

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 elections and primaries generally, so as to authorize the use of instant runoff voting for  
3 runoffs by overseas citizens and military personnel; to provide for special absentee ballots  
4 for such purpose; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
9 primaries generally, is amended in Code Section 21-2-384, relating to preparation and  
10 delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting  
11 absentee electors, master list of ballots sent, challenges, and electronic transmission of  
12 ballots, by adding a new subsection to read as follows:

13 "(f)(1) The Secretary of State shall prepare special absentee ballots for general primary  
14 runoffs and general election runoffs for use by qualified electors who are entitled to vote  
15 by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting  
16 Act, 42 U.S.C. Section 1973ff, et seq., as amended.

17 (2) Such special absentee ballot for the general primary runoff shall contain a list of the  
18 titles of all offices being contested at the general primary and the candidates qualifying  
19 for such general primary for each office and shall permit the elector to vote in the general  
20 primary runoff by indicating his or her order of preference for each candidate for each  
21 office. A separate ballot shall be prepared for each political party.

22 (3) Such special absentee ballot for the general election runoff shall contain a list of the  
23 titles of all offices being contested at the general election and the candidates qualifying  
24 for such general election for each office and shall permit the elector to vote in the general  
25 election runoff by indicating his or her order of preference for each candidate for each  
26 office.

27 (4) To indicate his or her order of preference for each candidate for each office to be  
28 voted on, the elector shall put the numeral '1' next to the name of the candidate who is the  
29 elector's first choice, the numeral '2' for his or her second choice, and so forth, so that, in  
30 consecutive numerical order, a numeral indicating the elector's preference is written by  
31 the elector next to each candidate's name on the ballot. The elector shall not be required  
32 to indicate his or her preference for more than one candidate on the ballot if such elector  
33 so chooses. Such ballot shall be of a distinctive color different from the other ballots  
34 used in the general primary, general election, and runoffs. The Secretary of State shall  
35 also prepare instructions for use of the special absentee ballot, including instructions for  
36 voting by mail using an electronically transmitted ballot. Such ballot shall be returned  
37 by the elector in the same manner as other absentee ballots by such electors who are  
38 entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens  
39 Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

40 (5) A special general primary run-off ballot shall be enclosed with each general primary  
41 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal  
42 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et  
43 seq., as amended, along with instructions on how to vote the special absentee ballot and

44 the two envelopes to be used in returning such special general primary run-off ballot as  
 45 provided in subsection (b) of this Code section, provided that the envelopes shall bear the  
 46 notation of 'Official Special General Primary Run-off Ballot.' The elector shall be sent  
 47 only the ballots containing the candidates of the political party in whose primary such  
 48 elector desires to vote.

49 (6) A special general election run-off ballot shall be enclosed with each general election  
 50 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal  
 51 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et  
 52 seq., as amended, along with instructions on how to vote the special absentee ballot and  
 53 the two envelopes to be used in returning such special general election run-off ballot as  
 54 provided in subsection (b) of this Code section, provided that the envelopes shall bear the  
 55 notation of 'Official Special General Election Run-off Ballot.'"

56 **SECTION 2.**

57 Said chapter is further amended in Code Section 21-2-386, relating to safekeeping,  
 58 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to  
 59 manager, duties of managers, precinct returns, and notification of challenged elector, by  
 60 adding a new subsection to read as follows:

61 "(g)(1) When an elector who is entitled to vote by absentee ballot under the federal  
 62 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et  
 63 seq., as amended, returns a special absentee ballot for a general primary runoff or general  
 64 election runoff as provided in subsection (f) of Code Section 21-2-384 and such ballot is  
 65 accepted by the board of registrars or absentee ballot clerk, the board of registrars or  
 66 absentee ballot clerk shall keep such ballot safe, unopened, and stored in a manner that  
 67 will prevent tampering and unauthorized access to such ballot until the time for counting  
 68 such ballot for the respective runoff. If a runoff following a primary or election is not  
 69 held, such ballot shall remain unopened with the other ballots from the primary or

70 election for the same period as such other ballots and shall be disposed of in a similar  
71 manner as for the other ballots.

72 (2) At the time for counting absentee ballots for the general primary runoff or general  
73 election runoff, all special general primary runoff absentee ballots or special general  
74 election runoff absentee ballots, as appropriate, shall be delivered with the other absentee  
75 ballots to the poll manager in charge of counting absentee ballots. Such special absentee  
76 ballots shall be counted by hand, and the results thereof shall be added to the totals for  
77 the other absentee ballots.

78 (3) In counting the special run-off ballots, one of the poll officers shall open the envelope  
79 containing the special run-off ballot and read aloud the numerals indicated next to the  
80 names of the candidates in the general primary runoff or in the general election runoff,  
81 as the case may be. Two clerks or poll officers shall record the votes. The candidate in  
82 the runoff to whom the elector has assigned the highest rank shall receive the vote. The  
83 candidate assigned the numeral '1' shall be the highest ranked candidate, the candidate  
84 assigned the numeral '2' shall be the next highest ranked candidate, and so forth. The  
85 Secretary of State shall prepare instructions for opening, counting, and canvassing special  
86 run-off ballots and provide such instructions to each county election superintendent. The  
87 State Election Board shall promulgate such rules and regulations concerning the  
88 procedures for counting such ballots as may be necessary."

89 **SECTION 3.**

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