

House Bill 831

By: Representatives Beckles of the 96th, Hugley of the 141st, Frye of the 122nd, Williams of the 168th, Flournoy of the 74th, and others

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 expand provisions related to making certain
3 registration information confidential; to provide for the VoteSafe program managed by the
4 Secretary of State; to authorize persons that believe they are at risk of or threatened by
5 physical harm or that are the victims of domestic violence, dating violence, sexual assault,
6 stalking, or human trafficking to have the address of their voter registration made
7 confidential; to provide procedures for application and renewal for such program; to provide
8 definitions; to authorize rule making related to such program; to provide for training of local
9 election officials and persons assisting applicants to such program; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
14 primaries generally, is amended by revising Code Section 21-2-225.1, relating to
15 confidentiality of address of registered electors, term of request, and procedure, as follows:

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16 "21-2-225.1.

17 (a) Any registered elector in this state who has obtained a protective order under Code
18 Section 19-13-4 or under a similar provision of law in another state, ~~or~~ who has obtained
19 a restraining order or protective order under Code Section 16-5-94 or under a similar
20 provision of law in another state, or who is a certified participant in the VoteSafe program
21 established pursuant to Code Section 21-2-225.2 may request the board of registrars of
22 such elector's county of residence to make such elector's residence address confidential.
23 An elector who is a bona fide resident of a family violence shelter, as defined in Code
24 Section 19-13-20, may request to have his or her address made confidential without having
25 to obtain a restraining order or protective order.

26 (b) Upon the filing of a request with an affidavit under oath with the board of registrars by
27 a registered elector stating that the elector has obtained a protective order under Code
28 Section 19-13-4 or similar provision of law from another state or a restraining order or
29 protective order under Code Section 16-5-94 or a similar provision of law of another state;
30 ~~or~~, if the elector is a resident of a family violence shelter, with a certification by the
31 operators of such family violence shelter that such elector is a bona fide resident of such
32 shelter; or with an address confidentiality card provided for in subsection (e) of Code
33 Section 21-2-225.2, the registrars shall immediately review such request and supporting
34 documents and, if such request and documentation is sufficient, shall approve the request
35 and immediately take such steps as necessary to make the residence address of the elector
36 confidential.

37 (c) A request under this Code section, once approved, shall be effective for a period of four
38 years following its approval by the registrars and may be renewed for additional four-year
39 periods by the filing of a new request with the supporting documentation required by
40 subsection (b) of this Code section prior to the end of each four-year period. If the elector
41 registers to vote in another county in this state or another state, a new request for
42 confidentiality of the elector's residence address with the supporting documentation

43 required in subsection (b) of this Code section shall be filed with the new county in order
44 to continue the confidentiality of the elector's residence address or the confidentiality shall
45 terminate.

46 (d) The Secretary of State shall provide by procedure, rule, or regulation for the
47 mechanism by which such information shall be made confidential on the voter registration
48 data base and may provide for forms for use in making such requests and for the use of
49 alternate addresses for electors who file requests for the confidentiality of their residence
50 addresses.

51 (e) Information made confidential pursuant to this Code section shall not be subject to
52 disclosure under Article 4 of Chapter 18 of Title 50."

53 **SECTION 2.**

54 Said chapter is further amended by adding new Code sections to read as follows:

55 "21-2-225.2.

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

57 (1) 'Application assistant' means a private individual, an employee or volunteer of a
58 government agency, or an employee or volunteer of a nonprofit program who provides
59 counseling, referral, shelter, or other specialized services to victims of domestic violence,
60 rape, sexual assault, human trafficking, stalking, or other crimes; who has been
61 designated by the respective agency or program, if applicable; and who has been trained
62 by the office to assist electors in the completion of program applications.

63 (2) 'Confidential address' means a participant's residential address where he or she is
64 either registered to vote or seeks to register to vote.

65 (3) 'Designated address' means the publicly available address provided by a participant
66 to the office.

67 (4) 'Office' means the office of the Secretary of State.

68 (5) 'Participant' means an elector who is currently certified to participate in the program
69 pursuant to this Code section.

70 (6) 'Program' means the VoteSafe program established by this Code section.

71 (b) There is created within the office the VoteSafe program.

