

Senate Bill 62

By: Senators Tippins of the 37th, Ginn of the 47th, Miller of the 49th, Gooch of the 51st, Albers of the 56th 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 that the name and designation of the  
3 precinct appears on every ballot; to provide for the use of holographic security devices on  
4 ballots; to provide for the storage and retention of absentee ballots by precinct with chain of  
5 custody; to provide for the manner of handling and processing ballots requiring duplication  
6 for processing; to provide for the maintenance of certain lists of absentee voters; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
11 primaries generally, is amended by revising subsection (a) of Code Section 21-2-284, relating  
12 to form of official primary ballot and attestation regarding receiving value in exchange for  
13 vote, as follows:

14 "(a) In each primary separate official ballots shall be prepared for the political party  
15 holding the primary. At the top of each ballot shall be printed in prominent type the words  
16 'OFFICIAL PRIMARY BALLOT OF \_\_\_\_\_ PARTY FOR,' followed by the

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17 name and designation of the precinct for which it is prepared and the name and date of the  
 18 primary."

19 **SECTION 2.**

20 Said chapter is further amended by revising Code Section 21-2-284.1, relating to form of  
 21 ballot in nonpartisan municipal primaries, as follows:

22 "21-2-284.1.

23 In the case of nonpartisan municipal primaries, the form of the official nonpartisan primary  
 24 ballot shall conform insofar as practicable to the form of the official primary ballot as  
 25 detailed in Code Section 21-2-284, including the printing of the name and designation of  
 26 the precinct on the top of the ballot, except that:

27 (1) The following shall be printed at the top of each ballot in prominent type:

28 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

29

\_\_\_\_\_

30

(Name of Municipality)';

31 (2) There shall be no name or designation of any political organization nor any words,  
 32 designation, or emblems descriptive of a candidate's political affiliation printed under or  
 33 after any candidate's name which is printed on the ballot; and

34 (3) The incumbency of a candidate seeking election for the public office he or she then  
 35 holds shall be indicated on the ballot."

36 **SECTION 3.**

37 Said chapter is further amended by revising subsection (a) of Code Section 21-2-285, relating  
 38 to form of official election ballot, attestation on receipt of benefit in exchange for vote, and  
 39 when an election is not required, as follows:

40 "(a) At the top of each ballot for an election shall be printed in prominent type the words  
41 'OFFICIAL BALLOT,' followed by the name and designation of the precinct for which it  
42 is prepared and the name and date of the election."

43 **SECTION 4.**

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

47 "21-2-285.1.

48 The names of all candidates for offices which the General Assembly has by general law or  
49 local Act provided for election in a nonpartisan election shall be printed on each official  
50 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan  
51 election shall be separated from the names of candidates for party nomination to other  
52 offices by being listed last on each ballot, with the top of that portion of each official  
53 primary ballot relating to the nonpartisan election to have printed in prominent type the  
54 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a  
55 ballot that contains just the official nonpartisan election ballot available for electors who  
56 choose not to vote in a party primary. Such ballot shall have printed at the top the name  
57 and designation of the precinct. Directions that explain how to cast a vote, how to write  
58 in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall  
59 appear immediately under the caption, as specified by rule or regulation of the State  
60 Election Board. Immediately under the directions, the name of each such nonpartisan  
61 candidate shall be arranged alphabetically by last name under the title of the office for  
62 which they are candidates and be printed thereunder. The incumbency of a candidate  
63 seeking election for the public office he or she then holds shall be indicated on the ballot.  
64 No party designation or affiliation shall appear beside the name of any candidate for  
65 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting

66 of write-in votes for such offices. In the event that no candidate in such nonpartisan  
67 election receives a majority of the total votes cast for such office, there shall be a  
68 nonpartisan election runoff between the candidates receiving the two highest numbers of  
69 votes; and the names of such candidates shall be placed on the official ballot at the general  
70 primary runoff in the same manner as prescribed in this Code section for the nonpartisan  
71 election and there shall be a separate official nonpartisan election runoff ballot for those  
72 electors who do not choose or are not eligible to vote in the general primary runoff. Such  
73 ballot shall have printed at the top the name and designation of the precinct. In the event  
74 that only nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot  
75 shall be as prescribed by the Secretary of State or election superintendent in essentially the  
76 same format as prescribed for the nonpartisan election, including the name and designation  
77 of the precinct. The candidate having a majority of the votes cast in the nonpartisan  
78 election or the candidate receiving the highest number of votes cast in the nonpartisan  
79 election runoff shall be declared duly elected to such office."

80

**SECTION 5.**

81 Said chapter is further amended by revising paragraph (3) of subsection (b) of Code  
82 Section 21-2-286, relating to printing specifications, numbering, and binding of ballots, as  
83 follows:

84 "(3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the  
85 Secretary of State to ensure ease of reading by electors, provided that each ballot shall  
86 have the name and designation of the precinct printed at the top."

87

**SECTION 6.**

88 Said chapter is further amended by revising Code Section 21-2-287, relating to form of  
89 absentee ballot, as follows:

90 "21-2-287.

91 The form for the absentee ballot shall be in substantially the same form as the official  
92 ballots used in the precincts, except it shall be printed with only the name stub and without  
93 a number strip and ~~may~~ shall have the precinct name and designation printed or stamped  
94 thereon."

95 **SECTION 7.**

96 Said chapter is further amended in Article 8, relating to voting by ballot, by adding a new  
97 Code section to read as follows:

98 "21-2-295.

