

House Bill 283

By: Representatives Holcomb of the 81st, Frye of the 118th, Alexander of the 66th, Smyre of the 135th, Trammell of the 132nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the Georgia Voting Rights Act; to amend Chapter 2 of Title 21 of the Official Code
2 of Georgia Annotated, relating to elections and primaries generally, so as to change the date
3 of the nonpartisan election; to provide for same day voter registration and voting; to provide
4 for funding for regular upgrades to voting equipment; to provide for the form of nonpartisan
5 ballot; to change the period of advance voting; to provide for two hours time off for
6 employees to vote; to provide for related matters; to amend Title 28 of the Official Code of
7 Georgia Annotated, relating to the General Assembly, so as to prohibit the enactment of
8 provisions that would change the duties or powers of elected officials between the time of
9 their election and taking office; to establish the Georgia Voting Rights Commission; to
10 provide for its composition, manner of appointment, powers, and duties; to provide for an
11 independent Legislative and Congressional Reapportionment Office; to provide for its
12 powers and duties; to provide for the manner and time for redistricting of congressional
13 districts and House of Representatives and Senate districts; to provide a short title; to provide
14 for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

17 This Act shall be known and may be cited as the "Georgia Voting Rights Act."

18 style="text-align:center">**SECTION 2.**

19 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
20 primaries generally, is amended by revising subsection (c) of Code Section 21-2-132, relating
21 to filing notice of candidacy, nomination petition, and affidavit, payment of qualifying fee,
22 pauper's affidavit and qualifying petition for exemption from qualifying fee, and military
23 service, as follows:

24 "(c) All candidates seeking election in a nonpartisan election shall file their notice of
25 candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection

26 in order to be eligible to have their names placed on the nonpartisan election ballot by the
27 Secretary of State or election superintendent, as the case may be, in the following manner:

28 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
29 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
30 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
31 giving his or her name, residence address, and the office sought, in the office of the
32 Secretary of State no earlier than 9:00 A.M. on the Monday of the ~~eleventh~~ thirty-fifth
33 week immediately prior to the election and no later than 12:00 Noon on the Friday
34 immediately following such Monday, notwithstanding the fact that any such days may
35 be legal holidays;

36 (2) Each candidate for a county judicial office, a local board of education office, or an
37 office of a consolidated government, or the candidate's agent, desiring to have his or her
38 name placed on the nonpartisan election ballot shall file a notice of candidacy in the
39 office of the superintendent no earlier than 9:00 A.M. on the Monday of the ~~eleventh~~
40 thirty-fifth week immediately prior to the election and no later than 12:00 Noon on the
41 Friday immediately following such Monday, notwithstanding the fact that any such days
42 may be legal holidays;

43 (3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a
44 notice of candidacy in the office of the municipal superintendent of such candidate's
45 municipality during the municipality's nonpartisan qualifying period. Each municipal
46 superintendent shall designate the days of such qualifying period, which shall be no less
47 than three days and no more than five days. The days of the qualifying period shall be
48 consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30
49 A.M. on the third Monday in August immediately preceding the general election and
50 shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special
51 election, the municipal nonpartisan qualifying period shall commence no earlier than
52 the date of the call and shall end no later than 25 days prior to the election.

53 (B) In any case in which no individual has filed a notice of candidacy and paid the
54 prescribed qualifying fee to fill a particular office in a nonpartisan municipal election,
55 the governing authority of the municipality shall be authorized to reopen qualifying for
56 candidates at 9:00 A.M. on the Monday next following the close of the preceding
57 qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately
58 following such Monday, notwithstanding the fact that any such days may be legal
59 holidays; and

60 (4) In any case where an incumbent has filed a notice of candidacy and paid the
61 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in office
62 but withdraws as a candidate for such office prior to the close of the applicable qualifying

63 period prescribed in this subsection, qualifying for candidates other than such incumbent
 64 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding
 65 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
 66 such reopening, notwithstanding the fact that any such days may be legal holidays."

