

The House Special Committee on Election Integrity offers the following substitute to SB 202:

A BILL TO BE ENTITLED

AN ACT

1 To comprehensively revise elections and voting; to amend Chapter 2 of Title 21 of the
2 Official Code of Georgia Annotated, relating to elections and primaries generally, so as to
3 revise a definition; to provide for the establishment of a voter intimidation and illegal
4 election activities hotline; to limit the ability of the State Election Board and the Secretary
5 of State to enter into certain consent agreements, settlements, and consent orders; to provide
6 that the Secretary of State shall be a nonvoting ex officio member of the State Election
7 Board; to provide for the appointment, confirmation, term, and removal of the chairperson
8 of the State Election Board; to revise provisions relating to a quorum of such board; to
9 require the Secretary of State to support and assist the State Election Board; to provide for
10 the appointment of temporary and permanent replacement superintendents; to provide for
11 procedures; to provide for performance reviews of local election officials requested by the
12 State Election Board or local governing authorities; to provide for a definition; to provide for
13 appointment and duties of performance review boards; to provide for reports of performance
14 review boards; to provide for promulgation of rules and regulations; to provide additional
15 requirements on the State Election Board's power to adopt emergency rules and regulations;
16 to provide that no election superintendents or boards of registrars shall accept private
17 funding; to provide that the State Election Board shall develop methods for distribution of
18 donations; to provide that certain persons may serve as poll workers in other than the county

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19 of their residence; to provide for the appointment of acting election superintendents in the
20 event of a vacancy or incapacitation in the office of judge of the probate court of counties
21 without a board of elections; to provide for resumption of the duties of election
22 superintendent upon the filling of such vacancy; to provide for the compensation of such
23 acting election superintendents; to provide for the reduction in size of certain precincts under
24 certain circumstances; to provide for notice when polling places are relocated; to provide for
25 certain reports; to provide limitations on the use of buses and other moveable facilities; to
26 provide for allocation of voting equipment by counties and municipalities; to provide for the
27 manner of handling the death of a candidate prior to a nonpartisan election; to provide that
28 no candidate shall take or be sworn into any elected public office unless such candidate has
29 received a majority of the votes cast for such office except as otherwise provided by law; to
30 provide for participation in a multistate voter registration system; to revise procedures and
31 standards for challenging electors; to provide for the printing of ballots on safety paper; to
32 provide for the time and manner for applying for absentee ballots; to provide for certain
33 limitations and sanctions on the distribution of absentee ballot applications; to provide for
34 the manner of processing of absentee ballot applications; to provide for absentee ballot drop
35 boxes and the requirements therefor; to provide for the time and manner of issuing absentee
36 ballots; to provide for the manner of voting and returning absentee ballots; to revise the times
37 for advance voting; to limit changes to advance voting locations in the period prior to an
38 election; to provide notice requirements for changes of advance voting locations; to provide
39 for the processing and tabulation of absentee ballots; to provide sanctions for improperly
40 opening an absentee ballot; to provide for certain elector identification for absentee balloting;
41 to provide for monitors and observers; to provide for poll watcher training; to provide for
42 restrictions on the distribution of certain items within close proximity to the polls on election
43 days; to provide for the voting and processing of provisional ballots; to provide for
44 duplication panels for defective ballots that cannot be processed by tabulating machines; to
45 provide for ranked choice voting for military and overseas voters; to revise the time for

46 runoffs; to revise eligibility to vote in runoffs; to provide for the deadline for election
47 certification; to provide for a pilot program for the scanning and publishing of ballots; to
48 provide for the inspection and copying of original ballots by certain persons following the
49 completion of a recount; to provide for special primaries and special elections to fill
50 vacancies in certain offices; to provide for public notice and observation of preparation of
51 voting equipment; to provide for observation of elections and ballot processing and counting;
52 to provide for the filling of vacancies in certain offices; to prohibit observing or attempting
53 to observe how a voter marks or has marked his or her ballot or inducing a voter to do so; to
54 prohibit the acceptance of a ballot for return without authorization; to prohibit the
55 photographing or other recording of ballots and ballot markers; to amend Chapter 35 of Title
56 36 of the Official Code of Georgia Annotated, relating to home rule powers, so as to provide
57 for the delay of reapportionment of municipal corporation election districts when census
58 numbers are delayed; to amend Title 50 of the Official Code of Georgia Annotated, relating
59 to general provisions regarding state government, so as to provide for the submission and
60 suspension of emergency rules by the State Election Board; to provide that scanned ballot
61 images are public records; to provide for legislative findings; to provide a short title; to
62 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for
63 other purposes.

64 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

65 **SECTION 1.**

66 This Act shall be known and may be cited as the "Election Integrity Act of 2021."

67 **SECTION 2.**

68 The General Assembly finds and declares that:

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- 69 (1) Following the 2018 and 2020 elections, there was a significant lack of confidence in
70 Georgia election systems, with many electors concerned about allegations of rampant voter
71 suppression and many electors concerned about allegations of rampant voter fraud;
- 72 (2) Many Georgia election processes were challenged in court, including the subjective
73 signature-matching requirements, by Georgians on all sides of the political spectrum before
74 and after the 2020 general election;
- 75 (3) The stress of the 2020 elections, with a dramatic increase in absentee-by-mail ballots
76 and pandemic restrictions, demonstrated where there were opportunities to update existing
77 processes to reduce the burden on election officials and boost voter confidence;
- 78 (4) The changes made in this legislation in 2021 are designed to address the lack of elector
79 confidence in the election system on all sides of the political spectrum, to reduce the
80 burden on election officials, and to streamline the process of conducting elections in
81 Georgia by promoting uniformity in voting. Several examples will help explain how these
82 goals are achieved;
- 83 (5) The broad discretion allowed to local officials for advance voting dates and hours led
84 to significant variations across the state in total number of hours of advance voting,
85 depending on the county. More than 100 counties have never offered voting on Sunday
86 and many counties offered only a single day of weekend voting. Requiring two Saturday
87 voting days and two optional Sunday voting days will dramatically increase the total voting
88 hours for voters across the State of Georgia, and all electors in Georgia will have access
89 to multiple opportunities to vote in person on the weekend for the first time;
- 90 (6) Some counties in 2020 received significant infusions of grant funding for election
91 operations, while other counties received no such funds. Promoting uniformity in the
92 distribution of funds to election operations will boost voter confidence and ensure that there
93 is no political advantage conferred by preferring certain counties over others in the
94 distribution of funds;

95 (7) Elections in Georgia are administered by counties, but that can lead to problems for
96 voters in counties with dysfunctional election systems. Counties with long-term problems
97 of lines, problems with processing of absentee ballots, and other challenges in
98 administration need accountability, but state officials are limited in what they are able to
99 do to address those problems. Ensuring there is a mechanism to address local election
100 problems will promote voter confidence and meet the goal of uniformity;

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

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

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

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

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

125 (13) The sanctity of the precinct was also brought into sharp focus in 2020, with many
126 groups approaching electors while they waited in line. Protecting electors from improper
127 interference, political pressure, or intimidation while waiting in line to vote is of paramount
128 importance to protecting the election system and ensuring elector confidence;

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

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

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

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

148 **SECTION 3.**

149 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
 150 primaries generally, is amended by revising paragraph (35) of Code Section 21-2-2, relating
 151 to definitions, as follows:

152 "(35) 'Superintendent' means:

153 (A) Either the judge of the probate court of a county or the county board of elections,
 154 the county board of elections and registration, the joint city-county board of elections,
 155 or the joint city-county board of elections and registration, if a county has such;

156 (B) In the case of a municipal primary, the municipal executive committee of the
 157 political party holding the primary within a municipality or its agent or, if none, the
 158 county executive committee of the political party or its agent;

159 (C) In the case of a nonpartisan municipal primary, the person appointed by the proper
 160 municipal executive committee; ~~and~~

161 (D) In the case of a municipal election, the person appointed by the governing
 162 authority pursuant to the authority granted in Code Section 21-2-70; and

163 (E) In the case of the State Election Board exercising its powers under subsection (f)
 164 of Code Section 21-2-33.1, the individual appointed by the State Election Board to
 165 exercise the power of election superintendent."

166 **SECTION 4.**

167 Said chapter is further amended by revising Code Section 21-2-3, which was previously
 168 reserved, as follows:

169 "21-2-3.

170 The Attorney General shall have the authority to establish and maintain a telephone hotline
 171 for the use of electors of this state to file complaints and allegations of voter intimidation
 172 and illegal election activities. Such hotline shall, in addition to complaints and reports
 173 from identified persons, also accept anonymous tips regarding voter intimidation and

174 election fraud. The Attorney General shall have the authority to review each complaint or
175 allegation of voter intimidation or illegal election activities within three business days or
176 as expeditiously as possible and determine if such complaint or report should be
177 investigated or prosecuted. Reserved."

178 **SECTION 5.**

179 Said chapter is further amended by revising Code Section 21-2-30 relating to creation,
180 composition, terms of service, vacancies, quorum, seal, bylaws, and meetings of the State
181 Board of Elections as follows:

182 "21-2-30.

183 (a) There is created a state board to be known as the State Election Board, to be composed
184 of ~~the Secretary of State~~ a chairperson elected by the General Assembly, an elector to be
185 elected by a majority vote of the Senate of the General Assembly at its regular session held
186 in each odd-numbered year, an elector to be elected by a majority vote of the House of
187 Representatives of the General Assembly at its regular session held in each odd-numbered
188 year, and a member of each political party to be nominated and appointed in the manner
189 provided in this Code section. No person while a member of the General Assembly shall
190 serve as a member of the board.

191 (a.1)(1) The chairperson shall be elected by the General Assembly in the following
192 manner: A joint resolution which shall fix a definite time for the nomination and election
193 of the chairperson may be introduced in either branch of the General Assembly. Upon
194 passage of the resolution by a majority vote of the membership of the Senate and House
195 of Representatives, it shall be the duty of the Speaker of the House of Representatives to
196 call for the nomination and election of the chairperson at the time specified in the
197 resolution, at which time the name of the qualified person receiving a majority vote of the
198 membership of the House of Representatives shall be transmitted to the Senate for
199 confirmation. Upon the qualified person's receiving a majority vote of the membership

200 of the Senate, he or she shall be declared the duly elected chairperson; and the Governor
201 shall be notified of his or her election by the Secretary of the Senate. The Governor is
202 directed to administer the oath of office to the chairperson and to furnish the chairperson
203 with a properly executed commission of office certifying his or her election.

204 (2) The chairperson of the board shall be nonpartisan. At no time during his or her
205 service as chairperson shall the chairperson actively participate in a political party
206 organization or in the campaign of a candidate for public office, nor shall he or she make
207 any campaign contributions to a candidate for public office. Furthermore, to qualify for
208 appointment as chairperson, in the two years immediately preceding his or her
209 appointment, a person shall not have qualified as a partisan candidate for public office,
210 participated in a political party organization or the campaign of a partisan candidate for
211 public office, or made any campaign contributions to a partisan candidate for public
212 office.

213 (3) The term of office of the chairperson shall continue until a successor is elected as
214 provided in paragraph (1) of this subsection. In the event of a vacancy in the position of
215 chairperson at a time when the General Assembly is not in session, it shall be the duty of
216 the Governor and the Governor is empowered and directed to appoint a chairperson
217 possessing the qualifications as provided in this subsection who shall serve as chairperson
218 until the next regular session of the General Assembly, at which time the nomination and
219 election of a chairperson shall be held by the General Assembly as provided in
220 paragraph (1) of this subsection.

221 (b) A member elected by a house of the General Assembly shall take office on the day
222 following the adjournment of the regular session in which elected and shall serve for a term
223 of two years and until his or her successor is elected and qualified, unless sooner removed.
224 An elected member of the board may be removed at any time by a majority vote of the
225 house which elected him or her. In the event a vacancy should occur in the office of such
226 a member of the board at a time when the General Assembly is not in session, then the

227 President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior
228 incumbent of such office was elected by the Senate or appointed by the President of the
229 Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector
230 to fill the vacancy if the prior incumbent of such office was elected by the House of
231 Representatives or appointed by the Speaker of the House of Representatives. A member
232 appointed to fill a vacancy may be removed at any time by a majority vote of the house
233 whose presiding officer appointed him or her.

234 (c) Within 30 days after April 3, 1968, the state executive committee of each political
235 party shall nominate a member of its party to serve as a member of the State Election Board
236 and, thereupon, the Governor shall appoint such nominee as a member of the board to serve
237 for a term of two years from the date of the appointment and until his or her successor is
238 elected and qualified, unless sooner removed. Thereafter, such state executive committee
239 shall select a nominee for such office on the board within 30 days after a vacancy occurs
240 in such office and shall also select a nominee at least 30 days prior to the expiration of the
241 term of each incumbent nominated by it; and each such nominee shall be immediately
242 appointed by the Governor as a member of the board to serve for the unexpired term in the
243 case of a vacancy, and for a term of two years in the case of an expired term. Each
244 successor, other than one appointed to serve an unexpired term, shall serve for a term of
245 two years; and the terms shall run consecutively from the date of the initial gubernatorial
246 appointment. No person shall be eligible for nomination by such state executive committee
247 unless he or she is an elector and a member in good standing of the political party of the
248 committee. Such a member shall cease to serve on the board and his or her office shall be
249 abolished if and when his or her political organization shall cease to be a 'political party'
250 as defined in Code Section 21-2-2.

251 (d) The Secretary of State shall be ~~the chairperson of the board~~ an ex officio nonvoting
252 member of the board. Three voting members of the board shall constitute a quorum, and
253 no vacancy on the board shall impair the right of the quorum to exercise all the powers and

254 perform all the duties of the board. The board shall adopt a seal for its use and bylaws for
255 its own government and procedure.

256 (e) Meetings shall be held whenever necessary for the performance of the duties of the
257 board on call of the chairperson or whenever any two of its members so request. Minutes
258 shall be kept of all meetings of the board and a record kept of the vote of each member on
259 all questions coming before the board. The chairperson shall give to each member of the
260 board prior notice of the time and place of each meeting of the board.

261 (f) If any member of the board, other than the Secretary of State, shall qualify as a
262 candidate for any public office which is to be voted upon in any primary or election
263 regulated by the board, that member's position on the board shall be immediately vacated
264 and such vacancy shall be filled in the manner provided for filling other vacancies on the
265 board."

266 **SECTION 6.**

267 Said chapter is further amended in Code Section 21-2-33.1, relating to enforcement of
268 chapter, by adding new subsections to read as follows:

269 "(f) After following the procedures set forth in Code Section 21-2-33.2, the State Election
270 Board may suspend county or municipal superintendents and appoint an individual to serve
271 as the temporary superintendent in a jurisdiction. Such individual shall exercise all the
272 powers and duties of a superintendent as provided by law, including the authority to make
273 all personnel decisions related to any employees of the jurisdiction who assist with carrying
274 out the duties of the superintendent, including, but not limited to, the director of elections,
275 the election supervisor, and all poll officers.

276 (g) At no time shall the State Election Board suspend more than four county or municipal
277 superintendents pursuant to subsection (f) of this Code section.

278 (h) The Secretary of State shall, upon the request of the State Election Board, provide any
279 and all necessary support and assistance that the State Election Board, in its sole discretion,
280 determines is necessary to enforce this chapter or to carry out or conduct any of its duties."

281 **SECTION 7.**

282 Such chapter is further amended in Subpart 1 of Part 1 of Article 2, relating to the State
283 Election Board, by adding a new Code section to read as follows:

284 "21-2-33.2.

285 (a) The governing authority of a county or municipality, as applicable, following a
286 recommendation based on an investigation by a performance review board pursuant to
287 Code Section 21-2-106 may petition the State Election Board, through the Secretary of
288 State, for extraordinary relief pursuant to this Code section. In addition, the State Election
289 Board, on its own motion or following a recommendation based on an investigation by a
290 performance review board pursuant to Part 5 of this article, may pursue the extraordinary
291 relief provided in this Code section.

292 (b) Upon receiving a petition or taking appropriate action pursuant to subsection (a) of this
293 Code section, the State Election Board shall conduct a preliminary investigation to
294 determine if sufficient cause exists to proceed to a full hearing on the petition. Such
295 preliminary investigation shall be followed by a preliminary hearing which shall take place
296 not less than 30 days nor more than 90 days after the Secretary of State receives the
297 petition. Service of the petition shall be made by hand delivery or by statutory overnight
298 delivery to the Secretary of State's office. At such preliminary hearing, the State Election
299 Board shall determine if sufficient cause exists to proceed to a full hearing on the petition
300 or if the petition should be dismissed. The State Election Board shall promulgate rules and
301 regulations for conducting such preliminary investigation and preliminary hearing.

302 (c) Following the preliminary hearing described in subsection (b) of this Code section, the
303 State Election Board may suspend a county or municipal superintendent pursuant to this
304 Code section if at least three members of the board find, after notice and hearing, that:

305 (1) By a preponderance of the evidence, a county or municipal superintendent has
306 committed at least three violations of this title or of State Election Board rules and
307 regulations, in the last two general election cycles; and the county or municipal
308 superintendent has not sufficiently remedied the violations; or

309 (2) By clear and convincing evidence, the county or municipal superintendent has, for
310 at least two elections within a two-year period, demonstrated nonfeasance, malfeasance,
311 or gross negligence in the administration of the elections.

312 (d) A majority of the members of a board of elections, board of elections and registration,
313 or county commission; a probate judge who serves as election superintendent, or, for a sole
314 commissioner form of government, a sole commissioner may petition the Secretary of State
315 to continue any hearing scheduled pursuant to this Code section. Upon a showing of good
316 cause, the State Election Board may in its sound discretion continue any such hearing.
317 Notwithstanding any other provision of law, deliberations held on such petition by the State
318 Election Board shall not be open to the public; provided, however, that testimony shall be
319 taken in an open meeting and a vote on the recommendation shall be taken in an open
320 meeting following the hearing or at the next regularly scheduled meeting.

