

Senate Bill 536

By: Senators Jones II of the 22nd, Merritt of the 9th, Parent of the 44th, Mangham of the 55th, Orrock of the 36th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 enact the "Henry McNeal Turner Voting Rights Act"; to prohibit voter suppression and vote
3 dilution; to provide guidelines and rules for evaluating voter suppression and vote dilution;
4 to establish the Georgia Voting Rights Commission and to provide duties and powers
5 thereof; to provide for commissioners, their selection, terms, and compensation; to provide
6 for a nominating committee; to provide for commission staff; to attach the commission to
7 the Secretary of State's office for administrative purposes; to provide for preclearance of
8 certain policies and procedures related to voting; to provide for covered policies; to provide
9 for covered political subdivisions; to provide standards for preclearance determinations; to
10 provide procedures for obtaining preclearance; to provide protections for limited English
11 proficient voters and voters with disabilities; to provide for unwritten languages and voters
12 educated in Puerto Rico and American territories; to provide for in-language services; to
13 establish the Georgia Voting and Elections Database and Institute; to provide for the mission
14 of such institute; to provide for data to be maintained and produced by the institute; to
15 provide for data standards; to provide for authentication; to require state and local agencies
16 to cooperate with the institute; to allow for technical assistance; to provide an exemption
17 from the open records requirements; to provide for annual reporting; to prohibit intimidation,
18 deception, and obstruction of voters; to provide for damages; to provide for public notice of

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19 voting related changes; to provide a democracy cannon; to provide for enforcement; to
 20 provide standing; to provide a safe harbor; to provide for judicial actions, expedited review,
 21 relief, and remedies; to limit causes of action; to prohibit the defense of laches; to authorize
 22 attorney's fees; to provide for rules and regulations; to provide for construction; to waive
 23 privileges and sovereign immunity; to provide legislative findings and declarations; to
 24 provide for definitions; to provide for effective dates; to provide for related matters; to repeal
 25 conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 **SECTION 1.**

28 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
 29 revising Chapter 3, which is reserved, as follows:

30 "CHAPTER 3

31 ARTICLE 1

32 21-3-1.

33 This chapter shall be known and may be cited as the 'Henry McNeal Turner Voting Rights
 34 Act.' ~~Reserved.~~

35 21-3-2.

36 The General Assembly finds and declares that:

37 (1) Electoral systems or practices that deny to any race, color, or language minority
 38 group an equal opportunity to elect candidates of their choice are inconsistent with the
 39 free and open elections and the rights provided for in Article II of the Constitution of this

40 state and the protections found in the Fourteenth and Fifteenth Amendments to the United
41 States Constitution;

42 (2) Discrimination in voting is a persistent matter of state-wide concern due to the
43 history of discriminatory practices that create disparities that persist over time;

44 (3) Voter turnout is a matter of state-wide concern and is more likely to be low in local
45 elections when such elections are not coordinated with state-wide elections;

46 (4) Prevention of discrimination in voting and voter turnout is a matter of state-wide
47 concern; and

48 (5) It is in the best interest of the state to create a state voting rights act that protects
49 against discrimination in voting and that encourages local elections to be held in
50 coordination with state-wide elections.

51 21-3-3.

52 As used in this chapter, the term:

53 (1) 'Commission' means the Georgia Voting Rights Commission.

54 (2) 'Commissioner' means a member of the Georgia Voting Rights Commission.

55 (3) 'Database and Institute' means the Georgia Voting and Elections Database and
56 Institute.

57 (4) 'Disability' has the same meaning as set forth in the Americans with Disabilities Act,
58 42 U.S.C. Section 12102.

59 (5) 'Election policy or practice' means any qualification to be a voter, prerequisite to
60 voting, method of election, or any other law, statute, ordinance, resolution, charter or
61 code provision, regulation, rule, policy, practice, procedure, standard, or any other action
62 with respect to voting, electoral or jurisdictional boundaries, or the administration or
63 schedule of elections.

64 (6) 'Governing body' means the entity with official authority to make or enforce
65 decisions, policies, and laws for a political subdivision.

66 (7) 'Limited English proficient' or 'LEP' means and includes individuals who self-report
67 speaking, reading, or understanding the English language less than 'very well,' according
68 to the United States Census Bureau data or data of comparable quality collected by a
69 governmental entity, including as self-reported by such persons to a governmental entity.

70 (8) 'Method of election' means the manner or mechanism by which candidates are elected
71 to a governmental body of a political subdivision, and includes any at-large, district
72 based, proportional, semi-proportional, or other method of election, as well as any
73 districting or redistricting plan used to elect candidates to the governmental body.

74 (9) 'Political subdivision' means any county, municipality, jurisdiction, school district,
75 local school system, special district, election superintendent, registrar, board of election,
76 board of election and registration, judge of the probate court, or any other governmental
77 entity in which elections are conducted or that administers elections, or any staff or
78 agents of such entity.

79 (10) 'Polling location' means any location designated by an election superintendent for
80 the casting of ballots, including, but not limited to, election day voting sites, advance
81 voting locations, ballot drop box locations, and early or absentee voting sites.

82 (11) 'Protected class' means any group of individuals who are members of any race, color
83 or language minority, including, but not limited to, a class of two or more such groups.
84 Such term includes individuals who are members of a minimum reporting category that
85 has been officially recognized by the United States Census Bureau.

86 (12) 'Qualifying school' means a public or private school accredited by a United States
87 territory or the Commonwealth of Puerto Rico in which the predominant classroom
88 language is one other than English.

89 (13) 'Racially polarized voting' means voting in which there is a divergence in the
90 candidate preferences, political preferences, or electoral choices of members in a
91 protected class, including the combined preferences of a protected class comprising two

92 or more groups of voters, from the candidate preferences, political preferences, or
93 electoral choices of members of another class or set of classes.

94 (14) 'Vote' or 'voting' means all action necessary to make a vote effective in any primary,
95 special, general election, or runoff, including, but not limited to, registration or other
96 action required by law prerequisite to voting; casting a ballot by any method permitted
97 by law, including any method available as a remedy under this chapter; and having such
98 ballot counted properly and included in the appropriate totals of votes received for
99 propositions or for candidates for public or party office.

100

ARTICLE 2

101 21-3-10.

102 (a) No political subdivision or state agency may engage in voter suppression as set forth
103 in this article. No political subdivision or state agency may implement, impose, or enforce
104 any election policy or practice that results in, is likely to result in, or is motivated, in whole
105 or in part, by the intent to result in, voter suppression.

106 (b) A violation of subsection (a) of this Code section is established if either of the
107 following is present:

108 (1) A material disparity affecting protected class members in voter participation, access
109 to voting opportunities, or the opportunity or ability to participate in any stage of the
110 political process, as a result of the policy or practice; or

111 (2) Based on the totality of circumstances, an impairment of the equal opportunity or
112 ability of protected class members to participate in any stage of the political process.

