

House Bill 1254

By: Representatives Draper of the 90th, Hugley of the 141st, Romman of the 97th, Miller of the 62nd, Anulewicz of the 42nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, elections and
2 primaries generally, so as to provide for a reasonable charge for challenges to applications
3 for voter registration; to provide for a reasonable charge for challenges to lists of electors;
4 to provide for estimation of fees; to provide for recovery of fees; to provide for up-front
5 payment of fees; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, elections and primaries
10 generally, is amended in Code Section 21-2-229, relating to challenge of applicant for
11 registration by other electors, notice and hearing, right of appeal, and sanctions for board's
12 noncompliance, by adding a new subsection to read as follows:

13 "(g)(1) The board of registrars may impose a reasonable charge for costs related to this
14 Code section. The board of registrars shall utilize the most economical means reasonably
15 calculated to obtain records, conduct interviews, and other tasks as may be necessary for
16 the execution of any challenge pursuant to this Code section. In all instances, the charge

17 for each challenge shall not exceed the prorated hourly salary of the lowest paid full-time
18 employee who, in the reasonable discretion of the board of registrars, has the necessary
19 skill and training to perform the relevant task; provided, however, that no elector shall be
20 charged for the first quarter hour required for the execution of any challenge.

21 (2) Whenever any elector has challenged the qualifications of a person under this Code
22 section and does not pay the cost of processing, hearing, and executing such challenge
23 when such charges have been lawfully estimated and agreed to pursuant to this Code
24 section, and the board of registrars has incurred the agreed upon costs to process, hear,
25 or execute the challenge, regardless of the outcome of the challenge, the board of
26 registrars shall be authorized to collect such charges in any manner authorized by law for
27 the collection fees or assessments.

28 (3) In any instance in which the board of registrars seeks costs in excess of \$25.00 for
29 processing, hearing, or executing a challenge, the county shall notify the challenger
30 within a reasonable amount of time not to exceed three business days and shall inform
31 the challenger of the estimate of the costs, and the board of registrars may defer
32 processing, hearing, or executing a challenge until the challenger agrees to pay the
33 estimated costs unless the challenger has stated in his or her request a willingness to pay
34 an amount that exceeds the estimated processing, hearing, and execution costs. In any
35 instance in which the estimated costs for processing, hearing, or executing a challenge
36 exceeds \$500.00, the board of registrars may insist on prepayment of such costs prior to
37 beginning processing, hearing, or executing the challenge. Whenever any person who
38 has challenged the qualifications of a person under this Code section has not paid the
39 costs for processing, hearing, or executing the challenge when such charges have been
40 lawfully incurred, the board of registrars may require prepayment for compliance with
41 all future challenges from such person until the costs for such prior challenge have been
42 paid or the dispute regarding such payment has been resolved."

43

SECTION 2.

44 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, elections and primaries
45 generally, is amended in Code Section 21-2-230, relating to challenge of persons on list of
46 electors by other electors, procedure, hearing, and right of appeal, by adding a new
47 subsection to read as follows:

48 "(k)(1) The board of registrars may impose a reasonable charge for costs related to this
49 Code section. The board of registrars shall utilize the most economical means reasonably
50 calculated to obtain records, conduct interviews, and other tasks as may be necessary for
51 the execution of any challenge pursuant to this Code section. In all instances, the charge
52 for each challenge shall not exceed the prorated hourly salary of the lowest paid full-time
53 employee who, in the reasonable discretion of the board of registrars, has the necessary
54 skill and training to perform the relevant task; provided, however, that no elector shall be
55 charged for the first quarter hour required for the execution of any challenge.

56 (2) Whenever any elector has challenged the qualifications of a person under this Code
57 section and does not pay the cost of processing, hearing, and executing such challenge
58 when such charges have been lawfully estimated and agreed to pursuant to this Code
59 section, and the board of registrars has incurred the agreed upon costs to process, hear,
60 or execute the challenge, regardless of the outcome of the challenge, the board of
61 registrars shall be authorized to collect such charges in any manner authorized by law for
62 the collection fees or assessments.

63 (3) In any instance in which the board of registrars seeks costs in excess of \$25.00 for
64 processing, hearing, or executing a challenge, the county shall notify the challenger
65 within a reasonable amount of time not to exceed three business days and shall inform
66 the challenger of the estimate of the costs, and the board of registrars may defer
67 processing, hearing, or executing a challenge until the challenger agrees to pay the
68 estimated costs unless the challenger has stated in his or her request a willingness to pay
69 an amount that exceeds the estimated processing, hearing, and execution costs. In any

70 instance in which the estimated costs for processing, hearing, or executing a challenge
71 exceeds \$500.00, the board of registrars may insist on prepayment of such costs prior to
72 beginning processing, hearing, or executing the challenge. Whenever any person who
73 has challenged the qualifications of a person under this Code section has not paid the
74 costs for processing, hearing, or executing the challenge when such charges have been
75 lawfully incurred, the board of registrars may require prepayment for compliance with
76 all future challenges from such person until the costs for such prior challenge have been
77 paid or the dispute regarding such payment has been resolved."

78 **SECTION 3.**

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