

House Bill 484

By: Representatives Frye of the 118th, Holcomb of the 81st, Beverly of the 143rd, Nguyen of the 89th, Alexander of the 66th, and others

A BILL TO BE ENTITLED
AN ACT

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

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

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

20 **SECTION 2.**

21 Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and
22 observances, is amended by revising subsection (b) of Code Section 1-4-1, relating to public
23 and legal holidays and leave for observance of religious holidays not specifically provided
24 for, as follows:

25 "(b) The Governor shall close all state offices and facilities a minimum of 12 days
26 throughout the year and not more than 12 days in observance of the public and legal
27 holidays and other days set forth in subsection (a) of this Code section and shall specify the
28 days state offices and facilities shall be closed for such observances. In addition, the
29 Governor shall close all state offices and facilities on all state-wide primary and election
30 days. Any employee having to work on such days as a result of having official duties to
31 perform in connection with such primary or election shall be permitted to take an additional
32 day of annual leave in compensation for such holiday."

33 **SECTION 3.**

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

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

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

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

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

58 (3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a
59 notice of candidacy in the office of the municipal superintendent of such candidate's
60 municipality during the municipality's nonpartisan qualifying period. Each municipal
61 superintendent shall designate the days of such qualifying period, which shall be no less
62 than three days and no more than five days. The days of the qualifying period shall be
63 consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30
64 A.M. on the third Monday in August immediately preceding the general election and
65 shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special
66 election, the municipal nonpartisan qualifying period shall commence no earlier than
67 the date of the call and shall end no later than 25 days prior to the election.

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

75 (4) In any case where an incumbent has filed a notice of candidacy and paid the
 76 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in office
 77 but withdraws as a candidate for such office prior to the close of the applicable qualifying
 78 period prescribed in this subsection, qualifying for candidates other than such incumbent
 79 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding
 80 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
 81 such reopening, notwithstanding the fact that any such days may be legal holidays."

82 **SECTION 4.**

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

86 "(a) No person elected on a write-in vote shall be eligible to hold office unless a notice of
 87 his or her intention of candidacy was filed and published no earlier than January 1 and no
 88 later than the Tuesday after the first Monday in September prior to the election for county,
 89 state, and federal elections; ~~no later than seven days after the close of the qualifying period~~
 90 ~~for nonpartisan elections in the case of nonpartisan elections for state or county offices; no~~
 91 later than seven days after the close of the municipal qualifying period for municipal
 92 elections in the case of a general election; or no later than seven days after the close of the
 93 special election qualifying period for a special election by the person to be a write-in

94 candidate or by some other person or group of persons qualified to vote in the subject
95 election, as follows:

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

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

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

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

107 **SECTION 5.**

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

110 "21-2-138.

111 The names of all candidates who have qualified with the Secretary of State for the office
112 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
113 of this state and the names of all candidates who have qualified with the election
114 superintendent for the office of judge of a state court shall be placed on the ballot in a
115 nonpartisan election to be held and conducted jointly with the general primary election in
116 each even-numbered year. No candidates for any such office shall be nominated by a
117 political party or by a petition as a candidate of a political body or as an independent
118 candidate. Candidates for any such office shall have their names placed on the nonpartisan
119 portion of each ballot by complying with the requirements prescribed in Code

120 Section 21-2-132 specifically related to such nonpartisan candidates and by paying the
121 requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed
122 on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and
123 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to
124 be employed in conducting the nonpartisan election of judges of state courts, judges of
125 superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall
126 conform as nearly as practicable to the procedures governing general elections; and such
127 general election procedures as are necessary to complete this nonpartisan election process
128 shall be adopted in a manner consistent with such nonpartisan elections."

129

SECTION 6.

