

## House Bill 180

By: Representatives Dreyer of the 59<sup>th</sup>, Scott of the 76<sup>th</sup>, Gilliard of the 162<sup>nd</sup>, and Prince of the 127<sup>th</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 for voter registration when  
5 registering for college and technical classes; to provide that precinct lines shall be established  
6 to ensure that the polling place for such precinct is within 25 miles of all voters in the  
7 precinct; to provide that no polling place shall be closed within 90 days of a primary or  
8 election; to provide for exceptions; to provide for the number and placement of advance  
9 voting locations; to provide for related matters; to repeal conflicting laws; and for other  
10 purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
14 primaries generally, is amended by revising Code Section 21-2-218, relating to cancellation  
15 of registration in former state or county and address changes and corrections, as follows:  
16 "21-2-218.

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

22 (b) ~~Any person, who is registered to vote in another county or municipality in this state  
23 and who moves such person's residence from that county or municipality to another county  
24 or municipality in this state, shall, at the time of making application to register to vote in  
25 that county or municipality, provide such information as specified by the Secretary of State  
26 in order to notify such person's former voting jurisdiction of the person's application to~~

27 register to vote in the new place of residence and to cancel such person's registration in the  
28 former place of residence A change of address or residence by an elector within this state  
29 shall not disqualify such elector as a voter in a primary or election. An elector who has  
30 changed his or her permanent place of residence within this state, but who has not  
31 transferred his or her voter registration to such new address, shall be permitted to vote a  
32 regular ballot at the polling place for the precinct containing the elector's new residence on  
33 the day of a primary or election and at any advance voting location during the advance  
34 voting period prior to such primary or election pursuant to the following procedures. The  
35 elector shall complete an affirmation in substantially the following form:

36 **'CHANGE OF LEGAL RESIDENCE OF REGISTERED ELECTOR**

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

42 Street Address: \_\_\_\_\_

43 City: \_\_\_\_\_

44 County: \_\_\_\_\_

45 State: \_\_\_\_\_

46 ZIP Code: \_\_\_\_\_

47 \_\_\_\_\_

48 (Signature of Elector)'

49 (c) In the event that an elector moves to a residence within the county or municipality and  
50 has a different address from the address contained on the person's registration card, it shall  
51 be the duty of such elector to notify the board of registrars of such fact by the fifth Monday  
52 prior to the primary or election in which such elector wishes to vote by submitting the  
53 change of address in writing. The board of registrars shall then correct the elector's record  
54 to reflect the change of address and place the elector in the proper precinct and voting  
55 districts. The board of registrars may accept a properly submitted application for an  
56 absentee ballot for this purpose for electors who move to an address within the county or  
57 municipality which is different from the address contained on the person's registration card.  
58 The board of registrars may also accept a properly submitted application for an absentee  
59 ballot to correct an elector's name on the voter registration list if all necessary information  
60 to complete such a change is included with the application.

61 (c)(d) In the event that an elector moves to a residence within the county or municipality  
62 but into a different precinct or who moves to a residence in the same precinct but at a

63 different address and fails to notify the board of registrars of such fact by the fifth Monday  
64 prior to an election or primary such elector shall vote in the precinct of such elector's  
65 former residence for such election or primary and for any runoffs resulting therefrom. The  
66 superintendent of an election shall make available at each polling place forms furnished by  
67 the Secretary of State which shall be completed by each such elector to reflect such  
68 elector's present legal residence. Such forms may also be used to notify the board of  
69 registrars of a change in an elector's name. The board of registrars shall thereafter place  
70 the elector in the proper precinct and voting districts and correct the list of electors  
71 accordingly. If the elector is placed in a precinct other than the one in which such elector  
72 has previously been voting, such elector shall be notified of the new polling place by  
73 first-class mail Instead of the affirmation contained in subsection (b) of this Code section,  
74 an elector may complete a voter registration application that indicates the change of name  
75 or change of address of the elector's legal residence.

76 (d)(e) Any provision of this chapter to the contrary notwithstanding, an elector who moves  
77 from one county or municipality to another after the fifth Monday prior to a primary or  
78 election may vote in the county or municipality or precinct in which such elector is  
79 registered to vote An affirmation under subsection (b) of this Code section or an  
80 application under subsection (c) of this Code section, when completed and presented at the  
81 precinct in which such elector is entitled to vote, upon verification that such elector is a  
82 registered elector in this state, shall entitle such elector to vote a regular ballot as provided  
83 in this Code section at such precinct. If the elector's registration record cannot be located  
84 in the state voter registration data base, he or she shall be entitled to vote a provisional  
85 ballot at such precinct, subject to the requirements and procedures contained in Code  
86 Sections 21-2-418 and 21-2-419. Upon receipt of an affirmation as provided in  
87 subsection (b) of this Code section or an application as provided in subsection (c) of this  
88 Code section certifying a change of legal residence, the board of registrars shall as soon as  
89 practicable make the necessary changes in the state-wide voter registration system to  
90 indicate the change of legal residence of such elector.

