

The House Committee on Rules 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

S. B. 202 (SUB)

- 1 -

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:

S. B. 202 (SUB)

- 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 State
327 Election Board for reinstatement no earlier than 30 days following suspension and no
328 later than 60 days following suspension. In the event that a suspended superintendent or

329 registrar does not petition for reinstatement within the allotted time period, his or her
330 suspension shall be converted into permanent removal, and the temporary superintendent
331 shall become a permanent superintendent subject to removal by the jurisdiction not less
332 than nine months 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."0

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 5483 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 appoint an
500 independent performance review board within 30 days after receiving such resolution. The
501 State Election Board shall appoint three competent persons to serve as members of the
502 performance review board, one of whom shall be an employee of the elections division of

503 the Secretary of State and two of whom shall be local election officials, provided that no
504 such appointee shall be a local election official for the county or municipality, as
505 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 an independent performance review board on
521 its own motion if it determines that there is evidence which calls into question the
522 competence of a local election official regarding the oversight and administration of
523 elections, voter registration, or both, with state law and regulations.

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

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

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

538 21-2-108.

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

541 **SECTION 13.**

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

545 "(g) In the event of the death of a candidate on the ballot in a nonpartisan election prior to
546 such nonpartisan election, such candidate's name shall remain on the ballot and all votes
547 cast for such candidate shall be counted. If the deceased candidate receives the requisite
548 number of votes to be elected, such contest shall be handled as a failure to fill the office
549 under Code Section 21-2-504. If the deceased candidate receives enough votes to be in a
550 run-off election, such run-off election shall be conducted as provided in Code
551 Section 21-2-501 and the candidates in such runoff shall be determined in accordance with
552 paragraph (2) of subsection (a) of Code Section 21-2-501."

553 **SECTION 14.**

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

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

565 **SECTION 15.**

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

569 "21-2-229.

570 (a) Any elector of a county or municipality may challenge the qualifications of any person
571 applying to register to vote in the county or municipality and may challenge the
572 qualifications of any elector of the county or municipality whose name appears on the list
573 of electors. Such challenges shall be in writing and shall specify distinctly the grounds of
574 the challenge. There shall not be a limit on the number of persons whose qualifications
575 such elector may challenge.

576 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a
577 hearing on such challenge within ten business days after serving notice of the challenge.
578 Notice of the date, time, and place of the hearing shall be served upon the person whose

579 qualifications are being challenged along with a copy of such challenge and upon the
580 elector making the challenge within ten business days following the filing of the challenge.

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

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

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

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

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

608 **SECTION 16.**

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

612 "21-2-230.

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

623 (b) Upon the filing of such challenge, the board of registrars shall immediately consider
624 such challenge and determine whether probable cause exists to sustain such challenge. If
625 the registrars do not find probable cause, the challenge shall be denied. If the registrars
626 find probable cause, the registrars shall notify the poll officers of the challenged elector's
627 precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the
628 absentee ballot precinct and, if practical, notify the challenged elector and afford such
629 elector an opportunity to answer.

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

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

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

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

645 (g) If the challenged elector cast an absentee ballot and the challenge is based upon
646 grounds that the challenged elector is not qualified to remain on the list of electors, the
647 board of registrars shall proceed to conduct a hearing on the challenge on an expedited
648 basis prior to the certification of the consolidated returns of the election by the election
649 superintendent. The election superintendent shall not certify such consolidated returns
650 until such hearing is complete and the registrars have rendered their decision on the
651 challenge. If the registrars deny the challenge, the superintendent shall proceed to certify
652 the consolidated returns. If the registrars uphold the challenge, the name of the challenged
653 elector shall be removed from the list of electors and the ballot of the challenged elector
654 shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove
655 any votes cast by such elector. The elector making the challenge and the challenged elector
656 may appeal the decision of the registrars in the same manner as provided in subsection (e)
657 of Code Section 21-2-229.

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

668 (i) If the challenged elector appears at the polls to vote and it is not practical to conduct
669 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
670 find that a decision on the challenge cannot be rendered within a reasonable time, the
671 challenged elector shall be permitted to vote by casting a challenged ballot on the same
672 type of ballot that is used by the county or municipality for provisional ballots. Such
673 challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code
674 Section 21-2-419 and, after having the word 'Challenged,' the elector's name, and the
675 alleged cause of the challenge written across the back of the outer envelope, the ballot shall
676 be deposited by the person casting such ballot in a secure, sealed ballot box
677 notwithstanding the fact that the polls may have closed prior to the time the registrars make
678 such a determination, provided that the elector proceeds to vote immediately after such
679 determination of the registrars. In such cases, if the challenge is based upon the grounds
680 that the challenged elector is not qualified to remain on the list of electors, the registrars
681 shall proceed to finish the hearing prior to the certification of the consolidated returns of
682 the election by the election superintendent. If the challenge is based on other grounds, no
683 further action shall be required by the registrars. The election superintendent shall not
684 certify such consolidated returns until such hearing is complete and the registrars have

685 rendered their decision on the challenge. If the registrars deny the challenge, the
686 superintendent shall proceed to certify the consolidated returns. If the registrars uphold the
687 challenge, the name of the challenged elector shall be removed from the list of electors and
688 the ballot of the challenged elector shall be rejected and not counted and, if necessary, the
689 returns shall be adjusted to remove any votes cast by such elector. The elector making the
690 challenge and the challenged elector may appeal the decision of the registrars in the same
691 manner as provided in subsection (e) of Code Section 21-2-229.

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

694 **SECTION 17.**

695 Said chapter is further amended in subsection (b) of Code Section 21-2-232, relating to
696 removal of elector's name from list of electors, by adding a new paragraph to read as follows:

697 "(3) Once becoming a member of the nongovernmental entity described in subsection (d)
698 of Code Section 21-2-225, the Secretary of State shall obtain regular information from
699 such entity regarding electors who may have moved to another state, died, or otherwise
700 become ineligible to vote in Georgia. The Secretary of State shall use such information
701 to conduct list maintenance on the list of eligible electors."

702 **SECTION 18.**

703 Said chapter is further amended by revising Code Section 21-2-263, relating to reduction in
704 size of, or provision of additional voting equipment or poll workers to, precincts containing
705 more than 2,000 electors when voting in such precincts at previous general election not
706 completed one hour after closing of polls, as follows:

707 "21-2-263.

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

720 (b) If, at the previous general election, a precinct contained more than 2,000 electors and
721 if electors desiring to vote on the day of the election had to wait in line for more than one
722 hour before checking in to vote, the superintendent shall either reduce the size of such
723 precinct so that it shall contain not more than 2,000 electors in accordance with the
724 procedures prescribed by this chapter for the division, alteration, and consolidation of
725 precincts no later than 60 days before the next general election or provide additional voting
726 equipment or poll workers, or both, before the next general election. For administering this
727 Code section, the chief manager of a precinct which contained more than 2,000 electors at
728 the previous general election shall submit a report thereof to the superintendent of the
729 reported time from entering the line to checking in to vote. Such wait time shall be
730 measured no fewer than three different times throughout the day (in the morning, at
731 midday, and prior to the close of polls) and such results shall be recorded on a form
732 provided by the Secretary of State. Any such change in the boundaries of a precinct shall
733 conform with the requirements of subsection (a) of Code Section 21-2-261.1."

734

SECTION 19.

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

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

757

SECTION 20.

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

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

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

778 **SECTION 21.**

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

782 "21-2-285.1.

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

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

813 **SECTION 22.**

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

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

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

827 **SECTION 23.**

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

830 "21-2-372.
831 Ballots shall be of suitable design, size, and stock to permit processing by a ballot scanner
832 and shall be printed in black ink on clear, white, or colored material. Other than ballots
833 delivered electronically to qualified electors who are entitled to vote by absentee ballot
834 under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.
835 Section 20301, et seq., the ballots shall be printed on security paper that incorporates
836 features which can be used to authenticate the ballot as an official ballot but which do not
837 make the ballot identifiable to a particular elector."

838 **SECTION 24.**

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

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

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

865 **SECTION 25.**

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

869 "21-2-381.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1014 listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare
1015 the identifying information on the application with the information on file in the
1016 registrar's office.

1017 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
1018 proper place on the application and then:

1019 (A) Shall mail the ballot as provided in this Code section;

1020 (B) If the application is made in person, shall issue the ballot to the elector within the
1021 confines of the registrar's or absentee ballot clerk's office as required by Code
1022 Section 21-2-383 if the ballot is issued during the advance voting period established
1023 pursuant to subsection (d) of Code Section 21-2-385; or

1024 (C) May deliver the ballot in person to the elector if such elector is confined to a
1025 hospital.

