

House Bill 1356

By: Representatives Nguyen of the 89th, Shannon of the 84th, Clark of the 108th, Oliver of the 82nd, Burnough of the 77th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide for disqualification of persons to serve as
3 poll watchers under certain circumstances; to provide that poll watchers shall not view or
4 attempt to view how an elector votes or has voted his or her ballot; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
9 elections generally, is amended by revising subsection (d) of Code Section 21-2-408, relating
10 to poll watchers, designation, duties, removal for interference with election, reports of
11 infractions or irregularities, ineligibility of candidates to serve, and training, as follows:

12 "(d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted
13 behind the enclosed space for the purpose of observing the conduct of the election and the
14 counting and recording of votes. Such poll watcher shall in no way interfere with the
15 conduct of the election, and the poll manager may make reasonable regulations to avoid
16 such interference. Without in any way limiting the authority of poll managers, poll

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17 watchers are prohibited from talking to voters, checking electors lists, attempting to view
18 or viewing how an elector votes or has voted such elector's ballot, using photographic or
19 other electronic monitoring or recording devices, using cellular telephones, or participating
20 in any form of campaigning while they are behind the enclosed space. If a poll watcher
21 persists in interfering with the conduct of the election or in violating any of the provisions
22 of this Code section after being duly warned by the poll manager or superintendent, he or
23 she may be removed by such official. A poll watcher who is removed shall not be eligible
24 to serve as a poll watcher again for the remainder of the calendar year and a period of four
25 calendar years immediately following such year. Any infraction or irregularities observed
26 by poll watchers shall be reported directly to the superintendent, not to the poll manager.
27 The superintendent shall furnish a badge to each poll watcher bearing the words 'Official
28 Poll Watcher,' the name of the poll watcher, the primary or election in which the poll
29 watcher shall serve, and either the precinct or tabulating center in which the poll watcher
30 shall serve or a statement that such poll watcher is a state-wide poll watcher. The poll
31 watcher shall wear such badge at all times while serving as a poll watcher."

32 **SECTION 2.**

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