321 (e)(1) If the State Election Board makes a finding in accordance with subsection (c) of
322 this Code section, it may suspend the superintendent or board of registrars with pay and
323 appoint an individual to serve as the temporary superintendent. The temporary
324 superintendent who is appointed shall be otherwise qualified to serve or meet the
325 necessary qualifications within three months of appointment.

326 (2) Any superintendent suspended under this Code section may petition the Secretary of
327 State for reinstatement no earlier than 30 days following suspension and no later than 60
328 days following suspension. In the event that a suspended superintendent or registrar does

329 not petition for reinstatement within the allotted time period, his or her suspension shall
330 be converted into permanent removal, and the temporary superintendent shall become a
331 permanent superintendent subject to removal by the jurisdiction not less than nine months
332 after his or her appointment.

333 (3) If, after the expiration of the nine-month period following the appointment, the
334 jurisdiction removes the permanent superintendent, any provisions of local or general law
335 governing appointment of the superintendent shall govern the appointment of the
336 superintendent.

337 (4) If, at any time after the expiration of the nine-month period following the
338 appointment, at least three members of the State Election Board find, after notice and
339 hearing, that the jurisdiction no longer requires a superintendent appointed under this
340 Code section, any provisions of local or general law governing appointment of the
341 superintendent shall govern the appointment of the superintendent.

342 (f) Upon petition for reinstatement by a superintendent suspended pursuant to a finding
343 under paragraph (1) of subsection (c) of this Code section, the State Election Board shall
344 conduct a hearing for the purpose of receiving evidence relative to whether the
345 superintendent's continued service as superintendent is more likely than not to improve the
346 ability of the jurisdiction to conduct elections in a manner that complies with this chapter.
347 The suspended superintendent shall be given at least 30 days' notice prior to such hearing
348 and such hearing shall be held no later than 90 days after the petition is filed in accordance
349 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the
350 State Election Board shall have the power to call witnesses and request documents on its
351 own initiative. If the State Election Board denies the petition, it shall be deemed a final
352 agency decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
353 and it may be appealed in a manner consistent with Code Section 50-13-19. The Attorney
354 General or his or her designee shall represent the interests of the State Election Board in
355 any such judicial review.

356 (g) A local government shall not expend any public funds for attorneys' fees or expenses
357 of litigation relating to the proceedings initiated pursuant to this Code section except to the
358 extent such fees and expenses are incurred prior to and through the recommendation of the
359 State Election Board as provided in subsection (c) of this Code section; provided, however,
360 that nothing in this subsection shall be construed to prohibit an insurance provider from
361 covering attorneys' fees or expenses of litigation under an insurance policy. Any
362 suspended superintendent who is reinstated by the State Election Board pursuant to this
363 Code section may be reimbursed by the local government for his or her reasonable
364 attorneys' fees and related expenses incurred in pursuing such reinstatement.

365 (h) For purposes of this Code section, where a judge of probate court serves as the
366 superintendent, the suspension authorized by this Code section shall apply only to the judge
367 of probate court's duties as a superintendent and not as a judge of probate court.

368 (i) When the State Election Board exercises its authority under subsection (f) of Code
369 Section 21-2-33.1, the jurisdiction involved shall not diminish or reduce the funds already
370 budgeted or appropriated by the jurisdiction pursuant to Code Section 21-2-71 and shall
371 pay any necessary and reasonable funds over that amount, as determined by the temporary
372 superintendent, to faithfully carry out their obligations under Code Section 21-2-70."

373 **SECTION 8.**

374 Said chapter is further amended in Subpart 1 of Part 1 of Article 2, relating to the State
375 Election Board, by adding new Code sections to read as follows:

376 "21-2-35.

377 (a) Notwithstanding any other provision of this chapter, Chapter 3 of Title 38, relating to
378 emergency management, or Chapter 13 of Title 50, the "Georgia Administrative Procedure
379 Act," to the contrary, the State Election Board may only adopt emergency rules or
380 regulations in circumstances of imminent peril to public health, safety, or welfare. To
381 adopt any such emergency rule or regulation, in addition to any other rule-making
382 requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

383 (1) Give notice to the public of its intended action;

384 (2) Immediately upon the setting of the date and time of the meeting at which such
385 emergency rule or regulation is to be considered give notice by email of its intended
386 action to:

387 (A) The Governor;

388 (B) The Lieutenant Governor;

389 (C) The Speaker of the House of Representatives;

390 (D) The chairpersons of the standing committees of each house of the General
391 Assembly tasked with election matters;

392 (E) Legislative counsel; and

393 (F) The chief executive officer of each political party registered pursuant to subsection
394 (a) of Code Section 21-2-110; and

395 (3) State in the notices required by paragraphs (1) and (2) of this subsection the nature
396 of the emergency and the manner in which such emergency represents an imminent peril
397 to public health, safety, or welfare.

398 (b) Upon adoption or promulgation of any emergency rule or regulation pursuant to this
399 Code section, a majority of the State Election Board shall certify in writing that such

400 emergency rule or regulation was made in strict and exact compliance with the provisions
 401 of this chapter and subsection (e) of Code Section 50-13-4.

402 (c) In the event of any conflict between this Code section and any provision of Chapter 13
 403 of Title 50, this Code section shall govern and supersede any such conflicting provision.

404 21-2-36.

405 The State Election Board, the members thereof, the Secretary of State, and any of their
 406 attorneys or staff, at least five business days prior to entering into any consent agreement,
 407 settlement, or consent order that limits, alters, or interprets any provision of this chapter,
 408 shall notify the House of Representatives and Senate Committees on the Judiciary of such
 409 proposed consent agreement, settlement, or consent order."

410

SECTION 9.

411 Said chapter is further amended by revising Code Section 21-2-71, relating to payment by
 412 county or municipality of superintendent's expenses, as follows:

413 "21-2-71.

414 (a) The governing authority of each county or municipality shall appropriate annually and
 415 from time to time, to the superintendent of such county or municipality, the funds that it
 416 shall deem necessary for the conduct of primaries and elections in such county or
 417 municipality and for the performance of his or her other duties under this chapter,
 418 including:

419 (1) Compensation of the poll officers, custodians, and other assistants and employees
 420 provided for in this chapter;

421 (2) Expenditures and contracts for expenditures by the superintendent for polling places;

422 (3) Purchase or printing, under contracts made by the superintendent, of all ballots and
 423 other election supplies required by this chapter, or which the superintendent shall
 424 consider necessary to carry out the provisions of this chapter;

425 (4) Maintenance of all voting equipment required by this chapter, or which the
 426 superintendent shall consider necessary to carry out this chapter; and

427 (5) All other expenses arising out of the performance of his or her duties under this
 428 chapter.

429 (b) No superintendent shall take or accept any funding, grants, or gifts from any source
 430 other than from the governing authority of the county or municipality, the State of Georgia,
 431 or the federal government.

432 (c) The State Election Board shall study and report to the General Assembly a proposed
 433 method for accepting donations intended to facilitate the administration of elections and
 434 a method for an equitable distribution of such donations state wide by October 1, 2021."

435 **SECTION 10.**

436 Said chapter is further amended in Part 3 of Article 2, relating to superintendents, by adding
 437 a new Code section to read as follows:

438 "21-2-74.1.

439 (a) If a county does not have a board of elections and:

440 (1) There is a vacancy in the office of judge of the probate court that has not been filled
 441 pursuant to Code Section 15-9-10 or 15-9-11; or

442 (2) The judge of the probate court is incapacitated and unable to perform the duties of
 443 the election superintendent for a period of more than five days;

444 The chief judge of the superior court in the circuit to which the county is assigned shall
 445 appoint a qualified individual to serve as the acting election superintendent during such
 446 vacancy or incapacitation.

447 (b) Upon the filling of a vacancy in the office of judge of the probate court pursuant to
 448 Code Section 15-9-10 or 15-9-11, the judge of the probate court shall resume the duties of
 449 the election superintendent.

450 (c) The sole county commissioner or the board of county commissioners shall fix the
451 compensation of the individual who serves as acting election superintendent until the
452 vacancy is filled or the incapacitation ends. The compensation shall be paid from the
453 general funds of the county."

454 **SECTION 11.**

455 Said chapter is further amended by revising subsection (a) of Code Section 21-2-92, relating
456 to qualifications of poll officers, service during municipal election or primary, and Student
457 Teen Election Participant (STEP) program, as follows:

458 "(a)(1) Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be
459 judicious, intelligent, and upright citizens of the United States, residents of or otherwise
460 employed by the county in which they are appointed except as otherwise provided in
461 paragraph (2) of this subsection or, in the case of municipal elections, residents of or
462 otherwise employed by the municipality in which the election is to be held or of the
463 county in which that municipality is located, 16 years of age or over, and shall be able to
464 read, write, and speak the English language. No poll officer shall be eligible for any
465 nomination for public office or to be voted for at a primary or election at which the poll
466 officer shall serve. No person who is otherwise holding public office, other than a
467 political party office, shall be eligible to be appointed as or to serve as a poll officer. A
468 parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law,
469 daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to
470 serve as a poll officer in any precinct in which such candidate's name appears on the
471 ballot in any primary or election.

472 (2) A poll officer may be allowed to serve in a county that adjoins the county in which
473 such poll officer resides if, in the discretion of the election superintendent of the county
474 in which such person resides, the waiver of such county residency or county employment
475 requirements of paragraph (1) of this subsection do not impair the ability of the county

476 to provide adequate staff for the performance of election duties under this chapter and if,
477 in the discretion of the county election superintendent in which such person wishes to
478 serve, sufficient need for more poll officers exists."

479 **SECTION 12.**

480 Said chapter is further amended in Article 2, relating to supervisory boards and officers, by
481 adding a new part to read as follows:

482 "Part 5

483 21-2-105.

484 As used in this part, the term 'local election official' means:

- 485 (1) A county board of elections or a county board of elections and registration
486 established pursuant to Code Section 21-2-40;
487 (2) A judge of the probate court fulfilling the role of election superintendent; or
488 (3) A municipal election superintendent.

489 21-2-106.

490 (a) The following officials may request that a performance review of a local election
491 official be conducted:

- 492 (1) The governing authority of the same jurisdiction as the local election official;
493 (2) For counties represented by more than three members of the Georgia House of
494 Representatives and Georgia Senate, at least two members of the Georgia House of
495 Representatives and two members of the Georgia Senate who represent the county; and
496 (3) For counties represented by fewer than four members of the Georgia House of
497 Representatives and Georgia Senate, at least one member of the Georgia House of
498 Representatives and one member of the Georgia Senate who represent the county.

499 Such request shall be transmitted to the State Election Board, which shall request that the
500 Secretary of State appoint an independent performance review board within 30 days after
501 receiving such resolution. The Secretary of State shall appoint three competent persons to
502 serve as members of the performance review board, one of whom shall be an employee of
503 the elections division of the Secretary of State and two of whom shall be local election
504 officials, provided that no such appointee shall be a local election official for the county
505 or municipality, as applicable, under review.

506 (b) It shall be the duty of a performance review board to make a thorough and complete
507 investigation of the local election official with respect to all actions of the local election
508 official regarding the technical competency in the maintenance and operation of election
509 equipment, proper administration and oversight of registration and elections, and
510 compliance with state law and regulations. The performance review board shall issue a
511 written report of its findings to the Secretary of State, the State Election Board, and the
512 local governing authority which shall include such evaluations, judgments, and
513 recommendations as it deems appropriate. The local governing authority shall reimburse
514 the members of the performance review board for reasonable expenses incurred in the
515 performance of their duties, including mileage, meals, lodging, and costs of materials.

516 (c) The findings of the report of the review board under subsection (b) of this Code section
517 or of any audit or investigation performed by the State Election Board may be grounds for
518 removal of one or more local election officials pursuant to Code Section 21-2-33.2.

519 21-2-107.

520 (a) The State Election Board shall appoint, or request that the Secretary of State appoint,
521 an independent performance review board on its own motion if it determines that there is
522 evidence which calls into question the competence of a local election official regarding the
523 oversight and administration of elections, voter registration, or both, with state law and
524 regulations.

525 (b) The State Election Board or the Secretary of State shall appoint three competent
526 persons to serve as members of the performance review board, one of whom shall be an
527 employee of the elections division of the office of Secretary of State and two of whom shall
528 be local election officials, provided that none of the three appointees shall be a local
529 election official for the county or municipality under review.

530 (c) The performance review board shall issue a written report of its findings to the State
531 Election Board and the Secretary of State and the applicable local governing authority,
532 which shall include such evaluations, judgments, and recommendations as it deems
533 appropriate. The local governing authority shall reimburse the members of the
534 performance review board for reasonable expenses incurred in the performance of their
535 duties, including mileage, meals, lodging, and costs of materials.

536 (d) The findings of the report of the performance review board under subsection (c) of this
537 Code section or of any audit or investigation performed by the State Election Board may
538 be grounds for removal of a local election official pursuant to Code Section 21-2-33.2.

539 21-2-108.

540 The Secretary of State or State Election Board shall promulgate such rules and regulations
541 as may be necessary for the administration of this part."

542 **SECTION 13.**

543 Said chapter is further amended in Code Section 21-2-134, relating to withdrawal, death, or
544 disqualification of candidate for office, return of qualifying fee, and nomination certificate,
545 by adding a new subsection to read as follows:

546 "(g) In the event of the death of a candidate on the ballot in a nonpartisan election prior to
547 such nonpartisan election, such candidate's name shall remain on the ballot and all votes
548 cast for such candidate shall be counted. If the deceased candidate receives the requisite
549 number of votes to be elected, such contest shall be handled as a failure to fill the office

550 under Code Section 21-2-504. If the deceased candidate receives enough votes to be in a
551 run-off election, such run-off election shall be conducted as provided in Code
552 Section 21-2-501 and the candidates in such runoff shall be determined in accordance with
553 paragraph (2) of subsection (a) of Code Section 21-2-501."

554 **SECTION 14.**

555 Said chapter is further amended by revising subsection (f) of Code Section 21-2-212, relating
556 to county registrars, appointment, certification, term of service, vacancies, compensation and
557 expenses of chief registrar, registrars, and other officers and employees, and budget
558 estimates, as follows:

559 "(f) The board of registrars of each county shall prepare annually a budget estimate in
560 which it shall set forth an itemized list of its expenditures for the preceding two years and
561 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
562 year and shall submit the same at the time and in the manner and form other county budget
563 estimates are required to be filed. No board of registrars shall take or accept any funding,
564 grants, or gifts from any source other than from the governing authority of the county, the
565 State of Georgia, or the federal government."

566 **SECTION 15.**

567 Said chapter is further amended by revising Code Section 21-2-229, relating to challenge of
568 applicant for registration by other electors, notice and hearing, and right of appeal, as
569 follows:

570 "21-2-229.

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

575 the challenge. There shall not be a limit on the number of persons whose qualifications
576 such elector may challenge.

577 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a
578 hearing on such challenge within ten business days after serving notice of the challenge.

579 Notice of the date, time, and place of the hearing shall be served upon the person whose
580 qualifications are being challenged along with a copy of such challenge and upon the
581 elector making the challenge within ten business days following the filing of the challenge.

582 The person being challenged shall receive at least three days' notice of the date, time, and
583 place of the hearing. Such notice shall be served either by first-class mail addressed to the
584 mailing address shown on the person's voter registration records or in the manner provided
585 in subsection (c) of Code Section 21-2-228.

586 (c) The burden shall be on the elector making the challenge to prove that the person being
587 challenged is not qualified to remain on the list of electors. The board of registrars shall
588 have the authority to issue subpoenas for the attendance of witnesses and the production
589 of books, papers, and other material upon application by the person whose qualifications
590 are being challenged or the elector making the challenge. The party requesting such
591 subpoenas shall be responsible to serve such subpoenas and, if necessary, to enforce the
592 subpoenas by application to the superior court. Any witness so subpoenaed, and after
593 attending, shall be allowed and paid the same mileage and fee as allowed and paid
594 witnesses in civil actions in the superior court.

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

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

607 (f) Failure to comply with the provisions of this Code section by the board of registrars
608 shall subject such board to sanctions by the State Election Board."

609 **SECTION 16.**

610 Said chapter is further amended by revising Code Section 21-2-230, relating to challenge of
611 persons on list of electors by other electors, procedure;, hearing, and right of appeal, as
612 follows:

613 "21-2-230.

614 (a) Any elector of the county or municipality may challenge the right of any other elector
615 of the county or municipality, whose name appears on the list of electors, to vote in an
616 election. Such challenge shall be in writing and specify distinctly the grounds of such
617 challenge. Such challenge may be made at any time prior to the elector whose right to vote
618 is being challenged voting at the elector's polling place or, if such elector cast an absentee
619 ballot, prior to 5:00 P.M. on the day before the ~~election~~ absentee ballots are to begin to be
620 scanned and tabulated; provided, however, that challenges to persons voting by absentee
621 ballot in person at the office of the registrars or the absentee ballot clerk shall be made prior
622 to such person's voting. There shall not be a limit on the number of persons whose
623 qualifications such elector may challenge.

624 (b) Upon the filing of such challenge, the board of registrars shall immediately consider
625 such challenge and determine whether probable cause exists to sustain such challenge. If
626 the registrars do not find probable cause, the challenge shall be denied. If the registrars
627 find probable cause, the registrars shall notify the poll officers of the challenged elector's

628 precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the
629 absentee ballot precinct and, if practical, notify the challenged elector and afford such
630 elector an opportunity to answer.

631 (c) If the challenged elector appears at the polling place to vote, such elector shall be given
632 the opportunity to appear before the registrars and answer the grounds of the challenge.

633 (d) If the challenged elector does not cast an absentee ballot and does not appear at the
634 polling place to vote and if the challenge is based on grounds other than the qualifications
635 of the elector to remain on the list of electors, no further action by the registrars shall be
636 required.

637 (e) If the challenged elector cast an absentee ballot and it is not practical to conduct a
638 hearing prior to the close of the polls and the challenge is based upon grounds other than
639 the qualifications of the elector to remain on the list of electors, the absentee ballot shall
640 be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No
641 further action by the registrars shall be required.

