

House Bill 1238

By: Representative Smith of the 41<sup>st</sup>

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 provide for electors to change their addresses and  
3 vote on primary and election days; to provide for voter registration at certain offices unless  
4 the person affirmatively elects not to register to vote; to provide that precinct lines shall be  
5 established to ensure that the polling place for such precinct is within 25 miles of all voters  
6 in the precinct; to provide for additional polling locations; to provide for the number and  
7 placement of advance voting locations; to provide for related matters; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
12 primaries generally, is amended by revising Code Section 21-2-218, relating to cancellation  
13 of registration in former state or county and address changes and corrections, as follows:

14 "21-2-218.

15 (a) Any person, who is registered to vote in another state and who moves such person's  
16 residence from that state to this state, shall, at the time of making application to register to  
17 vote in this state, provide such information as specified by the Secretary of State in order  
18 to notify such person's former voting jurisdiction of the person's application to register to  
19 vote in this state and to cancel such person's registration in the former place of residence.

20 (b) A change of address or residence by an elector within this state shall not disqualify  
21 such elector as a voter in a primary or election. An elector who has changed his or her  
22 permanent place of residence within this state, but who has not transferred his or her voter  
23 registration to such new address, shall be permitted to vote a regular ballot at the polling  
24 place for the precinct encompassing the elector's new residence on the day of a primary or  
25 election and at any advance voting location during the advance voting period prior to such

26 primary or election pursuant to the following procedures. The elector shall complete an  
 27 affirmation in substantially the following form:

28 'CHANGE OF LEGAL RESIDENCE OF REGISTERED ELECTOR

29 Under penalties for false swearing, I, (name of elector), swear or affirm that the address  
 30 of my former legal residence in this state was (address of former legal residence at which  
 31 elector was registered); that I have not voted in the precinct of my former legal residence  
 32 in this primary or election; that I am otherwise legally registered, eligible, and entitled to  
 33 vote; and that I now legally reside at:

34 Street Address: \_\_\_\_\_

35 City: \_\_\_\_\_

36 County: \_\_\_\_\_

37 State: \_\_\_\_\_

38 ZIP Code: \_\_\_\_\_

39 \_\_\_\_\_  
 40 (Signature of Elector)'

41 (c) Instead of the affirmation contained in subsection (b) of this Code section, an elector  
 42 may complete a voter registration application that indicates the change of name of such  
 43 elector or change of address of such elector's legal residence.

44 (d) An affirmation under subsection (b) of this Code section or a voter registration  
 45 application under subsection (c) of this Code section, when completed and presented at the  
 46 precinct in which such elector is entitled to vote, upon verification that such elector is a  
 47 registered elector in this state, shall entitle such elector to vote a regular ballot as provided  
 48 in this Code section at such precinct. If the elector's registration record cannot be located  
 49 in the state voter registration data base, he or she shall be entitled to vote a provisional  
 50 ballot at such precinct, subject to the requirements and procedures contained in Code  
 51 Sections 21-2-418 and 21-2-419. Upon receipt of an affirmation as provided in  
 52 subsection (b) of this Code section or a voter registration application as provided in  
 53 subsection (c) of this Code section certifying a change of legal residence, the board of  
 54 registrars shall as soon as practicable make the necessary changes in the state-wide voter  
 55 registration system to indicate the change of legal residence of such elector.

56 (e) The Secretary of State shall ensure that each precinct shall have access to the  
 57 state-wide voter registration system to determine an elector's eligibility to vote in  
 58 accordance with this Code section.

59 (f) Upon checking an elector's eligibility, the poll officer shall direct such elector to any  
 60 correct precincts in which such elector may cast a valid ballot pursuant to state law. It shall  
 61 be the responsibility of the poll officer to inform such elector of the correct precinct in

62 which to cast such elector's ballot pursuant to state law. In cases in which such elector is  
63 required to cast a provisional ballot and does so in the wrong precinct because of the failure  
64 of the poll officer to direct such elector to the correct precinct, such ballot shall be counted  
65 for all contests and questions in which such elector was eligible to vote had the ballot been  
66 cast in the correct precinct.

67 (g) The Secretary of State shall prescribe measures by which an elector may determine  
68 such elector's new polling place based on such elector's legal residence, both over an  
69 Internet website accessible to the public and by telephone. Such measures shall not require  
70 the elector to have previously updated such elector's registration and shall comply with all  
71 applicable state and federal laws with regard to individuals with disabilities.