1026 (3) If found ineligible or if the application is not timely received, the clerk or the board
1027 of registrars shall deny the application by writing the reason for rejection in the proper
1028 space on the application and shall promptly notify the applicant in writing of the ground
1029 of ineligibility, a copy of which notification should be retained on file in the office of the
1030 board of registrars or absentee ballot clerk for at least one year. However, an absentee
1031 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the
1032 ~~signature~~ identifying information of the elector on the application and the ~~signature~~
1033 identifying information of the elector on file with the board of registrars. In such cases,
1034 the board of registrars or absentee ballot clerk shall send the elector a provisional
1035 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and
1036 information prepared by the Secretary of State as to the process to be followed to cure the
1037 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee
1038 ballot clerk prior to the closing of the polls on the day of the primary or election, the
1039 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of
1040 registrars or absentee ballot clerk along with a copy of one of the forms of identification

1041 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for
1042 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the
1043 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1044 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of
1045 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,
1046 then the procedure contained in Code Section 21-2-386 shall be followed for rejected
1047 absentee ballots.

1048 (4) If the registrar or clerk is unable to determine the identity of the elector from
1049 information given on the application or if the application is not complete or if the oath on
1050 the application is not signed, the registrar or clerk should promptly ~~write~~ contact the
1051 elector in writing to request the necessary additional information and a signed copy of the
1052 oath.

1053 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
1054 or the board shall immediately mail a blank registration card as provided by Code
1055 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to
1056 vote by absentee ballot in such primary or election, if the registration card, properly
1057 completed, is returned to the clerk or the board on or before the last day for registering
1058 to vote in such primary or election. ~~If the closing date for registration in the primary or~~
1059 ~~election concerned has not passed, the clerk or registrar shall also mail a ballot to the~~
1060 ~~applicant, as soon as it is prepared and available; and the ballot shall be cast in such~~
1061 ~~primary or election if returned to the clerk or board not later than the close of the polls~~
1062 ~~on the day of the primary or election concerned.~~

1063 (c) In those counties or municipalities in which the absentee ballot clerk or board of
1064 registrars provides application forms for absentee ballots, the clerk or board shall provide
1065 such quantity of the application form to the dean of each college or university located in
1066 that county as said dean determines necessary for the students of such college or university.

1067 (d)(1) A citizen of the United States permanently residing outside the United States is
1068 entitled to make application for an absentee ballot from Georgia and to vote by absentee
1069 ballot in any election for presidential electors and United States senator or representative
1070 in Congress:

1071 (A) If such citizen was last domiciled in Georgia immediately before his or her
1072 departure from the United States; and

1073 (B) If such citizen could have met all qualifications, except any qualification relating
1074 to minimum voting age, to vote in federal elections even though, while residing outside
1075 the United States, he or she does not have a place of abode or other address in Georgia.

1076 (2) An individual is entitled to make application for an absentee ballot under paragraph
1077 (1) of this subsection even if such individual's intent to return to Georgia may be
1078 uncertain, as long as:

1079 (A) He or she has complied with all applicable Georgia qualifications and requirements
1080 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for
1081 and voting by absentee ballots;

1082 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting
1083 in any other state or election district of a state or territory or in any territory or
1084 possession of the United States; and

1085 (C) He or she has a valid passport or card of identity and registration issued under the
1086 authority of the Secretary of State of the United States or, in lieu thereof, an alternative
1087 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state
1088 requirements, if a citizen does not possess a valid passport or card of identity and
1089 registration.

1090 (e) The State Election Board is authorized to promulgate reasonable rules and regulations
1091 for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules
1092 and regulations may include provisions for the limitation of opportunities for fraudulent

1093 application, including, but not limited to, comparison of voter registration records with
 1094 death certificates."

1095 **SECTION 26.**

1096 Said chapter is further amended by revising Code Section 21-2-382, relating to additional
 1097 sites as additional registrar's office or place of registration for absentee ballots, as follows:
 1098 "21-2-382.

1099 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
 1100 registrars may establish ~~additional sites~~ as additional registrar's offices or places of
 1101 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
 1102 for the purpose of ~~voting absentee ballots~~ advance voting under Code Section 21-2-385,
 1103 provided that any such site is a building that is a branch of the county courthouse, a
 1104 courthouse annex, a government service center providing general government services,
 1105 another government building generally accessible to the public, or a ~~location~~ building that
 1106 is used as an election day polling place, notwithstanding that such ~~location~~ building is not
 1107 a government building.

1108 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of
 1109 this state having a population of 550,000 or more according to the United States decennial
 1110 census of 1990 or any future such census, any building that is a branch of the county
 1111 courthouse or courthouse annex established within any such county shall be an additional
 1112 registrar's or absentee ballot clerk's office or place of registration for the purpose of
 1113 receiving absentee ballots under Code Section 21-2-381 and for the purpose of ~~voting~~
 1114 ~~absentee ballots~~ advance voting under Code Section 21-2-385.

1115 (c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box
 1116 as a means for absentee by mail electors to deliver their ballots to the board of registrars
 1117 or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish
 1118 additional drop boxes, subject to the limitations of this Code section, but may only

1119 establish additional drop boxes totaling the lesser of either one drop box for every
1120 100,000 active registered voters in the county or the number of advance voting locations
1121 in the county. Any additional drop boxes shall be evenly geographically distributed by
1122 population in the county. Drop boxes established pursuant to this Code section shall be
1123 established at the office of the board of registrars or absentee ballot clerk or inside
1124 locations at which advance voting, as set forth in subsection (d) of Code
1125 Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be
1126 open during the hours of advance voting at that location. Such drop boxes shall be closed
1127 when advance voting is not being conducted at that location. All drop boxes shall be
1128 closed when the advance voting period ends, as set forth in subsection (d) of Code
1129 Section 21-2-385. The drop box location shall have adequate lighting and be under
1130 constant surveillance by an election official or his or her designee, law enforcement
1131 official, or licensed security guard. During an emergency declared by the Governor
1132 pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the
1133 board of registrars or absentee ballot clerk or outside of locations at which advance voting
1134 is taking place, subject to the other limitations of this Code section.

1135 (2) The opening slot of a drop box shall not allow ballots to be tampered with or
1136 removed and shall be designed to minimize the ability for liquid or other substances that
1137 may damage ballots to be poured into the drop box. A drop box shall be labeled
1138 "OFFICIAL ABSENTEE BALLOT DROP BOX" and shall clearly display the signage
1139 developed by the Secretary of State pertaining to Georgia law with regard to who is
1140 allowed to return absentee ballots and destroying, defacing, or delaying delivery of
1141 ballots.

1142 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and
1143 return of ballots deposited at each drop box at the conclusion of each day where advance
1144 voting takes place. Collection of ballots from a drop box shall be made by a team of at
1145 least two people. Any person collecting ballots from a drop box shall have sworn an oath

1146 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The
 1147 collection team shall complete and sign a ballot transfer form upon removing the ballots
 1148 from the drop box which shall include the date, time, location, number of ballots,
 1149 confirmation that the drop box was locked after the removal of the ballots, and the
 1150 identity of each person collecting the ballots. The collection team shall then immediately
 1151 transfer the ballots to the board of registrars or absentee ballot clerk, who shall process
 1152 and store the ballots in the same manner as absentee ballots returned by mail are
 1153 processed and stored. The board of registrars, absentee ballot clerk, or a designee of the
 1154 board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt
 1155 of the ballots from the collection team. Such form shall be considered a public record
 1156 pursuant to Code Section 50-18-70.

1157 (4) At the beginning of voting at each advance location where a drop box is present, the
 1158 manager of the advance voting location shall open the drop box and confirm on the
 1159 reconciliation form for that advance voting location that the drop box is empty. If the
 1160 drop box is not empty, the manager shall secure the contents of the drop box and
 1161 immediately inform the election superintendent, board of registrars, or absentee ballot
 1162 clerk, who shall inform the Secretary of State."

1163 **SECTION 27.**

1164 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation
 1165 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting
 1166 absentee electors, master list of ballots sent, challenges, and electronic transmission of
 1167 ballots, as follows:

1168 "21-2-384.

1169 (a)(1) The superintendent shall, in consultation with the board of registrars or absentee
 1170 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this
 1171 subsection an adequate supply of official absentee ballots to the board of registrars or

1172 absentee ballot clerk for use in the primary or election or as soon as possible prior to a
1173 runoff. Envelopes and other supplies as required by this article may be ordered by the
1174 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary
1175 or election.