642 (f) If the challenged elector does not cast an absentee ballot and does not appear at the
643 polling place to vote and the challenge is based on the grounds that the elector is not
644 qualified to remain on the list of electors, the board of registrars shall proceed to hear the
645 challenge pursuant to Code Section 21-2-229.

646 (g) If the challenged elector cast an absentee ballot and the challenge is based upon
647 grounds that the challenged elector is not qualified to remain on the list of electors, the
648 board of registrars shall proceed to conduct a hearing on the challenge on an expedited
649 basis prior to the certification of the consolidated returns of the election by the election
650 superintendent. The election superintendent shall not certify such consolidated returns
651 until such hearing is complete and the registrars have rendered their decision on the
652 challenge. If the registrars deny the challenge, the superintendent shall proceed to certify
653 the consolidated returns. If the registrars uphold the challenge, the name of the challenged
654 elector shall be removed from the list of electors and the ballot of the challenged elector

655 shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove
656 any votes cast by such elector. The elector making the challenge and the challenged elector
657 may appeal the decision of the registrars in the same manner as provided in subsection (e)
658 of Code Section 21-2-229.

659 (h) If the challenged elector appears at the polls to vote and it is practical to conduct a
660 hearing on the challenge prior to the close of the polls, the registrars shall conduct such
661 hearing and determine the merits of the challenge. If the registrars deny the challenge, the
662 elector shall be permitted to vote in the election notwithstanding the fact that the polls may
663 have closed prior to the time the registrars render their decision and the elector can actually
664 vote, provided that the elector proceeds to vote immediately after the decision of the
665 registrars. If the registrars uphold the challenge, the challenged elector shall not be
666 permitted to vote and, if the challenge is based upon the grounds that the elector is not
667 qualified to remain on the list of electors, the challenged elector's name shall be removed
668 from the list of electors.

669 (i) If the challenged elector appears at the polls to vote and it is not practical to conduct
670 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
671 find that a decision on the challenge cannot be rendered within a reasonable time, the
672 challenged elector shall be permitted to vote by casting a challenged ballot on the same
673 type of ballot that is used by the county or municipality for provisional ballots. Such
674 challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code
675 Section 21-2-419 and, after having the word 'Challenged,' the elector's name, and the
676 alleged cause of the challenge written across the back of the outer envelope, the ballot shall
677 be deposited by the person casting such ballot in a secure, sealed ballot box
678 notwithstanding the fact that the polls may have closed prior to the time the registrars make
679 such a determination, provided that the elector proceeds to vote immediately after such
680 determination of the registrars. In such cases, if the challenge is based upon the grounds
681 that the challenged elector is not qualified to remain on the list of electors, the registrars

682 shall proceed to finish the hearing prior to the certification of the consolidated returns of
683 the election by the election superintendent. If the challenge is based on other grounds, no
684 further action shall be required by the registrars. The election superintendent shall not
685 certify such consolidated returns until such hearing is complete and the registrars have
686 rendered their decision on the challenge. If the registrars deny the challenge, the
687 superintendent shall proceed to certify the consolidated returns. If the registrars uphold the
688 challenge, the name of the challenged elector shall be removed from the list of electors and
689 the ballot of the challenged elector shall be rejected and not counted and, if necessary, the
690 returns shall be adjusted to remove any votes cast by such elector. The elector making the
691 challenge and the challenged elector may appeal the decision of the registrars in the same
692 manner as provided in subsection (e) of Code Section 21-2-229.
693 (j) Failure to comply with the provisions of this Code section by the board of registrars
694 shall subject such board to sanctions by the State Election Board."

695 **SECTION 17.**

696 Said chapter is further amended in subsection (b) of Code Section 21-2-232, relating to
697 removal of elector's name from list of electors, by adding a new paragraph to read as follows:
698 "(3) Once becoming a member of the nongovernmental entity described in subsection (d)
699 of Code Section 21-2-225, the Secretary of State shall obtain regular information from
700 such entity regarding electors who may have moved to another state, died, or otherwise
701 become ineligible to vote in Georgia. The Secretary of State shall use such information
702 to conduct list maintenance on the list of eligible electors."

703 **SECTION 18.**

704 Said chapter is further amended by revising Code Section 21-2-263, relating to reduction in
705 size of, or provision of additional voting equipment or poll workers to, precincts containing

706 more than 2,000 electors when voting in such precincts at previous general election not
707 completed one hour after closing of polls, as follows:

708 "21-2-263.

709 (a) If, at the previous general election, a precinct contained more than 2,000 electors and
710 if all those electors desiring to vote had not completed voting one hour following the
711 closing of the polls, the superintendent shall either reduce the size of said precinct so that
712 it shall contain not more than 2,000 electors in accordance with the procedures prescribed
713 by this chapter for the division, alteration, and consolidation of precincts no later than 60
714 days before the next general election or provide additional voting equipment or poll
715 workers, or both, before the next general election. For administering this Code section, the
716 chief manager of a precinct which contained more than 2,000 electors at the previous
717 general election shall submit a report thereof, under oath, to the superintendent as to the
718 time required for completion of voting by all persons in line at the time the polls were
719 closed. Any such change in the boundaries of a precinct shall conform with the
720 requirements of subsection (a) of Code Section 21-2-261.1.

721 (b) If, at the previous general election, a precinct contained more than 2,000 electors and
722 if electors desiring to vote on the day of the election had to wait in line for more than one
723 hour before checking in to vote, the superintendent shall either reduce the size of such
724 precinct so that it shall contain not more than 2,000 electors in accordance with the
725 procedures prescribed by this chapter for the division, alteration, and consolidation of
726 precincts no later than 60 days before the next general election or provide additional voting
727 equipment or poll workers, or both, before the next general election. For administering this
728 Code section, the chief manager of a precinct which contained more than 2,000 electors at
729 the previous general election shall submit a report thereof to the superintendent of the
730 reported time from entering the line to checking in to vote. Such wait time shall be
731 measured no fewer than three different times throughout the day (in the morning, at
732 midday, and prior to the close of polls) and such results shall be recorded on a form

733 provided by the Secretary of State. Any such change in the boundaries of a precinct shall
734 conform with the requirements of subsection (a) of Code Section 21-2-261.1."

735 **SECTION 19.**

736 Said chapter is further amended by revising subsection (a) of Code Section 21-2-265, relating
737 to duty of superintendent to select polling places, change, petition objecting to proposed
738 change, space for political parties holding primaries, facilities for disabled voters, selection
739 of polling place outside precinct to better serve voters, and restriction on changing polling
740 place on or near date of election, as follows:

741 "(a) The superintendent of a county or the governing authority of a municipality shall
742 select and fix the polling place within each precinct and may, either on his, her, or its own
743 motion or on petition of ten electors of a precinct, change the polling place within any
744 precinct. Except in case of an emergency or unavoidable event occurring within ten days
745 of a primary or election, which emergency or event renders any polling place unavailable
746 for use at such primary or election, the superintendent of a county or the governing
747 authority of a municipality shall not change any polling place until notice of the proposed
748 change shall have been published for once a week for two consecutive weeks in the legal
749 organ for the county or municipality in which the polling place is located. Additionally,
750 on the first election during the seven days before and on the day of the first election
751 following such change, a notice of such change shall be posted on the previous polling
752 place and at three other places in the immediate vicinity thereof. Each notice posted shall
753 state the location to which the polling place has been moved and shall direct electors to the
754 new location. At least one notice at the previous polling place shall be a minimum of four
755 feet by four feet in size. The occupant or owner of the previous polling place, or his or her
756 agent, shall be notified in writing of such change at the time notice is published in the legal
757 organ."

758

SECTION 20.

759 Said chapter is further amended by revising subsections (a) and (b) of Code
760 Section 21-2-266, relating to use of public buildings as polling places, use of portable or
761 movable facilities, and unrestricted access to residential communities, as follows:

762 "(a) In selecting polling places and advance voting locations, the superintendent of a
763 county or the governing authority of a municipality shall select, wherever practicable and
764 consistent with subsection (d) of Code Section 21-2-265, schoolhouses, municipal
765 buildings or rooms, or other public buildings for that purpose. In selecting polling places
766 and advance voting locations, the superintendent of a county or the governing authority of
767 a municipality shall give consideration to the comfort and convenience those places to be
768 selected will provide to both electors and poll officers. School, county, municipal, or other
769 governmental authorities, upon request of the superintendent of a county or the governing
770 authority of a municipality, shall make arrangements for the use of their property for
771 polling places or advance voting locations; provided, however, that such use shall not
772 substantially interfere with the use of such property for the purposes for which it is
773 primarily intended.

774 (b) The superintendent of a county or the governing authority of a municipality shall have
775 discretion to procure and provide portable or movable polling facilities of adequate size for
776 any precinct; provided, however, that buses and other readily movable facilities shall only
777 be used in emergencies declared by the Governor pursuant to Code Section 38-3-51 to
778 supplement the capacity of the polling place where the emergency circumstance occurred."

779

SECTION 21.

780 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of
781 ballot, run-off election, and declaration of prevailing candidate in nonpartisan elections, as
782 follows:

783 "21-2-285.1.

784 The names of all candidates for offices which the General Assembly has by general law or
785 local Act provided for election in a nonpartisan election shall be printed on each official
786 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan
787 election shall be separated from the names of candidates for party nomination to other
788 offices by being listed last on each ballot, with the top of that portion of each official
789 primary ballot relating to the nonpartisan election to have printed in prominent type the
790 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a
791 ballot that contains just the official nonpartisan election ballot available for electors who
792 choose not to vote in a party primary. Directions that explain how to cast a vote, how to
793 write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot
794 shall appear immediately under the caption, as specified by rule or regulation of the State
795 Election Board. Immediately under the directions, the name of each such nonpartisan
796 candidate shall be arranged alphabetically by last name under the title of the office for
797 which they are candidates and be printed thereunder. The incumbency of a candidate
798 seeking election for the public office he or she then holds shall be indicated on the ballot.
799 No party designation or affiliation shall appear beside the name of any candidate for
800 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting
801 of write-in votes for such offices. In the event that no candidate in such nonpartisan
802 election receives a majority of the total votes cast for such office, there shall be a
803 nonpartisan election runoff between the candidates receiving the two highest numbers of
804 votes; and the names of such candidates shall be placed on the official ballot at the general
805 primary runoff in the same manner as prescribed in this Code section for the nonpartisan

806 election and there shall be a separate official nonpartisan election ~~runoff~~ run-off ballot for
 807 those electors who do not choose or are not eligible to vote in the general primary runoff.
 808 In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form
 809 of the ballot shall be as prescribed by the Secretary of State or election superintendent in
 810 essentially the same format as prescribed for the nonpartisan election. Except as provided
 811 in subsection (g) of Code Section 21-2-134, the ~~The~~ candidate having a majority of the
 812 votes cast in the nonpartisan election or the candidate receiving the highest number of votes
 813 cast in the nonpartisan election runoff shall be declared duly elected to such office."

814 **SECTION 22.**

815 Said chapter is further amended by revising subsection (b) of Code Section 21-2-367, relating
 816 to installation of systems, number of systems, and good working order, as follows:

817 "(b)(1) In each precinct in which optical scanning voting systems are used in a state-wide
 818 general election, the county or municipal governing authority, as appropriate, election
 819 superintendent shall provide at least one voting booth or enclosure for each 250 electors
 820 therein, or fraction thereof.

821 (2) For any other primary, election, or runoff, the county or municipal election
 822 superintendent may provide a greater or lesser number of voting booths or enclosures if,
 823 after a thorough consideration of the type of election, expected turnout, the number of
 824 electors who have already voted by advance voting or absentee ballot, and other relevant
 825 factors that inform the appropriate amount of equipment needed, such superintendent
 826 determines that a different amount of equipment is needed or sufficient. Such
 827 determination shall be subject to the provisions of Code Section 21-2-263."

828 **SECTION 23.**

829 Said chapter is further amended by revising Code Section 21-2-372, relating to ballot
 830 description, as follows:

831 "21-2-372.
832 Ballots shall be of suitable design, size, and stock to permit processing by a ballot scanner
833 and shall be printed in black ink on clear, white, or colored material. Other than ballots
834 delivered electronically to qualified electors who are entitled to vote by absentee ballot
835 under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.
836 Section 20301, et seq., the ballots shall be printed on security paper that incorporates
837 features which can be used to authenticate the ballot as an official ballot but which do not
838 make the ballot identifiable to a particular elector."

839 **SECTION 24.**

840 Said chapter is further amended by revising subsection (c) of Code Section 21-2-379.25,
841 relating to programming for ballot design and style, verification, appointment of custodians,
842 and role of custodians, as follows:

843 "(c) On or before the third day preceding a primary or election, including special primaries,
844 special elections, and referendum elections, the superintendent shall have each electronic
845 ballot marker tested to ascertain that it will correctly record the votes cast for all offices and
846 on all questions and produce a ballot reflecting such choices of the elector in a manner that
847 the State Election Board shall prescribe by rule or regulation. Public notice of the time and
848 place of the test shall be made at least five days prior thereto; ~~provided, however, that, in~~
849 ~~the case of a runoff, the public notice shall be made at least three days prior thereto.~~ The
850 superintendent of each county or municipality shall publish such notice on the homepage
851 of the county's or municipality's publicly accessible website associated with elections and
852 in a newspaper of general circulation in the county or municipality and by posting in a
853 prominent location in the county or municipality. Such notice shall state the date, time, and
854 place or places where preparation and testing of the voting system components for use in
855 the primary or election will commence, that such preparation and testing shall continue
856 from day to day until complete, and that representatives ~~Representatives~~ of political parties

857 and bodies, news media, and the public shall be permitted to observe such tests. The
 858 superintendent of the county or municipality shall also provide such notice to the Secretary
 859 of State who shall publish on his or her website the information received from
 860 superintendents stating the dates, times, and locations for preparation and testing of voting
 861 system components. However, such representatives of political parties and bodies, news
 862 media, and the public shall not in any manner interfere with the preparation and testing of
 863 voting system components. The advertisement in the newspaper of general circulation
 864 shall be prominently displayed, shall not be less than 30 square inches, and shall not be
 865 placed in the section of the newspaper where legal notices appear."

866

SECTION 25.

867 Said chapter is further amended by revising Code Section 21-2-381, relating to making of
 868 application for absentee ballot, determination of eligibility by ballot clerk, furnishing of
 869 applications to colleges and universities, and persons entitled to make application, as follows:

870 "21-2-381.

871 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219 or for advance
 872 voting described in subsection (d) of Code Section 21-2-385, not more earlier than 180
 873 78 days or less than 11 days prior to the date of the primary or election, or runoff of
 874 either, in which the elector desires to vote, any absentee elector may make, either by
 875 mail, by facsimile transmission, by electronic transmission, or in person in the
 876 registrar's or absentee ballot clerk's office, an application for an official ballot of the
 877 elector's precinct to be voted at such primary, election, or runoff. To be timely
 878 received, an application for an absentee-by-mail ballot shall be received by the board
 879 of registrars or absentee ballot clerk no later than 11 days prior to the primary, election,
 880 or runoff. For advance voting in person, the application shall be made within the time
 881 period set forth in subsection (d) of Code Section 21-2-385.

882 (B) In the case of an elector residing temporarily out of the county or municipality or
883 a physically disabled elector residing within the county or municipality, the application
884 for the elector's absentee ballot may, upon satisfactory proof of relationship, be made
885 by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
886 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
887 father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

888 (C)(i) Any person applying for an absentee-by-mail ballot shall make application in
889 writing on the form made available by the Secretary of State. In order to confirm the
890 identity of the voter, such form shall require the elector to provide his or her name,
891 date of birth, address as registered, address where the elector wishes the ballot to be
892 mailed, and the number of his or her Georgia driver's license or identification card
893 issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a
894 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5
895 of Title 40, the elector shall affirm this fact in the manner prescribed in the application
896 and the elector shall provide a copy of a form of identification listed in subsection (c)
897 of Code Section 21-2-417. The form made available by the Secretary of State shall
898 include a space to affix a photocopy or electronic image of such identification. The
899 Secretary of State shall develop a method to allow secure electronic transmission of
900 such form. The application shall be in writing and shall contain sufficient information
901 for proper identification of the elector; the permanent or temporary address of the
902 elector to which the absentee ballot shall be mailed; also include the identity of the
903 primary, election, or runoff in which the elector wishes to vote; and the name and
904 relationship of the person requesting the ballot if other than the elector; and an oath
905 for the elector or relative to write his or her usual signature with a pen and ink
906 affirming that the elector is a qualified Georgia elector and the facts presented on the
907 application are true. Submitting false information on an application for an absentee
908 ballot shall be a violation of Code Sections 21-2-560 and 21-2-571.

909 (ii) A blank application for an absentee ballot shall be made available online by the
910 Secretary of State and each election superintendent and registrar, but neither the
911 Secretary of State, election superintendent, board of registrars, other governmental
912 entity, nor employee or agent thereof shall send absentee ballot applications directly
913 to any elector except upon request of such elector or a relative authorized to request
914 an absentee ballot for such elector. No person or entity other than a relative
915 authorized to request an absentee ballot for such elector or a person signing as
916 assisting an illiterate or physically disabled elector shall send any elector an absentee
917 ballot application that is prefilled with the elector's required information set forth in
918 this subparagraph. No person or entity other than the elector, a relative authorized to
919 request an absentee ballot for such elector, a person signing as assisting an illiterate
920 or physically disabled elector with his or her application, a common carrier charged
921 with returning the ballot application, an absentee ballot clerk, a registrar, or a law
922 enforcement officer in the course of an investigation shall handle or return an elector's
923 completed absentee ballot application. Handling a completed absentee ballot
924 application by any person or entity other than as allowed in this subsection shall be
925 a misdemeanor. Any application for an absentee ballot sent to any elector by any
926 person or entity shall utilize the form of the application made available by the
927 Secretary of State and shall clearly and prominently disclose on the face of the form:
928 'This is NOT an official government publication and was NOT provided to you
929 by any governmental entity and this is NOT a ballot. It is being distributed by
930 [insert name and address of person, organization, or other entity distributing such
931 document or material].'
932 (iii) The disclaimer required by division (ii) of this subparagraph shall be:
933 (I) Of sufficient font size to be clearly readable by the recipient of the
934 communication;

935 (II) Be contained in a printed box set apart from the other contents of the
936 communication; and

937 (III) Be printed with a reasonable degree of color contrast between the background
938 and the printed disclaimer.

