

The House Committee on Governmental Affairs offers the following substitute to HB 215:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to remove authorization for the Secretary of State to
3 become a member of a nongovernmental entity whose purpose is to share and exchange
4 information in order to improve the accuracy and efficiency of voter registration systems; to
5 provide for definitions; to maintain an exemption to the disclosure of certain documents; to
6 prohibit the Secretary of State, other state level actors, and local boards of registrars and
7 election superintendents from participating in certain multistate voter list maintenance
8 organizations; to require the termination of participation in any prohibited multistate voter
9 list maintenance organizations; to authorize the Secretary of State to enter into voter list
10 maintenance joint compacts with other states; to authorize the sharing of driver's license and
11 identification card information; to provide conditions for entering such compacts; to make
12 conforming changes; to provide for related matters; to provide for a short title; to provide for
13 an effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 This Act shall be known and may be cited as the "Voter List Integrity Act."

H. B. 215 (SUB)

SECTION 2.

17

18 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
19 primaries generally, is amended by revising Code Section 21-2-2, relating to definitions, by
20 adding new paragraphs to read as follows:

21 "(11.1) 'Multistate voter list maintenance organization' means any entity, organization,
22 consortium, or cooperative agreement among states or jurisdictions that involves the
23 sharing of voter registration data for the purpose of voter list maintenance."

24 "(39.1) 'Voter list maintenance' means the process of ensuring the accuracy and currency
25 of voter registration lists, including, but not limited to, removing ineligible voters and
26 updating records."

SECTION 3.

27

28 Said chapter is further amended by revising Code Section 21-2-225, relating to restrictions
29 on public inspection of applications for voter registration and data on electors, and
30 membership of Secretary of State in nongovernmental entity for purpose of improving voter
31 registration systems, as follows:

32 "21-2-225.

33 (a) Neither the original applications for voter registration nor any copies thereof shall be
34 open for public inspection except upon order of a court of competent jurisdiction.

35 (b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on
36 electors whose names appear on the list of electors maintained by the Secretary of State
37 pursuant to this article shall be available for public inspection with the exception of bank
38 statements submitted pursuant to subsection (c) of Code Section 21-2-220 and
39 subsection (c) of Code Section 21-2-417, the month and day of birth, the social security
40 numbers, email addresses, and driver's license numbers of the electors, and the locations
41 at which the electors applied to register to vote, which shall remain confidential and shall
42 be used only for voter registration purposes; provided, however, that any and all

43 information relating to the dates of birth, social security numbers, and driver's license
44 numbers of electors may be made available to other agencies of this state, to agencies of
45 other states and territories of the United States, and to agencies of the federal government
46 if the agency is authorized to maintain such information and the information is used only
47 to identify the elector on the receiving agency's data base and is not disseminated further
48 and remains confidential. Information regarding an elector's year of birth shall be available
49 for public inspection.

50 (c) It shall be the duty of the Secretary of State to furnish copies of such data as may be
51 collected and maintained on electors whose names appear on the list of electors maintained
52 by the Secretary of State pursuant to this article, within the limitations provided in this
53 article, on electronic media or computer run list or both. Notwithstanding any other
54 provision of law to the contrary, the Secretary of State shall establish the cost to be charged
55 for such data. The Secretary of State may contract with private vendors to make such data
56 available in accordance with this subsection. Such data may not be used by any person for
57 commercial purposes.

58 ~~(d)(1) The Secretary of State may become a member of a nongovernmental entity whose~~
59 ~~purpose is to share and exchange information in order to improve the accuracy and~~
60 ~~efficiency of voter registration systems. The membership of the nongovernmental entity~~
61 ~~shall be composed solely of election officials of state and territorial governments of the~~
62 ~~United States, except that such membership may also include election officials of the~~
63 ~~District of Columbia.~~

64 ~~(2) Notwithstanding any provision of law to the contrary, the Secretary of State may~~
65 ~~share confidential and exempt information after becoming a member of such~~
66 ~~nongovernmental entity as provided in paragraph (1) of this subsection.~~

67 ~~(3) The Secretary of State may become a member of such nongovernmental entity only~~
68 ~~if such entity is controlled and operated by the participating jurisdictions. The entity shall~~
69 ~~not be operated or controlled by the federal government or any other entity acting on~~

70 ~~behalf of the federal government. The Secretary of State must be able to withdraw at any~~
71 ~~time from any such membership in such nongovernmental entity.~~

