Section 21-2-261.1, relating to
11 boundary requirements for precincts, 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 gated residential communities.

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
 37 within such community and a list of the streets within such community and the address
 38 ranges of such streets; and
 - 39 (6) Any other documentation necessary to allow the Secretary of State to maintain a
 40 current listing of all precincts in ~~the~~ this state."

41 **SECTION 2.**

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

44 "(c) When the boundaries of a gated residential community are used as the boundaries for
 45 a precinct and a polling place is established within such gated residential community for
 46 the use of the voters in such precinct, such gated community and polling place shall be
 47 open to full and complete access by the public when such polling place is in use on the day
 48 of a general or special primary or general or special election, including the time while poll
 49 officers are setting up the polling place prior to the opening of the polls, the time while the
 50 polls are open, and the time while the poll officers are completing the tabulation of the
 51 votes, election paperwork, and similar functions after the close of the polls. Such gated
 52 community and polling place shall also be open to full and complete access by the election
 53 superintendent, investigators of the State Election Board, all affected candidates and their
 54 representatives, and the public in the event of a recount or recanvass of the votes cast in
 55 any primary or election involving such precinct and polling place conducted at such
 56 precinct and polling place. In addition, in the event of a contest or challenge to the results
 57 of any primary or election involving such precinct and polling place, the election
 58 superintendent, upon reasonable notice and at reasonable times, may require such gated
 59 community and polling place to be open to full and complete access by the election
 60 superintendent, investigators of the State Election Board, and all affected candidates and

61 their representatives for the purpose of determining the issues involved in such contest or
62 challenge."

63 **SECTION 3.**

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

66 **SECTION 4.**

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