72 ~~(b) Any person, who is registered to vote in another county or municipality in this state~~  
73 ~~and who moves such person's residence from that county or municipality to another county~~  
74 ~~or municipality in this state, shall, at the time of making application to register to vote in~~  
75 ~~that county or municipality, provide such information as specified by the Secretary of State~~  
76 ~~in order to notify such person's former voting jurisdiction of the person's application to~~  
77 ~~register to vote in the new place of residence and to cancel such person's registration in the~~  
78 ~~former place of residence.~~

79 ~~(c) In the event that an elector moves to a residence within the county or municipality and~~  
80 ~~has a different address from the address contained on the person's registration card, it shall~~  
81 ~~be the duty of such elector to notify the board of registrars of such fact by the fifth Monday~~  
82 ~~prior to the primary or election in which such elector wishes to vote by submitting the~~  
83 ~~change of address in writing. The board of registrars shall then correct the elector's record~~  
84 ~~to reflect the change of address and place the elector in the proper precinct and voting~~  
85 ~~districts. The board of registrars may accept a properly submitted application for an~~  
86 ~~absentee ballot for this purpose for electors who move to an address within the county or~~  
87 ~~municipality which is different from the address contained on the person's registration card.~~  
88 ~~The board of registrars may also accept a properly submitted application for an absentee~~  
89 ~~ballot to correct an elector's name on the voter registration list if all necessary information~~  
90 ~~to complete such a change is included with the application.~~

91 ~~(d) In the event that an elector moves to a residence within the county or municipality but~~  
92 ~~into a different precinct or who moves to a residence in the same precinct but at a different~~  
93 ~~address and fails to notify the board of registrars of such fact by the fifth Monday prior to~~  
94 ~~an election or primary such elector shall vote in the precinct of such elector's former~~  
95 ~~residence for such election or primary and for any runoffs resulting therefrom. The~~  
96 ~~superintendent of an election shall make available at each polling place forms furnished by~~  
97 ~~the Secretary of State which shall be completed by each such elector to reflect such~~  
98 ~~elector's present legal residence. Such forms may also be used to notify the board of~~

99 ~~registrars of a change in an elector's name. The board of registrars shall thereafter place~~  
 100 ~~the elector in the proper precinct and voting districts and correct the list of electors~~  
 101 ~~accordingly. If the elector is placed in a precinct other than the one in which such elector~~  
 102 ~~has previously been voting, such elector shall be notified of the new polling place by~~  
 103 ~~first-class mail.~~

104 ~~(e) Any provision of this chapter to the contrary notwithstanding, an elector who moves~~  
 105 ~~from one county or municipality to another after the fifth Monday prior to a primary or~~  
 106 ~~election may vote in the county or municipality or precinct in which such elector is~~  
 107 ~~registered to vote.~~

108 ~~(f) No person shall vote in any county or municipality other than the county or~~  
 109 ~~municipality of such person's residence except as provided in subsection (e) of this Code~~  
 110 ~~section.~~

111 ~~(g) In the event that the registration records incorrectly indicate that an elector has moved~~  
 112 ~~from an address within a precinct, the elector may vote in the precinct upon affirming in~~  
 113 ~~writing on a form prescribed by the Secretary of State that the elector still resides in the~~  
 114 ~~precinct at the address previously provided to the board of registrars. The registrars shall~~  
 115 ~~correct the elector's registration record to reflect the correct address.~~

116 ~~(h) If a voter registration application is completed at a polling place for the purpose of~~  
 117 ~~recording a change of address and the new address is outside the county, then the registrar~~  
 118 ~~shall forward the application to the registrar in the new county of residence."~~

119 **SECTION 2.**

120 Said chapter is further amended by revising Code Section 21-2-222, relating to designated  
 121 voter registration agencies and offices, definitions, and duties of agencies and offices, as  
 122 follows:

123 "21-2-222.

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

125 (1) 'Persons with disabilities' means persons who have physical disabilities, including,  
 126 but not limited to, any physical or neurological impairment which severely restricts a  
 127 person's mobility or manual dexterity; substantial loss of speech, sight, or hearing; or loss  
 128 of one or more limbs or use thereof; but such term shall not include nonphysical  
 129 disabilities, mental or emotional disabilities, or disabilities based upon substance abuse.

130 (2) 'Public assistance' means the food stamp program; the Medicaid program; the  
 131 Women, Infants, and Children program; and the Temporary Assistance for Needy  
 132 Families program.