939 (D) Except in the case of physically disabled electors residing in the county or
940 municipality or electors in custody in a jail or other detention facility in the county or
941 municipality, no absentee ballot shall be mailed to an address other than the permanent
942 mailing address of the elector as recorded on the elector's voter registration record or
943 a temporary out-of-county or out-of-municipality address. Upon request, electors held
944 in jails or other detention facilities who are eligible to vote shall be granted access to
945 the necessary personal effects for the purpose of applying for and voting an absentee
946 ballot pursuant to this chapter.

947 (E) Relatives applying for absentee ballots for electors must also sign an oath stating
948 that facts in the application are true.

949 (F) If the elector is unable to fill out or sign such elector's own application because of
950 illiteracy or physical disability, the elector shall make such elector's mark, and the
951 person filling in the rest of the application shall sign such person's name below it as a
952 witness.

953 (G) Any elector meeting criteria of advance age or disability specified by rule or
954 regulation of the State Election Board or any elector who is entitled to vote by absentee
955 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
956 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application
957 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
958 and for a primary as well as for any runoffs resulting therefrom and for the election for
959 which such primary shall nominate candidates as well as any runoffs resulting
960 therefrom. If not so requested by such person, a separate and distinct application shall
961 be required for each primary, run-off primary, election, and run-off election. Except

962 as otherwise provided in this subparagraph, a separate and distinct application for an
963 absentee ballot shall always be required for any special election or special primary.

964 (2) A properly executed registration card submitted under the provisions of
965 subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or
966 election in which the registrant is entitled to vote, shall be considered to be an application
967 for an absentee ballot under this Code section, or for a special absentee ballot under Code
968 Section 21-2-381.1, as appropriate.

969 (3)(A) All persons or entities, other than the Secretary of State, election
970 superintendents, boards of registrars, and absentee ballot clerks, that send applications
971 for absentee ballots to electors in a primary, election, or runoff shall mail such
972 applications only to individuals who have not already requested, received, or voted an
973 absentee ballot in the primary, election, or runoff. Any such person or entity shall
974 compare its mail distribution list with the most recent information available about
975 which electors have requested, been issued, or voted an absentee ballot in the primary,
976 election, or runoff and shall remove the names of such electors from its mail
977 distribution list. A person or entity shall not be liable for any violation of this
978 subparagraph if such person or entity relied upon information made available by the
979 Secretary of State within five business days prior to the date such applications are
980 mailed.

981 (B) A person or entity in violation of subparagraph (A) of this paragraph shall be
982 subject to sanctions by the State Election Board which, in addition to all other possible
983 sanctions, may include requiring such person or entity to pay restitution to each affected
984 county or municipality in an amount up to \$100.00 per duplicate absentee ballot
985 application that is processed by the county or municipality due to such violation or the
986 actual cost incurred by each affected county or municipality for the processing of such
987 duplicate absentee ballot applications. Reserved.

988 (4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar
989 or absentee ballot clerk shall determine if the applicants are eligible to vote under this
990 Code section and shall either mail or issue the absentee ballots for the election for
991 representative in the United States Congress to an individual entitled to make application
992 for absentee ballot under subsection (d) of this Code section the same day any such
993 application is received, so long as the application is received by 3:00 P.M., otherwise no
994 later than the next business day following receipt of the application. Any valid absentee
995 ballot shall be accepted and processed so long as the ballot is received by the registrar or
996 absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent
997 uniformed services voter or overseas voter, but in no event later than 11 days following
998 the date of the election.

999 (b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
1000 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
1001 shall verify the identity of the applicant and determine, in accordance with the provisions
1002 of this chapter, if the applicant is eligible to vote in the primary or election involved. In
1003 order to ~~be found eligible to vote an absentee ballot by mail~~ verify the identity of the
1004 applicant, the registrar or absentee ballot clerk shall compare the ~~identifying information~~
1005 applicant's name, date of birth, and number of his or her Georgia driver's license or
1006 identification card issued pursuant to Article 5 of Chapter 5 of Title 40 on the application
1007 with the information on file in the registrar's office ~~and, if the application is signed by the~~
1008 ~~elector, compare the signature or mark of the elector on the application with the signature~~
1009 ~~or mark of the elector on the elector's voter registration card.~~ If the application does not
1010 contain the number of the applicant's Georgia driver's license or identification card issued
1011 pursuant to Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall
1012 verify that the identification provided with the application identifies the applicant. In
1013 order to be found eligible to vote an absentee ballot in person at the registrar's office or
1014 absentee ballot clerk's office, such person shall show one of the forms of identification

1015 listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare
1016 the identifying information on the application with the information on file in the
1017 registrar's office.

1018 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
1019 proper place on the application and then:

1020 (A) Shall mail the ballot as provided in this Code section;

1021 (B) If the application is made in person, shall issue the ballot to the elector within the
1022 confines of the registrar's or absentee ballot clerk's office as required by Code
1023 Section 21-2-383 if the ballot is issued during the advance voting period established
1024 pursuant to subsection (d) of Code Section 21-2-385; or

1025 (C) May deliver the ballot in person to the elector if such elector is confined to a
1026 hospital.

1027 (3) If found ineligible or if the application is not timely received, the clerk or the board
1028 of registrars shall deny the application by writing the reason for rejection in the proper
1029 space on the application and shall promptly notify the applicant in writing of the ground
1030 of ineligibility, a copy of which notification should be retained on file in the office of the
1031 board of registrars or absentee ballot clerk for at least one year. However, an absentee
1032 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the
1033 ~~signature~~ identifying information of the elector on the application and the ~~signature~~
1034 identifying information of the elector on file with the board of registrars. In such cases,
1035 the board of registrars or absentee ballot clerk shall send the elector a provisional
1036 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and
1037 information prepared by the Secretary of State as to the process to be followed to cure the
1038 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee
1039 ballot clerk prior to the closing of the polls on the day of the primary or election, the
1040 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of
1041 registrars or absentee ballot clerk along with a copy of one of the forms of identification

1042 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for
1043 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the
1044 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1045 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of
1046 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,
1047 then the procedure contained in Code Section 21-2-386 shall be followed for rejected
1048 absentee ballots.

1049 (4) If the registrar or clerk is unable to determine the identity of the elector from
1050 information given on the application or if the application is not complete or if the oath on
1051 the application is not signed, the registrar or clerk should promptly ~~write~~ contact the
1052 elector in writing to request the necessary additional information and a signed copy of the
1053 oath.

1054 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
1055 or the board shall immediately mail a blank registration card as provided by Code
1056 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to
1057 vote by absentee ballot in such primary or election, if the registration card, properly
1058 completed, is returned to the clerk or the board on or before the last day for registering
1059 to vote in such primary or election. ~~If the closing date for registration in the primary or~~
1060 ~~election concerned has not passed, the clerk or registrar shall also mail a ballot to the~~
1061 ~~applicant, as soon as it is prepared and available; and the ballot shall be cast in such~~
1062 ~~primary or election if returned to the clerk or board not later than the close of the polls~~
1063 ~~on the day of the primary or election concerned.~~

1064 (c) In those counties or municipalities in which the absentee ballot clerk or board of
1065 registrars provides application forms for absentee ballots, the clerk or board shall provide
1066 such quantity of the application form to the dean of each college or university located in
1067 that county as said dean determines necessary for the students of such college or university.

1068 (d)(1) A citizen of the United States permanently residing outside the United States is
1069 entitled to make application for an absentee ballot from Georgia and to vote by absentee
1070 ballot in any election for presidential electors and United States senator or representative
1071 in Congress:

1072 (A) If such citizen was last domiciled in Georgia immediately before his or her
1073 departure from the United States; and

1074 (B) If such citizen could have met all qualifications, except any qualification relating
1075 to minimum voting age, to vote in federal elections even though, while residing outside
1076 the United States, he or she does not have a place of abode or other address in Georgia.

1077 (2) An individual is entitled to make application for an absentee ballot under paragraph
1078 (1) of this subsection even if such individual's intent to return to Georgia may be
1079 uncertain, as long as:

1080 (A) He or she has complied with all applicable Georgia qualifications and requirements
1081 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for
1082 and voting by absentee ballots;

1083 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting
1084 in any other state or election district of a state or territory or in any territory or
1085 possession of the United States; and

1086 (C) He or she has a valid passport or card of identity and registration issued under the
1087 authority of the Secretary of State of the United States or, in lieu thereof, an alternative
1088 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state
1089 requirements, if a citizen does not possess a valid passport or card of identity and
1090 registration.

1091 (e) The State Election Board is authorized to promulgate reasonable rules and regulations
1092 for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules
1093 and regulations may include provisions for the limitation of opportunities for fraudulent

1094 application, including, but not limited to, comparison of voter registration records with
 1095 death certificates."

1096

SECTION 26.

1097 Said chapter is further amended by revising Code Section 21-2-382, relating to additional
 1098 sites as additional registrar's office or place of registration for absentee ballots, as follows:
 1099 "21-2-382.

1100 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
 1101 registrars may establish ~~additional sites~~ as additional registrar's offices or places of
 1102 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
 1103 for the purpose of ~~voting absentee ballots~~ advance voting under Code Section 21-2-385,
 1104 provided that any such site is a building that is a branch of the county courthouse, a
 1105 courthouse annex, a government service center providing general government services,
 1106 another government building generally accessible to the public, or a ~~location~~ building that
 1107 is used as an election day polling place, notwithstanding that such ~~location~~ building is not
 1108 a government building.

1109 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of
 1110 this state having a population of 550,000 or more according to the United States decennial
 1111 census of 1990 or any future such census, any building that is a branch of the county
 1112 courthouse or courthouse annex established within any such county shall be an additional
 1113 registrar's or absentee ballot clerk's office or place of registration for the purpose of
 1114 receiving absentee ballots under Code Section 21-2-381 and for the purpose of ~~voting~~
 1115 ~~absentee ballots~~ advance voting under Code Section 21-2-385.

1116 (c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box
 1117 as a means for absentee by mail electors to deliver their ballots to the board of registrars
 1118 or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish
 1119 additional drop boxes, subject to the limitations of this Code section, but may only

1120 establish additional drop boxes totaling the lesser of either one drop box for every
1121 100,000 active registered voters in the county or the number of advance voting locations
1122 in the county. Any additional drop boxes shall be evenly geographically distributed by
1123 population in the county. Drop boxes established pursuant to this Code section shall be
1124 established at the office of the board of registrars or absentee ballot clerk or inside
1125 locations at which advance voting, as set forth in subsection (d) of Code
1126 Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be
1127 open during the hours of advance voting at that location. Such drop boxes shall be closed
1128 when advance voting is not being conducted at that location. All drop boxes shall be
1129 closed when the advance voting period ends, as set forth in subsection (d) of Code
1130 Section 21-2-385. The drop box location shall have adequate lighting and be under
1131 constant surveillance by an election official or his or her designee, law enforcement
1132 official, or licensed security guard. During an emergency declared by the Governor
1133 pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the
1134 board of registrars or absentee ballot clerk or outside of locations at which advance voting
1135 is taking place, subject to the other limitations of this Code section.

1136 (2) The opening slot of a drop box shall not allow ballots to be tampered with or
1137 removed and shall be designed to minimize the ability for liquid or other substances that
1138 may damage ballots to be poured into the drop box. A drop box shall be labeled
1139 "OFFICIAL ABSENTEE BALLOT DROP BOX" and shall clearly display the signage
1140 developed by the Secretary of State pertaining to Georgia law with regard to who is
1141 allowed to return absentee ballots and destroying, defacing, or delaying delivery of
1142 ballots.

1143 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and
1144 return of ballots deposited at each drop box at the conclusion of each day where advance
1145 voting takes place. Collection of ballots from a drop box shall be made by a team of at
1146 least two people. Any person collecting ballots from a drop box shall have sworn an oath

1147 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The
 1148 collection team shall complete and sign a ballot transfer form upon removing the ballots
 1149 from the drop box which shall include the date, time, location, number of ballots,
 1150 confirmation that the drop box was locked after the removal of the ballots, and the
 1151 identity of each person collecting the ballots. The collection team shall then immediately
 1152 transfer the ballots to the board of registrars or absentee ballot clerk, who shall process
 1153 and store the ballots in the same manner as absentee ballots returned by mail are
 1154 processed and stored. The board of registrars, absentee ballot clerk, or a designee of the
 1155 board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt
 1156 of the ballots from the collection team. Such form shall be considered a public record
 1157 pursuant to Code Section 50-18-70.

1158 (4) At the beginning of voting at each advance location where a drop box is present, the
 1159 manager of the advance voting location shall open the drop box and confirm on the
 1160 reconciliation form for that advance voting location that the drop box is empty. If the
 1161 drop box is not empty, the manager shall secure the contents of the drop box and
 1162 immediately inform the election superintendent, board of registrars, or absentee ballot
 1163 clerk, who shall inform the Secretary of State."

1164 **SECTION 27.**

1165 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation
 1166 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting
 1167 absentee electors, master list of ballots sent, challenges, and electronic transmission of
 1168 ballots, as follows:

1169 "21-2-384.

1170 (a)(1) The superintendent shall, in consultation with the board of registrars or absentee
 1171 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this
 1172 subsection an adequate supply of official absentee ballots to the board of registrars or

1173 absentee ballot clerk for use in the primary or election or as soon as possible prior to a
1174 runoff. Envelopes and other supplies as required by this article may be ordered by the
1175 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary
1176 or election.

1177 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
1178 ballots to all eligible applicants not more than ~~49~~ 29 days but not less than ~~45~~ 25 days
1179 prior to any presidential preference primary, general primary other than a municipal
1180 general primary, general election other than a municipal general election, or special
1181 primary or special election in which there is a candidate for a federal office on the ballot;
1182 22 days prior to any municipal general primary or municipal general election; and as soon
1183 as possible prior to any runoff. In the case of all other special primaries or special
1184 elections, the board of registrars or absentee ballot clerk shall mail or issue official
1185 absentee ballots to all eligible applicants within three days after the receipt of such ballots
1186 and supplies, but no earlier than 22 days prior to the election; provided, however, that
1187 ~~should~~ official absentee ballots shall be issued to any elector of the jurisdiction ~~be~~
1188 ~~permitted to vote by absentee ballot~~ who is entitled to vote by absentee ballot under the
1189 federal Uniformed and Overseas Citizen Absentee Voting Act, 52 U.S.C. Section 20301,
1190 et seq., as amended, beginning 49 days prior to a federal primary or election, all eligible
1191 applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49
1192 days prior to such primary or election and not later than 45 days prior to a federal primary
1193 or election. As additional applicants who submitted timely applications for an absentee
1194 ballot are determined to be eligible, the board or clerk shall mail or issue official absentee
1195 ballots to such additional applicants immediately upon determining their eligibility;
1196 ~~provided, however, that no absentee ballot shall be mailed by the registrars or absentee~~
1197 ~~ballot clerk on the day prior to a primary or election and provided, further, that no~~
1198 ~~absentee ballot shall be issued on the day prior to a primary or election.~~ For all timely
1199 received applications for absentee ballots, the board of registrars or absentee ballot clerk

1200 shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection
1201 as soon as possible upon determining their eligibility within the time periods set forth in
1202 this subsection. During the period for advance voting set forth in Code Section 21-2-385,
1203 the board of registrars or absentee ballot clerk shall make such determinations and mail
1204 or issue absentee ballots, provisional absentee ballots, and notices of rejection of
1205 application within three days after receiving a timely application for an absentee ballot.
1206 The board of registrars or absentee ballot clerk shall, within the ~~same~~ time periods
1207 specified in this subsection, electronically transmit official absentee ballots to all electors
1208 who have requested to receive their official absentee ballot electronically and are entitled
1209 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee
1210 Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as amended.

1211 (3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date
1212 a ballot is mailed or issued to an elector and the date it is returned shall be entered on the
1213 application record therefor.

1214 (4) Notwithstanding any other provision of this chapter, an elector confined in a hospital
1215 may make application for an absentee ballot ~~The delivery of an absentee ballot to a~~
1216 ~~person confined in a hospital may be made by the registrar or clerk~~ on the day of a
1217 primary or election or during a ~~five-day~~ ten-day period immediately preceding the day
1218 of such primary or election. Such application shall immediately be processed and, if such
1219 applicant is determined to be eligible, the board of registrars or absentee ballot clerk may
1220 deliver the absentee ballot to such elector.

1221 (5) In the event an absentee ballot which has been mailed by the board of registrars or
1222 absentee ballot clerk is not received by the applicant, the applicant may notify the board
1223 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
1224 has not been received. The board of registrars or absentee ballot clerk shall then issue a
1225 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit

1226 shall be attached to the original application. A second application for an absentee ballot
1227 shall not be required.

