

House Bill 785

By: Representatives Mainor of the 56<sup>th</sup>, Marin of the 96<sup>th</sup>, Lopez of the 86<sup>th</sup>, Lim of the 99<sup>th</sup>,  
and Thomas of the 65<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 definitions; to provide that certain counties  
3 and municipalities shall provide registration or voting notices, forms, instructions, assistance,  
4 or other materials or information relating to the electoral process, including ballots, in the  
5 language of the applicable minority group as well as in the English language; to provide for  
6 applicability; to provide for exceptions; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
11 primaries generally, is amended by revising Code Section 21-2-3, which was previously  
12 reserved, as follows:

13 "21-2-3.

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

15 (1) 'Illiteracy' means the failure to complete the fifth grade.

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17 (2) "Language minorities" or "language minority group" means persons who are  
18 American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

19 (3) "Limited-English proficient" means unable to speak or understand English adequately  
20 enough to participate in the electoral process.

21 (4) "Voting materials" means registration or voting notices, forms, instructions,  
22 assistance, or other materials or information relating to the electoral process, including  
23 ballots.

24 (b) A county or municipality of this state is subject to this Code section if the Director of  
25 the Census of the United States determines, based on the 2010 American Community  
26 Survey census data and subsequent American Community Survey data in five-year  
27 increments, or comparable census data, that more than 5,000 of the citizens of voting age  
28 of such county or municipality are members of a single language minority and are  
29 limited-English proficient or the illiteracy rate of the citizens in the language minority as  
30 a group is higher than the national illiteracy rate.

31 (c) Whenever any county or municipality subject to the provisions of this Code section  
32 provides any registration or voting notices, forms, instructions, assistance, or other  
33 materials or information relating to the electoral process, including ballots, it shall provide  
34 them in the language of the applicable minority group as well as in the English language:  
35 provided, however, that where the language of the applicable minority group is oral or  
36 unwritten or, in the case of Alaskan natives and American Indians, if the predominant  
37 language is historically unwritten, the county or municipality is only required to furnish  
38 oral instructions, assistance, or other information relating to registration and voting.

39 (d) The prohibitions of this Code section do not apply in any county or municipality that  
40 has less than 5 percent voting age limited-English proficient citizens of each language  
41 minority which comprises over 5 percent of the state-wide limited-English proficient  
42 population of voting age citizens.

43 (e) Any county or municipality subject to this Code section, which seeks to provide  
44 English-only registration or voting materials or information, including ballots, may file an  
45 action against the State in the superior court of the county for a declaratory judgment  
46 permitting such provision. The superior court shall grant the requested relief if it  
47 determines that the illiteracy rate of the applicable language minority group within the  
48 county or municipality is equal to or less than the national illiteracy rate Reserved."

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**SECTION 2.**

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