113 (c) There is no violation under paragraph (1) of subsection (b) of this Code section if the
114 political subdivision or state agency demonstrates by clear and convincing evidence that:

115 (1) The election policy or practice is necessary to significantly further a compelling and
116 particularized governmental interest; and

117 (2) There is no reasonable alternative election policy or practice that comparably furthers
118 the compelling and particularized governmental interest and results in a smaller disparity
119 between protected class members and other members of the electorate.

120 (d) A violation may also be established through direct or circumstantial evidence of
121 intentional discrimination; provided, however, that evidence of intentional discrimination,
122 including evidence concerning the intent of electors, elected officials, or public officials
123 to discriminate against protected class members, shall not be required under subsection (b)
124 of this Code section.

125 21-3-11.

126 (a) No political subdivision may engage in vote dilution as set forth in this Code section.
127 No political subdivision may employ any method of election that has the effect, will likely
128 have the effect, or is motivated in part by the intent, of diluting the vote of protected class
129 members.

130 (b) A violation of subsection (a) of this Code section is established if:

131 (1) Either:

132 (A) Elections in the political subdivision exhibit racially polarized voting resulting in
133 an impairment of the equal opportunity or ability of protected class members to
134 nominate or elect candidates of their choice; or

135 (B) Based on the totality of circumstances, the equal opportunity or ability of protected
136 class members to nominate or elect candidates of their choice is impaired; and

137 (2) Another method of election or change to the existing method of election exists that
138 could be constitutionally adopted or ordered under Code Section 21-3-124 would likely
139 mitigate the impairment.

140 (c) A violation may also be established through direct or circumstantial evidence of
141 intentional discrimination; provided, however, that evidence of intentional discrimination,
142 including evidence concerning the intent of electors, elected officials, or public officials

143 to discriminate against protected class members, is never required under subsection (b) of
144 this Code section.

145 21-3-12.

146 (a) Code Sections 21-3-10 and 21-3-11 shall be evaluated subject to the guidelines
147 provided for in subsections (b) through (e) of this Code section and any rules promulgated
148 by the commission thereto.

149 (b) To evaluate the totality of circumstances under paragraph (2) of subsection (b) of Code
150 Section 21-3-10 or subparagraph (b)(1)(B) of Code Section 21-3-11 the following factors
151 may be relevant:

152 (1) The history of discrimination with respect to the protected class at issue;

153 (2) The extent to which members of the relevant protected class are disadvantaged or
154 otherwise bear the effects of public or private discrimination in areas such as education,
155 employment, health, criminal justice, housing, transportation, land use, or environmental
156 protection;

157 (3) The use of any election policy or practice that may enhance the discriminatory or
158 dilutive effects of the relevant election policy or practice or method of election in the
159 political subdivision;

160 (4) The extent to which members of the relevant protected class vote or register to vote
161 at lower rates;

162 (5) The extent to which members of the relevant protected class have historically made
163 campaign contributions at lower rates;

164 (6) The extent to which candidates who are members of the relevant protected class have
165 faced hostility or barriers with respect to campaigning, getting on the ballot, receiving
166 financial support, or receiving any other support for an election;

- 167 (7) The use of overt or subtle racial appeals, whether in the course of political campaigns
168 or by government officials, including racial appeals made in public discourse or in
169 connection with the adoption or maintenance of the election policy or practice;
- 170 (8) The extent to which the members of the relevant protected class have been elected
171 to office;
- 172 (9) The lack of responsiveness by elected officials to the particular needs of members of
173 the relevant protected class or a community of members of the relevant protected class;
- 174 (10) Whether the election policy or practice is necessary to significantly further a
175 compelling and particularized governmental interest;
- 176 (11) The process that led to the adoption of the election policy or practice; and
177 (12) Other factors deemed relevant.
- 178 (c) No set number or combination of these factors shall be met to determine that a
179 violation occurred.
- 180 (d) There is no requirement that evidence shall affect all individuals or groups within a
181 protected class to be relevant.
- 182 (e) For alleged violations pertaining to a particular political subdivision, evidence of the
183 factors enumerated in subsection (b) of this Code section may be deemed more probative
184 if it relates to the political subdivision in which the alleged violation occurred, but evidence
185 related to the state or the geographic region in which that political subdivision is located
186 may also be probative. The fact that similar or worse circumstances may exist in other
187 political subdivisions does not reduce the probative value of the evidence relevant to the
188 particular political subdivision.
- 189 21-3-13.
- 190 To determine whether elections in the political subdivision exhibit racially polarized voting
191 under subparagraph (b)(1)(A) of Code Section 21-3-11:

- 192 (1) Racially polarized voting is assessed based on the relevant election results, which
193 may include, but are not limited to, elections for offices of the political subdivision;
194 elections held in the political subdivision for other offices, such as state or federal offices;
195 and other electoral choices that bear on the rights and privileges of the protected class;
196 (2) No set number or combination of elections is required to establish the existence of
197 racially polarized voting, and:
198 (A) Evidence of nonpolarized voting in elections for offices outside the political
199 subdivision shall not preclude a finding of racially polarized voting based on elections
200 for offices of the political subdivision;
201 (B) Nonstatistical or nonquantitative evidence shall not preclude a finding of racially
202 polarized voting based on statistical or quantitative evidence; and
203 (C) Low or high turnout or registration rates among protected class members shall not
204 preclude a finding of racially polarized voting;
205 (3) When assessing the combined candidate preferences, political preferences, or
206 electoral choices of a protected class comprising two or more groups of voters, there is
207 no requirement that it be statistically shown that each group or subgroup be separately
208 polarized from those of other voters; and
209 (4) The causes of racially polarized voting shall not be relevant, and the existence of
210 alternative explanations, including partisan explanations, does not preclude a finding of
211 racially polarized voting.

212 21-3-14.

213 (a) When evaluating whether a violation of this article is present the following
214 circumstances shall not be relevant:

215 (1) The absolute number or share of protected class members on whom the election
216 policy or practice imposes a material burden is small;

- 217 (2) The degree to which the election policy or practice has a long pedigree or was in
218 widespread use at some earlier date;
- 219 (3) The use of an identical or similar election policy or practice in other states or political
220 subdivisions; or
- 221 (4) The availability of forms of voting unimpacted by the election policy or practice.
- 222 (b) A governmental interest in preventing voter fraud or bolstering voter confidence in the
223 integrity of elections shall be irrelevant unless there is substantial evidence that criminal
224 activity by individual electors has occurred in the political subdivision in substantial
225 numbers and the connection between the election policy or practice and a state interest in
226 preventing such criminal activity or bolstering voter confidence in the integrity of elections
227 is supported by substantial evidence.
- 228 (c) Whether protected class members typically elect candidates of their choice to the
229 governing body in approximate proportion to their total number or share of the population
230 may be relevant under Code Section 21-3-11.
- 231 (d) For the purpose of satisfying Code Section 21-3-11, particularly subparagraph
232 (b)(ii)(B) of such Code section, it shall not be necessary for the total number or share of
233 protected class members to exceed any numerical threshold in any district or in the political
234 subdivision as a whole.
- 235 (e) Upon finding a violation of this article, notwithstanding any other law to the contrary,
236 a court shall exercise its equitable powers to fashion relief so as to completely remedy the
237 dilution or suppression, which may include, but shall not be limited to, altering the method
238 of election used by the political subdivision.

