

Senate Bill 321

By: Senator Harrell of the 40th

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 challenging the qualifications of a  
3 person applying to register to vote or any person whose name appears on the list of electors;  
4 to provide for grounds; to provide for required documentation relating to such challenges;  
5 to provide for related 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 elections and  
9 primaries generally, is amended by revising subsection (a) of Code Section 21-2-229, relating  
10 to challenge of applicant for registration by other electors, notice and hearing, right of appeal,  
11 and sanctions for board's noncompliance, as follows:

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~~ conform to the requirements of Code

16 Section 21-2-230.1 and shall distinctly specify the grounds of the challenge. There shall  
17 not be a limit on the number of persons whose qualifications such elector may challenge."

18 **SECTION 2.**

19 Said chapter is further amended by revising subsection (a) of Code Section 21-2-230, relating  
20 to challenge of persons on list of electors by other electors, procedure, hearing, and right of  
21 appeal, as follows:

22 "(a) Any elector of the county or municipality may challenge the right of any other elector  
23 of the county or municipality, whose name appears on the list of electors, to vote in an  
24 election. Such challenge ~~shall be in writing~~ conform to the requirements of Code  
25 Section 21-2-230.1 and ~~specify distinctly~~ shall distinctly specify the grounds of such  
26 challenge. Such challenge may be made at any time prior to the elector whose right to vote  
27 is being challenged voting at the elector's polling place or, if such elector cast an absentee  
28 ballot, prior to 5:00 P.M. on the day before the absentee ballots are to begin to be scanned  
29 and tabulated; provided, however, that challenges to persons voting by absentee ballot in  
30 person at the office of the registrars or the absentee ballot clerk shall be made prior to such  
31 person's voting. There shall not be a limit on the number of persons whose qualifications  
32 such elector may challenge."

33 **SECTION 3.**

34 Said chapter is further amended by adding a new Code section to read as follows:

35 "21-2-230.1.

36 (a) A challenge filed pursuant to Code Section 21-2-229 or 21-2-230 shall be in writing,  
37 filed at least 45 days prior to the first day of advance voting, and shall allege one or more  
38 of the following grounds for such challenge:

39 (1) The challenged person or elector will not be eighteen years of age by the next  
40 primary, election, or runoff;

- 41 (2) The challenged person or elector is not a citizen of the United States;  
42 (3) The challenged person or elector has been convicted of a felony and the voter's civil  
43 rights have not been restored;  
44 (4) The challenged person or elector has been judicially declared ineligible to vote due  
45 to mental incompetency; or  
46 (5) The challenged person or elector does not live at the residential address provided, in  
47 which case the challenger shall either:  
48 (A) Provide the challenged person or elector's actual residence on the challenge form;  
49 or  
50 (B) Submit evidence that he or she exercised due diligence in verifying that the  
51 challenged person or elector does not reside at the residential address provided and in  
52 attempting to contact the challenged person or elector to learn the challenged person or  
53 elector's actual residential address, including that the challenger personally undertook  
54 at least two of the following steps:  
55 (i) Sent a letter with return service requested to the challenged person or elector's  
56 residential address provided and to the challenged person or elector's mailing address,  
57 if provided;  
58 (ii) Searched local telephone directories, including online directories, to determine  
59 whether the challenged person or elector maintains a telephone listing at any address  
60 in the county;  
61 (iii) Searched county property records to determine whether the challenged person  
62 or elector owns any property in the county; and  
63 (iv) Searched the state-wide voter registration data base to determine if the person or  
64 elector is registered at any other address in this state.  
65 (b) The challenger shall file a signed affidavit swearing that, to his or her personal  
66 knowledge and belief, the challenged person or elector is neither qualified to vote nor does

67 the challenged person or elector reside at the address given on his or her voter registration  
68 record.

69 (c) A challenge filed pursuant to paragraph (5) of subsection (a) of this Code section shall  
70 only be entertained if it is alleged that the person or elector does not live at the residential  
71 address provided and that the actual residence of such person or elector is outside the  
72 precinct in which such residential address provided is located.

73 (d) All documents obtained pertaining to the challenge shall be considered public records  
74 pursuant to Article 4 of Chapter 18 of Title 50.

75 (e) The Secretary of State shall prepare the challenge form provided for in this Code  
76 section and shall make such form available on the website of the office of the Secretary of  
77 State. The Secretary of State shall provide copies of such form to each county election  
78 superintendent and registrar."

79 **SECTION 4.**

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