

Senate Bill 192

By: Senators Anavitarte of the 31st, Dolezal of the 27th, Payne of the 54th, Walker III of the 20th and Mullis of the 53rd

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 hearings and procedures when the right
3 of a person to register to vote, vote, or remain on the list of electors is challenged; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising Code Section 21-2-229, relating to challenge of
9 applicant for registration or person on electors list by other electors, notice and hearing, and
10 right of appeal, as follows:

11 "21-2-229.

12 (a) Any elector of a county or municipality may challenge the qualifications of any person
13 applying to register to vote in the county or municipality and may challenge the
14 qualifications of any elector of the county or municipality whose name appears on the list
15 of electors. Such challenges shall be in writing and shall specify distinctly the grounds of
16 the challenge.

17 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a
18 hearing on such challenge. Notice of the date, time, and place of the hearing shall be
19 served upon the person whose qualifications are being challenged along with a copy of
20 such challenge and upon the elector making the challenge. The person being challenged
21 and the elector making the challenge shall receive at least three days' notice of the date,
22 time, and place of the hearing. Such notice shall be served either by first-class mail
23 addressed to the mailing address shown on the person's voter registration records or in the
24 manner provided in subsection (c) of Code Section 21-2-228.

25 (c) The burden shall be on the elector making the challenge to prove that the person being
26 challenged is not qualified to vote or to remain on the list of electors. The board of
27 registrars shall have the authority to issue subpoenas for the attendance of witnesses and
28 the production of books, papers, and other material upon application by the person whose
29 qualifications are being challenged or the elector making the challenge. The party
30 requesting such subpoenas shall be responsible to serve such subpoenas and, if necessary,
31 to enforce the subpoenas by application to the superior court. Any witness so subpoenaed,
32 and after attending, shall be allowed and paid the same mileage and fee as allowed and paid
33 witnesses in civil actions in the superior court. The elector making the challenge and the
34 person being challenged shall have the opportunity to testify at the hearing as well as to
35 present testimony of witnesses and documentary evidence.

36 (d) After the hearing provided for in this Code section, the registrars shall determine said
37 challenge and shall notify the parties of their decision. If the registrars uphold the
38 challenge, the person's application for registration shall be rejected or the person's name
39 removed from the list of electors, as appropriate. The elector shall be notified of such
40 decision in writing either by first-class mail addressed to the mailing address shown on the
41 person's voter registration records or in the manner provided in subsection (c) of Code
42 Section 21-2-228 for other notices.

43 (e) Either party shall have a right of appeal from the decision of the registrars to the
44 superior court by filing a petition with the clerk of the superior court within ten days after
45 the date of the decision of the registrars. A copy of such petition shall be served upon the
46 other parties and the registrars. Unless and until the decision of the registrars is reversed
47 by the court, the decision of the registrars shall stand."

48

SECTION 2.

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