239

ARTICLE 3240 21-3-30.

241 (a) There is established the Georgia Voting Rights Commission which shall consist of five
242 commissioners, each of whom shall serve staggered five-year terms.

243 (b) Commissioners shall be compensated for their time spent on commission business at
244 an hourly rate based on the rate equivalent to an assistant attorney general

245 21-3-31.

246 (a) Under the guidance of the Secretary of State, a nominating committee shall be formed
247 to identify qualified candidates to serve as members of the commission. The nominating
248 committee shall be composed of nominating organizations certified pursuant to this Code
249 section.

250 (b) Organizations may apply with the Secretary of State to be certified as a nominating
251 organization for five-year terms. Following the conclusion of a term, an organization may
252 be recertified. The Secretary of State shall certify any organization that applies to be a
253 nominating organization if the organization:

254 (1) Demonstrates commitment to the purpose of the commission by securing the voting
255 rights of members of a protected class as defined by the commission, including, but not
256 limited to, reference to members of a protected class in its mission statement,
257 involvement in numerous voting rights cases brought within the state on behalf of
258 members of protected classes, or involvement in advocacy in support of members of
259 protected classes or the commission;

260 (2) Has registered as a nonprofit corporation with the Secretary of State; and

261 (3) Demonstrates continuous operation as a nonprofit organization under 26 U.S.C.
262 Section 501(c)(3) or as a nonprofit corporation registered with the Secretary of State for
263 at least five years.

264 (c) If the Secretary of State fails to timely certify an organization that satisfies the
265 qualifications provided for in subsection (b) of this Code section following such
266 organization's application to be certified as a nominating organization, the organization
267 may file an action against the Secretary of State for a declaratory judgment certifying the
268 organization as a nominating organization.

269 (d) A nominating organization may be decertified for cause by a majority vote of all of the
270 then certified nominating organizations.

271 (e) If there are fewer than 16 nominating organizations certified by the Secretary of State,
272 the nominating committee shall consist of all of the nominating organizations. If there
273 are 16 or more nominating organizations certified by the Secretary of State, the nominating
274 committee shall consist of 15 nominating organizations randomly selected on an annual
275 basis from all of the certified nominating organizations in such year.

276 (f) The nominating committee shall select its own chair to preside over meetings and
277 voting of the commission.

278 21-3-32.

279 (a) Commissioners shall be selected as follows:

280 (1) The nominating committee shall solicit applications to serve as a commissioner from
281 across the state. A commissioner shall:

282 (A) Be a resident of this state;

283 (B) Be a member of the State Bar of Georgia with at least five years of legal
284 experience;

285 (C) Have demonstrated experience representing or advocating on behalf of members
286 of protected classes;

287 (D) Have not served in elected office within the previous five years; and

288 (E) Not currently be serving in any government office or holding any office with a
289 political organization as defined in Code Section 21-2-2.

290 (2) The nominating committee shall maintain a qualified candidate pool consisting of at
291 least 30 qualified candidates to serve on the commission. Individuals shall only be added
292 to the qualified candidate pool upon a three-fifths' vote of the nominating committee.
293 The size of the qualified candidate pool may be increased or decreased from 30 qualified
294 individuals by a three-fifths' vote of the nominating committee.

295 (b)(1) The Secretary of State shall appoint five commissioners who meet the
296 qualifications provided for in subsection (a) of this Code section. The Secretary of State
297 may appoint an individual from the nominating pool or may appoint an otherwise
298 qualified individual who is not in the nominating pool. If the Secretary of State appoints
299 an individual who was not in the nominating pool, the Secretary of State shall provide a
300 written statement as to why it was necessary to depart from the candidates in the
301 nominating pool.

302 (2)(A) Upon the initial formation of the commission, the Secretary of State shall
303 designate the initial commissioners so that one commissioner shall serve a five-year
304 term, one commissioner shall serve a four-year term, one commissioner shall serve a
305 three-year term, one commissioner shall serve a two-year term, and one commissioner
306 shall serve a one-year term.

307 (B) Except for the initial terms provided for in subparagraph (A) of this paragraph,
308 commissioners shall serve five-year terms.

309 (3) At least 60 days before the conclusion of a commissioner's term, the Secretary of
310 State shall appoint a new commissioner to take office upon the conclusion of the current
311 commissioner's term. In the event a vacancy occurs on the commission, within 30 days
312 of the vacancy, the Secretary of State shall appoint a new commissioner to serve out the
313 remainder of the unexpired term. All appointments made pursuant to this paragraph shall
314 be in the same manner as provided for in paragraph (1) of this subsection.

315 21-3-33.

316 (a) In any action or investigation to enforce this chapter, the commission may subpoena
317 witnesses, administer oaths, examine individuals under oath, determine materials facts, and
318 compel production of records, books, papers, contracts, and other documents in accordance
319 with the rules of civil procedure.

320 (b) The commission may hire staff and make expenditures as necessary to carry out its
321 responsibilities.

322 (c) The commission shall be attached for administrative purposes only to the office of the
323 Secretary of State as provided for in Code Section 50-4-3. The board shall neither be under
324 the jurisdiction of the Secretary of State nor shall it be considered a division of the office
325 of the Secretary of State.

326 ARTICLE 4

327 21-3-40.

328 (a) The implementation of a covered policy, as provided for in subsection (c) of this Code
329 section, by a covered political subdivision, as provided for in subsection (d) of this Code
330 section, shall be subject to preclearance by the commission pursuant to this article.

331 (b) The commission is responsible for administering this article, and:

332 (1) The commission shall determine on a fixed date on an annual basis which political
333 subdivisions are covered political subdivisions pursuant to subsection (d) of this Code
334 section and shall publish a list of covered political subdivisions on its website no later
335 than 30 days after making such determinations;

336 (2) All coverage determinations shall be made by the commission based on data provided
337 by the Database and Institute established pursuant to Article 6 of this chapter, or if no
338 such data is available, from other reputable sources, including, but not limited to, the
339 United States Census Bureau data from the American Community Survey and other

340 federal or state offices. To the extent that necessary data is not available, the commission
341 shall base coverage determinations on estimates derived from available data using
342 validated methodologies; and

343 (3) The commission shall give notice directly to each covered political subdivision and
344 provide to them the corresponding requirements accompanying such coverage.

345 (c) Covered policies include:

346 (1) Any new or modified election policy or practice;

347 (2) Any change in the powers, duties, responsibilities, jurisdiction, or authority of an
348 elected official, or any action or policy that has the purpose or effect of diminishing,
349 reassigning, or altering the functional role or influence of an elected official; or

350 (3) Any new or modified method of election or maintenance of a method of election
351 following a decennial census.