1228 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
1229 office, in addition to the mailing envelope addressed to the elector, the superintendent,
1230 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
1231 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
1232 order to permit the placing of one within the other and both within the mailing envelope.
1233 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
1234 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the
1235 two envelopes to be enclosed within the mailing envelope shall be printed contain the form
1236 of oath of the elector and the oath for persons assisting electors, as provided for in Code
1237 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,
1238 21-2-579, and 21-2-599 for violations of oaths; and on a place for the elector to print his
1239 or her name; a signature line; a space for the elector to print the number of his or her
1240 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of
1241 Title 40; a space for the elector to mark to affirm that he or she does not have a Georgia
1242 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40;
1243 a space for the elector to print his or her date of birth; and a space for the elector to print
1244 the last four digits of his or her social security number, if the elector does not have a
1245 Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5
1246 of Title 40. The envelope shall be designed so that the number of the elector's Georgia
1247 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40,
1248 the last four digits of the elector's social security number, and the elector's date of birth
1249 shall be hidden from view when the envelope is correctly sealed. Any person other than
1250 the elector who requested the ballot, an authorized person who is assisting the elector
1251 entitled to assistance in voting pursuant to Code Section 21-2-409, an absentee ballot clerk,
1252 registrar, or law enforcement officer in the course of an investigation who knowingly

1253 unseals a sealed absentee ballot envelope shall be guilty of a felony. On the face of such
1254 envelope shall be printed the name and address of the board of registrars or absentee ballot
1255 clerk. The larger of the two envelopes shall also display the elector's name and voter
1256 registration number. The mailing envelope addressed to the elector shall contain the two
1257 envelopes, the official absentee ballot, the uniform instructions for the manner of preparing
1258 and returning the ballot, in form and substance as provided by the Secretary of State,
1259 provisional absentee ballot information, if necessary, and a notice in the form provided by
1260 the Secretary of State of all withdrawn, deceased, and disqualified candidates and any
1261 substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155 and nothing else.
1262 The uniform instructions shall include information specific to the voting system used for
1263 absentee voting concerning the effect of overvoting or voting for more candidates than one
1264 is authorized to vote for a particular office and information concerning how the elector may
1265 correct errors in voting the ballot before it is cast including information on how to obtain
1266 a replacement ballot if the elector is unable to change the ballot or correct the error. The
1267 uniform instructions shall prominently include specific instructions stating that the elector
1268 shall mark his or her ballot in private and sign the oath by writing his or her usual signature
1269 with a pen and ink under penalty of false swearing that the elector has not allowed any
1270 person to observe the marking of his or her ballot other than an authorized person lawfully
1271 assisting the elector if the elector is entitled to assistance, the elector's child under 18 years
1272 of age, or any child under 12 years of age and that the elector will not permit any
1273 unauthorized person to deliver or return the voted ballot to the board of registrars. The
1274 uniform instructions shall include a list of authorized persons who may deliver or return
1275 the voted ballot to the board of registrars on behalf of the elector as provided in subsection
1276 (a) of Code Section 21-2-385. The uniform instructions shall include the contact
1277 information of the Secretary of State which may be used by the elector to report any
1278 unauthorized person requesting to observe the elector voting his or her ballot or the

1279 elector's voted ballot or any unauthorized person offering to deliver or return the voted
1280 ballot to the board of registrars.

1281 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially
1282 the following form:

1283 I, the undersigned, do swear (or affirm) under penalty of false swearing that I am a
1284 citizen of the United States and of the State of Georgia; that I possess the qualifications
1285 of an elector required by the laws of the State of Georgia; that I am entitled to vote in
1286 the precinct containing my residence in the primary or election in which this ballot is
1287 to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed
1288 any other absentee ballot, nor will I mark or mail another absentee ballot for voting in
1289 such primary or election; nor shall I vote therein in person; and that I have read and
1290 understand the instructions accompanying this ballot; ~~and~~ that I have carefully complied
1291 with such instructions in completing this ballot; that I have marked and sealed this
1292 ballot in private and have not allowed any unauthorized person to observe the voting
1293 of this ballot or how this ballot was voted except those authorized under state and
1294 federal law; and that I will not give or transfer this ballot to any person not authorized
1295 by law to deliver or return absentee ballots. I understand that the offer or acceptance
1296 of money or any other object of value to vote for any particular candidate, list of
1297 candidates, issue, or list of issues included in this election constitutes an act of voter
1298 fraud and is a felony under Georgia law.

1299 _____
1300 Signature or Mark of Elector

1301 _____
1302 Printed Name of Elector

1303 Oath of Person Assisting Elector (if any):

1304 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 1305 marking such elector's absentee ballot as such elector personally communicated such
 1306 elector's preference to me; and that such elector is entitled to receive assistance in
 1307 voting under provisions of subsection (a) of Code Section 21-2-409.

1308 This, the _____ day of _____, _____.

1309 _____

1310 Signature of Person Assisting
 1311 Elector

1312 _____

1313 Printed Name of Person
 1314 Assisting Elector

1315 Reason for assistance (Check appropriate square):

- 1316 Elector is unable to read the English language.
- 1317 Elector requires assistance due to physical disability.

1318 The forms upon which such oaths are printed shall contain the following information:

1319 Georgia law provides that any person who knowingly falsifies information so as to
 1320 vote illegally by absentee ballot or who illegally gives or receives assistance in voting,
 1321 as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.

1322 (2) In the case of absent uniformed services or overseas voters, if the presidential
 1323 designee under Section 705(b) of the federal Help America Vote Act promulgates a
 1324 standard oath for use by such voters, the Secretary of State shall be required to use such
 1325 oath on absentee ballot materials for such voters and such oath shall be accepted in lieu
 1326 of the oath set forth in paragraph (1) of this subsection.

1327 (d) Each board of registrars or absentee ballot clerk shall maintain for public inspection
 1328 a master list, arranged by precincts, setting forth the name and residence of every elector

1329 to whom an official absentee ballot has been sent. Absentee electors whose names appear
1330 on the master list may be challenged by any elector prior to 5:00 P.M. on the day before
1331 ~~the primary or election~~ absentee ballots are to begin being scanned and tabulated.

1332 (e)(1) The election superintendent shall prepare special absentee run-off ballots for
1333 general primaries and general elections for use by qualified electors who are entitled to
1334 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee
1335 Voting Act, 52 U.S.C. Section 20301, et seq.

1336 (2) Such special absentee run-off ballots for the general primary shall list the titles of all
1337 offices being contested at the general primary and the candidates qualifying for such
1338 general primary for each office and shall permit the elector to vote in the general primary
1339 runoff by indicating his or her order of preference for each candidate for each office. A
1340 separate ballot shall be prepared for each political party, but a qualified elector under this
1341 subsection shall be mailed only the ballot of the political party in whose primary such
1342 elector requests to vote. The Secretary of State shall prepare instructions for use with
1343 such special absentee run-off ballots, including instructions for voting by mail using an
1344 electronically transmitted ballot. Such ballot shall be returned by the elector in the same
1345 manner as other absentee ballots by such electors who are entitled to vote by absentee
1346 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52
1347 U.S.C. Section 20301, et seq.

1348 (3) Such special absentee run-off ballots for the general election shall list the titles of all
1349 offices being contested at the general election and the candidates qualifying for such
1350 general election for each office and shall permit the elector to vote in the general election
1351 runoff by indicating his or her order of preference for each candidate for each office.

1352 (4) To indicate order of preference for each candidate for each office to be voted on, an
1353 elector shall put the numeral '1' next to the name of the candidate who is the elector's first
1354 choice for such office, the numeral '2' for the elector's second choice, and so forth, in
1355 consecutive numerical order, such that a numeral indicating the elector's preference is

1356 written by the elector next to each candidate's name on the ballot. An elector shall not
1357 be required to indicate preference for more than one candidate for an office if the elector
1358 so chooses.

1359 (5) A special absentee run-off ballot shall be enclosed with each general primary
1360 absentee ballot sent to an elector who is entitled to vote by absentee ballot under the
1361 federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301,
1362 et seq., along with instructions on how to cast the special absentee run-off ballot and the
1363 two envelopes to be used in returning such ballot as provided in subsection (b) of this
1364 Code section, provided that the envelopes bear the notation of 'Official Overseas/Military
1365 General Primary Run-off Ballot.' An elector shall be sent only the ballot containing the
1366 candidates of the political party in whose primary such elector desires to vote.

1367 (6) A special absentee run-off ballot shall be enclosed with each general election
1368 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal
1369 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.,
1370 along with instructions on how to cast the special absentee run-off ballot and the two
1371 envelopes to be used in returning such ballot as provided in subsection (b) of this Code
1372 section, provided that the envelopes bear the notation of 'Official Overseas/Military
1373 General Election Run-off Ballot.' The State Election Board shall by rule or regulation
1374 establish procedures for the transmission of blank absentee ballots by mail and by
1375 electronic transmission for all electors who are entitled to vote by absentee ballot under
1376 the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.
1377 Section ~~20302~~ 20301, et seq., as amended, and by which such electors may designate
1378 whether the elector prefers the transmission of such ballots by mail or electronically, for
1379 use in county, state, and federal primaries, elections, and runoffs in this state and, if the
1380 Secretary of State finds it to be feasible, for use in municipal primaries, elections, and
1381 runoffs. If no preference is stated, the ballot shall be transmitted by mail. The State
1382 Election Board shall by rule or regulation establish procedures to ensure to the extent

1383 practicable that the procedures for transmitting such ballots shall protect the security and
1384 integrity of such ballots and shall ensure that the privacy of the identity and other
1385 personal data of such electors who are entitled to vote by absentee ballot under the federal
1386 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section ~~20302~~ 20301,
1387 et seq., as amended, to whom a blank absentee ballot is transmitted under this Code
1388 section is protected throughout the process of such transmission."

1389

SECTION 28.

1390 Said chapter is further amended by revising subsections (a) and (d) of and adding a new
1391 subsection to Code Section 21-2-385, relating to procedure for voting by absentee ballot and
1392 advance voting, to read as follows:

1393 "(a) At any time after receiving an official absentee ballot, but before the day of the
1394 primary or election, except electors who are confined to a hospital on the day of the
1395 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
1396 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
1397 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
1398 of the oath of the elector; the name and oath of the person assisting, if any; and other
1399 required identifying information. The elector shall then fill out, subscribe, and swear to the
1400 oath printed on such envelope. In order to verify that the absentee ballot was voted by the
1401 elector who requested the ballot, the elector shall print the number of his or her Georgia
1402 driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of
1403 Title 40 in the space provided on the outer oath envelope. The elector shall also print his
1404 or her date of birth in the space provided in the outer oath envelope. If the elector does not
1405 have a Georgia driver's license or state identification card issued pursuant to Article 5 of
1406 Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath
1407 envelope and print the last four digits of his or her social security number in the space
1408 provided on the outer oath envelope. If the elector does not have a Georgia driver's license,

1409 identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security
1410 number, the elector shall so affirm in the space provided on the outer oath envelope and
1411 place a copy of one of the forms of identification set forth in subsection (c) of Code
1412 Section 21-2-417 in the outer envelope. Such envelope shall then be securely sealed and
1413 the elector shall then personally mail or personally deliver same to the board of registrars
1414 or absentee ballot clerk, provided that mailing or delivery may be made by the elector's
1415 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,
1416 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
1417 brother-in-law, sister-in-law, or an individual residing in the household of such elector.
1418 The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of
1419 such disabled elector, regardless of whether such caregiver resides in such disabled
1420 elector's household. The absentee ballot of an elector who is in custody in a jail or other
1421 detention facility may be mailed or delivered by any employee of such jail or facility
1422 having custody of such elector. An elector who is confined to a hospital on a primary or
1423 election day to whom an absentee ballot is delivered by the registrar or absentee ballot
1424 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or
1425 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail
1426 and has not previously provided the identification required by Code Section 21-2-220 and
1427 votes for the first time by absentee ballot and fails to provide the identification required by
1428 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as
1429 a provisional ballot and shall be counted only if the registrars are able to verify the
1430 identification and registration of the elector during the time provided pursuant to Code
1431 Section 21-2-419."

1432 "(d)(1) There shall be a period of advance voting that shall commence:

1433 (A) On the fourth Monday immediately prior to each primary or election; and

1434 ~~(B) On the fourth Monday immediately prior to a runoff from a general primary;~~

1435 ~~(C) On the fourth Monday immediately prior to a runoff from a general election in~~
1436 ~~which there are candidates for a federal office on the ballot in the runoff; and~~
1437 ~~(D)~~(B) As soon as possible prior to a runoff from any other general primary or election
1438 ~~in which there are only state or county candidates on the ballot in the runoff~~ but no later
1439 than the second Monday immediately prior to such runoff
1440 and shall end on the Friday immediately prior to each primary, election, or runoff.
1441 Voting shall be conducted ~~during normal business hours~~ beginning at 9:00 A.M. and
1442 ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period
1443 and shall be conducted on the second Saturday and third Saturdays during the hours of
1444 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the
1445 second Sunday, the third Sunday, or both the second and third Sundays prior to a primary
1446 or election during ~~the hours of 9:00 A.M. through 4:00 P.M. determined by the registrar~~
1447 or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided,
1448 however, ~~that in primaries and elections in which there are no federal or state candidates~~
1449 ~~on the ballot, no Saturday voting hours shall be required; and provided, further, that, if~~
1450 such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if
1451 such second Saturday follows a public and legal holiday occurring on the Thursday or
1452 Friday immediately preceding such second Saturday, or if such second Saturday
1453 immediately precedes a public and legal holiday occurring on the following Sunday or
1454 Monday, such advance voting shall not be held on such second Saturday but shall be held
1455 on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending
1456 at 5:00 P.M. Except as otherwise provided in this paragraph, ~~counties and municipalities~~
1457 the registrars may extend the hours for voting ~~beyond regular business hours~~ to permit
1458 advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting
1459 locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the
1460 jurisdiction at their option; provided, however, that voting shall occur only on the days

1461 specified in this paragraph and counties and municipalities shall not be authorized to
1462 conduct advance voting on any other days.

1463 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
1464 to the electors of their jurisdiction of the availability of advance voting as well as the
1465 times, dates, and locations at which advance voting will be conducted. In addition, the
1466 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
1467 prescribed by the Secretary of State of the times, dates, and locations at which advance
1468 voting will be conducted.

1469 (3) The board of registrars shall publish the dates, times, and locations of the availability
1470 of advance voting in its jurisdiction on the homepage of the county's publicly accessible
1471 website associated with elections or registrations, or if the county does not have such a
1472 website, in a newspaper of general circulation, and by posting in a prominent location in
1473 the county, no later than 14 days prior to the beginning of the advance voting period for
1474 a general primary, special primary, general election, or special election and no later than
1475 seven days prior to the beginning of the advance voting period for any run-off election.
1476 Any new advance voting locations added after that deadline shall be published in the
1477 same manner as soon as possible. The board of registrars shall not remove any advance
1478 voting location after the notice of such location is published, except in the case of an
1479 emergency or unavoidable event that renders a location unavailable for use. Any changes
1480 that are made due to an emergency or unavoidable event after a notice of a location has
1481 been published shall be published as soon as possible in the same manner set forth in this
1482 paragraph.

1483 (e) On each day of an absentee voting period, each county board of registrars or
1484 municipal absentee ballot clerk shall report for the county or municipality to the Secretary
1485 of State and post on the county or municipal website not later than 10:00 A.M. on each
1486 business day the number of persons to whom absentee ballots have been issued, the
1487 number of persons who have returned absentee ballots, and the number of absentee

1488 ballots that have been rejected. Additionally, on each day of an advance voting period,
 1489 each county board of registrars or municipal absentee ballot clerk shall report to the
 1490 Secretary of State and post on the county or municipal website not later than 10:00 A.M.
 1491 on each business day the number of persons who have voted at the advance voting sites
 1492 in the county or municipality. During the absentee voting period and for a period of three
 1493 days following a primary, election, or runoff, each county board of registrars or municipal
 1494 absentee ballot clerk shall report to the Secretary of State and post on the county or
 1495 municipal website not later than 10:00 A.M. on each business day the number of persons
 1496 who have voted provisional ballots, the number of provisional ballots that have verified
 1497 or cured and accepted for counting, and the number of provisional ballots that have been
 1498 rejected."

1499 **SECTION 29.**

1500 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,
 1501 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
 1502 manager, duties of managers, precinct returns, and notification of challenged elector, as
 1503 follows:

1504 "21-2-386.

1505 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
 1506 and stored in a manner that will prevent tampering and unauthorized access all official
 1507 absentee ballots received from absentee electors prior to the closing of the polls on the
 1508 day of the primary or election except as otherwise provided in this subsection.

1509 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
 1510 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
 1511 number of the elector's Georgia driver's license number or state identification card
 1512 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the
 1513 absentee ballot envelope identifying information on the oath with the same information

1514 ~~on file in his or her office, shall compare the signature or mark on the oath with the~~
1515 ~~signature or mark on the absentee elector's voter registration card or the most recent~~
1516 ~~update to such absentee elector's voter registration card and application for absentee~~
1517 ~~ballot or a facsimile of said signature or mark taken from said card or application, and~~
1518 ~~shall, if the information and signature appear to be valid and other identifying~~
1519 ~~information appears to be correct, contained in the elector's voter registration records.~~
1520 If the elector has affirmed on the envelope that he or she does not have a Georgia
1521 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of
1522 Title 40, the registrar or clerk shall compare the last four digits of the elector's social
1523 security number and date of birth entered on the envelope with the same information
1524 contained in the elector's voter registration records. The registrar or clerk shall also
1525 confirm that the elector signed the oath and the person assisting the elector, if any,
1526 signed the required oath. If the elector has signed the elector's oath, the person assisting
1527 has signed the required oath, if applicable, and the identifying information entered on
1528 the absentee ballot envelope matches the same information contained in the elector's
1529 voter registration record, the registrar or clerk shall so certify by signing or initialing
1530 his or her name below the voter's oath. Each elector's name so certified shall be listed
1531 by the registrar or clerk on the numbered list of absentee voters prepared for his or her
1532 precinct.

1533 (C) If the elector has failed to sign the oath, or if the signature identifying information
1534 entered on the absentee ballot envelope does not appear to be valid match the same
1535 information appearing in the elector's voter registration record, or if the elector has
1536 failed to furnish required information or information so furnished does not conform
1537 with that on file in the registrar's or clerk's office, or if the elector is otherwise found
1538 disqualified to vote, the registrar or clerk shall write across the face of the envelope
1539 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk
1540 shall promptly notify the elector of such rejection, a copy of which notification shall be

1541 retained in the files of the board of registrars or absentee ballot clerk for at least two
1542 years. Such elector shall have until the end of the period for verifying provisional
1543 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem
1544 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,
1545 ~~an invalid signature~~ nonmatching identifying information, or missing information by
1546 submitting an affidavit to the board of registrars or absentee ballot clerk along with a
1547 copy of one of the forms of identification enumerated in subsection (c) of Code
1548 Section 21-2-417 before the close of such period. The affidavit shall affirm that the
1549 ballot was submitted by the elector, is the elector's ballot, and that the elector is
1550 registered and qualified to vote in the primary, election, or runoff in question. If the
1551 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1552 sufficient, the absentee ballot shall be counted.

