

Senate Bill 225

By: Senators Williams of the 27th, Kirk of the 13th, Gooch of the 51st, Harbin of the 16th, Hufstetler of the 52nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to provide for the tabulation of advance voting
3 ballots in the same manner as absentee votes under certain circumstances; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising paragraphs (3), (4), (5), (6), and (7) of subsection
9 (a) of Code Section 21-2-386, relating to safekeeping, certification, and validation of
10 absentee ballots, rejection of ballot, delivery of ballots to manager, duties of managers,
11 precinct returns, and notification of challenged elector, as follows:

12 "(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on
13 the day of the primary, election, or runoff open the inner envelopes in accordance with
14 the procedures prescribed in this subsection and begin tabulating the absentee ballots and
15 may begin processing and tabulating the advance voting ballots cast on direct recording
16 electronic (DRE) voting equipment. If the county election superintendent chooses to
17 open the inner envelopes and begin tabulating such ballots prior to the close of the polls
18 on the day of the primary, election, or runoff or to begin processing and tabulating the
19 advance voting ballots cast on DRE voting equipment, the superintendent shall notify in
20 writing, at least seven days prior to the primary, election, or runoff, the Secretary of State
21 of the superintendent's intent to begin the absentee ballot or advance voting tabulation
22 prior to the close of the polls. The county executive committee or, if there is no
23 organized county executive committee, the state executive committee of each political
24 party and political body having candidates whose names appear on the ballot for such
25 election in such county shall have the right to designate two persons and each
26 independent and nonpartisan candidate whose name appears on the ballot for such

27 election in such county shall have the right to designate one person to act as monitors for
28 such process. In the event that the only issue to be voted upon in an election is a
29 referendum question, the superintendent shall also notify in writing the chief judge of the
30 superior court of the county who shall appoint two electors of the county to monitor such
31 process.

32 (4) The county election superintendent shall publish a written notice in the
33 superintendent's office of the superintendent's intent to begin the absentee ballot
34 tabulation or advance voting tabulation prior to the close of the polls and publish such
35 notice at least one week prior to the primary, election, or runoff in the legal organ of the
36 county.

37 (5) The process for opening the inner envelopes of and tabulating absentee ballots or
38 processing and tabulating advance voting ballots cast on DRE voting equipment on the
39 day of a primary, election, or runoff as provided in this subsection shall be a confidential
40 process to maintain the secrecy of all ballots and to protect the disclosure of any balloting
41 information before 7:00 P.M. on election day. No absentee or advance voting ballots
42 shall be tabulated before 7:00 A.M. on the day of a primary, election, or runoff.

43 (6) All persons conducting the tabulation of absentee or advance voting ballots during
44 the day of a primary, election, or runoff, including the vote review panel required by
45 Code Section 21-2-483, and all monitors and observers shall be sequestered until the time
46 for the closing of the polls. All such persons shall have no contact with the news media;
47 shall have no contact with other persons not involved in monitoring, observing, or
48 conducting the tabulation; shall not use any type of communication device including
49 radios, telephones, and cellular telephones; shall not utilize computers for the purpose of
50 e-mail, instant messaging, or other forms of communication; and shall not communicate
51 any information concerning the tabulation until the time for the closing of the polls;
52 provided, however, that supervisory and technical assistance personnel shall be permitted
53 to enter and leave the area in which the tabulation is being conducted but shall not
54 communicate any information concerning the tabulation to anyone other than the county
55 election superintendent; the staff of the superintendent; those persons conducting,
56 observing, or monitoring the tabulation; and those persons whose technical assistance is
57 needed for the tabulation process to operate.

58 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
59 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
60 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
61 for security. The advance voting ballots cast on DRE voting equipment shall be tabulated
62 in accordance with the procedures for tabulating DRE ballots contained in Part 5 of
63 Article 9 of this chapter; provided, however, that no results from such DRE units shall

64 be transmitted by modem or other device prior to the close of the polls. The persons
65 conducting the tabulation of the absentee or advance voting ballots shall not cause the
66 tabulating equipment to produce any count, partial or otherwise, of the absentee or
67 advance votes cast until the time for the closing of the polls."

68 **SECTION 2.**

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