1176 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
1177 ballots to all eligible applicants not more than ~~49~~ 29 days but not less than ~~45~~ 25 days
1178 prior to any presidential preference primary, general primary other than a municipal
1179 general primary, general election other than a municipal general election, or special
1180 primary or special election in which there is a candidate for a federal office on the ballot;
1181 22 days prior to any municipal general primary or municipal general election; and as soon
1182 as possible prior to any runoff. In the case of all other special primaries or special
1183 elections, the board of registrars or absentee ballot clerk shall mail or issue official
1184 absentee ballots to all eligible applicants within three days after the receipt of such ballots
1185 and supplies, but no earlier than 22 days prior to the election; provided, however, that
1186 ~~should~~ official absentee ballots shall be issued to any elector of the jurisdiction ~~be~~
1187 ~~permitted to vote by absentee ballot~~ who is entitled to vote by absentee ballot under the
1188 federal Uniformed and Overseas Citizen Absentee Voting Act, 52 U.S.C. Section 20301,
1189 et seq., as amended, beginning 49 days prior to a federal primary or election, all eligible
1190 applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49
1191 days prior to such primary or election and not later than 45 days prior to a federal primary
1192 or election. As additional applicants who submitted timely applications for an absentee
1193 ballot are determined to be eligible, the board or clerk shall mail or issue official absentee
1194 ballots to such additional applicants immediately upon determining their eligibility;
1195 ~~provided, however, that no absentee ballot shall be mailed by the registrars or absentee~~
1196 ~~ballot clerk on the day prior to a primary or election and provided, further, that no~~
1197 ~~absentee ballot shall be issued on the day prior to a primary or election.~~ For all timely
1198 received applications for absentee ballots, the board of registrars or absentee ballot clerk

1199 shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection
1200 as soon as possible upon determining their eligibility within the time periods set forth in
1201 this subsection. During the period for advance voting set forth in Code Section 21-2-385,
1202 the board of registrars or absentee ballot clerk shall make such determinations and mail
1203 or issue absentee ballots, provisional absentee ballots, and notices of rejection of
1204 application within three days after receiving a timely application for an absentee ballot.
1205 The board of registrars or absentee ballot clerk shall, within the ~~same~~ time periods
1206 specified in this subsection, electronically transmit official absentee ballots to all electors
1207 who have requested to receive their official absentee ballot electronically and are entitled
1208 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee
1209 Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as amended.

1210 (3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date
1211 a ballot is mailed or issued to an elector and the date it is returned shall be entered on the
1212 application record therefor.

1213 (4) Notwithstanding any other provision of this chapter, an elector confined in a hospital
1214 may make application for an absentee ballot ~~The delivery of an absentee ballot to a~~
1215 ~~person confined in a hospital may be made by the registrar or clerk on the day of a~~
1216 ~~primary or election or during a five-day~~ ten-day period immediately preceding the day
1217 of such primary or election. Such application shall immediately be processed and, if such
1218 applicant is determined to be eligible, the board of registrars or absentee ballot clerk may
1219 deliver the absentee ballot to such elector.

1220 (5) In the event an absentee ballot which has been mailed by the board of registrars or
1221 absentee ballot clerk is not received by the applicant, the applicant may notify the board
1222 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
1223 has not been received. The board of registrars or absentee ballot clerk shall then issue a
1224 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit

1225 shall be attached to the original application. A second application for an absentee ballot
1226 shall not be required.

1227 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
1228 office, in addition to the mailing envelope addressed to the elector, the superintendent,
1229 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
1230 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
1231 order to permit the placing of one within the other and both within the mailing envelope.
1232 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
1233 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the
1234 two envelopes to be enclosed within the mailing envelope shall be printed contain the form
1235 of oath of the elector and the oath for persons assisting electors, as provided for in Code
1236 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,
1237 21-2-579, and 21-2-599 for violations of oaths; and on a place for the elector to print his
1238 or her name; a signature line; a space for the elector to print the number of his or her
1239 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of
1240 Title 40; a space for the elector to mark to affirm that he or she does not have a Georgia
1241 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40;
1242 a space for the elector to print his or her date of birth; and a space for the elector to print
1243 the last four digits of his or her social security number, if the elector does not have a
1244 Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5
1245 of Title 40. The envelope shall be designed so that the number of the elector's Georgia
1246 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40,
1247 the last four digits of the elector's social security number, and the elector's date of birth
1248 shall be hidden from view when the envelope is correctly sealed. Any person other than
1249 the elector who requested the ballot, an authorized person who is assisting the elector
1250 entitled to assistance in voting pursuant to Code Section 21-2-409, an absentee ballot clerk,
1251 registrar, or law enforcement officer in the course of an investigation who knowingly

1252 unseals a sealed absentee ballot envelope shall be guilty of a felony. On the face of such
1253 envelope shall be printed the name and address of the board of registrars or absentee ballot
1254 clerk. The larger of the two envelopes shall also display the elector's name and voter
1255 registration number. The mailing envelope addressed to the elector shall contain the two
1256 envelopes, the official absentee ballot, the uniform instructions for the manner of preparing
1257 and returning the ballot, in form and substance as provided by the Secretary of State,
1258 provisional absentee ballot information, if necessary, and a notice in the form provided by
1259 the Secretary of State of all withdrawn, deceased, and disqualified candidates and any
1260 substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155 and nothing else.
1261 The uniform instructions shall include information specific to the voting system used for
1262 absentee voting concerning the effect of overvoting or voting for more candidates than one
1263 is authorized to vote for a particular office and information concerning how the elector may
1264 correct errors in voting the ballot before it is cast including information on how to obtain
1265 a replacement ballot if the elector is unable to change the ballot or correct the error. The
1266 uniform instructions shall prominently include specific instructions stating that the elector
1267 shall mark his or her ballot in private and sign the oath by writing his or her usual signature
1268 with a pen and ink under penalty of false swearing that the elector has not allowed any
1269 person to observe the marking of his or her ballot other than an authorized person lawfully
1270 assisting the elector if the elector is entitled to assistance, the elector's child under 18 years
1271 of age, or any child under 12 years of age and that the elector will not permit any
1272 unauthorized person to deliver or return the voted ballot to the board of registrars. The
1273 uniform instructions shall include a list of authorized persons who may deliver or return
1274 the voted ballot to the board of registrars on behalf of the elector as provided in subsection
1275 (a) of Code Section 21-2-385. The uniform instructions shall include the contact
1276 information of the Secretary of State which may be used by the elector to report any
1277 unauthorized person requesting to observe the elector voting his or her ballot or the

1278 elector's voted ballot or any unauthorized person offering to deliver or return the voted
1279 ballot to the board of registrars.

1280 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially
1281 the following form:

1282 I, the undersigned, do swear (or affirm) under penalty of false swearing that I am a
1283 citizen of the United States and of the State of Georgia; that I possess the qualifications
1284 of an elector required by the laws of the State of Georgia; that I am entitled to vote in
1285 the precinct containing my residence in the primary or election in which this ballot is
1286 to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed
1287 any other absentee ballot, nor will I mark or mail another absentee ballot for voting in
1288 such primary or election; nor shall I vote therein in person; and that I have read and
1289 understand the instructions accompanying this ballot; ~~and~~ that I have carefully complied
1290 with such instructions in completing this ballot; that I have marked and sealed this
1291 ballot in private and have not allowed any unauthorized person to observe the voting
1292 of this ballot or how this ballot was voted except those authorized under state and
1293 federal law; and that I will not give or transfer this ballot to any person not authorized
1294 by law to deliver or return absentee ballots. I understand that the offer or acceptance
1295 of money or any other object of value to vote for any particular candidate, list of
1296 candidates, issue, or list of issues included in this election constitutes an act of voter
1297 fraud and is a felony under Georgia law.

1298 _____
1299 Signature or Mark of Elector

1300 _____
1301 Printed Name of Elector

1302 Oath of Person Assisting Elector (if any):

1303 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 1304 marking such elector's absentee ballot as such elector personally communicated such
 1305 elector's preference to me; and that such elector is entitled to receive assistance in
 1306 voting under provisions of subsection (a) of Code Section 21-2-409.

1307 This, the _____ day of _____, _____.

1308 _____

1309 Signature of Person Assisting
 1310 Elector

1311 _____

1312 Printed Name of Person
 1313 Assisting Elector

1314 Reason for assistance (Check appropriate square):

- 1315 Elector is unable to read the English language.
- 1316 Elector requires assistance due to physical disability.

1317 The forms upon which such oaths are printed shall contain the following information:
 1318 Georgia law provides that any person who knowingly falsifies information so as to
 1319 vote illegally by absentee ballot or who illegally gives or receives assistance in voting,
 1320 as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.

1321 (2) In the case of absent uniformed services or overseas voters, if the presidential
 1322 designee under Section 705(b) of the federal Help America Vote Act promulgates a
 1323 standard oath for use by such voters, the Secretary of State shall be required to use such
 1324 oath on absentee ballot materials for such voters and such oath shall be accepted in lieu
 1325 of the oath set forth in paragraph (1) of this subsection.