352 (d) Covered political subdivisions include:

353 (1) Any political subdivision that, at any point in the previous 25 years, has been subject
354 to a court order based upon a judicial finding of a qualifying violation or its factual
355 predicate or subject to a consent decree or court approved settlement agreement in which
356 a qualifying violation was conceded or stipulated by the political subdivision. A
357 qualifying violation includes:

358 (A) A violation of this chapter, the federal Voting Rights Act, the Fifteenth or
359 Twenty-fourth Amendment to the United States Constitution, a voting related violation
360 of the Fourteenth Amendment to the United States Constitution, or any voting related
361 violation of any other state or federal election law, concerning discrimination against
362 protected class members; or

363 (B) A violation of any state or federal civil rights law or the Fourteenth Amendment
364 to the United States Constitution concerning a pattern, policy, or practice of
365 discrimination against protected class members;

366 (2) Any political subdivision that, at any point in the last 25 years, enacted or
367 implemented a covered policy without obtaining preclearance for such policy pursuant
368 to this article;

369 (3) Any political subdivision that contains at least 1,000 eligible voters of any protected
370 class, or in which members of any protected class constitute at least 10 percent of the
371 eligible voter population of such political subdivision, and in which, at any point in the
372 last ten years, the percentage of voters of any protected class in a political subdivision
373 which participated in any general election for any political subdivision office was at least
374 ten percentage points lower than the percentage of all voters in the political subdivision
375 that participated in such election;

376 (4) Any political subdivision that contains at least 1,000 eligible voters of any protected
377 class, or in which members of any protected class constitute at least 10 percent of the
378 eligible voter population of the political subdivision, and in which, at any point in the last
379 ten years, the percentage of eligible voters of that protected class who were registered to
380 vote was at least ten percentage points lower than the percentage of all eligible voters in
381 the political subdivision who were registered to vote;

382 (5) Any political subdivision that contains at least 1,000 eligible voters of any protected
383 class, or in which members of any protected class constitute at least 10 percent of the
384 eligible voter population of the political subdivision, and in which, at any point in the last
385 ten years, the poverty rate among the population of a protected class exceeded the poverty
386 rate among the population of the political subdivision as a whole by at least ten
387 percentage points;

388 (6) Any political subdivision that contains at least 1,000 eligible voters of any protected
389 class, or in which members of any protected class constitute at least 10 percent of the
390 eligible voter population of the political subdivision, and in which, at any point in the last
391 ten years, the arrest rate among members of such protected class exceeded the arrest rate

392 among the population of the political subdivision as a whole by at least ten percentage
393 points; or

394 (7) Any political subdivision that contains at least 1,000 eligible voters of any protected
395 class, or in which members of any protected class constitute at least 10 percent of the
396 eligible voter population of the school district, and in which, at any point in the last ten
397 years, the percentage of eligible voters of that protected class who have a high school
398 diploma was at least ten percentage points lower than the percentage of all eligible voters
399 in the political subdivision who have a high school diploma.

400 21-3-41.

401 (a) Preclearance submissions shall be evaluated in accordance with the standard set forth
402 in this Code section. Preclearance shall be denied if:

403 (1) The covered policy is more likely than not to diminish the opportunity or ability of
404 members of the protected class that provided a basis for preclearance to participate in the
405 political process and, in order of priority:

406 (A) Elect candidates of their choice; or

407 (B) Otherwise influence the outcome of elections; or

408 (2) The covered policy is more likely than not to violate this chapter with respect to
409 claims that could be brought by members of the protected class that provided a basis for
410 preclearance.

411 (b) If denial is not required under subsection (a) of this Code section, preclearance shall
412 be granted.

413 (c) Covered political subdivisions bear the burden of demonstrating that preclearance shall
414 be granted under this standard.

415 21-3-42.

416 Covered political subdivisions shall obtain preclearance for covered policies in accordance
417 with the following:

418 (1) Covered political subdivisions shall submit covered policies to the commission in
419 writing pursuant to procedures established by the commission;

420 (2) The commission shall ensure that preclearance submissions and any related materials
421 that are submitted to the commission by covered political subdivisions or other interested
422 parties are posted in a central location on the commission's website in a timely fashion.

423 The commission shall ensure that members of the public have reasonable opportunity to
424 review and submit comments for consideration by the commission before preclearance
425 determinations are made;

426 (3) If the commission denies preclearance to a covered policy, the covered political
427 subdivisions may not implement the covered policy. The commission shall provide a
428 written explanation for any denial;

429 (4) If the commission grants preclearance to a covered policy, the covered political
430 subdivision may immediately implement the covered policy; and

431 (5) A determination by the commission to grant preclearance shall not be admissible in,
432 and may not be considered by, a court in any subsequent action challenging the covered
433 policy. It shall not preclude, bar, or limit in any way any other claims that may be
434 brought regarding the covered policy, including claims brought under other sections of
435 this chapter.

436 21-3-43.

437 The commission may adopt rules and regulations to implement its mandate under this
438 article.

439 21-3-44.

440 The provisions of this article shall take effect on July 1, 2028.

441 ARTICLE 5

442 21-3-50.

443 (a) The commission is responsible for administering this article, and every two years shall
444 determine which political subdivisions meet the demographic threshold for language access
445 coverage as provided for in Code Section 21-3-51 and publish a list of covered political
446 subdivisions and the languages for which each is required to provide language access on
447 its website, no later than 30 days after making such determinations.

448 (b) All coverage determinations shall be made by the commission based on data from the
449 Database and Institute, produced and maintained pursuant to Article 6 of this chapter, or
450 if no such data is available, from the United States Census Bureau data from the American
451 Community Survey or other data of comparable quality collected by a public office. To
452 the extent that necessary data is not available, the commission shall base coverage
453 determinations on estimates derived from available data using validated methodologies.

454 (c) The commission shall give notice directly to each covered political subdivision
455 specifying the language or languages for which the subdivision is covered, and the
456 corresponding requirements accompanying such coverage.

457 21-3-51.

458 (a) Political subdivisions shall implement language assistance programs when found to
459 meet certain demographic thresholds for voting-eligible LEP individuals in accordance
460 with this Code section.

461 (b) The commission shall designate one or more languages, other than English, for which
462 language assistance in voting and elections shall be provided Tier 1 language assistance as

463 provided for in subsection (b) of Code Section 21-3-52 by a state agency or a political
464 subdivision responsible for election administration if:

465 (1) More than 3 percent, but in no instance fewer than 100 individuals, of the
466 voting-eligible population of a political subdivision are members of a single language
467 minority and are LEP individuals;

468 (2) More than 5,000 of the voting-eligible population of such political subdivision are
469 members of a single language minority and are LEP individuals; or

470 (3) When a political subdivision that contains, in whole or in part, a Native American
471 reservation or other tribal land, more than 2 percent of the Native American
472 voting-eligible population within the relevant Native American reservation or other tribal
473 land are members of a single language minority and are LEP individuals.