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

132 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
133 Assembly may provide by local Act for the election in nonpartisan elections of candidates
134 to fill county judicial offices, offices of local boards of education, and offices of
135 consolidated governments which are filled by the vote of the electors of said county or
136 political subdivision. Except as otherwise provided in this Code section, the procedures
137 to be employed in such nonpartisan elections shall conform as nearly as practicable to the
138 procedures governing nonpartisan elections as provided in this chapter. Except as
139 otherwise provided in this Code section, the election procedures established by any existing
140 local law which provides for the nonpartisan election of candidates to fill county offices
141 shall conform to the general procedures governing nonpartisan elections as provided in this
142 chapter, and such nonpartisan elections shall be conducted in accordance with the
143 applicable provisions of this chapter, notwithstanding the provisions of any existing local
144 law. For those offices for which the General Assembly, pursuant to this Code section,
145 provided by local Act for election in nonpartisan primaries and elections, such offices shall

146 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
147 elections held and conducted in conjunction with the general primary election in
148 even-numbered years in accordance with this chapter without a prior nonpartisan primary.
149 This Code section shall apply to all nonpartisan elections for members of consolidated
150 governments. All nonpartisan elections for members of consolidated governments shall
151 be governed by the provisions of this Code section and shall be considered county elections
152 and not municipal elections for the purposes of this Code section. Nonpartisan elections
153 for municipal offices shall be conducted on the dates provided in the municipal charter."

154 **SECTION 7.**

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

159 "(a) Any person desiring to register as an elector shall apply to do so by making
160 application to a registrar or deputy registrar of such person's county of residence in person,
161 by submission of the federal post card application form as authorized under Code
162 Section 21-2-219, by making application through the Department of Driver Services as
163 provided in Code Section 21-2-221, by making application through the Department of
164 Natural Resources as provided in Code Section 21-2-221.1, by making application online
165 as provided in Code Section 21-2-221.2, by making application through designated offices
166 as provided in Code Section 21-2-222, ~~or~~ by making application by mail as provided in
167 Code Section 21-2-223, or by making application in person as provided in Code
168 Section 21-2-224.1 at the polling place for the precinct in which such person's residence
169 is located on the day of the primary or election or at the office of the registrar or absentee
170 ballot clerk during the advance voting period specified under subsection (d) of Code
171 Section 21-2-385."

172 **SECTION 8.**

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

175 **SECTION 9.**

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

180 "(a) Except as otherwise provided in Code Section 21-2-224.1, if ~~if~~ any person whose
181 name is not on the list of registered electors maintained by the Secretary of State under this
182 article desires to vote at any general primary, general election, or presidential preference
183 primary, such person shall make application as provided in this article by the close of
184 business on the fifth Monday or, if such Monday is a legal holiday, by the close of business
185 on the following business day prior to the date of such general primary, general election,
186 or presidential preference primary.

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

195 (1) Except as otherwise provided in Code Section 21-2-224.1, if ~~if~~ such special primary
196 or special election is held in conjunction with a general primary, general election, or
197 presidential preference primary, the registration deadline for such special primary or

198 special election shall be the same as the registration deadline for the general primary,
 199 general election, or presidential preference primary in conjunction with which the special
 200 primary or special election is being conducted; or

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

209

SECTION 10.

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

211 "21-2-224.1.

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

215 (b) A person who is not registered to vote or did not register by the deadlines specified in
 216 Code Section 21-2-224 may go to the polling place for the precinct in which such person's
 217 residence is located on the day of a primary or election or to the registrar's office or the
 218 office of the registrar or absentee ballot clerk, as appropriate, during the period specified
 219 under subsection (d) of Code Section 21-2-385 and register to vote by completing an
 220 official voter registration application as provided in subsection (a) of Code Section
 221 21-2-219 and providing to the poll officers, registrars, or absentee ballot clerk, as the case
 222 may be, one of the forms of identification as provided in subsection (c) of Code Section
 223 21-2-417 or a legible copy thereof.

224 (c) A person at his or her polling place, upon fully completing the voter registration
225 application and providing the appropriate identification, shall be issued a provisional ballot
226 in the same manner as persons whose names are not on the electors list for such polling
227 place under Code Section 21-2-418. For a person at the registrar's office or the office of
228 the registrar or absentee ballot clerk, as appropriate, during the period specified under
229 subsection (d) of Code Section 21-2-385, upon fully completing the voter registration
230 application and providing the appropriate identification, either the registrars shall determine
231 such person's qualifications immediately and, if found qualified, allow such person to vote
232 in the same manner as other electors or, if there is insufficient time for whatever reason for
233 the registrars to make such determination or if the person is attempting to vote at the
234 absentee ballot clerk's office, such person shall be issued a provisional ballot in the same
235 manner as persons whose names are not on the electors list for such polling place under
236 Code Section 21-2-418 and shall vote such provisional ballot in the same manner as such
237 persons at the polls.

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

241 (e) The poll officer verifying the person's identity shall initial the person's voter
242 registration application."