1326 (d) Each board of registrars or absentee ballot clerk shall maintain for public inspection
 1327 a master list, arranged by precincts, setting forth the name and residence of every elector

1328 to whom an official absentee ballot has been sent. Absentee electors whose names appear
1329 on the master list may be challenged by any elector prior to 5:00 P.M. on the day before
1330 ~~the primary or election~~ absentee ballots are to begin being scanned and tabulated.

1331 (e)(1) The election superintendent shall prepare special absentee run-off ballots for
1332 general primaries and general elections for use by qualified electors who are entitled to
1333 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee
1334 Voting Act, 52 U.S.C. Section 20301, et seq.

1335 (2) Such special absentee run-off ballots for the general primary shall list the titles of all
1336 offices being contested at the general primary and the candidates qualifying for such
1337 general primary for each office and shall permit the elector to vote in the general primary
1338 runoff by indicating his or her order of preference for each candidate for each office. A
1339 separate ballot shall be prepared for each political party, but a qualified elector under this
1340 subsection shall be mailed only the ballot of the political party in whose primary such
1341 elector requests to vote. The Secretary of State shall prepare instructions for use with
1342 such special absentee run-off ballots, including instructions for voting by mail using an
1343 electronically transmitted ballot. Such ballot shall be returned by the elector in the same
1344 manner as other absentee ballots by such electors who are entitled to vote by absentee
1345 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52
1346 U.S.C. Section 20301, et seq.

1347 (3) Such special absentee run-off ballots for the general election shall list the titles of all
1348 offices being contested at the general election and the candidates qualifying for such
1349 general election for each office and shall permit the elector to vote in the general election
1350 runoff by indicating his or her order of preference for each candidate for each office.

1351 (4) To indicate order of preference for each candidate for each office to be voted on, an
1352 elector shall put the numeral '1' next to the name of the candidate who is the elector's first
1353 choice for such office, the numeral '2' for the elector's second choice, and so forth, in
1354 consecutive numerical order, such that a numeral indicating the elector's preference is

1355 written by the elector next to each candidate's name on the ballot. An elector shall not
1356 be required to indicate preference for more than one candidate for an office if the elector
1357 so chooses.

1358 (5) A special absentee run-off ballot shall be enclosed with each general primary
1359 absentee ballot sent to an elector who is entitled to vote by absentee ballot under the
1360 federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301,
1361 et seq., along with instructions on how to cast the special absentee run-off ballot and the
1362 two envelopes to be used in returning such ballot as provided in subsection (b) of this
1363 Code section, provided that the envelopes bear the notation of 'Official Overseas/Military
1364 General Primary Run-off Ballot.' An elector shall be sent only the ballot containing the
1365 candidates of the political party in whose primary such elector desires to vote.

1366 (6) A special absentee run-off ballot shall be enclosed with each general election
1367 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal
1368 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.,
1369 along with instructions on how to cast the special absentee run-off ballot and the two
1370 envelopes to be used in returning such ballot as provided in subsection (b) of this Code
1371 section, provided that the envelopes bear the notation of 'Official Overseas/Military
1372 General Election Run-off Ballot.' The State Election Board shall by rule or regulation
1373 establish procedures for the transmission of blank absentee ballots by mail and by
1374 electronic transmission for all electors who are entitled to vote by absentee ballot under
1375 the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.
1376 Section ~~20302~~ 20301, et seq., as amended, and by which such electors may designate
1377 whether the elector prefers the transmission of such ballots by mail or electronically, for
1378 use in county, state, and federal primaries, elections, and runoffs in this state and, if the
1379 Secretary of State finds it to be feasible, for use in municipal primaries, elections, and
1380 runoffs. If no preference is stated, the ballot shall be transmitted by mail. The State
1381 Election Board shall by rule or regulation establish procedures to ensure to the extent

1382 practicable that the procedures for transmitting such ballots shall protect the security and
1383 integrity of such ballots and shall ensure that the privacy of the identity and other
1384 personal data of such electors who are entitled to vote by absentee ballot under the federal
1385 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section ~~20302~~ 20301,
1386 et seq., as amended, to whom a blank absentee ballot is transmitted under this Code
1387 section is protected throughout the process of such transmission."

1388

SECTION 28.

1389 Said chapter is further amended by revising subsections (a) and (d) of and adding a new
1390 subsection to Code Section 21-2-385, relating to procedure for voting by absentee ballot and
1391 advance voting, to read as follows:

1392 "(a) At any time after receiving an official absentee ballot, but before the day of the
1393 primary or election, except electors who are confined to a hospital on the day of the
1394 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
1395 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
1396 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
1397 of the oath of the elector; the name and oath of the person assisting, if any; and other
1398 required identifying information. The elector shall then fill out, subscribe, and swear to the
1399 oath printed on such envelope. In order to verify that the absentee ballot was voted by the
1400 elector who requested the ballot, the elector shall print the number of his or her Georgia
1401 driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of
1402 Title 40 in the space provided on the outer oath envelope. The elector shall also print his
1403 or her date of birth in the space provided in the outer oath envelope. If the elector does not
1404 have a Georgia driver's license or state identification card issued pursuant to Article 5 of
1405 Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath
1406 envelope and print the last four digits of his or her social security number in the space
1407 provided on the outer oath envelope. If the elector does not have a Georgia driver's license,

1408 identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security
1409 number, the elector shall so affirm in the space provided on the outer oath envelope and
1410 place a copy of one of the forms of identification set forth in subsection (c) of Code
1411 Section 21-2-417 in the outer envelope. Such envelope shall then be securely sealed and
1412 the elector shall then personally mail or personally deliver same to the board of registrars
1413 or absentee ballot clerk, provided that mailing or delivery may be made by the elector's
1414 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,
1415 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
1416 brother-in-law, sister-in-law, or an individual residing in the household of such elector.
1417 The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of
1418 such disabled elector, regardless of whether such caregiver resides in such disabled
1419 elector's household. The absentee ballot of an elector who is in custody in a jail or other
1420 detention facility may be mailed or delivered by any employee of such jail or facility
1421 having custody of such elector. An elector who is confined to a hospital on a primary or
1422 election day to whom an absentee ballot is delivered by the registrar or absentee ballot
1423 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or
1424 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail
1425 and has not previously provided the identification required by Code Section 21-2-220 and
1426 votes for the first time by absentee ballot and fails to provide the identification required by
1427 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as
1428 a provisional ballot and shall be counted only if the registrars are able to verify the
1429 identification and registration of the elector during the time provided pursuant to Code
1430 Section 21-2-419."

1431 "(d)(1) There shall be a period of advance voting that shall commence:

1432 (A) On the fourth Monday immediately prior to each primary or election; and

1433 ~~(B) On the fourth Monday immediately prior to a runoff from a general primary;~~

1434 ~~(C) On the fourth Monday immediately prior to a runoff from a general election in~~
1435 ~~which there are candidates for a federal office on the ballot in the runoff; and~~
1436 ~~(D)(B) As soon as possible prior to a runoff from any other general primary or election~~
1437 ~~in which there are only state or county candidates on the ballot in the runoff but no later~~
1438 ~~than the second Monday immediately prior to such runoff~~
1439 and shall end on the Friday immediately prior to each primary, election, or runoff.
1440 Voting shall be conducted ~~during normal business hours~~ beginning at 9:00 A.M. and
1441 ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period
1442 and shall be conducted on the second Saturday and third Saturdays during the hours of
1443 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the
1444 second Sunday, the third Sunday, or both the second and third Sundays prior to a primary
1445 or election during ~~the hours of 9:00 A.M. through 4:00 P.M. determined by the registrar~~
1446 or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided,
1447 however, ~~that in primaries and elections in which there are no federal or state candidates~~
1448 ~~on the ballot, no Saturday voting hours shall be required; and provided, further, that, if~~
1449 such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if
1450 such second Saturday follows a public and legal holiday occurring on the Thursday or
1451 Friday immediately preceding such second Saturday, or if such second Saturday
1452 immediately precedes a public and legal holiday occurring on the following Sunday or
1453 Monday, such advance voting shall not be held on such second Saturday but shall be held
1454 on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending
1455 at 5:00 P.M. Except as otherwise provided in this paragraph, ~~counties and municipalities~~
1456 the registrars may extend the hours for voting ~~beyond regular business hours~~ to permit
1457 advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting
1458 locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the
1459 jurisdiction at their option; provided, however, that voting shall occur only on the days

1460 specified in this paragraph and counties and municipalities shall not be authorized to
1461 conduct advance voting on any other days.