67 **SECTION 3.**

68 Said chapter is further amended by revising subsection (a) of Code Section 21-2-133, relating
 69 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,
 70 and certification of candidates, as follows:

71 "(a) No person elected on a write-in vote shall be eligible to hold office unless a notice of
 72 his or her intention of candidacy was filed and published no earlier than January 1 and no
 73 later than the Tuesday after the first Monday in September prior to the election for county,
 74 state, and federal elections; ~~no later than seven days after the close of the qualifying period~~
 75 ~~for nonpartisan elections in the case of nonpartisan elections for state or county offices;~~ no
 76 later than seven days after the close of the municipal qualifying period for municipal
 77 elections in the case of a general election; or no later than seven days after the close of the
 78 special election qualifying period for a special election by the person to be a write-in
 79 candidate or by some other person or group of persons qualified to vote in the subject
 80 election, as follows:

81 (1) In a state general or special election, a notice shall be filed with the Secretary of State
 82 and published in a newspaper of general circulation in the state;

83 (2) In a general or special election of county officers, a notice shall be filed with the
 84 superintendent of elections in the county in which he or she is to be a candidate and
 85 published in the official organ of the same county; or

86 (3) In a municipal general or special election, a notice shall be filed with the
 87 superintendent and published in the official gazette of the municipality holding the
 88 election.

89 In the event that such intention of candidacy is filed and published by a person or group of
 90 persons other than the candidate, such person or group of persons shall also file a written,
 91 notarized authorization by the candidate for such filing and publication."

92 **SECTION 4.**

93 Said chapter is further amended by revising Code Section 21-2-138, relating to nonpartisan
 94 elections for judicial offices, as follows:

95 "21-2-138.

96 The names of all candidates who have qualified with the Secretary of State for the office
 97 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court

98 of this state and the names of all candidates who have qualified with the election
 99 superintendent for the office of judge of a state court shall be placed on the ballot in a
 100 nonpartisan election to be held and conducted jointly with the general primary election in
 101 each even-numbered year. No candidates for any such office shall be nominated by a
 102 political party or by a petition as a candidate of a political body or as an independent
 103 candidate. Candidates for any such office shall have their names placed on the nonpartisan
 104 portion of each ballot by complying with the requirements prescribed in Code
 105 Section 21-2-132 specifically related to such nonpartisan candidates and by paying the
 106 requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed
 107 on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and
 108 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to
 109 be employed in conducting the nonpartisan election of judges of state courts, judges of
 110 superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall
 111 conform as nearly as practicable to the procedures governing general elections; and such
 112 general election procedures as are necessary to complete this nonpartisan election process
 113 shall be adopted in a manner consistent with such nonpartisan elections."

114 **SECTION 5.**

115 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating
 116 to nonpartisan elections authorized and the conduct thereof, as follows:

117 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 118 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 119 to fill county judicial offices, offices of local boards of education, and offices of
 120 consolidated governments which are filled by the vote of the electors of said county or
 121 political subdivision. Except as otherwise provided in this Code section, the procedures
 122 to be employed in such nonpartisan elections shall conform as nearly as practicable to the
 123 procedures governing nonpartisan elections as provided in this chapter. Except as
 124 otherwise provided in this Code section, the election procedures established by any existing
 125 local law which provides for the nonpartisan election of candidates to fill county offices
 126 shall conform to the general procedures governing nonpartisan elections as provided in this
 127 chapter, and such nonpartisan elections shall be conducted in accordance with the
 128 applicable provisions of this chapter, notwithstanding the provisions of any existing local
 129 law. For those offices for which the General Assembly, pursuant to this Code section,
 130 provided by local Act for election in nonpartisan primaries and elections, such offices shall
 131 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
 132 elections held and conducted in conjunction with the general primary election in
 133 even-numbered years in accordance with this chapter without a prior nonpartisan primary.

134 This Code section shall apply to all nonpartisan elections for members of consolidated
 135 governments. All nonpartisan elections for members of consolidated governments shall
 136 be governed by the provisions of this Code section and shall be considered county elections
 137 and not municipal elections for the purposes of this Code section. Nonpartisan elections
 138 for municipal offices shall be conducted on the dates provided in the municipal charter."

