

House Bill 180

By: Representatives Dreyer of the 59th, Scott of the 76th, Gilliard of the 162nd, and Prince of the 127th

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 for electors to change their addresses and
3 vote on primary and election days; to provide for voter registration at certain offices unless
4 the person affirmatively elects not to register to vote; to provide for voter registration when
5 registering for college and technical classes; to provide that precinct lines shall be established
6 to ensure that the polling place for such precinct is within 25 miles of all voters in the
7 precinct; to provide that no polling place shall be closed within 90 days of a primary or
8 election; to provide for exceptions; to provide for the number and placement of advance
9 voting locations; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
14 primaries generally, is amended by revising Code Section 21-2-218, relating to cancellation
15 of registration in former state or county and address changes and corrections, as follows:

16 "21-2-218.

17 (a) Any person, who is registered to vote in another state and who moves such person's
18 residence from that state to this state, shall, at the time of making application to register to
19 vote in this state, provide such information as specified by the Secretary of State in order
20 to notify such person's former voting jurisdiction of the person's application to register to
21 vote in this state and to cancel such person's registration in the former place of residence.

22 ~~(b) Any person, who is registered to vote in another county or municipality in this state~~
23 ~~and who moves such person's residence from that county or municipality to another county~~
24 ~~or municipality in this state, shall, at the time of making application to register to vote in~~
25 ~~that county or municipality, provide such information as specified by the Secretary of State~~
26 ~~in order to notify such person's former voting jurisdiction of the person's application to~~

27 ~~register to vote in the new place of residence and to cancel such person's registration in the~~
 28 ~~former place of residence~~ A change of address or residence by an elector within this state
 29 shall not disqualify such elector as a voter in a primary or election. An elector who has
 30 changed his or her permanent place of residence within this state, but who has not
 31 transferred his or her voter registration to such new address, shall be permitted to vote a
 32 regular ballot at the polling place for the precinct containing the elector's new residence on
 33 the day of a primary or election and at any advance voting location during the advance
 34 voting period prior to such primary or election pursuant to the following procedures. The
 35 elector shall complete an affirmation in substantially the following form:

36 'CHANGE OF LEGAL RESIDENCE OF REGISTERED ELECTOR

37 Under penalties for false swearing, I, (name of elector), swear or affirm that the address
 38 of my former legal residence in this state was (address of former legal residence at which
 39 elector was registered); that I have not voted in the precinct of my former legal residence
 40 in this primary or election; that I am otherwise legally registered, eligible, and entitled to
 41 vote; and that I now legally reside at:

42 Street Address: _____

43 City: _____

44 County: _____

45 State: _____

46 ZIP Code: _____

47 _____

48 (Signature of Elector)'.

49 ~~(c) In the event that an elector moves to a residence within the county or municipality and~~
 50 ~~has a different address from the address contained on the person's registration card, it shall~~
 51 ~~be the duty of such elector to notify the board of registrars of such fact by the fifth Monday~~
 52 ~~prior to the primary or election in which such elector wishes to vote by submitting the~~
 53 ~~change of address in writing. The board of registrars shall then correct the elector's record~~
 54 ~~to reflect the change of address and place the elector in the proper precinct and voting~~
 55 ~~districts. The board of registrars may accept a properly submitted application for an~~
 56 ~~absentee ballot for this purpose for electors who move to an address within the county or~~
 57 ~~municipality which is different from the address contained on the person's registration card.~~
 58 ~~The board of registrars may also accept a properly submitted application for an absentee~~
 59 ~~ballot to correct an elector's name on the voter registration list if all necessary information~~
 60 ~~to complete such a change is included with the application.~~

61 ~~(c)(d) In the event that an elector moves to a residence within the county or municipality~~
 62 ~~but into a different precinct or who moves to a residence in the same precinct but at a~~