1462 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
1463 to the electors of their jurisdiction of the availability of advance voting as well as the
1464 times, dates, and locations at which advance voting will be conducted. In addition, the
1465 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
1466 prescribed by the Secretary of State of the times, dates, and locations at which advance
1467 voting will be conducted.

1468 (3) The board of registrars shall publish the dates, times, and locations of the availability
1469 of advance voting in its jurisdiction on the homepage of the county's publicly accessible
1470 website associated with elections or registrations, or if the county does not have such a
1471 website, in a newspaper of general circulation, and by posting in a prominent location in
1472 the county, no later than 14 days prior to the beginning of the advance voting period for
1473 a general primary, special primary, general election, or special election and no later than
1474 seven days prior to the beginning of the advance voting period for any run-off election.
1475 Any new advance voting locations added after that deadline shall be published in the
1476 same manner as soon as possible. The board of registrars shall not remove any advance
1477 voting location after the notice of such location is published, except in the case of an
1478 emergency or unavoidable event that renders a location unavailable for use. Any changes
1479 that are made due to an emergency or unavoidable event after a notice of a location has
1480 been published shall be published as soon as possible in the same manner set forth in this
1481 paragraph.

1482 (e) On each day of an absentee voting period, each county board of registrars or
1483 municipal absentee ballot clerk shall report for the county or municipality to the Secretary
1484 of State and post on the county or municipal website not later than 10:00 A.M. on each
1485 business day the number of persons to whom absentee ballots have been issued, the
1486 number of persons who have returned absentee ballots, and the number of absentee

1487 ballots that have been rejected. Additionally, on each day of an advance voting period,
 1488 each county board of registrars or municipal absentee ballot clerk shall report to the
 1489 Secretary of State and post on the county or municipal website not later than 10:00 A.M.
 1490 on each business day the number of persons who have voted at the advance voting sites
 1491 in the county or municipality. During the absentee voting period and for a period of three
 1492 days following a primary, election, or runoff, each county board of registrars or municipal
 1493 absentee ballot clerk shall report to the Secretary of State and post on the county or
 1494 municipal website not later than 10:00 A.M. on each business day the number of persons
 1495 who have voted provisional ballots, the number of provisional ballots that have verified
 1496 or cured and accepted for counting, and the number of provisional ballots that have been
 1497 rejected."

1498 **SECTION 29.**

1499 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,
 1500 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
 1501 manager, duties of managers, precinct returns, and notification of challenged elector, as
 1502 follows:

1503 "21-2-386.

1504 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
 1505 and stored in a manner that will prevent tampering and unauthorized access all official
 1506 absentee ballots received from absentee electors prior to the closing of the polls on the
 1507 day of the primary or election except as otherwise provided in this subsection.

1508 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
 1509 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
 1510 number of the elector's Georgia driver's license number or state identification card
 1511 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the
 1512 absentee ballot envelope identifying information on the oath with the same information

1513 ~~on file in his or her office, shall compare the signature or mark on the oath with the~~
1514 ~~signature or mark on the absentee elector's voter registration card or the most recent~~
1515 ~~update to such absentee elector's voter registration card and application for absentee~~
1516 ~~ballot or a facsimile of said signature or mark taken from said card or application, and~~
1517 ~~shall, if the information and signature appear to be valid and other identifying~~
1518 ~~information appears to be correct, contained in the elector's voter registration records.~~
1519 If the elector has affirmed on the envelope that he or she does not have a Georgia
1520 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of
1521 Title 40, the registrar or clerk shall compare the last four digits of the elector's social
1522 security number and date of birth entered on the envelope with the same information
1523 contained in the elector's voter registration records. The registrar or clerk shall also
1524 confirm that the elector signed the oath and the person assisting the elector, if any,
1525 signed the required oath. If the elector has signed the elector's oath, the person assisting
1526 has signed the required oath, if applicable, and the identifying information entered on
1527 the absentee ballot envelope matches the same information contained in the elector's
1528 voter registration record, the registrar or clerk shall so certify by signing or initialing
1529 his or her name below the voter's oath. Each elector's name so certified shall be listed
1530 by the registrar or clerk on the numbered list of absentee voters prepared for his or her
1531 precinct.

1532 (C) If the elector has failed to sign the oath, or if the ~~signature identifying information~~
1533 ~~entered on the absentee ballot envelope does not appear to be valid~~ match the same
1534 information appearing in the elector's voter registration record, or if the elector has
1535 failed to furnish required information or information so furnished does not conform
1536 with that on file in the registrar's or clerk's office, or if the elector is otherwise found
1537 disqualified to vote, the registrar or clerk shall write across the face of the envelope
1538 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk
1539 shall promptly notify the elector of such rejection, a copy of which notification shall be

1540 retained in the files of the board of registrars or absentee ballot clerk for at least two
1541 years. Such elector shall have until the end of the period for verifying provisional
1542 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem
1543 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,
1544 ~~an invalid signature~~ nonmatching identifying information, or missing information by
1545 submitting an affidavit to the board of registrars or absentee ballot clerk along with a
1546 copy of one of the forms of identification enumerated in subsection (c) of Code
1547 Section 21-2-417 before the close of such period. The affidavit shall affirm that the
1548 ballot was submitted by the elector, is the elector's ballot, and that the elector is
1549 registered and qualified to vote in the primary, election, or runoff in question. If the
1550 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1551 sufficient, the absentee ballot shall be counted.

1552 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
1553 of Code Section 21-2-220, and who votes for the first time in this state by absentee
1554 ballot shall include with his or her application for an absentee ballot or in the outer oath
1555 envelope of his or her absentee ballot either one of the forms of identification listed in
1556 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
1557 statement, government check, paycheck, or other government document that shows the
1558 name and address of such elector. If such elector does not provide any of the forms of
1559 identification listed in this subparagraph with his or her application for an absentee
1560 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
1561 provisional ballot and such ballot shall only be counted if the registrars are able to
1562 verify current and valid identification of the elector as provided in this subparagraph
1563 within the time period for verifying provisional ballots pursuant to Code
1564 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
1565 the elector that such ballot is deemed a provisional ballot and shall provide information

1566 on the types of identification needed and how and when such identification is to be
1567 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

1568 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
1569 absentee electors, giving the name of the elector and the reason for the rejection in each
1570 case. Three copies of the numbered list of certified absentee voters and three copies of
1571 the numbered list of rejected absentee voters for each precinct shall be turned over to
1572 the poll manager in charge of counting the absentee ballots and shall be distributed as
1573 required by law for numbered lists of voters.

1574 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
1575 of the polls on the day of the primary or election shall be safely kept unopened by the
1576 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
1577 for the period of time required for the preservation of ballots used at the primary or
1578 election and shall then, without being opened, be destroyed in like manner as the used
1579 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
1580 promptly notify the elector by first-class mail that the elector's ballot was returned too
1581 late to be counted and that the elector will not receive credit for voting in the primary
1582 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
1583 stored as provided in Code Section 21-2-390.

1584 (G) Notwithstanding any provision of this chapter to the contrary, until the United
1585 States Department of Defense notifies the Secretary of State that the Department of
1586 Defense has implemented a system of expedited absentee voting for those electors
1587 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
1588 eligible absentee electors who reside outside the county or municipality in which the
1589 primary, election, or runoff is held and are members of the armed forces of the United
1590 States, members of the merchant marine of the United States, spouses or dependents of
1591 members of the armed forces or merchant marine residing with or accompanying such
1592 members, or overseas citizens that are postmarked by the date of such primary, election,

1593 or runoff and are received within the three-day period following such primary, election,
1594 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and
1595 included in the certified election results.