91 (e)(f) No person shall vote in any county or municipality other than the county or  
92 municipality of such person's residence except as provided in subsection (e) of this Code  
93 section The Secretary of State shall ensure that each precinct shall have access to the  
94 state-wide voter registration system to determine an elector's eligibility to vote in  
95 accordance with this Code section.

96 (f)(g) In the event that the registration records incorrectly indicate that an elector has  
97 moved from an address within a precinct, the elector may vote in the precinct upon  
98 affirming in writing on a form prescribed by the Secretary of State that the elector still  
99 resides in the precinct at the address previously provided to the board of registrars. The

100 registrars shall correct the elector's registration record to reflect the correct address Upon  
101 checking an elector's eligibility, the poll officer shall direct the elector to any correct  
102 precincts in which the elector may cast a valid ballot pursuant to state law. It shall be the  
103 responsibility of the poll officer to inform the elector of the correct precinct in which to  
104 cast the elector's ballot pursuant to state law. In cases in which the elector is required to  
105 cast a provisional ballot and does so in the wrong precinct because of the failure of the poll  
106 officer to direct the elector to the correct precinct, such ballot shall be counted for all  
107 contests and questions in which the elector was eligible to vote had the ballot been cast in  
108 the correct precinct.

109 (g)(h) If a voter registration application is completed at a polling place for the purpose of  
110 recording a change of address and the new address is outside the county, then the registrar  
111 shall forward the application to the registrar in the new county of residence The Secretary  
112 of State shall prescribe measures by which an elector may determine the elector's new  
113 polling place based on the elector's legal residence, both over an Internet website accessible  
114 to the public and by telephone. Such measures shall not require the elector to have  
115 previously updated the elector's registration and shall comply with all applicable state and  
116 federal laws with regard to individuals with disabilities."

## 117 SECTION 2.

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

121 "21-2-222.

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

123 (1) 'Persons with disabilities' means persons who have physical disabilities, including,  
124 but not limited to, any physical or neurological impairment which severely restricts a  
125 person's mobility or manual dexterity; substantial loss of speech, sight, or hearing; or loss  
126 of one or more limbs or use thereof; but such term shall not include nonphysical  
127 disabilities, mental or emotional disabilities, or disabilities based upon substance abuse.  
128 (2) 'Public assistance' means the food stamp program; the Medicaid program; the  
129 Women, Infants, and Children program; and the Temporary Assistance for Needy  
130 Families program.

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

133 (b) Each office in this state:

134 (1) Which provides public assistance;

135 (2) Which provides state funded programs primarily engaged in providing services to  
136 persons with disabilities; and

137 (3) Which is a recruitment office of the armed forces of the United States located within  
138 this state

139 shall be designated voter registration agencies.

140 (c) In addition to the offices listed in subsection (b) of this Code section, the Secretary of  
141 State shall designate other offices within the state as designated voter registration offices.  
142 Such offices may include, but not be limited to:

143 (1) State or local governmental offices such as public libraries, public schools, offices  
144 of county and municipal clerks, and government revenue offices; and

145 (2) Federal and nongovernmental offices, with the agreement of such offices.

146 (d) At each designated voter registration agency, the following services shall be made  
147 available:

148 (1) Distribution of the mail voter registration application provided for in Code Section  
149 21-2-223 in accordance with subsection (f) of this Code section;

150 (2) Assistance to applicants in completing voter registration application forms, unless the  
151 applicant refuses such assistance; and

152 (3) Acceptance of completed voter registration application forms for submission to the  
153 Secretary of State.

154 (e) If a designated voter registration agency under paragraph (2) of subsection (b) of this  
155 Code section provides services to a person with a disability at the person's home, the  
156 agency shall provide the services described in subsection (d) of this Code section at such  
157 person's home.