139 **SECTION 6.**

140 Said chapter is further amended by revising subsection (a) of Code Section 21-2-220, relating
 141 to application for registration, identification requirement, rejection for failure to provide
 142 required information or for submission of false information, and aid to disabled or illiterate,
 143 as follows:

144 "(a) Any person desiring to register as an elector shall apply to do so by making
 145 application to a registrar or deputy registrar of such person's county of residence in person,
 146 by submission of the federal post card application form as authorized under Code
 147 Section 21-2-219, by making application through the Department of Driver Services as
 148 provided in Code Section 21-2-221, by making application through the Department of
 149 Natural Resources as provided in Code Section 21-2-221.1, by making application online
 150 as provided in Code Section 21-2-221.2, by making application through designated offices
 151 as provided in Code Section 21-2-222, ~~or~~ by making application by mail as provided in
 152 Code Section 21-2-223, or by making application in person as provided in Code
 153 Section 21-2-224.1 at the polling place for the precinct in which such person's residence
 154 is located on the day of the primary or election or at the office of the registrar or absentee
 155 ballot clerk during the advance voting period specified under subsection (d) of Code
 156 Section 21-2-385."

157 **SECTION 7.**

158 Said chapter is further amended by repealing in its entirety Code Section 21-2-220.1, relating
 159 to required documentation for voter registration.

160 **SECTION 8.**

161 Said chapter is further amended by revising subsections (a) and (b) of Code
 162 Section 21-2-224, relating to registration deadlines, restrictions on voting in primaries,
 163 official list of electors, and voting procedure when portion of county changed from one
 164 county to another, as follows:

165 "(a) ~~If~~ Except as otherwise provided in Code Section 21-2-224.1, if any person whose
 166 name is not on the list of registered electors maintained by the Secretary of State under this
 167 article desires to vote at any general primary, general election, or presidential preference

168 primary, such person shall make application as provided in this article by the close of
 169 business on the fifth Monday or, if such Monday is a legal holiday, by the close of business
 170 on the following business day prior to the date of such general primary, general election,
 171 or presidential preference primary.

172 (b) If any person whose name is not on the list of registered electors maintained by the
 173 Secretary of State under this article desires to vote at any special primary or special
 174 election, such person shall make application as provided in this article no later than either
 175 the close of business on the fifth day after the date of the call for the special primary or
 176 special election, excluding Saturdays, Sundays, and legal holidays of this state, or the close
 177 of business on the fifth Monday prior to the date of the special primary or special election
 178 or, if such Monday is a legal holiday, by the close of business on the following business
 179 day, whichever is later; except that:

180 (1) If Except as otherwise provided in Code Section 21-2-224.1, if such special primary
 181 or special election is held in conjunction with a general primary, general election, or
 182 presidential preference primary, the registration deadline for such special primary or
 183 special election shall be the same as the registration deadline for the general primary,
 184 general election, or presidential preference primary in conjunction with which the special
 185 primary or special election is being conducted; or

186 (2) If such special primary or special election is not held in conjunction with a general
 187 primary, general election, or presidential preference primary but is held on one of the
 188 dates specified in Code Section 21-2-540 for the conduct of special elections to present
 189 a question to the voters or special primaries or elections to fill vacancies in elected county
 190 or municipal offices, the registration deadline for such a special primary or election shall
 191 be at the close of business on the fifth Monday prior to the date of the special primary or
 192 election or, if such Monday is a legal holiday, by the close of business on the following
 193 business day."

194 **SECTION 9.**

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

196 "21-2-224.1.

197 (a) Notwithstanding any provision of law to the contrary, any person may register and vote
 198 in accordance with this Code section on the day of a primary or election or during the
 199 period of advance voting as specified in subsection (d) of Code Section 21-2-385.

200 (b) A person who is not registered to vote or did not register by the deadlines specified in
 201 Code Section 21-2-224 may go to the polling place for the precinct in which such person's
 202 residence is located on the day of a primary or election or to the registrar's office or the
 203 office of the absentee ballot clerk, as appropriate, during the period specified under

204 subsection (d) of Code Section 21-2-385 and register to vote by completing an official
 205 voter registration application as provided in subsection (a) of Code Section 21-2-219 and
 206 providing to the poll officers, registrars, or absentee ballot clerk, as the case may be, one
 207 of the forms of identification as provided in subsection (c) of Code Section 21-2-417 or a
 208 legible copy thereof.