72 ~~(4) If the Secretary of State becomes a member of such nongovernmental entity, the~~
73 ~~Department of Driver Services shall, pursuant to an agreement with the Secretary of~~
74 ~~State, provide driver's license or identification card information related to voter eligibility~~
75 ~~to the Secretary of State for the purpose of sharing and exchanging voter registration~~
76 ~~information with such nongovernmental entity.~~

77 ~~(5) Notwithstanding any law to the contrary, upon the Secretary of State becoming a~~
78 ~~member of a nongovernmental entity as provided in this subsection, any information~~
79 ~~received by the Secretary of State prior to the effective date of this subsection from the~~
80 ~~a nongovernmental entity whose purpose was to share and exchange information in order~~
81 ~~to improve the accuracy and efficiency of voter registration systems is exempt from~~
82 ~~disclosure under Article 4 of Chapter 18 of Title 50, relating to open records, and any~~
83 ~~other provision of law. However, the Secretary of State may provide such information~~
84 ~~to the boards of registrars to conduct voter registration list maintenance activities.~~

85 ~~(e)(1) The Secretary of State or any other state department, agency, board, bureau, office,~~
86 ~~commission, public corporation, or authority or any board of registrars or election~~
87 ~~superintendent shall be prohibited from joining or participating in any multistate voter list~~
88 ~~maintenance organization that:~~

89 ~~(A) Requires or encourages the contacting of individuals who are not currently~~
90 ~~registered to vote with the intent to register them to vote; or~~

91 ~~(B) Shares voter data outside of the explicit purpose of removing deceased, duplicate,~~
92 ~~or otherwise ineligible voters from the list of electors.~~

93 ~~(2) The Secretary of State or any other state department, agency, board, bureau, office,~~
94 ~~commission, public corporation, or authority or any board of registrars or election~~
95 ~~superintendent shall terminate participation in any multistate voter list maintenance~~

96 organization prohibited by paragraph (1) of this subsection within 90 days of the effective
 97 date of this subsection.

98 (f)(1) In order to improve the accuracy and efficiency of the voter registration system,
 99 the Secretary of State shall be authorized to enter into joint compacts with the chief
 100 election official of any other state or states for the purpose of sharing information for
 101 voter list maintenance.

102 (2) Notwithstanding any provisions of law to the contrary, the Secretary of State may
 103 share confidential and exempt information after becoming a member of such voter list
 104 maintenance joint compact.

105 (3) If the Secretary of State becomes a member of such voter list maintenance joint
 106 compact, the Department of Driver Services shall, pursuant to an agreement with the
 107 Secretary of State, provide driver's license or identification card information related to
 108 voter eligibility to the Secretary of State for the purpose of sharing and exchanging voter
 109 registration information with the other state or states participating in such compact.

110 (4) The Secretary of State must be able to withdraw from any such joint compact at any
 111 time."

112 **SECTION 4.**

113 Said chapter is further amended by revising subsection (b) of Code Section 21-2-232, relating
 114 to removal of elector's name from list of electors, as follows:

115 "(b)(1) When an elector of this state moves to another state and registers to vote and the
 116 registration officials in such state send a notice of cancellation reflecting the registration
 117 of the elector in the other state, which includes a copy of such elector's voter registration
 118 application bearing the elector's signature, the Secretary of State or the board of
 119 registrars, as the case may be, shall remove such elector's name from the list of electors.
 120 It shall not be necessary to send a confirmation notice to the elector in such
 121 circumstances.

122 (2) When an elector of this state moves to another state and the registration officials in
123 such other state ~~or a nongovernmental entity as described in subsection (d) of Code~~
124 ~~Section 21-2-225~~ send a notice of cancellation or other information indicating that the
125 elector has moved to such state but such notice or information does not include a copy
126 of such elector's voter registration application in such other state bearing the elector's
127 signature, the Secretary of State or the board of registrars, as the case may be, shall send
128 a confirmation notice to the elector as provided in Code Section 21-2-234.

129 ~~(3) Once becoming a member of the nongovernmental entity described in subsection (d)~~
130 ~~of Code Section 21-2-225, the Secretary of State shall obtain regular information from~~
131 ~~such entity regarding electors who may have moved to another state, died, or otherwise~~
132 ~~become ineligible to vote in Georgia. The Secretary of State shall use such information~~
133 ~~to conduct list maintenance on the list of eligible electors."~~

134 **SECTION 5.**

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

137 **SECTION 6.**

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