1596 ~~(2)(A) Beginning at 8:00 A.M. on the third Monday prior to~~ After the opening of the
1597 ~~polls on the day of the primary, election, or runoff, the registrars or absentee ballot~~
1598 ~~clerks~~ election superintendent shall be authorized to open the outer oath envelope on
1599 ~~which is printed the oath of the elector~~ of absentee ballots that have been verified and
1600 accepted pursuant to subparagraph (a)(1)(B) of this Code section, in such a manner as
1601 ~~not to destroy the oath printed thereon; provided, however, that the registrars or~~
1602 ~~absentee ballot clerk shall not be authorized to~~ remove the contents of such outer
1603 envelope, ~~or to~~ open the inner envelope marked 'Official Absentee Ballot,' ~~except as~~
1604 ~~otherwise provided in this Code section~~ and scan the absentee ballot using one or more
1605 ballot scanners. At least three persons who are registrars, deputy registrars, poll
1606 workers, or absentee ballot clerks must be present before commencing; and three
1607 persons who are registrars, deputy registrars, or absentee ballot clerks shall be present
1608 at all times while the ~~outer~~ absentee ballot envelopes are being opened and the absentee
1609 ballots are being scanned. ~~After opening the outer envelopes, the ballots shall be safely~~
1610 ~~and securely stored until the time for tabulating such ballots. However, no person shall~~
1611 ~~tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot~~
1612 ~~scanner or any other equipment to produce any tally or tabulate, partial or otherwise,~~
1613 ~~of the absentee ballots cast until the time for the closing of the polls on the day of the~~
1614 ~~primary, election, or runoff except as provided in this Code section. Prior to beginning~~
1615 ~~the process set forth in this paragraph, the superintendent shall provide written notice~~
1616 ~~to the Secretary of State in writing at least seven days prior to processing and scanning~~
1617 ~~absentee ballots. Such notice shall contain the dates, start and end times, and location~~
1618 ~~or locations where absentee ballots will be processed and scanned. The superintendent~~
1619 ~~shall also post such notice publicly in a prominent location in the superintendent's office~~

1620 and on the home page of the county election superintendent's website. The Secretary
1621 of State shall publish on his or her website the information he or she receives from
1622 superintendents stating the dates, times, and locations where absentee ballots will be
1623 processed.

1624 (B) The proceedings set forth in this paragraph shall be open to the view of the public,
1625 but no person except one employed and designated by the superintendent shall touch
1626 any ballot or ballot container. Any person involved in processing and scanning
1627 absentee ballots shall swear an oath, in the same form as the oath for poll officers
1628 provided in Code Section 21-2-95, prior to beginning the processing and scanning of
1629 absentee ballots. The county executive committee or, if there is no organized county
1630 executive committee, the state executive committee of each political party and political
1631 body having candidates whose names appear on the ballot for such election shall have
1632 the right to designate two persons and each independent and nonpartisan candidate
1633 whose name appears on the ballot for such election shall have the right to designate one
1634 person to act as monitors for such process. In the event that the only issue to be voted
1635 upon in an election is a referendum question, the superintendent shall also notify in
1636 writing the chief judge of the superior court of the county who shall appoint two
1637 electors of the county to monitor such process. While viewing or monitoring the
1638 process set forth in this paragraph, monitors and observers shall be prohibited from:

1639 (i) In any way interfering with the processing or scanning of absentee ballots or the
1640 conduct of the election;

1641 (ii) Using or bringing into the room any photographic or other electronic monitoring
1642 or recording devices, cellular telephones, or computers;

1643 (iii) Engaging in any form of campaigning or campaign activity;

1644 (iv) Taking any action that endangers the secrecy and security of the ballots;

1645 (v) Touching any ballot or ballot container;

1646 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,
1647 whether partial or otherwise, any of the votes on the absentee ballots cast; and

1648 (vii) Communicating any information that they see while monitoring the processing
1649 and scanning of the absentee ballots, whether intentionally or inadvertently, about any
1650 ballot, vote, or selection to anyone other than an election official who needs such
1651 information to lawfully carry out his or her official duties.

1652 (C) The State Election Board shall promulgate rules requiring reconciliation
1653 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes
1654 are opened; secrecy of election results prior to the closing of the polls on the day of a
1655 primary, election, or runoff; and other protections to protect the integrity of the process
1656 set forth in this paragraph.

1657 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
1658 day of the primary, election, or runoff ~~open the inner envelopes in accordance with the~~
1659 ~~procedures prescribed in this subsection~~ and begin tabulating the absentee ballots. If the
1660 county election superintendent chooses to open the inner envelopes and begin tabulating
1661 such ballots prior to the close of the polls on the day of the primary, election, or runoff,
1662 the superintendent shall notify in writing, at least seven days prior to the primary,
1663 election, or runoff, the Secretary of State of the superintendent's intent to begin the
1664 absentee ballot tabulation prior to the close of the polls. The county executive committee
1665 or, if there is no organized county executive committee, the state executive committee of
1666 each political party and political body having candidates whose names appear on the
1667 ballot for such election in such county shall have the right to designate two persons and
1668 each independent and nonpartisan candidate whose name appears on the ballot for such
1669 election in such county shall have the right to designate one person to act as monitors for
1670 such process. In the event that the only issue to be voted upon in an election is a
1671 referendum question, the superintendent shall also notify in writing the chief judge of the

1672 superior court of the county who shall appoint two electors of the county to monitor such
1673 process.

1674 (4) The county election superintendent shall publish a written notice in the
1675 superintendent's office of the superintendent's intent to begin the absentee ballot
1676 tabulation prior to the close of the polls and publish such notice at least one week prior
1677 to the primary, election, or runoff in the legal organ of the county.

1678 (5) The process for opening ~~the inner~~ absentee ballot envelopes, scanning absentee
1679 ballots, of and tabulating absentee ballots on the day of a primary, election, or runoff as
1680 provided in this subsection shall be ~~a confidential process~~ conducted in a manner to
1681 maintain the secrecy of all ballots and to protect the disclosure of any balloting
1682 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated
1683 before 7:00 A.M. on the day of a primary, election, or runoff.

1684 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
1685 election, or runoff, including the vote review panel required by Code Section 21-2-483,
1686 and all monitors and observers shall be sequestered until the time for the closing of the
1687 polls. All such persons shall have no contact with the news media; shall have no contact
1688 with other persons not involved in monitoring, observing, or conducting the tabulation;
1689 shall not use any type of communication device including radios, telephones, and cellular
1690 telephones; shall not utilize computers for the purpose of ~~e-mail~~ email, instant messaging,
1691 or other forms of communication; and shall not communicate any information concerning
1692 the tabulation until the time for the closing of the polls; provided, however, that
1693 supervisory and technical assistance personnel shall be permitted to enter and leave the
1694 area in which the tabulation is being conducted but shall not communicate any
1695 information concerning the tabulation to anyone other than the county election
1696 superintendent; the staff of the superintendent; those persons conducting, observing, or
1697 monitoring the tabulation; and those persons whose technical assistance is needed for the
1698 tabulation process to operate.

1699 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
1700 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
1701 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
1702 for security. The persons conducting the tabulation of the absentee ballots shall not cause
1703 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes
1704 cast until the time for the closing of the polls except as otherwise provided in this Code
1705 section.

1706 (b) When requested by the superintendent, but not earlier than the third Monday prior to
1707 a primary, election, or runoff ~~As soon as practicable after 7:00 A.M. on the day of the~~
1708 ~~primary, election, or runoff, in precincts other than those in which optical scanning~~
1709 ~~tabulators are used, a registrar or absentee ballot clerk shall deliver the official absentee~~
1710 ~~ballot of each certified absentee elector, each rejected absentee ballot, applications for such~~
1711 ~~ballots, and copies of the numbered lists of certified and rejected absentee electors to the~~
1712 ~~manager in charge of the absentee ballot precinct of the county or municipality, which shall~~
1713 ~~be located in the precincts containing the county courthouse or polling place designated by~~
1714 ~~the municipal superintendent. In those precincts in which optical scanning tabulators are~~
1715 ~~used, such absentee ballots shall be taken to the tabulation center or other place~~ location
1716 designated by the superintendent, and the superintendent or official receiving such absentee
1717 ballots shall issue his or her receipt therefor. Except as otherwise provided in this Code
1718 section, in no event shall the counting of the ballots begin before the polls close.

1719 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened
1720 and tabulated as provided in this Code section. A ~~Except as otherwise provided in this~~
1721 ~~Code section, after the close of the polls on the day of the primary, election, or runoff, a~~
1722 ~~manager shall then open the outer envelope in such manner as not to destroy the oath~~
1723 ~~printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in~~
1724 ~~a ballot box reserved for absentee ballots. In the event that an outer envelope is found to~~
1725 ~~contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an~~

1726 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited
1727 in the ballot box and counted in the same manner as other absentee ballots, provided that
1728 such ballot is otherwise proper. Such manager with two assistant managers, appointed by
1729 the superintendent, with such clerks as the manager deems necessary shall count the
1730 absentee ballots following the procedures prescribed by this chapter for other ballots,
1731 insofar as practicable, ~~and prepare an election return for the county or municipality~~
1732 ~~showing the results of the absentee ballots cast in such county or municipality.~~

1733 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
1734 be reported by precinct; and separate returns shall be made for each precinct in which
1735 absentee ballots were cast showing the results by each precinct in which the electors reside.
1736 The superintendent shall utilize the procedures set forth in this Code section to ensure that
1737 the returns of verified and accepted absentee ballots cast are reported to the public as soon
1738 as possible following the closing of the polls on the day of the primary, election, or runoff.
1739 Failure to utilize these procedures to ensure that the returns of verified and accepted
1740 absentee ballots are reported as soon as possible following the close of polls shall subject
1741 the superintendent to sanctions by the State Election Board. If a superintendent fails to
1742 report the returns of verified and accepted absentee ballots by the day following the
1743 election at 5:00 P.M., the State Election Board may convene an independent performance
1744 review board pursuant to Code Section 21-2-107.

