

House Bill 819

By: Representatives Smith of the 41st, Jackson of the 64th, Dreyer of the 59th, Stephens of the 165th, and Gordon of the 163rd

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 that no polling place shall be closed within 90 days of a primary
7 or election; to provide for exceptions; to provide for additional polling locations; to provide
8 for the number and placement of advance voting locations; to provide for related matters; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "21-2-218.

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

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

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

29 'CHANGE OF LEGAL RESIDENCE OF REGISTERED ELECTOR

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

35 Street Address: _____

36 City: _____

37 County: _____

38 State: _____

39 ZIP Code: _____

40 _____

41 (Signature of Elector)'.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 **SECTION 2.**

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

124 "21-2-222.

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

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

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

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

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

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

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

224 **SECTION 3.**

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

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

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

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

229 and adding a new subsection to read as follows:

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

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

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

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

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

235 place."

236 **SECTION 4.**

237 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of

238 superintendent to select polling places, change, petition objecting to proposed change, space

239 for political parties holding primaries, facilities for disabled voters, and selection of polling

240 place outside precinct to better serve voters, by adding a new subsection to read as follows:

241 "(f) Except in the case of an emergency or unavoidable event which renders a polling place

242 unavailable or unuseable for a primary, election, or runoff, no polling place shall be

243 relocated within 90 days of a primary, election, or runoff notwithstanding any provision
 244 of law to the contrary."

245 **SECTION 5.**

246 Said chapter is further amended by adding a new Code section to Article 7, relating to
 247 precincts and polling places, to read as follows:

248 "21-2-271.

249 (a) In addition to the other polling places established pursuant to this article, the election
 250 superintendent shall be authorized to designate one or more of the locations used as
 251 advance voting locations pursuant to subsection (d) of Code Section 21-2-385 as polling
 252 places on the day of a primary or election at which any elector of the county or
 253 municipality may vote on the day of a primary or election.

254 (b) The Secretary of State shall provide for procedures and all necessary equipment at such
 255 polling places to ensure that electors vote only once in a primary or election."

256 **SECTION 6.**

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

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

- 261 (A) On the fourth Monday immediately prior to each primary or election;
- 262 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 263 (C) On the fourth Monday immediately prior to a runoff from a general election in
 264 which there are candidates for a federal office on the ballot in the runoff; and
- 265 (D) As soon as possible prior to a runoff from any other general election in which there
 266 are only state or county candidates on the ballot in the runoff

267 and shall end on the Friday immediately prior to each primary, election, or runoff.
 268 Voting shall be conducted during normal business hours on weekdays during such period
 269 and shall be conducted on the second Saturday prior to a primary ~~or~~, election, or runoff
 270 during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries
 271 ~~and~~, elections, or runoffs in which there are no federal or state candidates on the ballot,
 272 no Saturday voting hours shall be required; and provided, further, that, if such second
 273 Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second
 274 Saturday follows a public and legal holiday occurring on the Thursday or Friday
 275 immediately preceding such second Saturday, or if such second Saturday immediately
 276 precedes a public and legal holiday occurring on the following Sunday or Monday, such
 277 advance voting shall not be held on such second Saturday but shall be held on the third

278 Saturday prior to such primary, election, or runoff. Each county and municipality
279 conducting a primary, election, or runoff shall have at least one location for every
280 150,000 electors in the jurisdiction and every fraction thereof open for advance voting
281 during such advance voting period. In the event that a county or municipality is required
282 under this paragraph to have multiple locations available for advance voting, such
283 locations shall be geographically distributed throughout the county or municipality to
284 serve the convenience of the electors. Except as otherwise provided in this paragraph,
285 counties and municipalities may extend the hours for voting beyond regular business
286 hours and may provide for additional voting locations pursuant to Code Section 21-2-382
287 to suit the needs of the electors of the jurisdiction at their option."

288

SECTION 7.

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