209 (c) A person at his or her polling place, upon fully completing the voter registration
 210 application and providing the appropriate identification, shall be issued a provisional ballot
 211 in the same manner as persons whose names are not on the electors list for such polling
 212 place under Code Section 21-2-418. For a person at the registrar's office or the office of
 213 the absentee ballot clerk, as appropriate, during the period specified under subsection (d)
 214 of Code Section 21-2-385, upon fully completing the voter registration application and
 215 providing the appropriate identification, either the registrars shall determine such person's
 216 qualifications immediately and, if found qualified, allow such person to vote in the same
 217 manner as other electors or, if there is insufficient time for whatever reason for the
 218 registrars to make such determination or if the person is attempting to vote at the absentee
 219 ballot clerk's office, such person shall be issued a provisional ballot in the same manner as
 220 persons whose names are not on the electors list for such polling place under Code
 221 Section 21-2-418 and shall vote such provisional ballot in the same manner as such persons
 222 at the polls.

223 (d) Persons in line waiting to complete voter registration applications at the time of the
 224 closing of the polls shall be permitted to complete the voter registration application,
 225 provide the appropriate identification, and vote a provisional ballot.

226 (e) The poll officer verifying the person's identification shall initial the person's voter
 227 registration application."

228 **SECTION 10.**

229 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of
 230 ballot in nonpartisan elections, run-off election, and declaration of prevailing candidate as
 231 duly elected, as follows:

232 "21-2-285.1.

233 The names of all candidates for offices which the General Assembly has by general law or
 234 local Act provided for election in a nonpartisan election shall be printed on each official
 235 primary general election ballot; and insofar as practicable such offices to be filled in the
 236 nonpartisan election shall be separated from the names of candidates for party nomination
 237 to other offices by being listed last on each ballot, with the top of that portion of each
 238 official primary general election ballot relating to the nonpartisan election to have printed
 239 in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In

240 ~~addition, there shall be a ballot that contains just the official nonpartisan election ballot~~
 241 ~~available for electors who choose not to vote in a party primary.~~ Directions that explain
 242 how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the
 243 elector spoils his or her ballot shall appear immediately under the caption, as specified by
 244 rule or regulation of the State Election Board. Immediately under the directions, the name
 245 of each such nonpartisan candidate shall be arranged alphabetically by last name under the
 246 title of the office for which they are candidates and be printed thereunder. The incumbency
 247 of a candidate seeking election for the public office he or she then holds shall be indicated
 248 on the ballot. No party designation or affiliation shall appear beside the name of any
 249 candidate for nonpartisan office. An appropriate space shall also be placed on the ballot
 250 for the casting of write-in votes for such offices. In the event that no candidate in such
 251 nonpartisan election receives a majority of the total votes cast for such office, there shall
 252 be a nonpartisan election runoff between the candidates receiving the two highest numbers
 253 of votes; and the names of such candidates shall be placed on the official ballot at the
 254 general primary election runoff in the same manner as prescribed in this Code section for
 255 the nonpartisan election ~~and there shall be a separate official nonpartisan election runoff~~
 256 ~~ballot for those electors who do not choose or are not eligible to vote in the general primary~~
 257 ~~runoff.~~ In the event that only nonpartisan candidates are to be placed on a run-off ballot,
 258 the form of the ballot shall be as prescribed by the Secretary of State or election
 259 superintendent in essentially the same format as prescribed for the nonpartisan election.
 260 The candidate having a majority of the votes cast in the nonpartisan election or the
 261 candidate receiving the highest number of votes cast in the nonpartisan election runoff shall
 262 be declared duly elected to such office."

263 **SECTION 11.**

264 Said chapter is further amended by revising subsection (a) of Code Section 21-2-300, relating
 265 to provision of new voting equipment by state, contingent upon appropriations, county
 266 responsibilities, education, and county and municipal contracts for equipment, as follows:

267 ~~"(a) Provided that the General Assembly specifically appropriates funding to the Secretary~~
 268 ~~of State to implement this subsection, the~~ The equipment used for casting and counting
 269 votes in county, state, and federal elections shall, ~~by the July, 2004, primary election and~~
 270 ~~afterwards,~~ be the same in each county in this state and shall be provided to each county
 271 by the state, as determined by the Secretary of State. The General Assembly shall provide
 272 adequate funding for regular updates to such voting equipment."

273

SECTION 12.