474 (c) If the voting-eligible population of any language minority group in one or more
475 political subdivisions does not meet the criteria necessary for Tier 1 language assistance
476 in subsection (b) of this Code section, the commission shall designate one or more
477 languages, other than English, for which Tier 2 language assistance in voting and elections
478 shall be provided as required in subsection (c) of Code Section 21-3-52 by a state agency
479 or a political subdivision responsible for election administration if it is determined that:

480 (1) More than 1 percent, but in no instance fewer than 100 individuals, of the
481 voting-eligible population of a political subdivision are members of a single language
482 minority and are LEP individuals;

483 (2) More than 1,500 of the voting-eligible population of such political subdivision are
484 members of a single language minority and are LEP individuals; or

485 (3) When a political subdivision that contains, in whole or in part, a Native American
486 reservation or other tribal land, more than 1 percent of the Native American
487 voting-eligible population within the relevant Native American reservation or other tribal
488 land are members of a single language minority and are LEP individuals.

489 21-3-52.

490 (a) Political subdivisions covered under subsection (b) or (c) of Code Section 21-3-51 shall
491 provide language assistance in accordance with this Code section. Compliance with this
492 Code section requires materials and assistance to be provided in a manner designed to
493 allow voters who are members of a single language minority to be effectively informed of
494 and participate effectively in voting connected activities.

495 (b) A political subdivision required to provide Tier 1 language assistance in a particular
496 language other than English pursuant to subsection (b) of Code Section 21-3-51 shall
497 ensure that each of the following forms of voting assistance is effectively translated and
498 provided to LEP voters:

499 (1) All official voteable and sample ballots used on election day, advance voting, and for
500 absentee or mail voting shall be fully translated into the covered language and made
501 available to voters in all voting locations and online;

502 (2) All forms used for voter registration, including online, mail, and in-person
503 registration, along with any explanatory materials, shall be provided in the covered
504 language;

505 (3) All public notices relating to the electoral process, including notices about
506 registration deadlines, polling location changes, voter education materials, and voting
507 instructions that provide direction during the voting process shall be fully translated and
508 disseminated in the covered language to the same extent that English-language notices
509 are made available, including, but not limited to, notices pursuant to Part 2 of Article 9
510 of this chapter;

511 (4) Signage identifying the availability of translated ballots, bilingual poll workers, and
512 live over-the-phone interpretation services shall be made available in the covered
513 language on the political subdivision's website, at local elections offices, and at polling
514 locations;

515 (5) Covered political subdivisions shall have sufficient trained bilingual poll workers or
516 interpreters available at each in-person voting site to provide effective language
517 assistance in the covered language to any voters who need it. Bilingual staff shall be
518 easily identifiable by LEP voters through prominently displayed badges or other
519 identifying materials indicating their bilingual capabilities;

520 (6) Each political subdivision shall have a year-round bilingual staff member that is
521 trained in its election and voting procedures and able to respond to questions, issues, and
522 the needs of covered language speakers within the political subdivision;

523 (7) Live language interpretation services by telephone, allowing voters to request and
524 receive real-time assistance in the covered language during absentee and advance voting,
525 on election day, and for any voter related inquiries year-round, shall be provided; and

526 (8) Any information relating to voter registration, polling and advance voting locations,
527 official ballots, or other voting related materials and notifications provided on the website
528 used by a political subdivision to share information related to elections and voting shall
529 be made available in the covered language.

530 (c) A political subdivision required to provide Tier 2 language assistance in a particular
531 language other than English pursuant to subsection (c) of Code Section 21-3-51 shall
532 provide the following physical and online voting materials in the covered language:

533 (1) Sample ballots shall be translated into the covered language and made available at
534 polling locations and online, if English-language sample ballots are provided online;

535 (2) Voter registration forms and instructions shall be provided in the covered language
536 to the same extent and manner as made available in English, including direct mailings
537 requested by a voter;

538 (3) Any notifications about polling location changes or relocations shall be provided in
539 the covered language and disseminated in the covered language to the same extent that
540 English-language notices are made available;

541 (4) In-language signage identifying the availability of covered language sample ballots
542 and live over-the-phone interpretation services shall be made available on the political
543 subdivision's website, at a local elections office, and at polling locations during voting
544 periods; and

545 (5) Live language interpretation services by telephone, allowing voters to request and
546 receive real-time assistance in the covered language during advance voting, on election
547 day, and for any voter related inquiries year-round.

548 (d) Where a state agency creates, produces, or disseminates relevant physical or online
549 electoral and voting materials for or to political subdivisions subject to the requirements
550 of this Code section, the state shall also comply with the requirements of this Code section.

551 21-3-53.

552 For covered languages that do not have a written form or for which use of the written form
553 is limited, the subdivision shall provide recordings of oral translations or provide taglines
554 or signage indicating how to access oral translations of required written assistance.

555 21-3-54.

556 No voter who has attended a qualifying school shall be denied the right to vote in any state
557 or local election due to their inability to read, write, understand, or interpret any matter in
558 the English language.

559 21-3-55.

560 (a) The commission shall establish a review process under which the commission shall
561 determine, upon receipt of a request submitted under this article, whether a significant and
562 substantial need exists in a political subdivision for a language to be designated for
563 additional language access and assistance in voting and elections whenever such a need has
564 not been found under Code Section 21-3-51. Such process shall include, at a minimum:

- 565 (1) An opportunity for any individual or entity aggrieved by a failure to provide such
566 assistance to submit a request for the commission to consider designating a new language
567 for coverage or providing additional in-language services. Individuals or entities
568 aggrieved by such failure are those who have standing as defined by subsection (b) of
569 Code Section 21-3-120;
- 570 (2) A timeline specifying when requests for additional in-language services may be
571 submitted to be considered timely for the next election; and
- 572 (3) Consideration of the following:
- 573 (A) Community based evidence indicating the need for in-language services, including,
574 but not limited to, school enrollment data, public health or social service records,
575 language-specific outreach from community based organizations, and other reliable
576 evidence;
- 577 (B) Testimony or affidavits from individuals or entities representing or serving the
578 language minority community, including impacted voters; and
- 579 (C) Evidence of structural, procedural, or informational barriers that disproportionately
580 impact LEP voters in the language group, including low turnout rates, high provisional
581 ballot use, or lack of access to translated materials.
- 582 (b) Upon receipt of any request pursuant to subsection (a) of this Code section, the
583 commission shall:
- 584 (1) Respond in writing within 14 days of receipt of any such request;
585 (2) Provide an opportunity for public comment following the publication of a proposed
586 determination; and
- 587 (3) Issue a written decision that includes all factors considered. All final decisions shall
588 be published on the commission's website.
- 589 (c) If a request pursuant to subsection (a) of this Code section is granted by the
590 commission too close to an election to allow for meaningful implementation, the
591 designation shall take effect for the following election.

592 21-3-56.

593 All materials and notices provided by a political subdivision as required by this article in
594 a particular language other than English shall be of an equal quality to the corresponding
595 English-language materials and produced at the same time as the corresponding
596 English-language materials. All provided translated materials shall convey the intent and
597 essential meaning of the original English-language text or communication. Translated
598 materials produced solely by automated translation services are presumed to be insufficient
599 to completely convey intent and essential meaning.

