

# **2022 Georgia Code**

## **Title 21 - Elections**

### **Chapter 2 - Elections and Primaries**

#### **Generally**

#### **Article 7 - Precincts and Polling Places**

#### **§ 21-2-265. Duty of Superintendent to Select Polling Places; Change; Notice of Change; Objecting to Proposed Change; Space for Political Parties Holding Primaries; Facilities for Disabled Voters; Selection of Polling Place Outside Precinct; Restriction on Changing Polling Place**

**Universal Citation:** [GA Code § 21-2-265 \(2022\)](#)

- a. The superintendent of a county or the governing authority of a municipality shall select and fix the polling place within each precinct and may, either on his, her, or its own motion or on petition of ten electors of a precinct, change the polling place within any precinct. Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which emergency or event renders any polling place unavailable for use at such primary or election, the superintendent of a county or the governing authority of a municipality shall not change any polling place until notice of the proposed change shall have been published for once a week for two consecutive weeks in the legal organ for the county or municipality in which

the polling place is located. Additionally, during the seven days before and on the day of the first election following such change, a notice of such change shall be posted on the previous polling place and at three other places in the immediate vicinity thereof. Each notice posted shall state the location to which the polling place has been moved and shall direct electors to the new location. At least one notice at the previous polling place shall be a minimum of four feet by four feet in size. The occupant or owner of the previous polling place, or his or her agent, shall be notified in writing of such change at the time notice is published in the legal organ.

- b. Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which emergency or event renders any polling place unavailable for use, if a petition is presented to the superintendent of a county or the governing authority of a municipality on or before the day set for hearing of the petition for change of a polling place, signed by 20 percent of the electors of the precinct objecting to the proposed change, such change shall not be ordered.
- c. In primaries, the superintendent of a county or the governing authority of a municipality in selecting and fixing the polling place in each precinct shall select a polling place which will provide adequate space for all parties conducting their primaries therein.
- d. The superintendent of a county or the governing authority of a municipality, in selecting and fixing a polling place in each precinct, shall select, if practicable, a polling place with suitable and appropriate access for disabled electors. If no such practicable locations exist within the precinct, the superintendent of a county or the governing authority of a municipality may effect temporary modifications to such existing locations as will, in his or her or its judgment, provide more convenient and appropriate access to the polling place by the disabled elector. No polling place shall be selected or used under any circumstances which does not have suitable and appropriate access for persons with disabilities for the purpose of voting; and any person, whether or not personally aggrieved, may bring an action for mandamus to require that all polling places in the county or municipality have suitable and appropriate access for persons with disabilities for the purpose of voting.
- e. On and after January 1, 2018, the superintendent may establish the polling place for a precinct outside the boundaries of the precinct if there is no suitable facility within the precinct which could be used as a polling place and if, by so doing, such polling place would better serve the needs of the voters; provided, however, that no polling place shall be established outside of the boundaries of the precinct within 90 days of a primary or election, and the

superintendent shall submit a report to the State Election Board to demonstrate that there is no suitable facility within the precinct prior to establishing the polling place outside the boundaries of the precinct.

- f. A polling place shall not be changed on a day in which a primary, election, or runoff is held, or during the 60 day period prior to any general primary or general election or runoff from such primary or election, nor shall a polling place be changed in the 30 day period prior to any special primary or special election or runoff from such special primary or special election, except, in the discretion of the superintendent, when an emergency or event occurs during such time period which renders the polling place unavailable for use at such general primary, general election, special primary, special election, or runoff.

**History.** Code 1933, § 34-705, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 8; Ga. L. 1978, p. 812, § 1; Ga. L. 1980, p. 1256, § 1.1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1995, p. 1302, §§ 14, 15; Ga. L. 1996, p. 26, § 1; Ga. L. 1996, p. 101, § 2; Ga. L. 1998, p. 295, § 1; Ga. L. 1998, p. 1231, §§ 8, 32; Ga. L. 2001, p. 240, § 20; Ga. L. 2006, p. 888, § 2/ HB 1435; Ga. L. 2017, p. 697, § 13/ HB 268; Ga. L. 2019, p. 7, § 14/ HB 316; Ga. L. 2021, p. 14, § 19/ SB 202.

**The 2017 amendment,** effective July 1, 2017, in subsection (e), substituted “On and after January 1, 2018, the” for “The” at the beginning, and added the proviso at the end.

**The 2019 amendment,** effective April 2, 2019, added subsection (f).

**The 2021 amendment,** effective March 25, 2021, in subsection (a), substituted “during the seven days before and on the day of the first election” for “on the first election day” at the beginning of the third sentence, and added the present fourth and fifth sentences.

### **Cross references.**

Access to and use of public buildings and facilities by physically handicapped persons generally, T. 30, C. 3.

### **Editor’s notes.**

Ga. L. 2021, p. 14, § 1/ SB 202, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Election Integrity Act of 2021.’”