63 ~~different address and fails to notify the board of registrars of such fact by the fifth Monday~~
 64 ~~prior to an election or primary such elector shall vote in the precinct of such elector's~~
 65 ~~former residence for such election or primary and for any runoffs resulting therefrom. The~~
 66 ~~superintendent of an election shall make available at each polling place forms furnished by~~
 67 ~~the Secretary of State which shall be completed by each such elector to reflect such~~
 68 ~~elector's present legal residence. Such forms may also be used to notify the board of~~
 69 ~~registrars of a change in an elector's name. The board of registrars shall thereafter place~~
 70 ~~the elector in the proper precinct and voting districts and correct the list of electors~~
 71 ~~accordingly. If the elector is placed in a precinct other than the one in which such elector~~
 72 ~~has previously been voting, such elector shall be notified of the new polling place by~~
 73 ~~first-class mail~~ Instead of the affirmation contained in subsection (b) of this Code section,
 74 an elector may complete a voter registration application that indicates the change of name
 75 or change of address of the elector's legal residence.

76 ~~(d)(e) Any provision of this chapter to the contrary notwithstanding, an elector who moves~~
 77 ~~from one county or municipality to another after the fifth Monday prior to a primary or~~
 78 ~~election may vote in the county or municipality or precinct in which such elector is~~
 79 ~~registered to vote~~ An affirmation under subsection (b) of this Code section or an
 80 application under subsection (c) of this Code section, when completed and presented at the
 81 precinct in which such elector is entitled to vote, upon verification that such elector is a
 82 registered elector in this state, shall entitle such elector to vote a regular ballot as provided
 83 in this Code section at such precinct. If the elector's registration record cannot be located
 84 in the state voter registration data base, he or she shall be entitled to vote a provisional
 85 ballot at such precinct, subject to the requirements and procedures contained in Code
 86 Sections 21-2-418 and 21-2-419. Upon receipt of an affirmation as provided in
 87 subsection (b) of this Code section or an application as provided in subsection (c) of this
 88 Code section certifying a change of legal residence, the board of registrars shall as soon as
 89 practicable make the necessary changes in the state-wide voter registration system to
 90 indicate the change of legal residence of such elector.

91 ~~(e)(f) No person shall vote in any county or municipality other than the county or~~
 92 ~~municipality of such person's residence except as provided in subsection (e) of this Code~~
 93 ~~section~~ The Secretary of State shall ensure that each precinct shall have access to the
 94 state-wide voter registration system to determine an elector's eligibility to vote in
 95 accordance with this Code section.

96 ~~(f)(g) In the event that the registration records incorrectly indicate that an elector has~~
 97 ~~moved from an address within a precinct, the elector may vote in the precinct upon~~
 98 ~~affirming in writing on a form prescribed by the Secretary of State that the elector still~~
 99 ~~resides in the precinct at the address previously provided to the board of registrars. The~~

100 ~~registrars shall correct the elector's registration record to reflect the correct address~~ Upon
 101 checking an elector's eligibility, the poll officer shall direct the elector to any correct
 102 precincts in which the elector may cast a valid ballot pursuant to state law. It shall be the
 103 responsibility of the poll officer to inform the elector of the correct precinct in which to
 104 cast the elector's ballot pursuant to state law. In cases in which the elector is required to
 105 cast a provisional ballot and does so in the wrong precinct because of the failure of the poll
 106 officer to direct the elector to the correct precinct, such ballot shall be counted for all
 107 contests and questions in which the elector was eligible to vote had the ballot been cast in
 108 the correct precinct.

109 ~~(g)(h) If a voter registration application is completed at a polling place for the purpose of~~
 110 ~~recording a change of address and the new address is outside the county, then the registrar~~
 111 ~~shall forward the application to the registrar in the new county of residence~~ The Secretary
 112 of State shall prescribe measures by which an elector may determine the elector's new
 113 polling place based on the elector's legal residence, both over an Internet website accessible
 114 to the public and by telephone. Such measures shall not require the elector to have
 115 previously updated the elector's registration and shall comply with all applicable state and
 116 federal laws with regard to individuals with disabilities."

117 **SECTION 2.**

118 Said chapter is further amended by revising Code Section 21-2-222, relating to designated
 119 voter registration agencies and offices, definitions, and duties of agencies and offices, as
 120 follows:

121 "21-2-222.