1553 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
1554 of Code Section 21-2-220, and who votes for the first time in this state by absentee
1555 ballot shall include with his or her application for an absentee ballot or in the outer oath
1556 envelope of his or her absentee ballot either one of the forms of identification listed in
1557 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
1558 statement, government check, paycheck, or other government document that shows the
1559 name and address of such elector. If such elector does not provide any of the forms of
1560 identification listed in this subparagraph with his or her application for an absentee
1561 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
1562 provisional ballot and such ballot shall only be counted if the registrars are able to
1563 verify current and valid identification of the elector as provided in this subparagraph
1564 within the time period for verifying provisional ballots pursuant to Code
1565 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
1566 the elector that such ballot is deemed a provisional ballot and shall provide information

1567 on the types of identification needed and how and when such identification is to be
1568 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

1569 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
1570 absentee electors, giving the name of the elector and the reason for the rejection in each
1571 case. Three copies of the numbered list of certified absentee voters and three copies of
1572 the numbered list of rejected absentee voters for each precinct shall be turned over to
1573 the poll manager in charge of counting the absentee ballots and shall be distributed as
1574 required by law for numbered lists of voters.

1575 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
1576 of the polls on the day of the primary or election shall be safely kept unopened by the
1577 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
1578 for the period of time required for the preservation of ballots used at the primary or
1579 election and shall then, without being opened, be destroyed in like manner as the used
1580 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
1581 promptly notify the elector by first-class mail that the elector's ballot was returned too
1582 late to be counted and that the elector will not receive credit for voting in the primary
1583 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
1584 stored as provided in Code Section 21-2-390.

1585 (G) Notwithstanding any provision of this chapter to the contrary, until the United
1586 States Department of Defense notifies the Secretary of State that the Department of
1587 Defense has implemented a system of expedited absentee voting for those electors
1588 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
1589 eligible absentee electors who reside outside the county or municipality in which the
1590 primary, election, or runoff is held and are members of the armed forces of the United
1591 States, members of the merchant marine of the United States, spouses or dependents of
1592 members of the armed forces or merchant marine residing with or accompanying such
1593 members, or overseas citizens that are postmarked by the date of such primary, election,

1594 or runoff and are received within the three-day period following such primary, election,
1595 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and
1596 included in the certified election results.

1597 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to ~~After the opening of the~~
1598 ~~polls on the day of the primary, election, or runoff, the registrars or absentee ballot~~
1599 ~~clerks~~ election superintendent shall be authorized to open the outer oath envelope on
1600 which is printed the oath of the elector of absentee ballots that have been verified and
1601 accepted pursuant to subparagraph (a)(1)(B) of this Code section, in such a manner as
1602 ~~not to destroy the oath printed thereon; provided, however, that the registrars or~~
1603 ~~absentee ballot clerk shall not be authorized to~~ remove the contents of such outer
1604 envelope, ~~or to~~ open the inner envelope marked 'Official Absentee Ballot,' ~~except as~~
1605 ~~otherwise provided in this Code section~~ and scan the absentee ballot using one or more
1606 ballot scanners. At least three persons who are registrars, deputy registrars, poll
1607 workers, or absentee ballot clerks must be present before commencing; and three
1608 persons who are registrars, deputy registrars, or absentee ballot clerks shall be present
1609 at all times while the ~~outer~~ absentee ballot envelopes are being opened and the absentee
1610 ballots are being scanned. ~~After opening the outer envelopes, the ballots shall be safely~~
1611 ~~and securely stored until the time for tabulating such ballots.~~ However, no person shall
1612 tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot
1613 scanner or any other equipment to produce any tally or tabulate, partial or otherwise,
1614 of the absentee ballots cast until the time for the closing of the polls on the day of the
1615 primary, election, or runoff except as provided in this Code section. Prior to beginning
1616 the process set forth in this paragraph, the superintendent shall provide written notice
1617 to the Secretary of State in writing at least seven days prior to processing and scanning
1618 absentee ballots. Such notice shall contain the dates, start and end times, and location
1619 or locations where absentee ballots will be processed and scanned. The superintendent
1620 shall also post such notice publicly in a prominent location in the superintendent's office

1621 and on the home page of the county election superintendent's website. The Secretary
1622 of State shall publish on his or her website the information he or she receives from
1623 superintendents stating the dates, times, and locations where absentee ballots will be
1624 processed.

1625 (B) The proceedings set forth in this paragraph shall be open to the view of the public,
1626 but no person except one employed and designated by the superintendent shall touch
1627 any ballot or ballot container. Any person involved in processing and scanning
1628 absentee ballots shall swear an oath, in the same form as the oath for poll officers
1629 provided in Code Section 21-2-95, prior to beginning the processing and scanning of
1630 absentee ballots. The county executive committee or, if there is no organized county
1631 executive committee, the state executive committee of each political party and political
1632 body having candidates whose names appear on the ballot for such election shall have
1633 the right to designate two persons and each independent and nonpartisan candidate
1634 whose name appears on the ballot for such election shall have the right to designate one
1635 person to act as monitors for such process. In the event that the only issue to be voted
1636 upon in an election is a referendum question, the superintendent shall also notify in
1637 writing the chief judge of the superior court of the county who shall appoint two
1638 electors of the county to monitor such process. While viewing or monitoring the
1639 process set forth in this paragraph, monitors and observers shall be prohibited from:

1640 (i) In any way interfering with the processing or scanning of absentee ballots or the
1641 conduct of the election;

1642 (ii) Using or bringing into the room any photographic or other electronic monitoring
1643 or recording devices, cellular telephones, or computers;

1644 (iii) Engaging in any form of campaigning or campaign activity;

1645 (iv) Taking any action that endangers the secrecy and security of the ballots;

1646 (v) Touching any ballot or ballot container;

1647 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,
1648 whether partial or otherwise, any of the votes on the absentee ballots cast; and

1649 (vii) Communicating any information that they see while monitoring the processing
1650 and scanning of the absentee ballots, whether intentionally or inadvertently, about any
1651 ballot, vote, or selection to anyone other than an election official who needs such
1652 information to lawfully carry out his or her official duties.

1653 (C) The State Election Board shall promulgate rules requiring reconciliation
1654 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes
1655 are opened; secrecy of election results prior to the closing of the polls on the day of a
1656 primary, election, or runoff; and other protections to protect the integrity of the process
1657 set forth in this paragraph.

1658 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
1659 day of the primary, election, or runoff ~~open the inner envelopes in accordance with the~~
1660 ~~procedures prescribed in this subsection~~ and begin tabulating the absentee ballots. If the
1661 county election superintendent chooses to open the inner envelopes and begin tabulating
1662 such ballots prior to the close of the polls on the day of the primary, election, or runoff,
1663 the superintendent shall notify in writing, at least seven days prior to the primary,
1664 election, or runoff, the Secretary of State of the superintendent's intent to begin the
1665 absentee ballot tabulation prior to the close of the polls. The county executive committee
1666 or, if there is no organized county executive committee, the state executive committee of
1667 each political party and political body having candidates whose names appear on the
1668 ballot for such election in such county shall have the right to designate two persons and
1669 each independent and nonpartisan candidate whose name appears on the ballot for such
1670 election in such county shall have the right to designate one person to act as monitors for
1671 such process. In the event that the only issue to be voted upon in an election is a
1672 referendum question, the superintendent shall also notify in writing the chief judge of the

1673 superior court of the county who shall appoint two electors of the county to monitor such
1674 process.

1675 (4) The county election superintendent shall publish a written notice in the
1676 superintendent's office of the superintendent's intent to begin the absentee ballot
1677 tabulation prior to the close of the polls and publish such notice at least one week prior
1678 to the primary, election, or runoff in the legal organ of the county.

1679 (5) The process for opening ~~the inner~~ absentee ballot envelopes, scanning absentee
1680 ballots, of and tabulating absentee ballots on the day of a primary, election, or runoff as
1681 provided in this subsection shall be ~~a confidential process~~ conducted in a manner to
1682 maintain the secrecy of all ballots and to protect the disclosure of any balloting
1683 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated
1684 before 7:00 A.M. on the day of a primary, election, or runoff.

1685 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
1686 election, or runoff, including the vote review panel required by Code Section 21-2-483,
1687 and all monitors and observers shall be sequestered until the time for the closing of the
1688 polls. All such persons shall have no contact with the news media; shall have no contact
1689 with other persons not involved in monitoring, observing, or conducting the tabulation;
1690 shall not use any type of communication device including radios, telephones, and cellular
1691 telephones; shall not utilize computers for the purpose of ~~e-mail~~ email, instant messaging,
1692 or other forms of communication; and shall not communicate any information concerning
1693 the tabulation until the time for the closing of the polls; provided, however, that
1694 supervisory and technical assistance personnel shall be permitted to enter and leave the
1695 area in which the tabulation is being conducted but shall not communicate any
1696 information concerning the tabulation to anyone other than the county election
1697 superintendent; the staff of the superintendent; those persons conducting, observing, or
1698 monitoring the tabulation; and those persons whose technical assistance is needed for the
1699 tabulation process to operate.

1700 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
1701 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
1702 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
1703 for security. The persons conducting the tabulation of the absentee ballots shall not cause
1704 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes
1705 cast until the time for the closing of the polls except as otherwise provided in this Code
1706 section.

1707 (b) When requested by the superintendent, but not earlier than the third Monday prior to
1708 a primary, election, or runoff ~~As soon as practicable after 7:00 A.M. on the day of the~~
1709 ~~primary, election, or runoff, in precincts other than those in which optical scanning~~
1710 ~~tabulators are used,~~ a registrar or absentee ballot clerk shall deliver the official absentee
1711 ballot of each certified absentee elector, each rejected absentee ballot, applications for such
1712 ballots, and copies of the numbered lists of certified and rejected absentee electors to the
1713 ~~manager in charge of the absentee ballot precinct of the county or municipality, which shall~~
1714 ~~be located in the precincts containing the county courthouse or polling place designated by~~
1715 ~~the municipal superintendent. In those precincts in which optical scanning tabulators are~~
1716 ~~used, such absentee ballots shall be taken to the tabulation center or other place~~ location
1717 designated by the superintendent, and the superintendent or official receiving such absentee
1718 ballots shall issue his or her receipt therefor. ~~Except as otherwise provided in this Code~~
1719 ~~section, in no event shall the counting of the ballots begin before the polls close.~~

1720 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened
1721 and tabulated as provided in this Code section. ~~A Except as otherwise provided in this~~
1722 ~~Code section, after the close of the polls on the day of the primary, election, or runoff, a~~
1723 manager shall then open the outer envelope in such manner as not to destroy the oath
1724 printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in
1725 a ballot box reserved for absentee ballots. In the event that an outer envelope is found to
1726 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an

1727 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited
1728 in the ballot box and counted in the same manner as other absentee ballots, provided that
1729 such ballot is otherwise proper. Such manager with two assistant managers, appointed by
1730 the superintendent, with such clerks as the manager deems necessary shall count the
1731 absentee ballots following the procedures prescribed by this chapter for other ballots,
1732 insofar as practicable, ~~and prepare an election return for the county or municipality~~
1733 ~~showing the results of the absentee ballots cast in such county or municipality.~~

1734 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
1735 be reported by precinct; and separate returns shall be made for each precinct in which
1736 absentee ballots were cast showing the results by each precinct in which the electors reside.
1737 The superintendent shall utilize the procedures set forth in this Code section to ensure that
1738 the returns of verified and accepted absentee ballots cast are reported to the public as soon
1739 as possible following the closing of the polls on the day of the primary, election, or runoff.
1740 Failure to utilize these procedures to ensure that the returns of verified and accepted
1741 absentee ballots are reported as soon as possible following the close of polls shall subject
1742 the superintendent to sanctions by the State Election Board. If a superintendent fails to
1743 report the returns of verified and accepted absentee ballots by the day following the
1744 election at 5:00 P.M., the State Election Board may convene an independent performance
1745 review board pursuant to Code Section 21-2-107.

1746 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
1747 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
1748 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted
1749 as other challenged ballots are counted. Where direct recording electronic voting systems
1750 are used for absentee balloting and a challenge to an elector's right to vote is made prior to
1751 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot
1752 and such ballot shall be handled as provided in this subsection. The board of registrars or
1753 absentee ballot clerk shall promptly notify the elector of such challenge.

1754 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose
1755 or for any person to receive any information regarding the results of the tabulation of
1756 absentee ballots except as expressly provided by law."

1757

SECTION 30.

1758 Said chapter is further amended in Code Section 21-2-390, relating to delivery of election
1759 materials to clerk of superior court or city clerk after primary or election and accounting for
1760 ballots by registrars or municipal absentee ballot clerks, by designating the existing text as
1761 subsection (a) and adding a new subsection to read as follows:

1762 "(b) The Secretary of State shall be authorized to inspect and audit the information
1763 contained in the absentee ballot applications or envelopes at his or her discretion at any
1764 time during the 24 month retention period. Such audit may be conducted state wide or in
1765 selected counties or cities and may include the auditing of a statistically significant sample
1766 of the envelopes or a full audit of all of such envelopes. For this purpose, the Secretary of
1767 State or his or her authorized agents shall have access to such envelopes in the custody of
1768 the clerk of superior court or city clerk."

1769

SECTION 31.

1770 Said chapter is further amended in Code Section 21-2-403, relating to time for opening and
1771 closing of polls, by redesignating the existing text as subsection (a) and adding a new
1772 subsection to read as follows:

1773 "(b) Poll hours at a precinct may be extended only by order of a judge of the superior court
1774 of the county in which the precinct is located upon good cause shown by clear and
1775 convincing evidence that persons were unable to vote at that precinct during a specific
1776 period or periods of time. Poll hours shall not be extended longer than the total amount of
1777 time during which persons were unable to vote at such precinct. Any order extending poll

1778 hours at a precinct beyond 9:00 P.M. shall be by written order with specific findings of fact
1779 supporting such extension."

1780 **SECTION 32.**

1781 Said chapter is further amended by revising subsections (c) and (e) of Code
1782 Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with
1783 election, reports by poll watchers of infractions or irregularities, and ineligibility of
1784 candidates to serve as poll watchers, as follows:

1785 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems
1786 or optical scanning voting systems, each political party may appoint two poll watchers in
1787 each primary or election, each political body may appoint two poll watchers in each
1788 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan
1789 election, and each independent candidate may appoint one poll watcher in each election to
1790 serve in the locations designated by the superintendent within the tabulating center. Such
1791 designated locations shall include the check-in area, the computer room, the duplication
1792 area, and such other areas as the superintendent may deem necessary to the assurance of
1793 fair and honest procedures in the tabulating center. The locations designated by the
1794 superintendent shall ensure that each poll watcher can fairly observe the procedures set
1795 forth in this Code section. The poll watchers provided for in this subsection shall be
1796 appointed and serve in the same manner as other poll watchers."

1797 "(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary
1798 or election in which such person is a candidate. No person shall be eligible to serve as a
1799 poll watcher unless he or she has completed training provided by the political party,
1800 political body, or candidate designating the poll watcher. Upon request, the Secretary of
1801 State shall make available material to each political party, political body, or candidate that
1802 can be utilized in such training but it shall be the responsibility of the political party,
1803 political body, or candidate designating the poll watcher to instruct poll watchers in their

1804 duties and in applicable laws and rules and regulations. Each political party, political body,
1805 or candidate shall, in their written designation of poll watchers, certify under oath that the
1806 named poll watchers have completed the training required by this Code section."

1807

SECTION 33.

1808 Said chapter is further amended by revising subsections (a) and (e) of Code
1809 Section 21-2-414, relating to restrictions on campaign activities and public opinion polling
1810 within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates
1811 from entering certain polling places, and penalty, as follows:

1812 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
1813 person distribute or display any campaign material, nor shall any person give, offer to give,
1814 or participate in the giving of any money or gifts, including, but not limited to, food and
1815 drink, to an elector, nor shall any person solicit signatures for any petition, nor shall any
1816 person, other than election officials discharging their duties, establish or set up any tables
1817 or booths on any day in which ballots are being cast:

1818 (1) Within 150 feet of the outer edge of any building within which a polling place is
1819 established;

1820 (2) Within any polling place; or

1821 (3) Within 25 feet of any voter standing in line to vote at any polling place.

1822 These restrictions shall not apply to conduct occurring in private offices or areas which
1823 cannot be seen or heard by such electors."

1824 "(e) This Code section shall not be construed to prohibit a poll officer from distributing
1825 materials, as required by law, which are necessary for the purpose of instructing electors
1826 or from distributing materials prepared by the Secretary of State which are designed solely
1827 for the purpose of encouraging voter participation in the election being conducted or from
1828 making available self-service water from an unattended receptacle to an elector waiting in
1829 line to vote."

SECTION 34.

1830

1831 Said chapter is further amended by revising subsections (a) and (b) of Code
1832 Section 21-2-418, relating to provisional ballots, as follows:

1833 "(a) If a person presents himself or herself at a polling place, absentee polling place, or
1834 registration office in his or her county of residence in this state for the purpose of casting
1835 a ballot in a primary or election stating a good faith belief that he or she has timely
1836 registered to vote in such county of residence in such primary or election and the person's
1837 name does not appear on the list of registered electors, the person shall be entitled to cast
1838 a provisional ballot in his or her county of residence in this state as provided in this Code
1839 section. If the person presents himself or herself at a polling place in the county in which
1840 he or she is registered to vote, but not at the precinct at which he or she is registered to
1841 vote, the poll officials shall inform the person of the polling location for the precinct where
1842 such person is registered to vote. The poll officials shall also inform such person that any
1843 votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast
1844 after 5:00 P.M. and before the regular time for the closing of the polls on the day of the
1845 primary, election, or runoff and unless the person executes a sworn statement, witnessed
1846 by the poll official, stating that he or she is unable to vote at his or her correct polling place
1847 prior to the closing of the polls and giving the reason therefor.