600 21-3-57.

601 (a)(1) Political subdivisions providing language services in accordance with this article
602 shall hold public meetings to solicit feedback about:

603 (A) The quality of all materials and services provided in a particular language other
604 than English; and

605 (B) Barriers to voting and registration for LEP voters and communities.

606 (2) Such meetings shall be advertised at least two months in advance, held at a time and
607 location generally convenient for the covered language minority community, and include
608 live translation services in any covered language. Election administrators shall develop
609 effective recruitment practices for bilingual staff and poll workers based on community
610 feedback from such meetings.

611 (b)(1) Political subdivisions covered under Code Section 21-3-51 shall hold the meeting
612 required by subsection (a) of this Code section at least twice per year.

613 (2) Political subdivisions providing language services in accordance with Code
614 Section 21-3-55 shall hold such meetings following elections in which language services
615 are provided, but shall not be required to hold such meetings more than once per year.

616 21-3-58.

617 Any voter who requires assistance at any stage of the voting process, by reason of
618 blindness, disability, or inability to read, write, or understand any aspect of the voting
619 process, including a person with limited English proficiency, shall have the right to receive
620 assistance from any person of the voter's choice, other than the voter's employer or agent
621 of that employer or officer or agent of the voter's union.

622 21-3-59.

623 The provisions of this article shall take effect on July 1, 2028.

624 21-3-60.

625 The commission may adopt rules and regulations to implement this article.

626 ARTICLE 6

627 21-3-70.

628 Within one year of the effective date of this chapter, the commission shall select and enter
629 into an agreement with one or more universities in this state to create and administer the
630 Georgia Voting and Elections Database and Institute. The parties to such agreement shall
631 enter into a memorandum of understanding that sets forth the governance structure for the
632 Database and Institute within the university or universities.

633 21-3-71.

634 The mission of the Database and Institute is to collect, archive, and make publicly available
635 at no cost an accessible database pertaining to elections, voter registration, and ballot
636 access in this state; to foster, pursue, and sponsor research on existing laws and regulations;

637 and to support and enable the development of best practices in voting and elections by
638 leveraging data.

639 21-3-72.

640 (a) The Database and Institute shall maintain and make publicly available in an electronic
641 machine-readable format all relevant election and voting data and records from at least the
642 previous 12-year period, including, but not limited to, the following:

643 (1) Precinct-level election results, including early votes, absentee ballots, ballots cast at
644 central or county-wide polling locations, and registered voters, all broken out by precinct;
645 registration and turnout data for all elections, including elections at the federal level, state
646 level, and for every political subdivision; and, where available, any such data at the
647 sub-precinct level;

648 (2) District, precinct, and, where available, sub-precinct division maps in an electronic
649 geospatial format designated by the Database and Institute for all elections conducted in
650 this state, including federal or state elections, and for every political subdivision;

651 (3) Current and historical data on the location, dates of availability, and hours of
652 availability of polling locations and other election offices that provide services to voters
653 for every election in every political subdivision;

654 (4) Information concerning the elected offices and electoral structure of each political
655 subdivision, including, but not limited to, the method of election or selection for each
656 elected office, the name, title, and contact information for each current elected official,
657 the commencement and expiration dates of each term of office and the date on which
658 each office is next scheduled for election, and any additional information the Database
659 and Institute deems necessary to accurately describe the governing and electoral structure
660 for each political subdivision;

661 (5) Any notice received by a political subdivision pursuant to this chapter and any public
662 filings, including in litigation, made by a political subdivision in connection with this
663 chapter; and

664 (6) Any other data that is maintained by the state or political subdivisions that the
665 Database and Institute deems necessary to maintain in furtherance of its mission.

666 (b) The Database and Institute shall produce, maintain, and make publicly available in an
667 electronic machine-readable format any other data or data products in furtherance of its
668 mission, including, but not limited to, the following:

669 (1) Estimates of the total population, voting age population, and citizen voting age
670 population by racial, color, or language minority group, broken down to the precinct
671 level, on a year-by-year basis, for every political subdivision in this state, based on
672 existing sources of data from the United States Census Bureau, the American Community
673 Survey, or existing sources of data of comparable quality collected by a public office;

674 (2) Estimates of limited English proficient populations, broken down by language spoken
675 and by political subdivision level, on a year-by-year basis, for every political subdivision
676 in this state, based on data from the United States Census Bureau, the American
677 Community Survey, or data of comparable quality collected by a public office;

678 (3) Relationship files following any changes to precinct boundaries or numbers, to enable
679 apportioning election results under past precinct boundaries to current precinct
680 boundaries, analogous to relationship files provided by the United States Census Bureau;

681 (4) Records of voter and state initiated challenges to voter eligibility;

682 (5) Post-election challenges, including, but not limited to, challenges to voter eligibility
683 at ballot counting, challenges to ballots being counted, challenges to the certification of
684 the election results, post-election audit reports, and any recounts; and

685 (6) Any data or estimates identified by the commission as necessary to make coverage
686 determinations under subsection (c) of Code Section 21-3-40.

687 21-3-73.

688 In addition to maintaining the public database, the Database and Institute may:

689 (1) Conduct classes both for credit and noncredit;

690 (2) Organize interdisciplinary groups of scholars to research voting and elections in this
691 state;

692 (3) Conduct seminars regarding voting and elections;

693 (4) Assist in the dissemination of election data to the public; or

694 (5) Publish reports, books, and periodicals as the Database and Institute considers
695 appropriate on voting and elections in this state.

696 21-3-74.

697 (a) The Database and Institute shall prepare any estimates made under this article by
698 applying the most advanced, peer reviewed, and validated methodologies available. In
699 preparing any estimates under this article, the Database and Institute shall apply validated
700 methodologies and engage with impacted communities to adjust estimates for documented
701 inaccuracies, errors, or biases, including, but not limited to, population miscounts or
702 exclusions, in data from the United States Census Bureau or the American Community
703 Survey.

704 (b) The data, information, and estimates maintained by the Database and Institute are
705 entitled to a presumption of authenticity and constitute judicially noticeable facts.

706 21-3-75.

707 (a) All state agencies and political subdivisions shall provide the Database and Institute
708 with any information requested by the Database and Institute in the format requested by the
709 Database and Institute and consistent with any deadlines imposed by the Database and
710 Institute.

711 (b) The Database and Institute will provide nonpartisan technical assistance to political
712 subdivisions, scholars, and the public seeking to use its resources.

713 21-3-76.

714 If any political subdivision receives a request for documents under Article 4 of Chapter 18
715 of Title 50, relating to open records, the political subdivision shall not be required to fulfill
716 such request if:

717 (1) The political subdivision has provided the requested documents to the Database and
718 Institute;

719 (2) The requested documents have been made publicly available by the Database and
720 Institute; and

721 (3) The political subdivision informs the requestor in writing that the requested
722 documents are available from the Database and Institute and provides in their written
723 response directions for accessing the specifically requested materials through the
724 Database and Institute.