158 (f) A designated voter registration agency that provides service or assistance in addition  
159 to conducting voter registration shall:

160 (1) Distribute with each application for such service or assistance and with each  
161 recertification, renewal, or change of address form relating to such service or assistance,  
162 when such application, recertification, renewal, or change of address is made in person,  
163 the mail voter registration application form provided for in Code Section 21-2-223 unless  
164 the applicant declines in writing to register to vote;

165 (2) Distribute a form provided by the Secretary of State to accompany the voter  
166 registration application form which includes:

167 (A) The question 'If you are not registered to vote where you live now, would you like  
168 to apply to register to vote here today?';

169 (B) If the agency provides public assistance, the statement 'Applying to register or  
170 declining to register to vote will not affect the amount of assistance that you will be  
171 provided by this agency.';

172 (C) Boxes for the applicant to check to indicate whether the applicant is presently  
173 registered, would like to register, or declines to register to vote with the statement 'IF  
174 YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE  
175 DECIDED ~~NOT~~ TO REGISTER TO VOTE AT THIS TIME.' in close proximity to the  
176 boxes and in prominent type;

177 (D) The statements 'If you would like help in filling out the voter registration  
178 application form, we will help you. The decision whether to seek or accept help is  
179 yours. You may fill out the application in private.'; and

180 (E) The statement 'If you believe that someone has interfered with your right to register  
181 or to decline to register to vote or your right to privacy in deciding whether to register  
182 or in applying to register to vote, you may file a complaint with the Secretary of State  
183 at (insert address and telephone number).'; and

184 (3) Provide to each applicant who does not decline to apply to register to vote the same  
185 degree of assistance with regard to the completion of the voter registration application  
186 form as is provided by the office with regard to the completion of its own forms, unless  
187 the applicant refuses such assistance.

188 (g) If an applicant fails to check any box on the form required by subparagraph (f)(2)(C)  
189 of this Code section, the applicant shall be deemed to have ~~declined~~ agreed to apply to  
190 register to vote.

191 (h) No information relating to a declination to apply to register to vote in connection with  
192 an application made at an office described in subsection (f) of this Code section may be  
193 used for any purpose other than voter registration and shall not be subject to public  
194 inspection.

195 (i) Each office shall transmit the completed voter registration application forms to the  
196 Secretary of State at least once per week, except that, during the 15 days leading up to a  
197 registration deadline for a primary or election, such applications shall be transmitted to the  
198 Secretary of State at the conclusion of each business day. The Secretary of State shall  
199 forward the applications to the appropriate county board of registrars to determine the  
200 eligibility of the applicant and, if found eligible, to add the applicant's name to the list of  
201 electors and to place the applicant in the correct precinct and voting districts.

202 (j) Each office shall maintain such statistical records on the number of registrations and  
203 declinations as requested by the Secretary of State.

204 (k) Persons providing the services described in subsection (d) of this Code section shall  
205 not:

206 (1) Seek to influence an applicant's political preference;

207 (2) Display any such political preference or political party or body allegiance;

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

### 221 SECTION 3.

222 Said chapter is further amended by adding a new Code section to read as follows:  
223 "21-2-222.1.  
224 (a) Each public college, university, and technical school in this state shall be a designated  
225 voter registration agency.  
226 (b) Each public college, university, and technical school in this state shall, each time a  
227 student at such college, university, or technical school updates his or her address in person  
228 or a student at such college, university, or technical school registers for classes:  
229 (1) Distribute the mail voter registration application provided for in Code Section  
230 21-2-223;  
231 (2) Provide assistance in completing such voter registration application forms, unless the  
232 student refuses such assistance; and  
233 (3) Accept the completed voter registration application forms for submission to the  
234 Secretary of State.  
235 (c) At the same time as such mail voter registration application is distributed as required  
236 in subsection (b) of this Code section, each public college, university, and technical school  
237 in this state shall also distribute a form provided by the Secretary of State to accompany  
238 the voter registration application form which shall include:  
239 (1) The question 'If you are not registered to vote where you live now, would you like  
240 to apply to register to vote here today?';  
241 (2) Boxes for the student to check to indicate whether the student is presently registered,  
242 would like to register, or declines to register to vote with the statement 'IF YOU DO NOT  
243 CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED TO

244 REGISTER TO VOTE AT THIS TIME.' in close proximity to the boxes and in  
245 prominent type:

246 (3) The statements 'If you would like help in filling out the voter registration application  
247 form, we will help you. The decision whether to seek or accept help is yours. You may  
248 fill out the application in private.'; and

249 (4) The statement 'If you believe that someone has interfered with your right to register  
250 or to decline to register to vote or your right to privacy in deciding whether to register or  
251 in applying to register to vote, you may file a complaint with the Secretary of State at  
252 (insert address and telephone number).'

253 (d) No information relating to a declination to apply to register to vote in connection with  
254 an address update or registering for classes may be used for any purpose other than voter  
255 registration and shall not be subject to public inspection.

