

Senate Bill 378

By: Senators Fort of the 39th, Carter of the 42nd, Jackson of the 2nd, Tate of the 38th, Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding the General Assembly, so as to provide that, whenever the
3 General Assembly shall enact any voting qualification or prerequisite to voting, or standard,
4 practice, or procedure with respect to voting different from that in force or effect on July 1,
5 2014, the Attorney General shall submit such qualification, prerequisite, standard, practice,
6 or procedure for review by a special master appointed by the Supreme Court for a
7 determination of whether such qualification, prerequisite, standard, practice, or procedure has
8 the purpose or will have the effect of denying or abridging the right to vote on account of
9 race or color or because of membership in a language minority group; to provide that, unless
10 and until there is a determination that such qualification, prerequisite, standard, practice, or
11 procedure will not have the purpose or will not have the effect of denying or abridging the
12 right to vote on account of race or color or because of membership in a language minority
13 group, no person shall be denied the right to vote for failure to comply with such
14 qualification, prerequisite, standard, practice, or procedure; to provide for procedures; to
15 provide for appeals; to provide for mandamus and injunctive relief; to provide for related
16 matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 style="text-align:center">**SECTION 1.**

19 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general
20 provisions regarding the General Assembly, is amended by adding a new Code section to
21 read as follows:

22 "28-1-18.

23 (a) Whenever the General Assembly enacts any voting qualification or prerequisite to
24 voting, or standard, practice, or procedure with respect to voting different from that in force
25 or effect on July 1, 2014, the Attorney General shall submit such qualification, prerequisite,
26 standard, practice, or procedure for review under this Code section for a determination that

27 such qualification, prerequisite, standard, practice, or procedure neither has the purpose nor
28 will have the effect of denying or abridging the right to vote on account of race or color or
29 because of membership in a language minority group and, unless and until there is such a
30 determination as provided in this Code section, no person shall be denied the right to vote
31 for failure to comply with such qualification, prerequisite, standard, practice, or procedure.
32 Any voting qualification or prerequisite to voting, or standard, practice, or procedure with
33 respect to voting that has the purpose of or will have the effect of diminishing the ability
34 of any citizens of this state on account of race or color or because of membership in a
35 language minority group to elect their preferred candidates of choice or to participate in the
36 electoral process denies or abridges the right to vote within the meaning of this Code
37 section. The term 'purpose' shall include any discriminatory purpose. The object of this
38 Code section is to protect the ability of such citizens to elect their preferred candidates of
39 choice or to participate in the electoral process.

40 (b) Upon the passage of a voting qualification or prerequisite to voting, or standard,
41 practice, or procedure with respect to voting different from that in force or effect on July 1,
42 2014, the Attorney General shall submit such voting qualification or prerequisite to voting,
43 or standard, practice, or procedure with respect to voting to the Supreme Court for review
44 under this Code section under such rules and regulations and procedures as the Supreme
45 Court may promulgate, and shall provide public notice of such submission.

46 (c) Upon ten days after receiving a submission from the Attorney General, the Supreme
47 Court shall appoint a special master to review the submission and the special master shall
48 receive and consider any comments, evidence, and testimony regarding the submission.
49 Within 60 days following his or her appointment, the special master shall issue a written
50 determination regarding the submission as to whether the voting qualification or
51 prerequisite to voting, or standard, practice, or procedure with respect to voting contained
52 in the submission has the purpose or will have the effect of denying or abridging the right
53 to vote on account of race or color or because of membership in a language minority group.
54 Such written determination shall be filed with the Supreme Court and shall be served upon
55 the Attorney General and shall be a public record.

56 (d) If the special master finds that the voting qualification or prerequisite to voting, or
57 standard, practice, or procedure with respect to voting contained in the submission has the
58 purpose or will have the effect of denying or abridging the right to vote on account of race
59 or color or because of membership in a language minority group, the voting qualification
60 or prerequisite to voting, or standard, practice, or procedure with respect to voting shall not
61 be enforced or implemented.

62 (e) If the special master finds that the voting qualification or prerequisite to voting, or
63 standard, practice, or procedure with respect to voting contained in the submission does not

64 have the purpose or will not have the effect of denying or abridging the right to vote on
 65 account of race or color or because of membership in a language minority group, the voting
 66 qualification or prerequisite to voting, or standard, practice, or procedure with respect to
 67 voting shall become effective immediately and may be enforced and implemented.

68 (f) If the special master issues a determination as provided in subsection (d) of this Code
 69 section, the Attorney General may appeal such determination to the Supreme Court within
 70 30 days following the issuance of such determination. The Supreme Court shall review all
 71 comments, evidence, and testimony received by the special master and may receive briefs
 72 and hear oral argument on the submission. The Supreme Court shall either affirm or
 73 reverse the determination by the special master within 60 days following the filing of the
 74 appeal by the Attorney General. If the court affirms the determination by the special
 75 master, the voting qualification or prerequisite to voting, or standard, practice, or procedure
 76 with respect to voting shall not be enforced or implemented. If the court reverses the
 77 determination of the special master, the voting qualification or prerequisite to voting, or
 78 standard, practice, or procedure with respect to voting shall become effective immediately
 79 and may be enforced and implemented.

80 (g) If the Attorney General fails to submit a voting qualification or prerequisite to voting,
 81 or standard, practice, or procedure with respect to voting enacted by the General Assembly
 82 for a determination pursuant to this Code section, any citizen of this state may file a
 83 petition for a writ of mandamus in the Superior Court of Fulton County to compel the
 84 Attorney General to submit such voting qualification or prerequisite to voting, or standard,
 85 practice, or procedure with respect to voting for a determination in accordance with this
 86 Code section. In such cases, if the court issues a writ of mandamus compelling the
 87 Attorney General to submit such voting qualification or prerequisite to voting, or standard,
 88 practice, or procedure with respect to voting for a determination under this Code section,
 89 the court shall also enjoin any implementation or enforcement of the voting qualification
 90 or prerequisite to voting, or standard, practice, or procedure with respect to voting until
 91 such determination has been obtained. The court may allow the prevailing party in such
 92 cases a reasonable attorney's fee, reasonable expert fees, and other reasonable litigation
 93 expenses as part of the costs in the case."

94 **SECTION 2.**

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