725 21-3-77.

726 No later than 90 days following the end of each state fiscal year, the Database and Institute
727 shall publish a report on its activities and provide a copy of such report to the commission.

728 21-3-78.

729 The provisions of this article shall take effect on July 1, 2028.

730

ARTICLE 7731 21-3-90.

732 (a) No person, whether acting under color of law or otherwise, shall engage in or attempt
733 to engage in acts of intimidation, deception, or obstruction that affect the right of voters to
734 participate in elections.

735 (b) Violations of subsection (a) of this Code section include, but are not limited to, the
736 following:

737 (1) A person uses, threatens to use, or attempts to use any force, violence, restraint,
738 abduction or duress, or inflicts, threatens to inflict, or attempts to inflict any injury,
739 damage, harm, or loss, or in any other manner practices or attempts to practice
740 intimidation that causes or will reasonably have the effect of causing any person to vote
741 or refrain from voting;

742 (2) A person uses or attempts to use any deceptive or fraudulent device, contrivance, or
743 communication, regarding the time, place, or manner of conducting an election or the
744 qualifications for or restrictions on voter eligibility for an election, with reckless
745 disregard for the truth, that impedes, prevents, or otherwise interferes with the free
746 exercise of the elective franchise by any person, or that causes or will reasonably have
747 the effect of causing any person to vote or refrain from voting; or

748 (3) A person obstructs, impedes, or otherwise interferes, or attempts to obstruct, impede,
749 or otherwise interfere with access to any polling location or elections office, or with any
750 voter in any manner that causes or would reasonably have the effect of causing any delay
751 in voting or the voting process, including the canvassing, certification, and tabulation of
752 ballots.

753 21-3-91.

754 A person that violates subsection (a) of Code Section 21-3-90 or that aids in the violation
755 of such subsection shall be liable for any damages awarded by the court, including nominal
756 damages for any violation and compensatory or punitive damages for any willful violation.

757 21-3-92.

758 Nothing in this article, nor in its enforcement pursuant to Code Section 21-3-124, shall be
759 construed to prohibit any activity protected under the Constitution of the United States.

760 ARTICLE 8

761 21-3-100.

762 (a) All political subdivisions shall provide advance notice of any new or modified election
763 policy or practice to the commission prior to implementation as follows:

764 (1) All political subdivisions shall provide notice to the commission a minimum of 60
765 days prior to implementing any changes to government boundaries, method of election,
766 or district maps;

767 (2) All political subdivisions shall provide notice to the commission a minimum of 15
768 days prior to implementing any changes to the location, dates of availability, and hours
769 of availability of polling locations and other election offices that provide services to
770 voters; and

771 (3) All political subdivisions shall provide notice to the commission a minimum of 30
772 days prior to implementing any of the following election policies or practices:

773 (A) Registration of voters;

774 (B) Removal of voters from enrollment lists or other list maintenance activities;

775 (C) Dates of elections and the elections calendar;

776 (D) Assignment of election districts to election day poll sites or advance voting
 777 locations;

778 (E) Assistance offered to members of a language minority group;

779 (F) Response to an officially declared emergency; and

780 (G) Any additional topics designated by the commission pursuant to promulgated rules
 781 or regulations based upon a determination that such election policy or practice may
 782 have the effect of denying or abridging the right to vote on account of race, color, or
 783 membership in a language minority group.

784 (b) The commission shall publish all advance notices provided by political subdivisions
 785 in a centralized, publicly accessible location on its website.

786 (c) This Code section provides minimum notice requirements and shall not supplant or
 787 override notice required by other laws or authorities.

788 (d) Notwithstanding subsection (g) of Code Section 21-3-121, any political subdivision
 789 that complies with subsection (b) of Code Section 21-3-121 shall not be required to meet
 790 any local publication requirements beyond publishing notice on its own website.

791 21-3-101.

792 The commission shall promulgate rules and regulations to implement this article.

793 ARTICLE 9

794 Part 1

795 21-3-110.

796 Any provision of state law, regulation, charter, home rule ordinance, or other enactment
 797 of the state or any political subdivision relating to voting or the right to vote shall be
 798 construed liberally in favor of the factors listed in this Code section. To the extent courts
 799 are afforded discretion on any issue, including, but not limited to, questions concerning

800 discovery, procedure, admissibility of evidence, or remedies, it is the policy of the state that
801 courts shall exercise such discretion, and weigh other equitable discretion, in favor of the
802 following:

803 (1) Making voting, the fundamental right to vote, and the ability to participate in the
804 democratic process more accessible to eligible voters;

805 (2) Safeguarding and vindicating, to the fullest extent possible by law, the voting rights
806 of protected class members, including, but not limited to, equitable access to
807 opportunities to register to vote and vote, and the equal opportunity to elect candidates
808 of choice; and

809 (3) Ensuring protected class members have full access to relief from discrimination in
810 voting.

811 Part 2

812 21-3-120.

813 (a) An action to cure a violation of this chapter may be brought by any individual or entity
814 aggrieved through a cognizable injury by such violation or by the Attorney General.

815 (b) An entity with a cognizable injury by a violation of this chapter shall include, but shall
816 not be limited to, any entity:

817 (1) Whose membership includes individuals aggrieved through a cognizable injury by
818 a violation of this chapter as if such member or members had brought action as
819 individuals; or

820 (2) Whose mission would be frustrated by a violation of this chapter, including, but not
821 limited to, an entity that would expend or divert resources to fulfill its mission as a result
822 of such violation or that shall expend greater resources or efforts to advocate before an
823 elected body that is less responsive to the entity or its members due to the alleged
824 violation.

825 (c) An entity shall not be compelled to disclose the identity of any specific member to
826 pursue a claim on behalf of its members.

827 (d) This part shall be construed liberally to confer standing as broadly and to the maximum
828 extent as possible under the Constitution of Georgia and the laws of this state.

829 21-3-121.

830 (a) Except as provided in subsection (f) of this Code section, before filing an action against
831 a political subdivision under this chapter, a party described in subsection (b) of Code
832 Section 21-2-120, except for the Attorney General, shall send notice to the political
833 subdivision identifying the potential violation and the type of remedy the party believes
834 may address the potential violation. The party may not file an action within 50 days after
835 sending such notice.

836 (b) The political subdivision may work with the party that provided notice provided for
837 in subsection (a) of this Code section to implement a remedy that cures the potential
838 violation. If the political subdivision adopts a resolution identifying a remedy, affirming
839 its intent to enact and implement a remedy, and establishing a timeline and specific steps
840 it will take to do so, the party may not file an action within 120 days after sending such
841 notice.

842 (c) In response to notice provided by subsection (a) of this Code section, the political
843 subdivision may adopt a resolution denying that a violation exists, or otherwise formally
844 deny a violation, which will abrogate the 50 day waiting period described in subsection (a)
845 of this Code section and permit the party who sent notice to file an action immediately.

