

House Bill 146

By: Representatives Frazier of the 126th and Thomas of the 39th

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 portable voter registration in this state;
3 to provide for name changes and eligibility for voting under such new name; to provide for
4 voting after moving to new address; to provide for certain maintenance of the state-wide
5 voter registration list; to provide a short title; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Permanent Portable Registration Act."

10 **SECTION 2.**

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

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

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

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

34 CHANGE OF LEGAL RESIDENCE OF REGISTERED ELECTOR

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

40 Street Address: _____

41 City: _____

42 County: _____

43 State: _____

44 ZIP Code: _____

45 _____

46 (Signature of Elector).

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

62 CHANGE OF NAME OF REGISTERED ELECTOR

63 Under penalties for false swearing, I, (new name of elector), swear or affirm that my name
 64 has been changed because of marriage or other legal process. My former name and address
 65 of legal residence appear on voter registration records as:

66 Name: _____

67 Address: _____

68 City: _____

69 County: _____

70 State: _____

71 ZIP Code: _____

72 I further swear or affirm that I am otherwise legally registered and entitled to vote.

73 _____

74 (Signature of Elector).

75 ~~(d) In the event that an elector moves to a residence within the county or municipality but~~
 76 ~~into a different precinct or who moves to a residence in the same precinct but at a different~~
 77 ~~address and fails to notify the board of registrars of such fact by the fifth Monday prior to~~
 78 ~~an election or primary such elector shall vote in the precinct of such elector's former~~
 79 ~~residence for such election or primary and for any runoffs resulting therefrom. The~~
 80 ~~superintendent of an election shall make available at each polling place forms furnished by~~
 81 ~~the Secretary of State which shall be completed by each such elector to reflect such~~
 82 ~~elector's present legal residence. Such forms may also be used to notify the board of~~
 83 ~~registrars of a change in an elector's name. The board of registrars shall thereafter place~~
 84 ~~the elector in the proper precinct and voting districts and correct the list of electors~~
 85 ~~accordingly. If the elector is placed in a precinct other than the one in which such elector~~
 86 ~~has previously been voting, such elector shall be notified of the new polling place by~~
 87 ~~first-class mail Instead of the affirmation contained in subsection (b) or (c) of this Code~~
 88 ~~section, an elector may complete a voter registration application that indicates the change~~
 89 ~~of name or change of address of the elector's legal residence.~~

90 ~~(e) Any provision of this chapter to the contrary notwithstanding, an elector who moves~~
 91 ~~from one county or municipality to another after the fifth Monday prior to a primary or~~
 92 ~~election may vote in the county or municipality or precinct in which such elector is~~
 93 ~~registered to vote An affirmation under subsection (b) or (c) of this Code section or an~~
 94 ~~application under subsection (d) of this Code section, when completed and presented at the~~
 95 ~~precinct in which such elector is entitled to vote, upon verification that such elector is a~~
 96 ~~registered elector in this state, shall entitle such elector to vote a regular ballot as provided~~
 97 ~~in this Code section at such precinct. If the elector's registration record cannot be located~~
 98 ~~in the state data base, he or she shall be entitled to vote a provisional ballot at such precinct.~~

99 subject to the requirements and procedures contained in Code Sections 21-2-418 and
 100 21-2-419. Upon receipt of an affirmation as provided in subsection (b) or (c) of this Code
 101 section or an application as provided in subsection (d) of this Code section certifying a
 102 change of legal residence or name, the board of registrars shall as soon as practicable make
 103 the necessary changes in the state-wide voter registration system to indicate the change of
 104 legal residence or name of such elector.

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

110 ~~(g) In the event that the registration records incorrectly indicate that an elector has moved~~
 111 ~~from an address within a precinct, the elector may vote in the precinct upon affirming in~~
 112 ~~writing on a form prescribed by the Secretary of State that the elector still resides in the~~
 113 ~~precinct at the address previously provided to the board of registrars. The registrars shall~~
 114 ~~correct the elector's registration record to reflect the correct address~~ Upon checking an
 115 elector's eligibility, the poll officer shall direct the elector to the precinct in which the
 116 elector may cast a valid ballot pursuant to state law. It shall be the responsibility of the poll
 117 officer to inform the elector of the correct precinct in which to cast the elector's ballot
 118 pursuant to state law. In cases in which the elector is required to cast a provisional ballot
 119 and does so in the wrong precinct because of the failure of the poll officer to direct the
 120 elector to the correct precinct, such ballot shall be counted for all contests and questions
 121 in which the elector was eligible to vote had the ballot been cast in the correct precinct.