122 (a) As used in this Code section, the term:

123 (1) 'Persons with disabilities' means persons who have physical disabilities, including,
 124 but not limited to, any physical or neurological impairment which severely restricts a
 125 person's mobility or manual dexterity; substantial loss of speech, sight, or hearing; or loss
 126 of one or more limbs or use thereof; but such term shall not include nonphysical
 127 disabilities, mental or emotional disabilities, or disabilities based upon substance abuse.

128 (2) 'Public assistance' means the food stamp program; the Medicaid program; the
 129 Women, Infants, and Children program; and the Temporary Assistance for Needy
 130 Families program.

131 (3) 'Recruitment office of the armed forces of the United States' includes both regular
 132 and reserve forces recruitment offices and national guard recruitment offices.

133 (b) Each office in this state:

134 (1) Which provides public assistance;

135 (2) Which provides state funded programs primarily engaged in providing services to
136 persons with disabilities; and

137 (3) Which is a recruitment office of the armed forces of the United States located within
138 this state

139 shall be designated voter registration agencies.

140 (c) In addition to the offices listed in subsection (b) of this Code section, the Secretary of
141 State shall designate other offices within the state as designated voter registration offices.

142 Such offices may include, but not be limited to:

143 (1) State or local governmental offices such as public libraries, public schools, offices
144 of county and municipal clerks, and government revenue offices; and

145 (2) Federal and nongovernmental offices, with the agreement of such offices.

146 (d) At each designated voter registration agency, the following services shall be made
147 available:

148 (1) Distribution of the mail voter registration application provided for in Code Section
149 21-2-223 in accordance with subsection (f) of this Code section;

150 (2) Assistance to applicants in completing voter registration application forms, unless the
151 applicant refuses such assistance; and

152 (3) Acceptance of completed voter registration application forms for submission to the
153 Secretary of State.

154 (e) If a designated voter registration agency under paragraph (2) of subsection (b) of this
155 Code section provides services to a person with a disability at the person's home, the
156 agency shall provide the services described in subsection (d) of this Code section at such
157 person's home.

158 (f) A designated voter registration agency that provides service or assistance in addition
159 to conducting voter registration shall:

160 (1) Distribute with each application for such service or assistance and with each
161 recertification, renewal, or change of address form relating to such service or assistance,
162 when such application, recertification, renewal, or change of address is made in person,
163 the mail voter registration application form provided for in Code Section 21-2-223 unless
164 the applicant declines in writing to register to vote;

165 (2) Distribute a form provided by the Secretary of State to accompany the voter
166 registration application form which includes:

167 (A) The question 'If you are not registered to vote where you live now, would you like
168 to apply to register to vote here today?';

169 (B) If the agency provides public assistance, the statement 'Applying to register or
170 declining to register to vote will not affect the amount of assistance that you will be
171 provided by this agency.';

172 (C) Boxes for the applicant to check to indicate whether the applicant is presently
 173 registered, would like to register, or declines to register to vote with the statement 'IF
 174 YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE
 175 DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.' in close proximity to the
 176 boxes and in prominent type;

177 (D) The statements 'If you would like help in filling out the voter registration
 178 application form, we will help you. The decision whether to seek or accept help is
 179 yours. You may fill out the application in private.'; and

180 (E) The statement 'If you believe that someone has interfered with your right to register
 181 or to decline to register to vote or your right to privacy in deciding whether to register
 182 or in applying to register to vote, you may file a complaint with the Secretary of State
 183 at (insert address and telephone number).'; and

184 (3) Provide to each applicant who does not decline to apply to register to vote the same
 185 degree of assistance with regard to the completion of the voter registration application
 186 form as is provided by the office with regard to the completion of its own forms, unless
 187 the applicant refuses such assistance.

188 (g) If an applicant fails to check any box on the form required by subparagraph (f)(2)(C)
 189 of this Code section, the applicant shall be deemed to have ~~declined~~ agreed to apply to
 190 register to vote.

191 (h) No information relating to a declination to apply to register to vote in connection with
 192 an application made at an office described in subsection (f) of this Code section may be
 193 used for any purpose other than voter registration and shall not be subject to public
 194 inspection.