846 (d) If, under the laws of this state, the political subdivision lacks authority to enact or
847 implement a remedy identified in such a resolution, the political subdivision may
848 nonetheless enact and implement a proposed remedy upon approval of the superior court
849 having jurisdiction over such political subdivision.

850 (e) Following the party's submission of notice pursuant to subsection (a) of this Code
851 section, such party may file an action if the political subdivision has not enacted or
852 implemented a remedy within the time periods designated by this Code section or such
853 political subdivision has enacted or implemented a remedy that would not remedy the
854 violation identified in the party's notice.

855 (f) A party with standing pursuant to subsection (b) of Code Section 21-3-120 may file an
856 action against a political subdivision under this chapter notwithstanding this part if:

857 (1) The party is seeking preliminary relief with respect to an upcoming election;

858 (2) Another party has already submitted notice pursuant to subsection (a) of this Code
859 section alleging a substantially similar violation, and such party is eligible to file an
860 action under this part; or

861 (3) The prospect of obtaining relief under subsection (b) of Code Section 21-3-121
862 would be futile.

863 (g) An action to enforce this chapter may be brought in the superior court wherein the
864 defendant resides unless the venue is otherwise provided for in the Constitution of Georgia.

865 21-3-122.

866 Actions concerning Articles 4 or 5 of this chapter may only be filed under the following
867 circumstances:

868 (1) A political subdivision that has been designated as a covered political subdivision
869 under subsection (d) of Code Section 21-3-40 or Code Section 21-3-51 may challenge the
870 determination within 30 days of its publication in accordance with applicable state law
871 governing challenges to agency action, including the applicable standard of review of
872 such actions. Such actions may only be filed by the covered political subdivision and
873 intervention shall not be permitted;

874 (2) Any party, as provided for in subsection (b) of Code Section 21-3-120, aggrieved by
875 the exclusion of a political subdivision from the list of covered political subdivisions

876 under subsection (d) of Code Section 21-3-40 or Code Section 21-3-51 may file an action
877 to challenge the exclusion of a political subdivision. Such actions are subject to a
878 three-year statute of limitations, accruing from the date of any coverage determinations
879 under subsection (d) of Code Section 21-3-40 or Code Section 21-3-51 and are subject
880 to a de novo standard of review;

881 (3) Any denial of preclearance by the commission under paragraph (4) of Code
882 Section 21-3-42 may be appealed only by the covered political subdivision within 30
883 days of the denial in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
884 Procedure Act,' including the applicable standard of review of such actions. Such actions
885 may only be filed by the covered political subdivision and intervention shall not be
886 permitted;

887 (4) Any party, as provided for in subsection (b) of Code Section 21-3-120, that is
888 aggrieved by a determination by the commission to grant preclearance to a covered policy
889 under subsection (c) of Code Section 21-3-40 may file an action to challenge the
890 determination to grant preclearance. Such actions shall be subject to a de novo standard
891 of review; or

892 (5) If the commission fails to discharge any of its responsibilities under this chapter or
893 any other action necessary to enforce a provision of this chapter, any party, as defined in
894 subsection (b) of Code Section 21-3-120, that is aggrieved by this failure may file an
895 action seeking appropriate relief, including, but not limited to, any injunctive relief on the
896 commission or any other party to the action that is necessary to enforce this chapter.
897 Such actions shall be subject to a de novo standard of review.

898 21-3-123.

899 Actions brought pursuant to this chapter shall be subject to expedited pretrial and trial
900 proceedings and receive an automatic calendar preference.

901 21-3-124.

902 (a) In any action alleging a violation of this chapter in which a party seeks preliminary
903 relief with respect to an upcoming election, a court shall grant relief if it determines that:

904 (1) Plaintiffs are more likely than not to succeed on the merits; and

905 (2) It is possible to implement an appropriate remedy that would resolve the alleged
906 violation in the upcoming election.

907 (b) Upon finding a violation of any provision of this chapter, a court shall order
908 appropriate remedies notwithstanding any other law.

909 (c) The court shall have the authority to order remedies that are tailored to best mitigate
910 the violation, including any and all forms of preliminary and injunctive relief. The court
911 may consider, among others, any remedy that is available to a federal court or the court of
912 another state jurisdiction, including through a court approved consent decree or settlement
913 adopted in the context of similar facts or to remedy a similar violation.

914 (d) The court shall consider proposed remedies by any parties and interested nonparties.

915 (e) The court may not give deference or priority to a remedy proposed by the political
916 subdivision.

917 (f) A remedy ordered under this part shall be implemented in the next relevant election,
918 scheduled or ordered, wherever possible.

919 21-3-125.

920 This chapter provides rights and remedies under state law to enforce state constitutional
921 rights or statutory rights and does not enforce any rights established under the United States
922 Constitution or federal law. Nothing in this chapter may be construed to create a cause of
923 action under federal law. Persuasive use of relevant federal legal standards, precedents, or
924 evidentiary frameworks to aid in the interpretation or application of this chapter should not
925 be construed to give rise to a federal question. Moreover, use of such federal legal

926 standards, precedent, or evidentiary frameworks may be persuasive, but shall not be
927 necessary to the interpretation or application of this chapter

928 21-3-126.

929 Defendants in actions under this chapter may not assert the doctrine of laches as a defense
930 to claims brought under this chapter. Political subdivisions may not assert that plaintiffs
931 have failed to comply with any notice, exhaustion, or other procedural requirements under
932 state law, other than the requirements in this chapter, as a defense to claims brought under
933 this part.

934 21-3-127.

935 (a) In any action to enforce any provision of this chapter, a prevailing plaintiff, other than
936 the state or a political subdivision, shall be entitled to recover all reasonable costs and fees
937 from the defendant party. Costs and fees shall include, but shall not be limited to,
938 attorney's fees, expert witness fees, and all other litigation or pre-litigation fees and costs.

939 (b) A plaintiff shall be deemed to have prevailed in an action when, as a result of an action
940 or notice pursuant to Code Section 21-3-121, the defendant party yields some or all of the
941 relief sought in the action.

942 (c) If the state or political subdivision prevails in an action under this chapter, the court
943 may not award the defendant party any fees or costs unless the court finds the action to be
944 frivolous, unreasonable, or without foundation.

945 ARTICLE 10

946 21-3-140.

947 To the extent any provision of this charter, including any legal standard, requirement, or
948 any part thereof, may be construed or applied in a manner that is unconstitutional or

949 otherwise invalid, such provision shall be construed or applied in the manner that preserves
950 its validity and is most consistent with the provisions provided for in Code
951 Section 21-3-110.

952 21-3-141.

953 (a) In any action under this chapter or any other voting related violation of state or federal
954 law, no sovereign, governmental, executive, legislative, or deliberative immunities and
955 privileges, including any evidentiary privileges, may be asserted; provided, however, that
956 this Code section shall have no effect on any attorney-client or attorney work-product
957 privileges.

958 (b) The General Assembly explicitly waives the sovereign immunity of the state and every
959 political subdivision to the maximum extent necessary to effectuate and implement this
960 chapter."

961

SECTION 2.

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