274 Said chapter is further amended by revising subsection (h) of Code Section 21-2-325, relating
275 to form of ballot labels generally, as follows:

276 "(h) In primaries, the ballot labels containing the names of candidates seeking nomination
277 by a political party shall be segregated on the face of the machine in adjacent rows or
278 columns by parties, the priority of such political parties on the ballot labels to be
279 determined in the order prescribed by subsection (c) of Code Section 21-2-285. ~~If a~~
280 ~~nonpartisan election is being held in conjunction with a partisan primary, each partisan~~
281 ~~ballot label shall be clearly marked to indicate that the elector may vote in the nonpartisan~~
282 ~~election also.~~ In nonpartisan elections, the ballot labels shall include a separate portion for
283 the names of candidates seeking election in a nonpartisan election and the heading and
284 arrangement of such candidates shall be as prescribed by Code Section 21-2-285.1 insofar
285 as practicable. At the top of the separate portion shall be printed in prominent type the
286 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'

287

SECTION 13.

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

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

291 (A) On the ~~fourth~~ fifth Monday immediately prior to each primary or election;

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

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

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

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

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

299 and shall be conducted on the second Saturday and Sunday prior to a primary or election
300 during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, ~~that in primaries~~

301 ~~and elections in which there are no federal or state candidates on the ballot, no Saturday~~
302 ~~voting hours shall be required; and provided, further, that, if such second Saturday or~~

303 Sunday is a public and legal holiday pursuant to Code Section 1-4-1, if such second

304 Saturday or Sunday follows a public and legal holiday occurring on the Thursday or

305 Friday immediately preceding such second Saturday or Sunday, or if such second

306 Saturday or Sunday immediately precedes a public and legal holiday occurring on the

307 following ~~Sunday~~ or Monday, such advance voting shall not be held on such second

308 Saturday and Sunday but shall be held on the third Saturday and Sunday prior to such

309 primary or election. Except as otherwise provided in this paragraph, counties and
 310 municipalities may extend the hours for voting beyond regular business hours and may
 311 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the
 312 needs of the electors of the jurisdiction at their option.

313 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
 314 to the electors of their jurisdiction of the availability of advance voting as well as the
 315 times, dates, and locations at which advance voting will be conducted. In addition, the
 316 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
 317 prescribed by the Secretary of State of the times, dates, and locations at which advance
 318 voting will be conducted."

319 **SECTION 14.**

320 Said chapter is further amended by revising Code Section 21-2-404, relating to affording
 321 employees time off to vote, as follows:

322 "21-2-404.

323 Each employee in this state shall, upon reasonable notice to his or her employer, be
 324 permitted by his or her employer to take any necessary time off from his or her
 325 employment to vote in any municipal, county, state, or federal political party primary or
 326 election for which such employee is qualified and registered to vote on the day on which
 327 such primary or election is held; provided, however, that such necessary time off shall not
 328 exceed two hours; ~~and provided, further, that, if the hours of work of such employee~~
 329 ~~commence at least two hours after the opening of the polls or end at least two hours prior~~
 330 ~~to the closing of the polls, then the time off for voting as provided for in this Code section~~
 331 ~~shall not be available.~~ The employer may specify the hours during which the employee may
 332 absent himself or herself as provided in this Code section."

333 **SECTION 15.**

334 Said chapter is further amended by revising subsections (c) and (d) of Code
 335 Section 21-2-419, relating to validation of provisional ballots and reporting to Secretary of
 336 State, as follows:

337 "(c)(1) If the registrars determine after the polls close, but not later than three days
 338 following the primary or election, that the person casting the provisional ballot timely
 339 registered to vote and was eligible and entitled to vote in such primary or election or
 340 properly applied to register to vote pursuant to Code Section 21-2-224.1 on the day of the
 341 primary or election or during the advance voting period under subsection (d) of Code
 342 Section 21-2-385 and met the qualifications to register to vote, the registrars shall notify

343 the election superintendent, and the provisional ballot shall be counted and included in
344 the county's or municipality's certified election results.