243 **SECTION 11.**

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

247 "21-2-285.1.

248 The names of all candidates for offices which the General Assembly has by general law or
249 local Act provided for election in a nonpartisan election shall be printed on each official

250 ~~primary general election~~ ballot; and insofar as practicable such offices to be filled in the
251 nonpartisan election shall be separated from the names of candidates for party nomination
252 to other offices by being listed last on each ballot, with the top of that portion of each
253 official ~~primary general election~~ ballot relating to the nonpartisan election to have printed
254 in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' ~~In~~
255 ~~addition, there shall be a ballot that contains just the official nonpartisan election ballot~~
256 ~~available for electors who choose not to vote in a party primary.~~ Directions that explain
257 how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the
258 elector spoils his or her ballot shall appear immediately under the caption, as specified by
259 rule or regulation of the State Election Board. Immediately under the directions, the name
260 of each such nonpartisan candidate shall be arranged alphabetically by last name under the
261 title of the office for which they are candidates and be printed thereunder. The incumbency
262 of a candidate seeking election for the public office he or she then holds shall be indicated
263 on the ballot. No party designation or affiliation shall appear beside the name of any
264 candidate for nonpartisan office. An appropriate space shall also be placed on the ballot
265 for the casting of write-in votes for such offices. In the event that no candidate in such
266 nonpartisan election receives a majority of the total votes cast for such office, there shall
267 be a nonpartisan election runoff between the candidates receiving the two highest numbers
268 of votes; and the names of such candidates shall be placed on the official ballot at the
269 general ~~primary election~~ runoff in the same manner as prescribed in this Code section for
270 the nonpartisan election ~~and there shall be a separate official nonpartisan election runoff~~
271 ~~ballot for those electors who do not choose or are not eligible to vote in the general primary~~
272 ~~runoff.~~ In the event that only nonpartisan candidates are to be placed on a run-off ballot,
273 the form of the ballot shall be as prescribed by the Secretary of State or election
274 superintendent in essentially the same format as prescribed for the nonpartisan election.
275 The candidate having a majority of the votes cast in the nonpartisan election or the

276 candidate receiving the highest number of votes cast in the nonpartisan election runoff shall
277 be declared duly elected to such office."

278 **SECTION 12.**

279 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code
280 Section 21-2-300, relating to provision of new voting equipment by state, contingent upon
281 appropriations, county responsibilities, education, and county and municipal contracts for
282 equipment, as follows:

283 "(a)(1) The equipment used for casting and counting votes in county, state, and federal
284 elections shall be the same in each county in this state and shall be provided to each
285 county by the state, as determined by the Secretary of State. The General Assembly shall
286 provide adequate funding for regular updates to such voting equipment."

287 **SECTION 13.**

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

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

301 **SECTION 14.**

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

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

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

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

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

309 (D) As soon as possible prior to a runoff from any other general election in which there
310 are only state or county candidates on the ballot in the runoff but no later than the
311 second Monday immediately prior to such runoff

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

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

314 and shall be conducted on the second Saturday and Sunday prior to a primary or election

315 during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, ~~that in primaries~~

316 ~~and elections in which there are no federal or state candidates on the ballot, no Saturday~~

317 ~~voting hours shall be required; and provided, further,~~ that, if such second Saturday or

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

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

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

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

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

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

324 primary or election. Except as otherwise provided in this paragraph, counties and

325 municipalities may extend the hours for voting beyond regular business hours and may

326 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the

327 needs of the electors of the jurisdiction at their option.

328 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
329 to the electors of their jurisdiction of the availability of advance voting as well as the
330 times, dates, and locations at which advance voting will be conducted. In addition, the
331 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
332 prescribed by the Secretary of State of the times, dates, and locations at which advance
333 voting will be conducted."

334 **SECTION 15.**

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

337 "21-2-404.

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

348 **SECTION 16.**

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

352 "(c)(1) If the registrars determine after the polls close, but not later than three days
353 following the primary or election, that the person casting the provisional ballot timely
354 registered to vote and was eligible and entitled to vote in such primary or election or
355 properly applied to register to vote pursuant to Code Section 21-2-224.1 on the day of the
356 primary or election or during the advance voting period under subsection (d) of Code
357 Section 21-2-385 and met the qualifications to register to vote, the registrars shall notify
358 the election superintendent, and the provisional ballot shall be counted and included in
359 the county's or municipality's certified election results.