72 (c) Except as otherwise provided in this subsection, an elector who is changing his or her
73 residence, with or without the assistance of an application assistant, may apply for
74 certification as a participant by the office upon providing an affidavit affirming that the
75 disclosure of his or her actual address or addresses will increase the risk that he or she will
76 be threatened or physically harmed by another person or that he or she has been a victim
77 of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

78 (d) In order to be certified as a participant in the program, an elector shall submit to the
79 office an application containing:

80 (1) The full legal name and date of birth of the elector;

81 (2) The residential address at which the elector is registered or seeking to register to vote;

82 (3) The mailing address, telephone number, and email address, if applicable, at which
83 the office may contact the elector;

84 (4) An acknowledgment that the elector is requesting that his or her voter registration
85 address not be disclosed;

86 (5) The signature of the elector;

87 (6) At the discretion of the office, an option for the elector to select the type of offense
88 the elector believes warrants the need for participation in the program. The office shall
89 not consider information provided or withheld pursuant to this paragraph as certifying the
90 participant; and

91 (7) A letter from a victim service provider indicating that he or she is receiving services
92 related to his or her victimization.

93 (e) Upon receipt of an application in compliance with subsection (d) of this Code section,
94 the office shall:

- 95 (1) Certify the elector as a participant;
96 (2) Issue the participant an address confidentiality card containing the name of and a
97 unique identification number for the participant and the designated address of the
98 participant;
99 (3) Classify the eligible address listed in the application as a confidential address; and
100 (4) Provide the participant with information regarding methods to protect a confidential
101 address, including, but not limited to, information regarding the risks of disclosing the
102 confidential address to other persons and the risks of using social media and other similar
103 technologies, including geotagging photographs, and other information that the office
104 determines would help the participant protect his or her confidential address. A
105 participant shall update information provided in an application within 30 days after a
106 change to that information has occurred by submitting a notice of change to the office on
107 a form prescribed by the office.
- 108 (f) A participant's certification shall be valid for four years. A participant who continues
109 to be eligible for the program pursuant to this Code section may renew his or her
110 certification. The renewal application shall be received by the office within 60 days prior
111 to the end of the four-year certification period. The renewal application shall be on a form
112 prescribed by the office and shall meet the requirements of this Code section. A renewal
113 of certification of a participant shall not alter the unique identification number issued
114 pursuant to subsection (e) of this Code section.
- 115 (g) The certification renewal application shall be on a form prescribed by the office, shall
116 meet the requirements of this Code section, and shall inform the participant of his or her
117 right to choose to continue or discontinue in the program. The participant may continue
118 certification after turning 18 years of age by completing the certification renewal
119 application with or without the assistance of an application assistant.
- 120 (h) An application submitted pursuant to this Code section and the information of a
121 participant shall be confidential; shall not be a public record; shall be exempt from

122 disclosure pursuant to Article 4 of Chapter 18 of Title 50, relating to open records, or any
123 similar law; and may only be disclosed as authorized pursuant to this Code section.

124 (i) An offender who is required to register pursuant to Code Section 42-1-12 shall not be
125 eligible to submit an application and shall not be certified as a participant.

126 (j) A confidential address shall not be a public record and shall be exempt from disclosure
127 pursuant to Article 4 of Chapter 18 of Title 50, relating to open records, or any similar law,
128 except as otherwise provided in this Code section.

129 (k) A participant may withdraw from the program at any time by providing written notice
130 of such withdrawal to the office.

131 (l) No individual shall apply for certification as a participant with the intent of avoiding
132 prosecution or a lawful court order.

133 (m) The office shall establish protocols so that an applicant seeking to use the program
134 provided for in this Code section may make and file such applications with:

135 (1) The Department of Driver Services as part of the process of obtaining a driver's
136 license or identification card; or

137 (2) The board of registrars or election superintendent of the county in which such
138 applicant resides as part of the voter registration process.

139 (n) The office shall promulgate rules and regulations as necessary to implement the
140 provisions of this Code section.

141 21-2-225.3.

142 (a) The office of the Secretary of State shall develop and offer a training program for
143 application assistants to obtain certification pursuant to Code Section 21-2-225.2. The
144 training program shall, at a minimum, include:

145 (1) Exhaustive information regarding the VoteSafe program;

146 (2) Methods for assisting applicants with completing application forms;

147 (3) Criteria for determining VoteSafe program eligibility;

- 148 (4) Information to be provided to participants pursuant to subsection (e) of Code
149 Section 21-2-225.2; and
- 150 (5) Instruction on how to submit completed applications and supporting documents to
151 the office of the Secretary of State.
- 152 (b) The office of the Secretary of State shall certify a person applying for certification as
153 an application assistant pursuant to this Code section if that person has completed the
154 training program pursuant to this Code section. The office of the Secretary of State shall
155 make available on its website contact information for the organizations that have certified
156 application assistants.
- 157 (c) The office of the Secretary of State shall develop and offer a training program to train
158 local election officials as to the signs of domestic violence and abuse and as to how to
159 assist applicants seeking to make use of the VoteSafe program provided for in Code
160 Section 21-2-225.2."

161

SECTION 3.

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