345 (2) If the registrars determine after the polls close, but not later than three days following
346 the primary or election, that the person voting the provisional ballot timely registered and
347 was eligible and entitled to vote in the primary or election or properly applied to register
348 to vote pursuant to Code Section 21-2-224.1 on the day of the primary or election or
349 during the advance voting period under subsection (d) of Code Section 21-2-385 and met
350 the qualifications to register to vote, but voted in the wrong precinct or voted the wrong
351 ballot style or district combination, then the board of registrars shall notify the election
352 superintendent. The superintendent shall count such person's votes which were cast for
353 candidates in those races for which the person was entitled to vote but shall not count the
354 votes cast for candidates in those races in which such person was not entitled to vote.
355 The superintendent shall order the proper election official at the tabulating center or
356 precinct to prepare an accurate duplicate ballot containing only those votes cast by such
357 person in those races in which such person was entitled to vote for processing at the
358 tabulating center or precinct, which shall be verified in the presence of a witness. Such
359 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the
360 designation of the polling place, and shall be given the same serial number as the original
361 ballot. The original ballot shall be retained.

362 (3) If the registrars determine that the person casting the provisional ballot did not timely
363 register to vote or was not eligible or entitled to vote in such primary or election or ~~shall~~
364 ~~be~~ are unable to determine within three days following such primary or election whether
365 such person timely registered to vote and was eligible and entitled to vote in such primary
366 or election, the registrars shall so notify the election superintendent, and such ballot shall
367 not be counted. The election superintendent shall mark or otherwise document that such
368 ballot was not counted and shall deliver and store such ballots with all other ballots and
369 election materials as provided in Code Section 21-2-500.

370 (d)(1) The board of registrars shall notify in writing those persons whose provisional
371 ballots were not counted that their ballots were not counted because of the inability of the
372 registrars to verify that the persons timely registered to vote or other proper reason. The
373 registrars shall process the official voter registration application form completed by such
374 persons pursuant to Code Section 21-2-224.1 or 21-2-418 and shall add such persons to
375 the electors list if found qualified in order that such persons may vote in future primaries
376 and elections.

377 (2) The board of registrars shall notify in writing those electors who voted in the wrong
378 precinct and whose votes were partially counted of their correct precinct."

379 **SECTION 16.**

380 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
 381 amended in Chapter 1, relating to general provisions, by adding a new Code section to read
 382 as follows:

383 "28-1-18.

384 The General Assembly shall not enact any law, rule, or other provision which has the effect
 385 of changing the duties or powers of the office of any elected official between the date of
 386 the election of such official and the date such official formally taking office."

387 **SECTION 17.**

388 Said title is further amended in Chapter 2, relating to the apportionment of House of
 389 Representatives and Senate and qualifications of members, by adding new Code sections to
 390 read as follows:

391 "28-2-3.

392 (a) There is created the Georgia Voting Rights Commission which shall be established as
 393 provided in this Code section.

394 (b) The commission shall consist of five members appointed as follows:

- 395 (1) One member appointed by the Speaker of the House of Representatives;
- 396 (2) One member appointed by the minority leader of the House of Representatives;
- 397 (3) One member appointed by the majority leader of the Senate;
- 398 (4) One member appointed by the minority leader of the Senate; and
- 399 (5) One member who shall be selected and appointed by the unanimous vote of the four
 400 other members of the commission and shall serve as chairperson of the commission.

401 In the year following a United States decennial census, the Speaker of the House of
 402 Representatives, the majority leader of the Senate, and the minority leaders of the Senate
 403 and House of Representatives shall make their respective appointments not later than
 404 March 1 of such year, and the member to be selected by such appointees shall be selected
 405 not later than March 15 of such year. In the event that the four members of the commission
 406 cannot agree upon a fifth member within such time period, the fifth member shall be
 407 selected by the Georgia Supreme Court not later than 15 days following the expiration of
 408 such time period.

409 (c) A person shall be eligible for appointment to serve on the commission if such person:

- 410 (1) As of the date of his or her appointment, is registered to vote for federal and state
 411 offices in Georgia;
- 412 (2) Is not a current member or employee of the General Assembly or the United States
 413 Congress; is not related by consanguinity or affinity to any member of the General
 414 Assembly or United States Congress within the third degree as computed according to

415 the civil law; is not employed by any member of the General Assembly or the United
416 States Congress; and does not hold any partisan elective office or political party office;
417 and

418 (3) Continues to meet the qualifications under paragraphs (1) and (2) of this subsection
419 while serving on the commission.

420 (d) The terms of all members shall be for ten years and until their respective successors
421 are selected and qualified. Vacancies on the commission shall be filled in the same manner
422 in which the original appointment was made.