133 (3) 'Recruitment office of the armed forces of the United States' includes both regular  
 134 and reserve forces recruitment offices and national guard recruitment offices.

- 135 (b) Each office in this state:
- 136 (1) Which provides public assistance;
- 137 (2) Which provides state funded programs primarily engaged in providing services to
- 138 persons with disabilities; and
- 139 (3) Which is a recruitment office of the armed forces of the United States located within
- 140 this state
- 141 shall be designated voter registration agencies.
- 142 (c) In addition to the offices listed in subsection (b) of this Code section, the Secretary of
- 143 State shall designate other offices within the state as designated voter registration offices.
- 144 Such offices may include, but not be limited to:
- 145 (1) State or local governmental offices such as public libraries, public schools, offices
- 146 of county and municipal clerks, and government revenue offices; and
- 147 (2) Federal and nongovernmental offices, with the agreement of such offices.
- 148 (d) At each designated voter registration agency, the following services shall be made
- 149 available:
- 150 (1) Distribution of the mail voter registration application provided for in Code Section
- 151 21-2-223 in accordance with subsection (f) of this Code section;
- 152 (2) Assistance to applicants in completing voter registration application forms, unless the
- 153 applicant refuses such assistance; and
- 154 (3) Acceptance of completed voter registration application forms for submission to the
- 155 Secretary of State.
- 156 (e) If a designated voter registration agency under paragraph (2) of subsection (b) of this
- 157 Code section provides services to a person with a disability at the person's home, the
- 158 agency shall provide the services described in subsection (d) of this Code section at such
- 159 person's home.
- 160 (f) A designated voter registration agency that provides service or assistance in addition
- 161 to conducting voter registration shall:
- 162 (1) Distribute with each application for such service or assistance and with each
- 163 recertification, renewal, or change of address form relating to such service or assistance,
- 164 when such application, recertification, renewal, or change of address is made in person,
- 165 the mail voter registration application form provided for in Code Section 21-2-223 unless
- 166 the applicant declines in writing to register to vote;
- 167 (2) Distribute a form provided by the Secretary of State to accompany the voter
- 168 registration application form which includes:
- 169 (A) The question 'If you are not registered to vote where you live now, would you like
- 170 to apply to register to vote here today?';

- 171 (B) If the agency provides public assistance, the statement 'Applying to register or  
 172 declining to register to vote will not affect the amount of assistance that you will be  
 173 provided by this agency.';
- 174 (C) Boxes for the applicant to check to indicate whether the applicant is presently  
 175 registered, would like to register, or declines to register to vote with the statement  
 176 'IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE  
 177 DECIDED ~~NOT~~ TO REGISTER TO VOTE AT THIS TIME.' in close proximity to the  
 178 boxes and in prominent type;
- 179 (D) The statements 'If you would like help in filling out the voter registration  
 180 application form, we will help you. The decision whether to seek or accept help is  
 181 yours. You may fill out the application in private.'; and
- 182 (E) The statement 'If you believe that someone has interfered with your right to register  
 183 or to decline to register to vote or your right to privacy in deciding whether to register  
 184 or in applying to register to vote, you may file a complaint with the Secretary of State  
 185 at (insert address and telephone number).'; and
- 186 (3) Provide to each applicant who does not decline to apply to register to vote the same  
 187 degree of assistance with regard to the completion of the voter registration application  
 188 form as is provided by the office with regard to the completion of its own forms, unless  
 189 the applicant refuses such assistance.
- 190 (g) If an applicant fails to check any box on the form required by subparagraph (f)(2)(C)  
 191 of this Code section, the applicant shall be deemed to have ~~declined~~ agreed to apply to  
 192 register to vote.
- 193 (h) No information relating to a declination to apply to register to vote in connection with  
 194 an application made at an office described in subsection (f) of this Code section may be  
 195 used for any purpose other than voter registration and shall not be subject to public  
 196 inspection.
- 197 (i) Each office shall transmit the completed voter registration application forms to the  
 198 Secretary of State at least once per week, except that, during the 15 days leading up to a  
 199 registration deadline for a primary or election, such applications shall be transmitted to the  
 200 Secretary of State at the conclusion of each business day. The Secretary of State shall  
 201 forward the applications to the appropriate county board of registrars to determine the  
 202 eligibility of the applicant and, if found eligible, to add the applicant's name to the list of  
 203 electors and to place the applicant in the correct precinct and voting districts.
- 204 (j) Each office shall maintain such statistical records on the number of registrations and  
 205 declinations as requested by the Secretary of State.
- 206 (k) Persons providing the services described in subsection (d) of this Code section shall  
 207 not:

- 208 (1) Seek to influence an applicant's political preference;
- 209 (2) Display any such political preference or political party or body allegiance;
- 210 (3) Make any statement to an applicant or take any action the purpose or effect of which
- 211 is to discourage the applicant from applying to register to vote; or
- 212 (4) Make any statement to an applicant or take any action the purpose or effect of which
- 213 is to lead the applicant to believe that a decision to apply to register or not to apply to
- 214 register to vote has any bearing on the availability of services or benefits.
- 215 (l) The Secretary of State shall have the authority to promulgate rules and regulations to
- 216 provide for the transmission of voter registration applications and signatures electronically
- 217 from public assistance offices, offices which provide state funded programs primarily
- 218 engaged in providing services to persons with disabilities, and recruitment offices of the
- 219 armed forces of the United States located within this state. Such electronically transmitted
- 220 signatures shall be valid as signatures on the voter registration application and shall be
- 221 treated in all respects as a manually written original signature and shall be recognized as
- 222 such in any matter concerning the voter registration application."

223 **SECTION 3.**

224 Said chapter is further amended by revising Code Section 21-2-263, relating to reduction in

225 size of, or provision of additional voting equipment or poll workers to, precincts containing

226 more than 2,000 electors when voting in such precincts at previous general election not

227 completed one hour after closing of polls, by designating the existing text as subsection (a)

228 and adding a new subsection to read as follows:

229 "(b) If a polling place for a precinct is located more than 25 miles from any elector in the

230 precinct as measured using the most direct route of travel from the residence of such elector

231 to such polling place, such precinct shall be divided or altered such that no elector in the

232 precinct is located more than 25 miles from the polling place for such precinct as measured

233 using the most direct route of travel from the residence of such elector to such polling

234 place."

235 **SECTION 4.**

236 Said chapter is further amended by adding a new Code section to Article 7, relating to

237 precincts and polling places, to read as follows:

238 "21-2-271.

239 (a) In addition to the other polling places established pursuant to this article, the election

240 superintendent shall be authorized to designate one or more of the locations used as

241 advance voting locations pursuant to subsection (d) of Code Section 21-2-385 as polling

242 places on the day of a primary or election at which any elector of the county or  
 243 municipality may vote on the day of a primary or election.  
 244 (b) The Secretary of State shall provide for procedures and all necessary equipment at such  
 245 polling places to ensure that electors vote only once in a primary or election."

246 **SECTION 5.**

247 Said chapter is further amended by revising paragraph (1) of subsection (d) of Code  
 248 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as  
 249 follows:

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

- 251 (A) On the fourth Monday immediately prior to each primary or election;
- 252 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 253 (C) On the fourth Monday immediately prior to a runoff from a general election in  
 254 which there are candidates for a federal office on the ballot in the runoff; and
- 255 (D) As soon as possible prior to a runoff from any other general election in which there  
 256 are only state or county candidates on the ballot in the runoff but no later than the  
 257 second Monday immediately prior to such runoff

258 and shall end on the Friday immediately prior to each primary, election, or runoff.  
 259 Voting shall be conducted during normal business hours on weekdays during such period  
 260 and shall be conducted on the second Saturday prior to a primary, ~~or election, or runoff~~  
 261 during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries,  
 262 ~~and elections, or runoffs~~ in which there are no federal or state candidates on the ballot,  
 263 no Saturday voting hours shall be required; and provided, further, that, if such second  
 264 Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second  
 265 Saturday follows a public and legal holiday occurring on the Thursday or Friday  
 266 immediately preceding such second Saturday, or if such second Saturday immediately  
 267 precedes a public and legal holiday occurring on the following Sunday or Monday, such  
 268 advance voting shall not be held on such second Saturday but shall be held on the third  
 269 Saturday prior to such primary or election. Each county and municipality conducting a  
 270 primary, election, or runoff shall have at least one location for every 150,000 electors in  
 271 the jurisdiction and every fraction thereof open for advance voting during such advance  
 272 voting period. In the event that a county or municipality is required under this paragraph  
 273 to have multiple locations available for advance voting, such locations shall be  
 274 geographically distributed throughout the county or municipality to serve the convenience  
 275 of the electors. Except as otherwise provided in this paragraph, counties and  
 276 municipalities may extend the hours for voting beyond regular business hours and may



277 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the  
278 needs of the electors of the jurisdiction at their option."

279

**SECTION 6.**

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