

House Bill 59

By: Representatives Cantrell of the 22nd, Clark of the 147th, Rich of the 97th, Nguyen of the 89th, Wilson of the 80th, 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 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.