423 (e) Members of the commission shall be reimbursed for expenses incurred in the
424 performance of their duties on the commission in the same manner as members of the
425 General Assembly. The General Assembly is authorized to provide for the payment of
426 reasonable compensation to the members of the commission. The General Assembly shall
427 provide adequate funding to the commission, including the employment of a competent
428 staff, in order for the commission to carry out its duties. The General Assembly shall
429 provide adequate funding for the representation of the commission in any litigation, and
430 the Department of Law shall have the responsibility for such representation.

431 (f) The commission shall have the following duties:

432 (1) To advise the Legislative and Congressional Reapportionment Office in creating
433 proposed congressional districts and House of Representatives and Senate districts for
434 submission to the General Assembly for approval or rejection when there is a conflict or
435 ambiguity in the guidelines for preparing such district maps;

436 (2) To conduct, after the development of redistricting plans for congressional districts
437 and House of Representatives and Senate districts, not less than six public hearings
438 throughout the state after adequate advance notice to the public so that all interested
439 citizens have a reasonable opportunity to express their views with regard to such
440 redistricting plans, to explain such district plans, and take public comment;

441 (3) To conduct studies and make recommendations for improvements to the voting
442 systems used in this state to ensure that this state leads the nation in such systems, that
443 such systems are secure from intrusion, and that no electors of this state have their right
444 to vote violated by administrative barriers;

445 (4) To consider methods to increase voter turnout and reduce waiting times at polling
446 locations and to research voting innovations around the country and world that would
447 improve elections in this state;

448 (5) To provide guidance to local election superintendents on election standards and
449 procedures, including, but not limited to, how electors are disqualified, how electors are
450 removed from the electors lists, and how many advance voting locations are necessary
451 for a given county or municipality; and

452 (6) To review changes by the General Assembly or any agency of the state in voting
453 qualifications or prerequisites to voting, standards of practice, or procedures with respect
454 to voting to ensure that the qualification, prerequisite, standard, practice, or procedure
455 does not have the purpose and will not have the effect of denying or abridging the right
456 of any citizen of this state to vote on account of race or color.

457 (g) At any time that the General Assembly enacts or any agency of the state seeks to
458 administer a change in voting qualifications or prerequisites to voting, standards of
459 practice, or procedures with respect to voting, the General Assembly or such agency shall
460 submit such change to the commission with such information as may be required by the
461 commission for review of the change. Such change shall not be enforced or administered
462 until and unless the commission submits a report to the General Assembly that the
463 commission has reviewed the proposed change and the commission finds that such change
464 does not have the purpose or effect of denying or abridging the right of any citizen of this
465 state to vote on account of race or color. A change has the effect of denying or abridging
466 the right of any citizen of this state to vote on account of race or color if, based on the
467 totality of the circumstances, it is shown that the political processes leading to nomination
468 or election are not equally open to participation by members of a class of citizens protected
469 by this subsection in that its members have less opportunity than other members of the
470 electorate to participate in the political process and to elect representatives of their choice.
471 The extent to which members of a protected class have been elected to office in the State
472 of Georgia or any political subdivision thereof is one circumstance which may be
473 considered; provided, however, that nothing in this subsection establishes a right to have
474 members of a protected class elected in numbers equal to their proportion in the population.

475 (h) After conducting public hearings and the review of proposed redistricting plans by the
476 Legislative and Congressional Reapportionment Office, but not later than July 1 of a year
477 following the conducting of a United States decennial census or, in the case of court
478 ordered redistricting, as soon as possible, the commission shall submit such plans to the
479 General Assembly for approval or rejection along with a report on the commission's review
480 of the plans and the public comments received by the commission in its public hearings.
481 In particular, the commission shall include in its report whether, in the view of the
482 commission, the proposed plans:

- 483 (1) Are in compliance with the Constitutions of this state and the United States;
484 (2) Are in compliance with the federal Voting Rights Act of 1965, as amended;
485 (3) Contain only contiguous districts;
486 (4) Contain districts that are as compact as possible or practicable;
487 (5) Maintain communities of interest to the extent that it is reasonably possible to do so;
488 and

489 (6) Provide for zero deviation among congressional districts and provide for as close as
 490 practicable to zero deviation among House of Representative and Senate districts.

491 (i) All reports of the commission shall be posted on its website for the information of the
 492 public.