256 (e) Each public college, university, and technical school in this state shall transmit the  
257 completed voter registration application forms to the Secretary of State at least once per  
258 week, except that, during the 15 days leading up to a registration deadline for a primary or  
259 election, such applications shall be transmitted to the Secretary of State at the conclusion  
260 of each business day. The Secretary of State shall forward the applications to the  
261 appropriate county board of registrars to determine the eligibility of the applicant and, if  
262 found eligible, to add the applicant's name to the list of electors and to place the applicant  
263 in the correct precinct and voting districts.

264 (f) Each public college, university, and technical school in this state shall maintain such  
265 statistical records on the number of registrations and declinations as requested by the  
266 Secretary of State.

267 (g) Persons providing the services described in subsection (b) of this Code section shall  
268 not:

269 (1) Seek to influence a student's political preference;  
270 (2) Display any such political preference or political party or body allegiance; or  
271 (3) Make any statement to a student or take any action the purpose or effect of which is  
272 to discourage the student from applying to register to vote.

273 (h) The Secretary of State shall have the authority to promulgate rules and regulations to  
274 provide for the transmission of voter registration applications and signatures electronically  
275 from public colleges, universities, and technical schools in this state. Such electronically  
276 transmitted signatures shall be valid as signatures on the voter registration application and  
277 shall be treated in all respects as a manually written original signature and shall be  
278 recognized as such in any matter concerning the voter registration application."

279

**SECTION 4.**

280 Said chapter is further amended by revising Code Section 21-2-263, relating to reduction in  
281 size of, or provision of additional voting equipment or poll workers to, precincts containing  
282 more than 2,000 electors when voting in such precincts at previous general election not  
283 completed one hour after closing of polls, by designating the existing text as subsection (a)  
284 and adding a new subsection to read as follows:

285 "(b) If a polling place for a precinct is located more than 25 miles from any elector in the  
286 precinct as measured using the most direct route of travel from the residence of the elector  
287 to the polling place, such precinct shall be divided or altered such that no elector in the  
288 precinct is located more than 25 miles from the polling place for such precinct as measured  
289 using the most direct route of travel from the residence of the elector to the polling place."

290

**SECTION 5.**

291 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of  
292 superintendent to select polling places, change, petition objecting to proposed change, space  
293 for political parties holding primaries, facilities for disabled voters, and selection of polling  
294 place outside precinct to better serve voters, by adding a new subsection to read as follows:

295 "(f) Except in the case of an emergency or unavoidable event which renders a polling place  
296 unavailable or unuseable for a primary, election, or runoff, no polling place shall be  
297 relocated within 90 days of a primary, election, or runoff notwithstanding any provision  
298 of law to the contrary."

299

**SECTION 6.**

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

303 "(d)(1) There shall be a period of advance voting that shall commence:  
304 (A) On the fourth Monday immediately prior to each primary or election;  
305 (B) On the fourth Monday immediately prior to a runoff from a general primary;  
306 (C) On the fourth Monday immediately prior to a runoff from a general election in  
307 which there are candidates for a federal office on the ballot in the runoff; and  
308 (D) As soon as possible prior to a runoff from any other general election in which there  
309 are only state or county candidates on the ballot in the runoff  
310 and shall end on the Friday immediately prior to each primary, election, or runoff.  
311 Voting shall be conducted during normal business hours on weekdays during such period  
312 and shall be conducted on the second Saturday prior to a primary or election during the  
313 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

314 in which there are no federal or state candidates on the ballot, no Saturday voting hours  
315 shall be required; and provided, further, that, if such second Saturday is a public and legal  
316 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and  
317 legal holiday occurring on the Thursday or Friday immediately preceding such second  
318 Saturday, or if such second Saturday immediately precedes a public and legal holiday  
319 occurring on the following Sunday or Monday, such advance voting shall not be held on  
320 such second Saturday but shall be held on the third Saturday prior to such primary,  
321 election, or runoff. Each county and municipality conducting an election or primary or  
322 runoff shall have at least one location for every 150,000 electors in the jurisdiction and  
323 every fraction thereof open for advance voting during such advance voting period. In the  
324 event that a county or municipality is required under this paragraph to have multiple  
325 locations available for advance voting, such locations shall be geographically distributed  
326 throughout the county or municipality to serve the convenience of the electors. Except  
327 as otherwise provided in this paragraph, counties and municipalities may extend the hours  
328 for voting beyond regular business hours and may provide for additional voting locations  
329 pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at  
330 their option."

331 **SECTION 7.**

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