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

130 **SECTION 3.**

131 Said chapter is further amended by revising Code Section 21-2-233, relating to comparison
 132 of change of address information supplied by United States Postal Service with electors list,
 133 removal from list of electors, and notice to electors, as follows:

134 "21-2-233.

135 (a) The Secretary of State ~~is authorized to~~ shall ~~cause at his or her discretion~~ at least every
 136 three months the official list of electors to be compared to the change of address
 137 information supplied by the United States Postal Service through its licensees, the
 138 Department of Driver Services data base, and the data bases of other state agencies as the
 139 Secretary of State may determine periodically for the purpose of identifying those electors
 140 whose addresses have changed. Where the data indicates that electors have changed
 141 addresses within this state, the Secretary of State shall arrange for the electronic
 142 transmission to his or her office of the following information for such electors, where
 143 available:

144 (1) Name, current address, mailing address, date of birth, driver's license number or last
 145 four digits of the elector's social security number, and telephone number;

146 (2) Date, time, and nature of the last change to the information; and

147 (3) Any additional information designated by the Secretary of State for such purposes
 148 and reasonably related to the conduct of elections.

149 If the information is sent because it has changed since the last transmission from the source
 150 agency, the source agency shall transmit both the new information and the old information,
 151 labeled accordingly.

152 (b) If it appears from the change of address information supplied by the licensees of the
 153 United States Postal Service or the Department of Driver Services or other state agencies
 154 that an elector whose name appears on the official list of electors has moved to a different
 155 address ~~in the county in~~ from which the elector is presently registered, the list of electors
 156 shall be changed to reflect the new address and the elector shall be sent a notice of the
 157 change by forwardable mail at the elector's old address with a postage prepaid,
 158 preaddressed return form by which the elector may verify or correct the address
 159 information. ~~The registrars may also send~~ and may be sent a notice of the change by
 160 forwardable mail to the elector's new address with a postage prepaid, preaddressed return
 161 form by which the elector may verify or correct the address information.

162 (c) ~~If it appears from the change of address information supplied by the licensees of the~~
 163 ~~United States Postal Service that an elector whose name appears on the official list of~~
 164 ~~electors has moved to a different address outside of the boundaries of the county or~~
 165 ~~municipality in which the elector is presently registered, such elector shall be sent a~~
 166 ~~confirmation notice as provided in Code Section 21-2-234 at the old address of the elector.~~
 167 ~~The registrars may also send a confirmation notice to the elector's new address. If the~~
 168 ~~elector confirms the change of address to an address outside of the State of Georgia, the~~
 169 ~~elector's name shall be removed from the appropriate list of electors. If the elector~~
 170 ~~confirms the change of address to an address outside of the boundaries of the county or~~

171 ~~municipality in which the elector is presently registered, but still within the State of~~
172 ~~Georgia, the elector's registration shall be transferred to the new county or municipality.~~
173 ~~The Secretary of State or the registrars shall forward the confirmation card to the registrars~~
174 ~~of the county in which the elector's new address is located and the registrars of the county~~
175 ~~of the new address shall update the voter registration list to reflect the change of address.~~
176 If the elector responds to the notice sent as provided in subsection (b) of this Code section
177 and affirms that the elector has not moved, the elector shall remain on the list of electors
178 at the elector's current address. ~~If the elector fails to respond to the notice within 30 days~~
179 ~~after the date of the notice, the elector shall be transferred to the inactive list provided for~~
180 ~~in Code Section 21-2-235.~~

181 (d) Whenever an elector's name is removed from the list of electors by the county
182 registrars because the elector has furnished in writing to the registrar a residence address
183 that is located outside of the State of Georgia, the registrars shall notify the elector in
184 writing at the elector's new address that the elector's name is being deleted from the list of
185 electors. Whenever an elector's registration is transferred by the county registrars to
186 another county in this state because the elector has furnished in writing to the registrar a
187 residence address that is located in this state outside of the elector's present county of
188 registration in accordance with subsection (c) of this Code section, the registrars of the
189 county of the elector's former residence shall notify the elector in writing at the elector's
190 new address that the elector's registration is being transferred to the new address. The
191 registrars of the county of the elector's new address shall provide the elector with a new
192 registration card pursuant to Code Section 21-2-226.

193 (e) Nothing in this Code section shall prevent the removal from the list of electors of an
194 elector for ineligibility to vote."

195 **SECTION 4.**

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