493 (j) The commission shall be authorized to promulgate rules and regulations to carry out
 494 its duties under this Code section.

495 28-2-4.

496 (a) The present Legislative and Congressional Reapportionment Office of the General
 497 Assembly shall, on July 1, 2019, be an independent office of government. The office shall
 498 be attached to the Supreme Court of Georgia for budgetary purposes. The office shall be
 499 administered by a director who shall be appointed by and serve at the pleasure of the Chief
 500 Justice of the Georgia Supreme Court. The director shall hire, manage, and terminate the
 501 employment of the other employees of such office.

502 (b) The Legislative and Congressional Reapportionment Office shall be responsible for the
 503 development of district plans for congressional districts and House of Representatives and
 504 Senate districts. The office may consult with and develop plans for other districts as well
 505 including, but not limited to, county board of education districts, county commission
 506 districts, and municipal governing authority districts.

507 (c) In establishing district boundaries:

508 (1) No reapportionment plan or district shall be drawn with the intent to favor or disfavor
 509 a political party or an incumbent;

510 (2) Districts shall not be drawn with the intent or result of denying or abridging the equal
 511 opportunity of racial or language minorities to participate in the political process or to
 512 diminish their ability to elect representatives of their choice;

513 (3) Districts shall consist of contiguous territory;

514 (4) Districts shall be as nearly equal in population as is practicable, compact, and, where
 515 feasible, utilize existing political and geographical boundaries; and

516 (5) Wherever possible, no census tract or precinct shall be split.

517 (d) After meeting the standards set forth in subsection (c) of this Code section, the
 518 Legislative and Congressional Reapportionment Office shall, while not violating the
 519 standards in subsection (c) of this Code section, attempt to ensure that the plans with result
 520 in political party symmetry and ensure that the proposed plans will stay within an 8 percent
 521 efficiency gap for the ten years that they are projected to be in effect.

522 (e) In the year following the conducting of a United States decennial census or as soon as
 523 possible following a court order directing redistricting of congressional districts or House
 524 of Representatives or Senate districts, the Legislative and Congressional Reapportionment

525 Office shall develop proposed plans for congressional districts and House of
526 Representatives and Senate districts. Such plans shall be prepared not later than June 1 of
527 such year or, in the case of court ordered redistricting, as soon as possible, and shall be
528 submitted to the Georgia Voting Rights Commission with such information and supporting
529 documentation as the commission may require. If such plans are rejected, the office shall
530 promptly develop new plans to address the reasons why such initial plans were rejected.

531 28-2-5.

532 (a) In each year following the conducting of a United States decennial census, the General
533 Assembly shall redistrict the House of Representatives and Senate districts and the
534 congressional districts in accordance with law.

535 (b) As soon as possible after July 1 of the year following the year in which a United States
536 decennial census is conducted and as soon as practicable following a court ordered
537 redistricting, after receipt of the report of the Georgia Voting Rights Commission, the
538 General Assembly shall vote upon the redistricting plans prepared by the Legislative and
539 Congressional Reapportionment Office without amendment. If either house of the General
540 Assembly declines to approve a plan, the plan shall be returned to the Legislative and
541 Congressional Reapportionment Office with such specific suggestions as the House of
542 Representatives or the Senate, as applicable, believes would eliminate the basis for
543 disapproval of the plan. The Legislative and Congressional Reapportionment Office shall
544 then revise such plan and submit a new proposed plan to the General Assembly and the
545 Georgia Voting Rights Commission within 15 days following the disapproval of the plan.
546 Such revised plan shall be voted upon by the General Assembly but may be amended. If
547 either house of the General Assembly declines to approve the revised plan, the Supreme
548 Court shall formulate a redistricting plan in accordance with the standards under this
549 chapter until an acceptable plan can be enacted by the General Assembly. Any amendment
550 to the plan submitted by the Legislative and Congressional Reapportionment Office shall
551 be immediately reviewed by the Supreme Court for conformance with the standards set
552 forth in this chapter and conformance with federal and state law and the Constitutions of
553 this state and the United States.

554 (c) Unless ordered by a court, there shall be no changes in congressional districts or House
555 of Representatives or Senate districts in any year other than the year immediately following
556 the conduct of a United States decennial census."

557 **SECTION 18.**

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