195 (i) Each office shall transmit the completed voter registration application forms to the
 196 Secretary of State at least once per week, except that, during the 15 days leading up to a
 197 registration deadline for a primary or election, such applications shall be transmitted to the
 198 Secretary of State at the conclusion of each business day. The Secretary of State shall
 199 forward the applications to the appropriate county board of registrars to determine the
 200 eligibility of the applicant and, if found eligible, to add the applicant's name to the list of
 201 electors and to place the applicant in the correct precinct and voting districts.

202 (j) Each office shall maintain such statistical records on the number of registrations and
 203 declinations as requested by the Secretary of State.

204 (k) Persons providing the services described in subsection (d) of this Code section shall
 205 not:

206 (1) Seek to influence an applicant's political preference;

207 (2) Display any such political preference or political party or body allegiance;

208 (3) Make any statement to an applicant or take any action the purpose or effect of which
209 is to discourage the applicant from applying to register to vote; or

210 (4) Make any statement to an applicant or take any action the purpose or effect of which
211 is to lead the applicant to believe that a decision to apply to register or not to apply to
212 register to vote has any bearing on the availability of services or benefits.

213 (l) The Secretary of State shall have the authority to promulgate rules and regulations to
214 provide for the transmission of voter registration applications and signatures electronically
215 from public assistance offices, offices which provide state funded programs primarily
216 engaged in providing services to persons with disabilities, and recruitment offices of the
217 armed forces of the United States located within this state. Such electronically transmitted
218 signatures shall be valid as signatures on the voter registration application and shall be
219 treated in all respects as a manually written original signature and shall be recognized as
220 such in any matter concerning the voter registration application."

221 **SECTION 3.**

222 Said chapter is further amended by adding a new Code section to read as follows:

223 "21-2-222.1.

224 (a) Each public college, university, and technical school in this state shall be a designated
225 voter registration agency.

226 (b) Each public college, university, and technical school in this state shall, each time a
227 student at such college, university, or technical school updates his or her address in person
228 or a student at such college, university, or technical school registers for classes:

229 (1) Distribute the mail voter registration application provided for in Code Section
230 21-2-223;

231 (2) Provide assistance in completing such voter registration application forms, unless the
232 student refuses such assistance; and

233 (3) Accept the completed voter registration application forms for submission to the
234 Secretary of State.

235 (c) At the same time as such mail voter registration application is distributed as required
236 in subsection (b) of this Code section, each public college, university, and technical school
237 in this state shall also distribute a form provided by the Secretary of State to accompany
238 the voter registration application form which shall include:

239 (1) The question 'If you are not registered to vote where you live now, would you like
240 to apply to register to vote here today?':

241 (2) Boxes for the student to check to indicate whether the student is presently registered,
242 would like to register, or declines to register to vote with the statement 'IF YOU DO NOT
243 CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED TO

244 REGISTER TO VOTE AT THIS TIME.' in close proximity to the boxes and in
245 prominent type;

246 (3) The statements 'If you would like help in filling out the voter registration application
247 form, we will help you. The decision whether to seek or accept help is yours. You may
248 fill out the application in private.'; and

249 (4) The statement 'If you believe that someone has interfered with your right to register
250 or to decline to register to vote or your right to privacy in deciding whether to register or
251 in applying to register to vote, you may file a complaint with the Secretary of State at
252 (insert address and telephone number).'

253 (d) No information relating to a declination to apply to register to vote in connection with
254 an address update or registering for classes may be used for any purpose other than voter
255 registration and shall not be subject to public inspection.

256 (e) Each public college, university, and technical school in this state shall transmit the
257 completed voter registration application forms to the Secretary of State at least once per
258 week, except that, during the 15 days leading up to a registration deadline for a primary or
259 election, such applications shall be transmitted to the Secretary of State at the conclusion
260 of each business day. The Secretary of State shall forward the applications to the
261 appropriate county board of registrars to determine the eligibility of the applicant and, if
262 found eligible, to add the applicant's name to the list of electors and to place the applicant
263 in the correct precinct and voting districts.