1745 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
1746 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
1747 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted
1748 as other challenged ballots are counted. Where direct recording electronic voting systems
1749 are used for absentee balloting and a challenge to an elector's right to vote is made prior to
1750 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot
1751 and such ballot shall be handled as provided in this subsection. The board of registrars or
1752 absentee ballot clerk shall promptly notify the elector of such challenge.

1753 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose
1754 or for any person to receive any information regarding the results of the tabulation of
1755 absentee ballots except as expressly provided by law."

1756

SECTION 30.

1757 Said chapter is further amended in Code Section 21-2-390, relating to delivery of election
1758 materials to clerk of superior court or city clerk after primary or election and accounting for
1759 ballots by registrars or municipal absentee ballot clerks, by designating the existing text as
1760 subsection (a) and adding a new subsection to read as follows:

1761 "(b) The Secretary of State shall be authorized to inspect and audit the information
1762 contained in the absentee ballot applications or envelopes at his or her discretion at any
1763 time during the 24 month retention period. Such audit may be conducted state wide or in
1764 selected counties or cities and may include the auditing of a statistically significant sample
1765 of the envelopes or a full audit of all of such envelopes. For this purpose, the Secretary of
1766 State or his or her authorized agents shall have access to such envelopes in the custody of
1767 the clerk of superior court or city clerk."

1768

SECTION 31.

1769 Said chapter is further amended in Code Section 21-2-403, relating to time for opening and
1770 closing of polls, by redesignating the existing text as subsection (a) and adding a new
1771 subsection to read as follows:

1772 "(b) Poll hours at a precinct may be extended only by order of a judge of the superior court
1773 of the county in which the precinct is located upon good cause shown by clear and
1774 convincing evidence that persons were unable to vote at that precinct during a specific
1775 period or periods of time. Poll hours shall not be extended longer than the total amount of
1776 time during which persons were unable to vote at such precinct. Any order extending poll

1777 hours at a precinct beyond 9:00 P.M. shall be by written order with specific findings of fact
1778 supporting such extension."

1779 **SECTION 32.**

1780 Said chapter is further amended by revising subsections (c) and (e) of Code
1781 Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with
1782 election, reports by poll watchers of infractions or irregularities, and ineligibility of
1783 candidates to serve as poll watchers, as follows:

1784 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems
1785 or optical scanning voting systems, each political party may appoint two poll watchers in
1786 each primary or election, each political body may appoint two poll watchers in each
1787 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan
1788 election, and each independent candidate may appoint one poll watcher in each election to
1789 serve in the locations designated by the superintendent within the tabulating center. Such
1790 designated locations shall include the check-in area, the computer room, the duplication
1791 area, and such other areas as the superintendent may deem necessary to the assurance of
1792 fair and honest procedures in the tabulating center. The locations designated by the
1793 superintendent shall ensure that each poll watcher can fairly observe the procedures set
1794 forth in this Code section. The poll watchers provided for in this subsection shall be
1795 appointed and serve in the same manner as other poll watchers."

1796 "(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary
1797 or election in which such person is a candidate. No person shall be eligible to serve as a
1798 poll watcher unless he or she has completed training provided by the political party,
1799 political body, or candidate designating the poll watcher. Upon request, the Secretary of
1800 State shall make available material to each political party, political body, or candidate that
1801 can be utilized in such training but it shall be the responsibility of the political party,
1802 political body, or candidate designating the poll watcher to instruct poll watchers in their

1803 duties and in applicable laws and rules and regulations. Each political party, political body,
1804 or candidate shall, in their written designation of poll watchers, certify under oath that the
1805 named poll watchers have completed the training required by this Code section."

1806

SECTION 33.

1807 Said chapter is further amended by revising subsections (a) and (e) of Code
1808 Section 21-2-414, relating to restrictions on campaign activities and public opinion polling
1809 within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates
1810 from entering certain polling places, and penalty, as follows:

1811 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
1812 person distribute or display any campaign material, nor shall any person give, offer to give,
1813 or participate in the giving of any money or gifts, including, but not limited to, food and
1814 drink, to an elector, nor shall any person solicit signatures for any petition, nor shall any
1815 person, other than election officials discharging their duties, establish or set up any tables
1816 or booths on any day in which ballots are being cast:

1817 (1) Within 150 feet of the outer edge of any building within which a polling place is
1818 established;

1819 (2) Within any polling place; or

1820 (3) Within 25 feet of any voter standing in line to vote at any polling place.

1821 These restrictions shall not apply to conduct occurring in private offices or areas which
1822 cannot be seen or heard by such electors."

1823 "(e) This Code section shall not be construed to prohibit a poll officer from distributing
1824 materials, as required by law, which are necessary for the purpose of instructing electors
1825 or from distributing materials prepared by the Secretary of State which are designed solely
1826 for the purpose of encouraging voter participation in the election being conducted or from
1827 making available self-service water from an unattended receptacle to an elector waiting in
1828 line to vote."

SECTION 34.

1829

1830 Said chapter is further amended by revising subsections (a) and (b) of Code
1831 Section 21-2-418, relating to provisional ballots, as follows:

1832 "(a) If a person presents himself or herself at a polling place, absentee polling place, or
1833 registration office in his or her county of residence in this state for the purpose of casting
1834 a ballot in a primary or election stating a good faith belief that he or she has timely
1835 registered to vote in such county of residence in such primary or election and the person's
1836 name does not appear on the list of registered electors, the person shall be entitled to cast
1837 a provisional ballot in his or her county of residence in this state as provided in this Code
1838 section. If the person presents himself or herself at a polling place in the county in which
1839 he or she is registered to vote, but not at the precinct at which he or she is registered to
1840 vote, the poll officials shall inform the person of the polling location for the precinct where
1841 such person is registered to vote. The poll officials shall also inform such person that any
1842 votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast
1843 after 5:00 P.M. and before the regular time for the closing of the polls on the day of the
1844 primary, election, or runoff and unless the person executes a sworn statement, witnessed
1845 by the poll official, stating that he or she is unable to vote at his or her correct polling place
1846 prior to the closing of the polls and giving the reason therefor.

1847 (b) Such person voting a provisional ballot shall complete an official voter registration
1848 form and a provisional ballot voting certificate which shall include information about the
1849 place, manner, and approximate date on which the person registered to vote. The person
1850 shall swear or affirm in writing that he or she previously registered to vote in such primary
1851 or election, is eligible to vote in such primary or election, has not voted previously in such
1852 primary or election, and meets the criteria for registering to vote in such primary or
1853 election. If the person is voting a provisional ballot in the county in which he or she is
1854 registered to vote but not at the precinct in which he or she is registered to vote during the
1855 period from 5:00 P.M. to the regular time for the closing of the polls on the day of the

1856 primary, election, or runoff, the person shall execute a sworn statement, witnessed by the
1857 poll official, stating that he or she is unable to vote at his or her correct polling place prior
1858 to the closing of the polls and giving the reason therefor. The form of the provisional ballot
1859 voting certificate shall be prescribed by the Secretary of State. The person shall also
1860 present the identification required by Code Section 21-2-417."

1861

SECTION 35.

1862 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
1863 provisional ballots and reporting to Secretary of State, as follows:

1864 "21-2-419.

1865 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
1866 county or municipality. Such provisional ballot shall be sealed in double envelopes as
1867 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot
1868 in a secure, sealed ballot box.

1869 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
1870 the day after the primary or election in which such provisional ballot was cast, the board
1871 of registrars of the county or municipality, as the case may be, shall be notified by the
1872 election superintendent that provisional ballots were cast in the primary or election and the
1873 registrars shall be provided with the documents completed by the person casting the
1874 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
1875 securely maintained by the election superintendent until a determination has been made
1876 concerning their status. The board of registrars shall immediately examine the information
1877 contained on such documents and make a good faith effort to determine whether the person
1878 casting the provisional ballot was entitled to vote in the primary or election. Such good
1879 faith effort shall include a review of all available voter registration documentation,
1880 including registration information made available by the electors themselves and
1881 documentation of modifications or alterations of registration data showing changes to an

1882 elector's registration status. Additional sources of information may include, but are not
1883 limited to, information from the Department of Driver Services, Department of Family and
1884 Children Services, Department of Natural Resources, public libraries, or any other agency
1885 of government including, but not limited to, other county election and registration offices.