1848 (b) Such person voting a provisional ballot shall complete an official voter registration
1849 form and a provisional ballot voting certificate which shall include information about the
1850 place, manner, and approximate date on which the person registered to vote. The person
1851 shall swear or affirm in writing that he or she previously registered to vote in such primary
1852 or election, is eligible to vote in such primary or election, has not voted previously in such
1853 primary or election, and meets the criteria for registering to vote in such primary or
1854 election. If the person is voting a provisional ballot in the county in which he or she is
1855 registered to vote but not at the precinct in which he or she is registered to vote during the
1856 period from 5:00 P.M. to the regular time for the closing of the polls on the day of the

1857 primary, election, or runoff, the person shall execute a sworn statement, witnessed by the
1858 poll official, stating that he or she is unable to vote at his or her correct polling place prior
1859 to the closing of the polls and giving the reason therefor. The form of the provisional ballot
1860 voting certificate shall be prescribed by the Secretary of State. The person shall also
1861 present the identification required by Code Section 21-2-417."

1862

SECTION 35.

1863 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
1864 provisional ballots and reporting to Secretary of State, as follows:

1865 "21-2-419.

1866 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
1867 county or municipality. Such provisional ballot shall be sealed in double envelopes as
1868 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot
1869 in a secure, sealed ballot box.

1870 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
1871 the day after the primary or election in which such provisional ballot was cast, the board
1872 of registrars of the county or municipality, as the case may be, shall be notified by the
1873 election superintendent that provisional ballots were cast in the primary or election and the
1874 registrars shall be provided with the documents completed by the person casting the
1875 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
1876 securely maintained by the election superintendent until a determination has been made
1877 concerning their status. The board of registrars shall immediately examine the information
1878 contained on such documents and make a good faith effort to determine whether the person
1879 casting the provisional ballot was entitled to vote in the primary or election. Such good
1880 faith effort shall include a review of all available voter registration documentation,
1881 including registration information made available by the electors themselves and
1882 documentation of modifications or alterations of registration data showing changes to an

1883 elector's registration status. Additional sources of information may include, but are not
1884 limited to, information from the Department of Driver Services, Department of Family and
1885 Children Services, Department of Natural Resources, public libraries, or any other agency
1886 of government including, but not limited to, other county election and registration offices.

1887 (c)(1) If the registrars determine after the polls close, but not later than three days
1888 following the primary or election, that the person casting the provisional ballot timely
1889 registered to vote and was eligible and entitled to vote in the precinct in which he or she
1890 voted in such primary or election, the registrars shall notify the election superintendent
1891 and the provisional ballot shall be counted and included in the county's or municipality's
1892 certified election results.

1893 (2) If the registrars determine after the polls close, but not later than three days following
1894 the primary or election, that the person voting the provisional ballot timely registered and
1895 was eligible and entitled to vote in the primary or election but voted in the wrong
1896 precinct, then the board of registrars shall notify the election superintendent only if such
1897 person voted between the hours of 5:00 P.M. and the regular time for the closing of the
1898 polls on the day of the primary, election, or runoff and provided the sworn statement
1899 required by subsection (b) of Code Section 21-2-418. The superintendent shall count
1900 such person's votes which were cast for candidates in those races for which the person
1901 was entitled to vote but shall not count the votes cast for candidates in those races in
1902 which such person was not entitled to vote. The superintendent shall order the proper
1903 election official at the tabulating center or precinct to prepare an accurate duplicate ballot
1904 containing only those votes cast by such person in those races in which such person was
1905 entitled to vote for processing at the tabulating center or precinct, which shall be verified
1906 in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word
1907 'Duplicate,' shall bear the designation of the polling place, and shall be given the same
1908 serial number as the original ballot. The original ballot shall be retained and the sworn
1909 statement required by subsection (b) of Code Section 21-2-418 shall be transmitted to the

1910 Secretary of State with the certification documents required by paragraph (4) of
1911 subsection (a) of Code Section 21-2-497 and such statement shall be reviewed by the
1912 State Election Board.

1913 (3) If the registrars determine that the person casting the provisional ballot did not timely
1914 register to vote or was not eligible or entitled to vote in the precinct in which he or she
1915 voted in such primary or election or shall be unable to determine within three days
1916 following such primary or election whether such person timely registered to vote and was
1917 eligible and entitled to vote in such primary or election, the registrars shall so notify the
1918 election superintendent and such ballot shall not be counted. The election superintendent
1919 shall mark or otherwise document that such ballot was not counted and shall deliver and
1920 store such ballots with all other ballots and election materials as provided in Code
1921 Section 21-2-500.

1922 (d)(1) At the earliest time possible after a determination is made regarding a provisional
1923 ballot, the board of registrars shall notify in writing those persons whose provisional
1924 ballots were not counted that their ballots were not counted because of the inability of the
1925 registrars to verify that the persons timely registered to vote or other proper reason. The
1926 registrars shall process the official voter registration form completed by such persons
1927 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found
1928 qualified.

1929 (2) At the earliest time possible after a determination is made regarding a provisional
1930 ballot, the board of registrars shall notify in writing those electors who voted in the wrong
1931 precinct and whose votes were partially counted of their correct precinct.

1932 (e) The board of registrars shall complete a report in a form designated by the Secretary
1933 of State indicating the number of provisional ballots cast and counted in the primary or
1934 election."

SECTION 36.

1935
1936 Said chapter is further amended in Part 1 of Article 11, relating to general provisions
1937 regarding preparation for and conduct of primaries and elections, by adding new Code
1938 sections to read as follows:

1939 "21-2-420.

1940 (a) After the time for the closing of the polls and the last elector voting, the poll officials
1941 in each precinct shall complete the required accounting and related documentation for the
1942 precinct and shall advise the election superintendent of the total number of ballots cast at
1943 such precinct and the total number of provisional ballots cast. The chief manager and at
1944 least one assistant manager shall post a copy of the tabulated results for the precinct on the
1945 door of the precinct and then immediately deliver all required documentation and election
1946 materials to the election superintendent. The election superintendent shall then ensure that
1947 such ballots are processed, counted, and tabulated as soon as possible and shall not cease
1948 such count and tabulation until all such ballots are counted and tabulated.

1949 (b) The election superintendent shall ensure that each precinct notifies the election
1950 superintendent of the number of ballots cast and number of provisional ballots cast as soon
1951 as possible after the time for the closing of the polls and the last elector votes. The election
1952 superintendent shall post such information publicly. The State Election Board shall
1953 promulgate rules and regulations regarding how such information shall be publicly posted
1954 to ensure transparency, accuracy, and security.

1955 21-2-421.

1956 (a) As soon as possible but not later than 10:00 P.M. following the close of the polls on
1957 the day of a primary, election, or runoff, the election superintendent shall report to the
1958 Secretary of State and post in a prominent public place the following information:

1959 (1) The number of ballots cast at the polls on the day of the primary, election, or runoff,
1960 including provisional ballots cast;

1961 (2) The number of ballots cast at advance voting locations during the advance voting
1962 period for the primary, election, or runoff; and
1963 (3) The total number of absentee ballots returned to the board of registrars by the
1964 deadline to receive such absentee ballots on the day of the primary, election, or runoff.
1965 (b) Upon the completion of the report provided for in subsection (a) of this Code section,
1966 the election superintendent shall compare the total number of ballots received as reported
1967 in subsection (a) of this Code section and the counting of the ballots in the primary,
1968 election, or runoff minus any rejected and uncured absentee ballots, uncounted provisional
1969 ballots, and any other uncounted ballots, with the total number of ballots cast in the
1970 primary, election, or runoff. The results of such comparison and all explanatory materials
1971 shall be reported to the Secretary of State. The reason for any discrepancy shall be fully
1972 investigated and reported to the Secretary of State."

1973

SECTION 37.

1974 Said chapter is further amended by revising subsections (a) and (d) of Code
1975 Section 21-2-437, relating to procedure as to count and return of votes generally and void
1976 ballots, as follows:

1977 "(a) After the polls close and as soon as all the ballots have been properly accounted for
1978 and those outside the ballot box as well as the voter's certificates, numbered list of voters,
1979 and electors list have been sealed, the poll officers shall open the ballot box and take
1980 therefrom all ballots contained therein. In primaries in which more than one ballot box is
1981 used, any ballots or stubs belonging to another party holding its primary in the same polling
1982 place shall be returned to the ballot box for the party for which they were issued. In
1983 primaries, separate tally and return sheets shall be prepared for each party, and separate
1984 poll officers shall be designated by the chief manager to count and tally each party's ballot.
1985 Where the same ballot box is being used by one or more parties, the ballots and stubs shall
1986 first be divided by party before being tallied and counted. The ballots shall then be counted

1987 one by one and a record made of the total number. Then the chief manager, together with
1988 such assistant managers and other poll officers as the chief manager may designate, under
1989 the scrutiny of one of the assistant managers and in the presence of the other poll officers,
1990 shall read aloud the names of the candidates marked or written upon each ballot, together
1991 with the office for which the person named is a candidate, and the answers contained on
1992 the ballots to the questions submitted, if any; and the other assistant manager and clerks
1993 shall carefully enter each vote as read and keep account of the same in ink on a sufficient
1994 number of tally papers, all of which shall be made at the same time. All ballots, after being
1995 removed from the box, shall be kept within the unobstructed view of all persons in the
1996 voting room until replaced in the box. No person, while handling the ballots, shall have
1997 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
1998 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
1999 not adjourn or postpone the canvass or computation until it shall have been fully
2000 completed, ~~except that, in the discretion of the superintendent, the poll officers may stop~~
2001 ~~the counting after all contested races and questions are counted, provided that the results~~
2002 ~~of these contested races and questions are posted for the information of the public outside~~
2003 ~~the polling place and the ballots are returned to the ballot box and deposited with the~~
2004 ~~superintendent until counting is resumed on the following day."~~

2005 "(d) Any ballot marked so as to identify the voter shall be void and not counted, except a
2006 ballot cast by a challenged elector whose name appears on the electors list; such challenged
2007 vote shall be counted as prima facie valid but may be voided in the event of an election
2008 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
2009 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
2010 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
2011 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
2012 any nomination or office than there are candidates to be voted for such nomination or
2013 office, or if, for any reason, it may be impossible to determine his or her choice for any

2014 nomination or office, his or her ballot shall not be counted for such nomination or office;
 2015 but the ballot shall be counted for all nominations or offices for which it is properly
 2016 marked. Unmarked ballots or ballots improperly or defectively marked so that the whole
 2017 ballot is void shall be set aside and shall be preserved with other ballots. In primaries,
 2018 votes cast for candidates who have died, withdrawn, or been disqualified shall be void and
 2019 shall not be counted. Except as provided in subsection (g) of Code Section 21-2-134
 2020 regarding nonpartisan elections, in In elections, votes for candidates who have died or been
 2021 disqualified shall be void and shall not be counted."

2022 **SECTION 38.**

2023 Said chapter is further amended by revising subsection (a) of Code Section 21-2-438, relating
 2024 to ballots identifying voter, not marked, or improperly marked declared void, as follows:

2025 "(a) Any ballot marked so as to identify the voter shall be void and not counted, except a
 2026 ballot cast by a challenged elector whose name appears on the electors list; such challenged
 2027 vote shall be counted as prima facie valid but may be voided in the event of an election
 2028 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
 2029 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
 2030 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
 2031 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
 2032 any nomination or office than there are candidates to be voted for such nomination or
 2033 office, or if, for any reason, it may be impossible to determine his or her choice for any
 2034 nomination or office, his or her ballot shall not be counted for such nomination or office;
 2035 but the ballot shall be counted for all nominations or offices for which it is properly
 2036 marked. Ballots not marked or improperly or defectively marked so that the whole ballot
 2037 is void; shall be set aside and shall be preserved with the other ballots. In primaries, votes
 2038 cast for candidates who have died, withdrawn, or been disqualified shall be void and shall
 2039 not be counted. Except as provided in subsection (g) of Code Section 21-2-134 regarding

2040 nonpartisan elections, in ~~in~~ elections, votes for candidates who have died or been
2041 disqualified shall be void and shall not be counted."

2042 **SECTION 39.**

2043 Said chapter is further amended by revising subsection (f) of Code Section 21-2-483, relating
2044 to counting of ballots, public accessibility to tabulating center and precincts, execution of
2045 ballot recap forms, and preparation of duplicate ballots, as follows:

2046 "(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be
2047 processed by the tabulating machine, the superintendent, in his or her discretion, may order
2048 ~~the proper election official at the tabulating center or precinct~~ a duplication panel to prepare
2049 a true duplicate copy for processing ~~with the ballots of the same polling place, which shall~~
2050 ~~be verified in the presence of a witness.~~ In a partisan election, the duplication panel shall
2051 be composed of the election superintendent or a designee thereof and one person appointed
2052 by the county executive committee of each political party having candidates whose names
2053 appear on the ballot for such election, provided that, if there is no organized county
2054 executive committee for a political party, the person shall be appointed by the state
2055 executive committee of the political party. In a nonpartisan election or an election
2056 involving only the presentation of a question to the electors, the duplication panel shall be
2057 composed of the election superintendent or a designee thereof and two electors of the
2058 county or municipality. In the case of a nonpartisan county or municipal election or an
2059 election involving only the presentation of a question to the electors, the two elector
2060 members of the panel shall be appointed by the chief judge of the superior court of the
2061 county or municipality in which the election is held. In the case of a municipality which
2062 is located in more than one county, the two elector members of the panel shall be appointed
2063 by the chief judge of the superior court of the county in which the city hall of the
2064 municipality is located. The election superintendent may create multiple duplication panels
2065 to handle the processing of such ballots more efficiently. All duplicate ballots shall be

2066 clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and
 2067 shall ~~be given the same serial number as the defective ballot~~ contain a unique number that
 2068 will allow such duplicate ballot to be linked back to the original ballot. The defective
 2069 ballot shall be retained."

2070

SECTION 40.

2071 Said chapter is further amended by revising Code Section 21-2-492, relating to computation
 2072 and canvassing of returns, notice of when and where returns will be computed and canvassed,
 2073 blank forms for making statements of returns, and swearing of assistants, as follows:

2074 "21-2-492.

2075 The superintendent shall arrange for the computation and canvassing of the returns of votes
 2076 cast at each primary and election at his or her office or at some other convenient public
 2077 place at the county seat or municipality following the close of the polls on the day of such
 2078 primary or election with accommodations for those present insofar as space permits. An
 2079 interested candidate or his or her representative shall be permitted to keep or check his or
 2080 her own computation of the votes cast in the several precincts as the returns from the same
 2081 are read, as directed in this article. The superintendent shall give at least one week's notice
 2082 prior to the primary or election by publishing same in a conspicuous place in the
 2083 superintendent's office, of the ~~time and place when and~~ where he or she will commence and
 2084 hold his or her sessions for the computation and canvassing of the returns; and he or she
 2085 shall keep copies of such notice posted in his or her office during such period. The
 2086 superintendent shall procure a sufficient number of blank forms of returns made out in the
 2087 proper manner and headed as the nature of the primary or election may require, for making
 2088 out full and fair statements of all votes which shall have been cast within the county or any
 2089 precinct therein, according to the returns from the several precincts thereof, for any person
 2090 voted for therein, or upon any question voted upon therein. The assistants of the
 2091 superintendent in the computation and canvassing of the votes shall be first sworn by the

2092 superintendent to perform their duties impartially and not to read, write, count, or certify
 2093 any return or vote in a false or fraudulent manner."

2094 **SECTION 41.**

2095 Said chapter is further amended by revising subsections (a) and (k) of Code
 2096 Section 21-2-493, relating to computation, canvassing, and tabulation of returns,
 2097 investigation of discrepancies in vote counts, recount procedure, certification of returns, and
 2098 change in returns, and adding a new subsection to read as follows:

2099 "(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the
 2100 day ~~following the~~ of a primary or election, at his or her office or at some other convenient
 2101 public place at the county seat or in the municipality, of which due notice shall have been
 2102 given as provided by Code Section 21-2-492, publicly commence the computation and
 2103 canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the
 2104 close of the polls, including those cast by advance voting, and all ballots cast on the day
 2105 of the primary or election have been counted and tabulated and the results of such
 2106 tabulation released to the public and, then, continuing with provisional ballots as provided
 2107 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in
 2108 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For
 2109 this purpose, the superintendent may organize his or her assistants into sections, each of
 2110 ~~which~~ whom may simultaneously proceed with the computation and canvassing of the
 2111 returns from various precincts of the county or municipality in the manner provided by this
 2112 Code section. Upon the completion of such computation and canvassing, the
 2113 superintendent shall tabulate the figures for the entire county or municipality and sign,
 2114 announce, and attest the same, as required by this Code section."

2115 "(j.1) The Secretary of State shall create a pilot program for the posting of digital images
 2116 of the scanned paper ballots created by the voting system.

2117 (k) As the returns from each precinct are read, computed, and found to be correct or
 2118 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
 2119 all the returns from the various precincts which are entitled to be counted shall have been
 2120 duly recorded; then they shall be added together, announced, and attested by the assistants
 2121 who made and computed the entries respectively and shall be signed by the superintendent.
 2122 The consolidated returns shall then be certified by the superintendent in the manner
 2123 required by this chapter. Such returns shall be certified by the superintendent not later than
 2124 5:00 P.M. on the ~~second Friday~~ Monday following the date on which such election was
 2125 held and such returns shall be immediately transmitted to the Secretary of State; ~~provided,~~
 2126 ~~however, that such certification date may be extended by the Secretary of State in his or~~
 2127 ~~her discretion if necessary to complete a precertification audit as provided in Code Section~~
 2128 ~~21-2-498."~~

2129

SECTION 42.

2130 Said chapter is further amended by revising Code Section 21-2-501, relating to number of
 2131 votes required for election, as follows:

2132 "21-2-501.