360 (2) If the registrars determine after the polls close, but not later than three days following
361 the primary or election, that the person voting the provisional ballot timely registered and
362 was eligible and entitled to vote in the primary or election or properly applied to register
363 to vote pursuant to Code Section 21-2-224.1 on the day of the primary or election or
364 during the advance voting period under subsection (d) of Code Section 21-2-385 and met
365 the qualifications to register to vote, but voted in the wrong precinct or voted the wrong
366 ballot style or district combination, then the board of registrars shall notify the election
367 superintendent. The superintendent shall count such person's votes which were cast for
368 candidates in those races for which the person was entitled to vote but shall not count the
369 votes cast for candidates in those races in which such person was not entitled to vote.
370 The superintendent shall order the proper election official at the tabulating center or
371 precinct to prepare an accurate duplicate ballot containing only those votes cast by such
372 person in those races in which such person was entitled to vote for processing at the
373 tabulating center or precinct, which shall be verified in the presence of a witness. Such
374 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the
375 designation of the polling place, and shall be given the same serial number as the original
376 ballot. The original ballot shall be retained.

377 (3) If the registrars determine that the person casting the provisional ballot did not timely
378 register to vote or was not eligible or entitled to vote in such primary or election or ~~shall~~

379 ~~be~~ are unable to determine within three days following such primary or election whether
 380 such person timely registered to vote and was eligible and entitled to vote in such primary
 381 or election, the registrars shall so notify the election superintendent, and such ballot shall
 382 not be counted. The election superintendent shall mark or otherwise document that such
 383 ballot was not counted and shall deliver and store such ballots with all other ballots and
 384 election materials as provided in Code Section 21-2-500.

385 (d)(1) At the earliest time possible after a determination is made regarding a provisional
 386 ballot, the board of registrars shall notify in writing those persons whose provisional
 387 ballots were not counted that their ballots were not counted because of the inability of the
 388 registrars to verify that the persons timely registered to vote or other proper reason. The
 389 registrars shall process the official voter registration application form completed by such
 390 persons pursuant to Code Section 21-2-224.1 or 21-2-418 and shall add such persons to
 391 the electors list if found qualified in order that such persons may vote in future primaries
 392 and elections.

393 (2) At the earliest time possible after a determination is made regarding a provisional
 394 ballot, the board of registrars shall notify in writing those electors who voted in the wrong
 395 precinct and whose votes were partially counted of their correct precinct."

396 **SECTION 17.**

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

400 "28-1-18.

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

404 **SECTION 18.**

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

408 "28-2-3.

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

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

412 (1) One member appointed by the Speaker of the House of Representatives;

413 (2) One member appointed by the minority leader of the House of Representatives;

414 (3) One member appointed by the majority leader of the Senate;

415 (4) One member appointed by the minority leader of the Senate; and

416 (5) One member who shall be selected and appointed by the unanimous vote of the four
417 other members of the commission and shall serve as chairperson of the commission.

418 In the year following a United States decennial census, the Speaker of the House of
419 Representatives, the majority leader of the Senate, and the minority leaders of the Senate
420 and House of Representatives shall make their respective appointments not later than
421 March 1 of such year, and the member to be selected by such appointees shall be selected
422 not later than March 15 of such year. In the event that the four members of the commission
423 cannot agree upon a fifth member within such time period, the fifth member shall be
424 selected by the Supreme Court of Georgia not later than 15 days following the expiration
425 of such time period.

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

427 (1) As of the date of his or her appointment, is registered to vote for federal and state
428 offices in Georgia;

429 (2) Is not a current member or employee of the General Assembly or the United States
430 Congress; is not related by consanguinity or affinity to any member of the General

431 Assembly or United States Congress within the third degree as computed according to
432 the civil law; is not employed by any member of the General Assembly or the United
433 States Congress; and does not hold any partisan elective office or political party office;
434 and

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

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

440 (e) Members of the commission shall be reimbursed for expenses incurred in the
441 performance of their duties on the commission in the same manner as members of the
442 General Assembly. The General Assembly is authorized to provide for the payment of
443 reasonable compensation to the members of the commission. The General Assembly shall
444 provide adequate funding to the commission, including the employment of a competent
445 staff, in order for the commission to carry out its duties. The General Assembly shall
446 provide adequate funding for the representation of the commission in any litigation, and
447 the Department of Law shall have the responsibility for such representation.