99 Every ballot used in primaries and elections in this state, including paper ballots, ballots  
100 used in optical scanning voting systems, and ballots produced by electronic ballot markers  
101 shall have embedded within the ballot a holographic security device or seal. Such devices  
102 or seals shall not be capable of identifying the elector who cast the ballot but shall be  
103 designed to prevent fraud."

104 **SECTION 8.**

105 Said chapter is further amended by revising subsection (a) of Code Section 21-2-369, relating  
106 to printing of ballots for optical scanning voting systems and arrangement, as follows:

107 "(a) The ballots shall be printed in black ink upon clear, white, or colored material, of such  
108 size and arrangement as will suit the construction of the ballot scanner, and in plain, clear  
109 type so as to be easily readable by persons with normal vision; provided, however, that red  
110 material shall not be used except that all ovals appearing on the ballot to indicate where a  
111 voter should mark to cast a vote may be printed in red ink. Each ballot shall have printed  
112 at the top the name and designation of the precinct."

113

**SECTION 9.**

114 Said chapter is further amended in Code Section 21-2-379.23, relating to requirements for  
115 ballot display for electronic ballot markers, role of Secretary of State, and printed paper  
116 ballot controls during recount, by adding a new subsection to read as follows:

117 "(e) Each ballot printed by an electronic ballot marker shall include the name and  
118 designation of the precinct at the top."

119

**SECTION 10.**

120 Said chapter is further amended by revising subsection (d) of Code Section 21-2-384, relating  
121 to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and  
122 persons assisting absentee electors, master list of ballots sent, challenges, and electronic  
123 transmission of ballots, as follows:

124 "(d) Each board of registrars or absentee ballot clerk shall maintain for public inspection  
125 a an up-to-date master list, arranged by precincts, setting forth the name and residence of  
126 every elector to whom an official absentee ballot has been sent or issued, the date sent,  
127 whether such ballot has been returned, whether such ballot has been accepted, and the  
128 current status of such ballot. Absentee electors whose names appear on the master list may  
129 be challenged by any elector prior to 5:00 P.M. on the day before the primary or election."

130

**SECTION 11.**

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

135 "(g) Upon the conclusion of the counting, the absentee ballots shall be sorted and stored  
136 by precinct in sealed containers. Chain of custody for such containers shall be maintained  
137 until such ballots can be legally disposed of."

138

**SECTION 12.**

139 Said chapter is further amended in Code Section 21-2-390, relating to delivery of election  
140 materials to clerk of superior court or city clerk after primary or election and accounting for  
141 ballots by registrars or municipal absentee ballot clerks, as follows:

142 "21-2-390.

143 All official absentee ballots and envelopes on which the forms of affidavits and jurats  
144 appear shall be delivered to the clerk of the superior court or the city clerk upon the  
145 conclusion of the primary or election in sealed containers maintaining a chain of custody  
146 for such documents and shall be safely kept by him or her for the period required by law  
147 and then shall be destroyed. The applications for such ballots shall be retained by the board  
148 of registrars or the municipal absentee ballot clerk for at least 24 months and then may be  
149 destroyed. On the day following the primary or election, the board of registrars or the  
150 municipal absentee ballot clerk shall transmit all canceled, spoiled, and rejected absentee  
151 ballots and copies of requests for cancellation of absentee ballots in sealed containers  
152 maintaining a chain of custody for such documents to the clerk of the superior court or the  
153 city clerk to be held with other election materials as provided in Code Section 21-2-500.  
154 The registrars or the municipal absentee ballot clerk shall also transmit an accounting of  
155 all absentee ballots, including the number furnished by the registrars or the municipal  
156 absentee ballot clerk, the number issued to electors, the number spoiled, and the number  
157 rejected."

158

**SECTION 13.**

159 Said chapter is further amended by revising subsection (a) of Code Section 21-2-480, relating  
160 to caption for ballots, party designations, and form and arrangement, as follows:

161 "(a) At the top of each ballot for an election in a precinct using optical scanning voting  
162 equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed

163 by the name and designation of the precinct for which it is prepared and the name and date  
164 of the election."

165 **SECTION 14.**

166 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee  
167 ballots for precincts using optical scanning voting equipment, as follows:

168 "21-2-482.

169 Ballots in a precinct using optical scanning voting equipment for voting by absentee  
170 electors shall be prepared sufficiently in advance by the superintendent and shall be  
171 delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots  
172 shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots  
173 required by Article 8 of this chapter, except that in counties or municipalities using voting  
174 machines, direct recording electronic (DRE) units, or ballot scanners, the ballots may be  
175 in substantially the form for the ballot labels required by Article 9 of this chapter or in such  
176 form as will allow the ballot to be machine tabulated. Every such ballot shall have printed  
177 on the face thereof the following:

178 'I understand that the offer or acceptance of money or any other object of value to vote  
179 for any particular candidate, list of candidates, issue, or list of issues included in this  
180 election constitutes an act of voter fraud and is a felony under Georgia law.'

181 The form for either ballot shall be determined and prescribed by the Secretary of State and  
182 shall have printed at the top the name and designation of the precinct."

183 **SECTION 15.**

184 Said chapter is further amended in Code Section 21-2-483, relating to counting of ballots,  
185 public accessibility to tabulating center and precincts, execution of ballot recap forms, and  
186 preparation of duplicate ballots, by adding a new subsection to read as follows:

187 "(g.1) When counting ballots and it becomes necessary for processing purposes to prepare  
188 a duplicate of the ballot, the original ballot shall be given a unique serial number which  
189 shall also be entered on the duplicate ballot and, other than when such duplicate ballot is  
190 being processed, such ballots shall be kept together and retained as with other official  
191 ballots."

192

**SECTION 16.**

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