2133 (a)(1) Except as otherwise provided in this Code section, no candidate shall be
 2134 nominated for public office in any primary or special primary or elected to public office
 2135 in any election or special election or shall take or be sworn into such elected public office
 2136 unless such candidate shall have received a majority of the votes cast to fill such
 2137 nomination or public office. In instances where no candidate receives a majority of the
 2138 votes cast, a run-off primary, special primary runoff, run-off election, or special election
 2139 runoff between the candidates receiving the two highest numbers of votes shall be held.
 2140 Unless such date is postponed by a court order, such ~~run-off primary, special primary~~
 2141 ~~runoff, run-off election, or special election runoff~~ shall be held as ~~provided in this~~
 2142 ~~subsection.~~

2143 ~~(2) In the case of a runoff from a general primary or a special primary or special election~~
2144 ~~held in conjunction with a general primary, the runoff shall be held on the Tuesday of the~~
2145 ~~ninth week following such general primary.~~

2146 ~~(3) In the case of a runoff from a general election for a federal office or a runoff from a~~
2147 ~~special primary or special election for a federal office held in conjunction with a general~~
2148 ~~election, the runoff shall be held on the Tuesday of the ninth week following such general~~
2149 ~~election.~~

2150 ~~(4) In the case of a runoff from a general election for an office other than a federal office~~
2151 ~~or a runoff from a special primary or special election for an office other than a federal~~
2152 ~~office held in conjunction with a general election, the runoff shall be held on the~~
2153 ~~twenty-eighth day after the day of holding the preceding general or special primary or~~
2154 ~~general or special election.~~

2155 ~~(5) In the case of a runoff from a special primary or special election for a federal office~~
2156 ~~not held in conjunction with a general primary or general election, the runoff shall be held~~
2157 ~~on the Tuesday of the ninth week following such special primary or special election.~~

2158 ~~(6) In the case of a runoff from a special primary or special election for an office other~~
2159 ~~than a federal office not held in conjunction with a general primary or general election,~~
2160 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~
2161 ~~special primary or special election; provided, however, that, if such runoff is from a~~
2162 ~~special primary or special election held in conjunction with a special primary or special~~
2163 ~~election for a federal office and there is a runoff being conducted for such federal office,~~
2164 ~~the runoff from the special primary or special election conducted for such other office~~
2165 ~~may be held in conjunction with the runoff for the federal office.~~

2166 ~~(7)~~(2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be
2167 ineligible, the remaining candidates receiving the two highest numbers of votes shall be
2168 the candidates in the runoff.

2169 ~~(8)~~(3) The candidate receiving the highest number of the votes cast in such run-off
2170 primary, special primary runoff, run-off election, or special election runoff to fill the
2171 nomination or public office sought shall be declared the winner.

2172 ~~(9)~~(4) The name of a write-in candidate eligible for election in a runoff shall be printed
2173 on the election or special election run-off ballot in the independent column.

2174 ~~(10)~~(5) The run-off primary, special primary runoff, run-off election, or special election
2175 runoff shall be a continuation of the primary, special primary, election, or special election
2176 for the particular office concerned. Only the electors who ~~were~~ are duly registered to
2177 vote and not subsequently deemed disqualified to vote in the ~~primary, special primary,~~
2178 ~~election, or special election runoff~~ for candidates for that particular office shall be entitled
2179 to vote therein, and only those votes cast for the persons designated as candidates in such
2180 run-off primary, special primary runoff, run-off election, or special election runoff shall
2181 be counted in the tabulation and canvass of the votes cast. No elector shall vote in a
2182 run-off primary or special primary runoff in violation of Code Section 21-2-224.

2183 (b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one
2184 candidate alone of the highest number of votes cast. If the municipal charter or ordinances
2185 of a municipality as now existing or as amended subsequent to September 1, 1968, provide
2186 that a candidate may be nominated or elected by a plurality of the votes cast to fill such
2187 nomination or public office, such provision shall prevail. Otherwise, no municipal
2188 candidate shall be nominated for public office in any primary or elected to public office in
2189 any election unless such candidate shall have received a majority of the votes cast to fill
2190 such nomination or public office.

2191 (c) In instances in which no municipal candidate receives a majority of the votes cast and
2192 the municipal charter or ordinances do not provide for nomination or election by a plurality
2193 vote, a run-off primary or election shall be held between the candidates receiving the two
2194 highest numbers of votes. Such runoff shall be held on the twenty-eighth day after the day
2195 of holding the first primary or election, unless such run-off date is postponed by court

2196 order, provided, however, that, in the case of a runoff from a municipal special election
2197 that is held in conjunction with a special election for a federal office and not in conjunction
2198 with a general primary or general election, the municipality may conduct such runoff from
2199 such municipal special election on the date of the special election runoff for the federal
2200 office. Only the electors entitled to vote in the first primary or election shall be entitled to
2201 vote in any run-off primary or election resulting therefrom; provided, however, that no No
2202 elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off
2203 primary or election shall be a continuation of the first primary or election, and only those
2204 votes cast for the candidates receiving the two highest numbers of votes in the first primary
2205 or election shall be counted. No write-in votes may be cast in such a primary, run-off
2206 primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or
2207 is found to be ineligible, the remaining candidates receiving the two highest numbers of
2208 votes shall be the candidates in such runoff. The municipal candidate receiving the highest
2209 number of the votes cast in such run-off primary or run-off election to fill the nomination
2210 or public office sought shall be declared the winner. The municipality shall give written
2211 notice to the Secretary of State of such runoff as soon as such municipality certifies the
2212 preceding primary, special primary, election, or special election.

2213 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
2214 shall be printed on the municipal run-off election ballot in the independent column.

2215 (e) In all cities having a population in excess of 100,000 according to the United States
2216 decennial census of 1980 or any future such census, in order for a municipal candidate to
2217 be nominated for public office in any primary or elected to public office in any municipal
2218 election, he or she must receive a majority of the votes cast.

2219 (f) Except for presidential electors, to be elected to public office in a general election, a
2220 candidate must receive a majority of the votes cast in an election to fill such public office.

2221 To be elected to the office of presidential electors, no slate of candidates shall be required

2222 to receive a majority of the votes cast, but that slate of candidates shall be elected to such
2223 office which receives the highest number of votes cast."

2224 **SECTION 43.**

2225 Said chapter is further amended by revising Code Section 21-2-540, relating to conduct of
2226 special elections generally, as follows:

2227 "21-2-540.

2228 (a)(1) Every special primary and special election shall be held and conducted in all
2229 respects in accordance with the provisions of this chapter relating to general primaries
2230 and general elections; and the provisions of this chapter relating to general primaries and
2231 general elections shall apply thereto insofar as practicable and as not inconsistent with
2232 any other provisions of this chapter. All special primaries and special elections held at
2233 the time of a general primary, as provided by Code Section 21-2-541, shall be conducted
2234 by the poll officers by the use of the same equipment and facilities, insofar as practicable,
2235 as are used for such general primary. All special primaries and special elections held at
2236 the time of a general election, as provided by Code Section 21-2-541, shall be conducted
2237 by the poll officers by the use of the same equipment and facilities, ~~so far~~ insofar as
2238 practicable, as are used for such general election.

2239 (2) If a vacancy occurs in a partisan office to which the Governor is authorized to
2240 appoint an individual to serve until the next general election, a special primary shall
2241 precede the special election.

2242 (b) At least 29 days shall intervene between the call of a special primary and the holding
2243 of same, and at least 29 days shall intervene between the call of a special election and the
2244 holding of same. The period during which candidates may qualify to run in a special
2245 primary or a special election shall remain open for a minimum of two and one-half days.
2246 Special primaries and special elections which are to be held in conjunction with the
2247 presidential preference primary, a state-wide general primary, or state-wide general

2248 election shall be called at least 90 days prior to the date of such presidential preference
2249 primary, state-wide general primary, or state-wide general election; provided, however, that
2250 this requirement shall not apply to special primaries and special elections held on the same
2251 date as such presidential preference primary, state-wide general primary, or state-wide
2252 general election but conducted completely separate and apart from such state-wide general
2253 primary or state-wide general election using different ballots or voting equipment,
2254 facilities, poll workers, and paperwork. ~~Notwithstanding any provision of this subsection~~
2255 ~~to the contrary, special elections which are to be held in conjunction with the state-wide~~
2256 ~~general primary or state-wide general election in 2014 shall be called at least 60 days prior~~
2257 ~~to the date of such state-wide general primary or state-wide general election.~~

2258 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
2259 special election to fill a vacancy in a county or municipal office shall be held only on one
2260 of the following dates which is at least 29 days after the date of the call for the special
2261 election:

2262 (A) In odd-numbered years, any such special primary or special election shall only be
2263 held on:

2264 (i) The third Tuesday in March;

2265 (ii) The third Tuesday in June;

2266 (iii) The third Tuesday in September; or

2267 (iv) The Tuesday after the first Monday in November; and

2268 (B) In even-numbered years, any such special primary or special election shall only be
2269 held on:

2270 (i) The third Tuesday in March; provided, however, that in the event that a special
2271 primary or special election is to be held under this provision in a year in which a
2272 presidential preference primary is to be held, then any such special primary or special
2273 election shall be held on the date of and in conjunction with the presidential
2274 preference primary;

- 2275 (ii) The date of the general primary; or
2276 (iii) The Tuesday after the first Monday in November;
2277 provided, however, that, in the event that a special primary or special election to fill a
2278 federal or state office on a date other than the dates provided in this paragraph has been
2279 scheduled and it is possible to hold a special primary or special election to fill a vacancy
2280 in a county, municipal, or school board office in conjunction with such special primary
2281 or special election to fill a federal or state office, the special primary or special election
2282 to fill such county, municipal, or school board office may be held on the date of and in
2283 conjunction with such special primary or special election to fill such federal or state
2284 office, provided all other provisions of law regarding such primaries and elections are
2285 met.
- 2286 (2) Notwithstanding any other provision of law to the contrary, a special election to
2287 present a question to the voters shall be held only on one of the following dates which is
2288 at least 29 days after the date of the call for the special election:
- 2289 (A) In odd-numbered years, any such special election shall only be held on the third
2290 Tuesday in March or on the Tuesday after the first Monday in November; and
2291 (B) In even-numbered years, any such special election shall only be held on:
- 2292 (i) The date of and in conjunction with the presidential preference primary if one is
2293 held that year;
- 2294 (ii) The date of the general primary; or
2295 (iii) The Tuesday after the first Monday in November.
- 2296 (3) The provisions of this subsection shall not apply to:
- 2297 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
2298 to recall a public officer or to fill a vacancy in a public office caused by a recall
2299 election; and
2300 (B) Special primaries or special elections to fill vacancies in federal or state public
2301 offices.

2302 (d) Except as otherwise provided by this chapter, the superintendent of each county or
 2303 municipality shall publish the call of the special primary or special election.

2304 (e)(1) Candidates in special elections for partisan offices that are not preceded by special
 2305 primaries shall be listed alphabetically on the ballot and may choose to designate on the
 2306 ballot their party affiliation. The party affiliation selected by a candidate shall not be
 2307 changed following the close of qualifying.

2308 (2) Candidates in special primaries shall be listed alphabetically on the ballot."

2309 **SECTION 44.**

2310 Said chapter is further amended by revising subsection (b) of Code Section 21-2-541, relating
 2311 to holding of special primary or election at time of general primary or election and inclusion
 2312 of candidates and questions in special primary or election on ballot, as follows:

2313 "(b) If the times specified for the closing of the registration list for a special primary or
 2314 special election are the same as those for a general primary or general election, the
 2315 candidates and questions in such special primary or special election shall be included on
 2316 the ballot for such general primary or general election. In such an instance, the name of
 2317 the office and the candidates in such special primary or special election shall appear on the
 2318 ballot in the position where such names would ordinarily appear if such contest was a
 2319 general primary or general election."

2320 **SECTION 45.**

2321 Said chapter is further amended by revising Code Section 21-2-542, relating to special
 2322 election for United States senator vacancy and temporary appointment by Governor, as
 2323 follows:

2324 "21-2-542.

2325 Whenever a vacancy shall occur in the representation of this state in the Senate of the
 2326 United States, such vacancy shall be filled for the unexpired term by the vote of the electors

2327 of the state at a special primary to be held at the time of the next general primary followed
2328 by a special election to be held at the time of the next November state-wide general
2329 election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the
2330 duty of the Governor to issue his or her proclamation for such special primary and special
2331 election. Until such time as the vacancy shall be filled by an election as provided in this
2332 Code section, the Governor may make a temporary appointment to fill such vacancy."

2333

SECTION 46.

2334 Said chapter is further amended in Article 14, relating to special elections and primaries
2335 generally and municipal terms of office, by adding a new Code section to read as follows:

2336 "21-2-546.

2337 Notwithstanding any other law to the contrary, in each county in this state in which there
2338 is a civil and magistrate court established by local Act of the General Assembly, vacancies
2339 in the office of chief judge of such court caused by death, retirement, resignation, or
2340 otherwise shall be filled by the appointment of a qualified person by the Governor to serve
2341 until a successor is duly elected and qualified and until January 1 of the year following the
2342 next general election which is more than six months following such person's appointment."

2343

SECTION 47.

2344 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating
2345 to entry into voting compartment or booth while another voting, interfering with elector,
2346 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,
2347 as follows:

2348 "(a) Any person who knowingly:

2349 (1) Goes into the voting compartment or voting machine booth while another is voting
2350 or marks the ballot or registers the vote for another, except in strict accordance with this
2351 chapter;

- 2352 (2) Interferes with any elector marking his or her ballot or registering his or her vote;
 2353 (3) Attempts to induce any elector ~~before depositing his or her ballot~~ to show how he or
 2354 she marks or has marked his or her ballot; ~~or~~
 2355 (4) Discloses to anyone how another elector voted, without said elector's consent, except
 2356 when required to do so in any legal proceeding; or
 2357 (5) Accepts an absentee ballot from an elector for delivery or return to the board of
 2358 registrars except as authorized by subsection (a) of Code Section 21-2-385
 2359 shall be guilty of a felony."

2360 **SECTION 48.**

2361 Said chapter is further amended in Article 15, relating to miscellaneous offenses, by adding
 2362 new Code sections to read as follows:

2363 "21-2-568.1.

2364 (a) Except while providing authorized assistance in voting under Code Section 21-2-409
 2365 and except for children authorized to be in the enclosed space under subsection (f) of Code
 2366 Section 21-2-413, no person shall intentionally observe an elector while casting a ballot in
 2367 a manner that would allow such person to see for whom or what the elector is voting.

2368 (b) Any person who violates the provisions of subsection (a) of this Code section shall be
 2369 guilty of a felony.

2370 21-2-568.2.

2371 (a) It shall be illegal for any person to use photographic or other electronic monitoring or
 2372 recording devices, cameras, or cellular telephones, except as authorized by law, to:

2373 (1) Photograph or record the face of an electronic ballot marker while a ballot is being
 2374 voted or while an elector's votes are displayed on such electronic ballot marker; or

2375 (2) Photograph or record a voted ballot.

2376 (b) Any person who violates subsection (a) of this Code section shall be guilty of a
2377 misdemeanor."

2378

SECTION 49.

2379 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, relating to home rule
2380 powers, is amended by revising subsection (a) of Code Section 36-35-4.1, relating to
2381 reapportionment of election districts for municipal elections, as follows:

2382 "(a) Subject to the limitations provided by this Code section, the governing authority of
2383 any municipal corporation is authorized to reapportion the election districts from which
2384 members of the municipal governing authority are elected following publication of the
2385 United States decennial census of 1980 or any future such census. Such reapportionment
2386 of districts shall be effective for the election of members to the municipal governing
2387 authority at the next regular general municipal election following the publication of the
2388 decennial census; provided, however, that, if the publication of the decennial census occurs
2389 within 120 days of the next general or special municipal election, such reapportionment of
2390 districts shall be effective for any subsequent special election and the subsequent general
2391 municipal election."

2392

SECTION 50.

2393 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
2394 by revising subsection (b) of Code Section 50-13-4, relating to procedural requirements for
2395 adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest
2396 rule, and legislative override, as follows:

2397 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,
2398 including but not limited to, summary processes such as quarantines, contrabands, seizures,
2399 and the like authorized by law without notice, requires adoption of a rule upon fewer than
2400 30 days' notice and states in writing its reasons for that finding, it may proceed without

2401 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable
2402 to adopt an emergency rule. Any such rule adopted relative to a public health emergency
2403 shall be submitted as promptly as reasonably practicable to the House of Representatives
2404 and Senate Committees on Judiciary, provided that any such rule adopted relative to a state
2405 of emergency by the State Election Board shall be submitted as soon as practicable but not
2406 later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State
2407 Election Board pursuant to the provisions of this subsection may be suspended upon the
2408 majority vote of the House of Representatives or Senate Committees on Judiciary within
2409 ten days of the receipt of such rule by the committees. The rule may be effective for a
2410 period of not longer than 120 days but the adoption of an identical rule under paragraphs
2411 (1) and (2) of subsection (a) of this Code section is not precluded; provided, however, that
2412 such a rule adopted pursuant to discharge of responsibility under an executive order
2413 declaring a state of emergency or disaster exists as a result of a public health emergency,
2414 as defined in Code Section 38-3-3, shall be effective for the duration of the emergency or
2415 disaster and for a period of not more than 120 days thereafter."

2416 **SECTION 51.**

2417 Said title is further amended in Code Section 50-18-71, relating to right of access to public
2418 records, timing, fees, denial of requests, and impact of electronic records, by adding a new
2419 subsection to read as follows:

2420 "(k) Scanned ballot images created by a voting system authorized by Chapter 2 of Title 21
2421 shall be public records subject to disclosure under this article."

2422 **SECTION 52.**

2423 (a) Sections 21, 23, 25, 27, 28, and 29 of this Act shall become effective on July 1, 2021.
2424 (b) All other sections of this Act shall become effective upon its approval by the Governor
2425 or upon its becoming law without such approval.

2426

SECTION 53.

2427 All laws and parts of laws in conflict with this Act are repealed.