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

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

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

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

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

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

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

474 (g) At any time that the General Assembly enacts or any agency of the state seeks to
475 administer a change in voting qualifications or prerequisites to voting, standards of
476 practice, or procedures with respect to voting, the General Assembly or such agency shall
477 submit such change to the commission with such information as may be required by the
478 commission for review of the change. Such change shall not be enforced or administered
479 until and unless the commission submits a report to the General Assembly that the
480 commission has reviewed the proposed change and found that such change does not have
481 the purpose or effect of denying or abridging the right of any citizen of this state to vote on
482 account of race or color. A change has the effect of denying or abridging the right of any
483 citizen of this state to vote on account of race or color if, based on the totality of the
484 circumstances, it is shown that the political processes leading to nomination or election are

485 not equally open to participation by members of a class of citizens protected by this
486 subsection in that its members have less opportunity than other members of the electorate
487 to participate in the political process and to elect representatives of their choice. The extent
488 to which members of a protected class have been elected to office in the State of Georgia
489 or any political subdivision thereof is one circumstance which may be considered;
490 provided, however, that nothing in this subsection establishes a right to have members of
491 a protected class elected in numbers equal to their proportion in the population.

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

500 (1) Are in compliance with the Constitutions of this state and the United States;

501 (2) Are in compliance with the federal Voting Rights Act of 1965, as amended;

502 (3) Contain only contiguous districts;

503 (4) Contain districts that are as compact as possible or practicable;

504 (5) Maintain communities of interest to the extent that it is reasonably possible to do so;

505 and

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

508 (I) All reports of the commission shall be posted on its website for the information of the
509 public.

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

512 28-2-4.

513 (a) The present Legislative and Congressional Reapportionment Office of the General
514 Assembly shall, on July 1, 2021, be an independent office of government. The office shall
515 be attached to the Supreme Court of Georgia for budgetary purposes. The office shall be
516 administered by a director who shall be appointed by and serve at the pleasure of the Chief
517 Justice of the Supreme Court. The director shall hire, manage, and terminate the
518 employment of the other employees of such office.

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

524 (c) In establishing district boundaries:

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

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

530 (3) Districts shall consist of contiguous territory;

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

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

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

539 (e) In the year following the conducting of a United States decennial census or as soon as
540 possible following a court order directing redistricting of congressional districts or House
541 of Representatives or Senate districts, the Legislative and Congressional Reapportionment
542 Office shall develop proposed plans for congressional districts and House of
543 Representatives and Senate districts. Such plans shall be prepared not later than June 1 of
544 such year or, in the case of court ordered redistricting, as soon as possible, and shall be
545 submitted to the Georgia Voting Rights Commission with such information and supporting
546 documentation as the commission may require. If such plans are rejected, the office shall
547 promptly develop new plans to address the reasons why such initial plans were rejected.

548 28-2-5.

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

552 (b) As soon as possible after July 1 of the year following the year in which a United States
553 decennial census is conducted and as soon as practicable following a court ordered
554 redistricting, after receipt of the report of the Georgia Voting Rights Commission, the
555 General Assembly shall vote upon the redistricting plans prepared by the Legislative and
556 Congressional Reapportionment Office without amendment. If either house of the General
557 Assembly declines to approve a plan, the plan shall be returned to the Legislative and
558 Congressional Reapportionment Office with such specific suggestions as the House of
559 Representatives or the Senate, as applicable, believes would eliminate the basis for
560 disapproval of the plan. The Legislative and Congressional Reapportionment Office shall
561 then revise such plan and submit a new proposed plan to the General Assembly and the
562 Georgia Voting Rights Commission within 15 days following the disapproval of the plan.
563 Such revised plan shall be voted upon by the General Assembly but may be amended. If
564 either house of the General Assembly declines to approve the revised plan, the Supreme

565 Court shall formulate a redistricting plan in accordance with the standards under this
566 chapter until an acceptable plan can be enacted by the General Assembly. Any amendment
567 to the plan submitted by the Legislative and Congressional Reapportionment Office shall
568 be immediately reviewed by the Supreme Court for conformance with the standards set
569 forth in this chapter and conformance with federal and state law and the Constitutions of
570 this state and the United States.

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

574 **SECTION 19.**

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