264 (f) Each public college, university, and technical school in this state shall maintain such
265 statistical records on the number of registrations and declinations as requested by the
266 Secretary of State.

267 (g) Persons providing the services described in subsection (b) of this Code section shall
268 not:

269 (1) Seek to influence a student's political preference;
270 (2) Display any such political preference or political party or body allegiance; or
271 (3) Make any statement to a student or take any action the purpose or effect of which is
272 to discourage the student from applying to register to vote.

273 (h) The Secretary of State shall have the authority to promulgate rules and regulations to
274 provide for the transmission of voter registration applications and signatures electronically
275 from public colleges, universities, and technical schools in this state. Such electronically
276 transmitted signatures shall be valid as signatures on the voter registration application and
277 shall be treated in all respects as a manually written original signature and shall be
278 recognized as such in any matter concerning the voter registration application."

279 **SECTION 4.**

280 Said chapter is further amended by revising Code Section 21-2-263, relating to reduction in
 281 size of, or provision of additional voting equipment or poll workers to, precincts containing
 282 more than 2,000 electors when voting in such precincts at previous general election not
 283 completed one hour after closing of polls, by designating the existing text as subsection (a)
 284 and adding a new subsection to read as follows:

285 "(b) If a polling place for a precinct is located more than 25 miles from any elector in the
 286 precinct as measured using the most direct route of travel from the residence of the elector
 287 to the polling place, such precinct shall be divided or altered such that no elector in the
 288 precinct is located more than 25 miles from the polling place for such precinct as measured
 289 using the most direct route of travel from the residence of the elector to the polling place."

290 **SECTION 5.**

291 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of
 292 superintendent to select polling places, change, petition objecting to proposed change, space
 293 for political parties holding primaries, facilities for disabled voters, and selection of polling
 294 place outside precinct to better serve voters, by adding a new subsection to read as follows:

295 "(f) Except in the case of an emergency or unavoidable event which renders a polling place
 296 unavailable or unuseable for a primary, election, or runoff, no polling place shall be
 297 relocated within 90 days of a primary, election, or runoff notwithstanding any provision
 298 of law to the contrary."

299 **SECTION 6.**

300 Said chapter is further amended by revising paragraph (1) of subsection (d) of Code
 301 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as
 302 follows:

303 "(d)(1) There shall be a period of advance voting that shall commence:

304 (A) On the fourth Monday immediately prior to each primary or election;

305 (B) On the fourth Monday immediately prior to a runoff from a general primary;

306 (C) On the fourth Monday immediately prior to a runoff from a general election in
 307 which there are candidates for a federal office on the ballot in the runoff; and

308 (D) As soon as possible prior to a runoff from any other general election in which there
 309 are only state or county candidates on the ballot in the runoff

310 and shall end on the Friday immediately prior to each primary, election, or runoff.

311 Voting shall be conducted during normal business hours on weekdays during such period

312 and shall be conducted on the second Saturday prior to a primary or election during the

313 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

314 in which there are no federal or state candidates on the ballot, no Saturday voting hours
315 shall be required; and provided, further, that, if such second Saturday is a public and legal
316 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
317 legal holiday occurring on the Thursday or Friday immediately preceding such second
318 Saturday, or if such second Saturday immediately precedes a public and legal holiday
319 occurring on the following Sunday or Monday, such advance voting shall not be held on
320 such second Saturday but shall be held on the third Saturday prior to such primary,
321 election, or runoff. Each county and municipality conducting an election or primary or
322 runoff shall have at least one location for every 150,000 electors in the jurisdiction and
323 every fraction thereof open for advance voting during such advance voting period. In the
324 event that a county or municipality is required under this paragraph to have multiple
325 locations available for advance voting, such locations shall be geographically distributed
326 throughout the county or municipality to serve the convenience of the electors. Except
327 as otherwise provided in this paragraph, counties and municipalities may extend the hours
328 for voting beyond regular business hours and may provide for additional voting locations
329 pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at
330 their option."

331 **SECTION 7.**

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