

The House Committee on Judiciary Non-Civil offers the following substitute to HB 1118:

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 authorize the Secretary of State to maintain a  
3 method for reporting intimidation of election workers; to require annual reporting on such  
4 reports; to provide that certain individuals challenging an elector's name appearing on the list  
5 of electors shall not be liable for such challenge; to provide for exceptions; to prohibit the use  
6 or threats of violence against election workers in certain circumstances; to amend Code  
7 Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public  
8 disclosure is not required, so as to make certain records containing identifying information  
9 of election workers, credentialed observers, or poll officers exempt from disclosure; to  
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
14 primaries generally, is amended by adding a new Code section to read as follows:

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15 "21-2-3.1.  
16 The Secretary of State shall have the authority to maintain a method by which election  
17 officials of this state can file reports of intimidation, threats of violence, violence, imminent  
18 harm, or other dangers related to or arising out of election duties directed toward poll  
19 officers, election workers, or credentialed observers. The Secretary of State, in  
20 coordination with the Georgia Bureau of Investigation, shall review each report within 24  
21 hours of receipt and determine whether the report should be investigated further, make  
22 recommendations regarding the security and safety concerns regarding the subject of the  
23 report, and make referrals to law enforcement where reasonable for the safety and security  
24 of the poll officer, election worker, or credentialed observer in question. The State Election  
25 Board, in coordination with the Secretary of State and the Georgia Bureau of Investigation,  
26 shall compile information related to reports from officials and transmit an annual report  
27 containing such information no later than November 1 of each year to the General  
28 Assembly."

29 **SECTION 2.**

30 Said chapter is further amended in Code Section 21-2-230, relating to challenge of persons  
31 on list of electors by other electors, procedure, hearing, and right of appeal, by adding a new  
32 subsection to read as follows:

33 "(k) No attorney filing a challenge on behalf of an elector pursuant to subsection (a) of this  
34 Code section shall be liable at law or equity for filing such challenge except in the event  
35 of such attorney's gross negligence, willful or wanton misconduct, or malfeasance."

36 **SECTION 3.**

37 Said chapter is further amended by revising Code Section 21-2-566, relating to interference  
38 with primaries and elections generally, as follows:

39 "21-2-566.

40 Any person who:

41 (1) Willfully prevents or attempts to prevent any poll officer from holding any primary  
42 or election under this chapter;

43 (2) Uses or threatens violence in a manner that would prevent a reasonable poll officer,  
44 other election worker, or credentialed observer or actually prevents a poll officer, other  
45 election worker, or credentialed observer from the execution of his or her duties or  
46 materially interrupts or improperly and materially interferes with the execution of a poll  
47 officer's, other election worker's, or credentialed observer's duties;

48 (3) Willfully blocks or attempts to block the avenue to the door of any polling place;

49 (4) Uses or threatens violence in a manner that would prevent a reasonable elector from  
50 voting or actually prevents any elector from voting;

51 (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not  
52 signed by the elector whose certificate it purports to be;

53 (6) Knowingly deposits fraudulent ballots in the ballot box;

54 (7) Knowingly registers fraudulent votes upon any voting machine; or

55 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,  
56 ballot box, voting machine, direct recording electronic (DRE) equipment, electronic  
57 ballot marker, or tabulating machine

58 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment  
59 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,  
60 or both."

61 **SECTION 4.**

62 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public  
63 disclosure is not required, is amended in subsection (a) by deleting "or" at the end of

64 paragraph (50), replacing the period with "; or" at the end of paragraph (51), and adding a  
65 new paragraph to read as follows:

66 "(52) Records that reveal a poll officer's, election worker's, or credentialed observer's  
67 home address, home telephone number, personal mobile telephone number, day and  
68 month of birth, social security number, insurance information, medical information,  
69 parents' birth names, credit card information, debit card information, bank account  
70 information, utility account number, passwords used to access his or her utility accounts,  
71 financial data and information other than compensation by a government agency, or  
72 unlisted telephone number if so designated in a public record or that reveal the identity,  
73 location, address, or home or mobile telephone number or other security sensitive,  
74 personally identifiable information of the poll officer's, election worker's, or credentialed  
75 observer's dependents, immediate family members, or family members that live with such  
76 poll officer, election worker, or credentialed observer."

77

#### SECTION 5.

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