Ga. L. 2021, p. 14, § 2/SB 202, not codified by the General Assembly, provides: “The General Assembly finds and declares that:

“(1) Following the 2018 and 2020 elections, there was a significant lack of confidence in Georgia election systems, with many electors concerned about allegations of rampant voter suppression and many electors concerned about allegations of rampant voter fraud;

“(2) Many Georgia election processes were challenged in court, including the subjective signature-matching requirements, by Georgians on all sides of the political spectrum before and after the 2020 general election;

“(3) The stress of the 2020 elections, with a dramatic increase in absentee-by-mail ballots and pandemic restrictions, demonstrated where there were opportunities to update existing processes to reduce the burden on election officials and boost voter confidence;

“(4) The changes made in this legislation in 2021 are designed to address the lack of elector confidence in the election system on all sides of the political spectrum, to reduce the burden on election officials, and to streamline the process of conducting elections in Georgia by promoting uniformity in voting. Several examples will help explain how these goals are achieved;

“(5) The broad discretion allowed to local officials for advance voting dates and hours led to significant variations across the state in total number of hours of advance voting, depending on the county. More than 100 counties have never offered voting on Sunday and many counties offered only a single day of weekend voting. Requiring two Saturday voting days and two optional Sunday voting days will dramatically increase the total voting hours for voters across the State of Georgia, and all electors in Georgia will have access to multiple opportunities to vote in person on the weekend for the first time;

“(6) Some counties in 2020 received significant infusions of grant funding for election operations, while other counties received no such funds. Promoting uniformity in the distribution of funds to election operations will boost voter confidence and ensure that there is no political advantage conferred by preferring certain counties over others in the distribution of funds;

“(7) Elections in Georgia are administered by counties, but that can lead to problems for voters in counties with dysfunctional election systems. Counties with

long-term problems of lines, problems with processing of absentee ballots, and other challenges in administration need accountability, but state officials are limited in what they are able to do to address those problems. Ensuring there is a mechanism to address local election problems will promote voter confidence and meet the goal of uniformity;

“(8) Elections are a public process and public participation is encouraged by all involved, but the enthusiasm of some outside groups in sending multiple absentee ballot applications in 2020, often with incorrectly filled-in voter information, led to significant confusion by electors. Clarifying the rules regarding absentee ballot applications will build elector confidence while not sacrificing the opportunities for electors to participate in the process;

“(9) The lengthy absentee ballot process also led to elector confusion, including electors who were told they had already voted when they arrived to vote in person. Creating a definite period of absentee voting will assist electors in understanding the election process while also ensuring that opportunities to vote are not diminished, especially when many absentee ballots issued in the last few days before the election were not successfully voted or were returned late;

“(10) Opportunities for delivering absentee ballots to a drop box were first created by the State Election Board as a pandemic response. The drop boxes created by rule no longer existed in Georgia law when the emergency rules that created them expired. The General Assembly considered a variety of options and constructed a system that allows the use of drop boxes, while also ensuring the security of the system and providing options in emergency situations;

“(11) The lengthy nine-week runoffs in 2020 were exhausting for candidates, donors, and electors. By adding ranked choice voting for military and overseas voters, the run-off period can be shortened to a more manageable period for all involved, easing the burden on election officials and on electors;

“(12) Counting absentee ballots in 2020 took an incredibly long time in some counties. Creating processes for early processing and scanning of absentee ballots will promote elector confidence by ensuring that results are reported quickly;

“(13) The sanctity of the precinct was also brought into sharp focus in 2020, with many groups approaching electors while they waited in line. Protecting electors from improper interference, political pressure, or intimidation while waiting in line

to vote is of paramount importance to protecting the election system and ensuring elector confidence;

“(14) Ballot duplication for provisional ballots and other purposes places a heavy burden on election officials. The number of duplicated ballots has continued to rise dramatically from 2016 through 2020. Reducing the number of duplicated ballots will significantly reduce the burden on election officials and creating bipartisan panels to conduct duplication will promote elector confidence;

“(15) Electors voting out of precinct add to the burden on election officials and lines for other electors because of the length of time it takes to process a provisional ballot in a precinct. Electors should be directed to the correct precinct on election day to ensure that they are able to vote in all elections for which they are eligible;

“(16) In considering the changes in 2021, the General Assembly heard hours of testimony from electors, election officials, and attorneys involved in voting. The General Assembly made significant modifications through the legislative process as it weighed the various interests involved, including adding further weekend voting, changing parameters for out-of-precinct voting, and adding transparency for ballot images; and

“(17) While each of the changes in this legislation in 2021 stands alone and is severable under Code Section 1-1-3, the changes in total reflect the General Assembly’s considered judgment on the changes required to Georgia’s election system to make it ‘easy to vote and hard to cheat,’ applying the lessons learned from conducting an election in the 2020 pandemic.”

### **Administrative rules and regulations.**

Accessibility for elderly and disabled voters, Official Compilation of the Rules and Regulations of the State of Georgia, Georgia Election Code, Registration of Electors, § 183-1-6-.04.

Precincts, changes in boundaries, notification of electors, Official Compilation of the Rules and Regulations of the State of Georgia, Georgia Election Code, Election Districts and Polling Places, § 183-1-7-.01.

### **Law reviews.**

For article on the 2019 amendment of this Code section, see 36 Ga. St. U.L. Rev. 81 (2019).

For article, "SB 202: Revisions to Georgia's Election and Voting Procedures," see 38 Ga. St. U.L. Rev. 105 (2021).