1886 (c)(1) If the registrars determine after the polls close, but not later than three days
1887 following the primary or election, that the person casting the provisional ballot timely
1888 registered to vote and was eligible and entitled to vote in the precinct in which he or she
1889 voted in such primary or election, the registrars shall notify the election superintendent
1890 and the provisional ballot shall be counted and included in the county's or municipality's
1891 certified election results.

1892 (2) If the registrars determine after the polls close, but not later than three days following
1893 the primary or election, that the person voting the provisional ballot timely registered and
1894 was eligible and entitled to vote in the primary or election but voted in the wrong
1895 precinct, then the board of registrars shall notify the election superintendent only if such
1896 person voted between the hours of 5:00 P.M. and the regular time for the closing of the
1897 polls on the day of the primary, election, or runoff and provided the sworn statement
1898 required by subsection (b) of Code Section 21-2-418. The superintendent shall count
1899 such person's votes which were cast for candidates in those races for which the person
1900 was entitled to vote but shall not count the votes cast for candidates in those races in
1901 which such person was not entitled to vote. The superintendent shall order the proper
1902 election official at the tabulating center or precinct to prepare an accurate duplicate ballot
1903 containing only those votes cast by such person in those races in which such person was
1904 entitled to vote for processing at the tabulating center or precinct, which shall be verified
1905 in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word
1906 'Duplicate,' shall bear the designation of the polling place, and shall be given the same
1907 serial number as the original ballot. The original ballot shall be retained and the sworn
1908 statement required by subsection (b) of Code Section 21-2-418 shall be transmitted to the

1909 Secretary of State with the certification documents required by paragraph (4) of
1910 subsection (a) of Code Section 21-2-497 and such statement shall be reviewed by the
1911 State Election Board.

1912 (3) If the registrars determine that the person casting the provisional ballot did not timely
1913 register to vote or was not eligible or entitled to vote in the precinct in which he or she
1914 voted in such primary or election or shall be unable to determine within three days
1915 following such primary or election whether such person timely registered to vote and was
1916 eligible and entitled to vote in such primary or election, the registrars shall so notify the
1917 election superintendent and such ballot shall not be counted. The election superintendent
1918 shall mark or otherwise document that such ballot was not counted and shall deliver and
1919 store such ballots with all other ballots and election materials as provided in Code
1920 Section 21-2-500.

1921 (d)(1) At the earliest time possible after a determination is made regarding a provisional
1922 ballot, the board of registrars shall notify in writing those persons whose provisional
1923 ballots were not counted that their ballots were not counted because of the inability of the
1924 registrars to verify that the persons timely registered to vote or other proper reason. The
1925 registrars shall process the official voter registration form completed by such persons
1926 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found
1927 qualified.

1928 (2) At the earliest time possible after a determination is made regarding a provisional
1929 ballot, the board of registrars shall notify in writing those electors who voted in the wrong
1930 precinct and whose votes were partially counted of their correct precinct.

1931 (e) The board of registrars shall complete a report in a form designated by the Secretary
1932 of State indicating the number of provisional ballots cast and counted in the primary or
1933 election."

SECTION 36.

1934
1935 Said chapter is further amended in Part 1 of Article 11, relating to general provisions
1936 regarding preparation for and conduct of primaries and elections, by adding new Code
1937 sections to read as follows:

1938 "21-2-420.

1939 (a) After the time for the closing of the polls and the last elector voting, the poll officials
1940 in each precinct shall complete the required accounting and related documentation for the
1941 precinct and shall advise the election superintendent of the total number of ballots cast at
1942 such precinct and the total number of provisional ballots cast. The chief manager and at
1943 least one assistant manager shall post a copy of the tabulated results for the precinct on the
1944 door of the precinct and then immediately deliver all required documentation and election
1945 materials to the election superintendent. The election superintendent shall then ensure that
1946 such ballots are processed, counted, and tabulated as soon as possible and shall not cease
1947 such count and tabulation until all such ballots are counted and tabulated.

1948 (b) The election superintendent shall ensure that each precinct notifies the election
1949 superintendent of the number of ballots cast and number of provisional ballots cast as soon
1950 as possible after the time for the closing of the polls and the last elector votes. The election
1951 superintendent shall post such information publicly. The State Election Board shall
1952 promulgate rules and regulations regarding how such information shall be publicly posted
1953 to ensure transparency, accuracy, and security.

1954 21-2-421.

1955 (a) As soon as possible but not later than 10:00 P.M. following the close of the polls on
1956 the day of a primary, election, or runoff, the election superintendent shall report to the
1957 Secretary of State and post in a prominent public place the following information:

1958 (1) The number of ballots cast at the polls on the day of the primary, election, or runoff,
1959 including provisional ballots cast;

1960 (2) The number of ballots cast at advance voting locations during the advance voting
1961 period for the primary, election, or runoff; and
1962 (3) The total number of absentee ballots returned to the board of registrars by the
1963 deadline to receive such absentee ballots on the day of the primary, election, or runoff.
1964 (b) Upon the completion of the report provided for in subsection (a) of this Code section,
1965 the election superintendent shall compare the total number of ballots received as reported
1966 in subsection (a) of this Code section and the counting of the ballots in the primary,
1967 election, or runoff minus any rejected and uncured absentee ballots, uncounted provisional
1968 ballots, and any other uncounted ballots, with the total number of ballots cast in the
1969 primary, election, or runoff. The results of such comparison and all explanatory materials
1970 shall be reported to the Secretary of State. The reason for any discrepancy shall be fully
1971 investigated and reported to the Secretary of State."

1972

SECTION 37.

1973 Said chapter is further amended by revising subsections (a) and (d) of Code
1974 Section 21-2-437, relating to procedure as to count and return of votes generally and void
1975 ballots, as follows:

1976 "(a) After the polls close and as soon as all the ballots have been properly accounted for
1977 and those outside the ballot box as well as the voter's certificates, numbered list of voters,
1978 and electors list have been sealed, the poll officers shall open the ballot box and take
1979 therefrom all ballots contained therein. In primaries in which more than one ballot box is
1980 used, any ballots or stubs belonging to another party holding its primary in the same polling
1981 place shall be returned to the ballot box for the party for which they were issued. In
1982 primaries, separate tally and return sheets shall be prepared for each party, and separate
1983 poll officers shall be designated by the chief manager to count and tally each party's ballot.
1984 Where the same ballot box is being used by one or more parties, the ballots and stubs shall
1985 first be divided by party before being tallied and counted. The ballots shall then be counted

1986 one by one and a record made of the total number. Then the chief manager, together with
1987 such assistant managers and other poll officers as the chief manager may designate, under
1988 the scrutiny of one of the assistant managers and in the presence of the other poll officers,
1989 shall read aloud the names of the candidates marked or written upon each ballot, together
1990 with the office for which the person named is a candidate, and the answers contained on
1991 the ballots to the questions submitted, if any; and the other assistant manager and clerks
1992 shall carefully enter each vote as read and keep account of the same in ink on a sufficient
1993 number of tally papers, all of which shall be made at the same time. All ballots, after being
1994 removed from the box, shall be kept within the unobstructed view of all persons in the
1995 voting room until replaced in the box. No person, while handling the ballots, shall have
1996 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
1997 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
1998 not adjourn or postpone the canvass or computation until it shall have been fully
1999 completed; ~~except that, in the discretion of the superintendent, the poll officers may stop~~
2000 ~~the counting after all contested races and questions are counted, provided that the results~~
2001 ~~of these contested races and questions are posted for the information of the public outside~~
2002 ~~the polling place and the ballots are returned to the ballot box and deposited with the~~
2003 ~~superintendent until counting is resumed on the following day."~~

2004 "(d) Any ballot marked so as to identify the voter shall be void and not counted, except a
2005 ballot cast by a challenged elector whose name appears on the electors list; such challenged
2006 vote shall be counted as prima facie valid but may be voided in the event of an election
2007 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
2008 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
2009 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
2010 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
2011 any nomination or office than there are candidates to be voted for such nomination or
2012 office, or if, for any reason, it may be impossible to determine his or her choice for any

2013 nomination or office, his or her ballot shall not be counted for such nomination or office;
 2014 but the ballot shall be counted for all nominations or offices for which it is properly
 2015 marked. Unmarked ballots or ballots improperly or defectively marked so that the whole
 2016 ballot is void shall be set aside and shall be preserved with other ballots. In primaries,
 2017 votes cast for candidates who have died, withdrawn, or been disqualified shall be void and
 2018 shall not be counted. Except as provided in subsection (g) of Code Section 21-2-134
 2019 regarding nonpartisan elections, in ~~In~~ elections, votes for candidates who have died or been
 2020 disqualified shall be void and shall not be counted."

2021 **SECTION 38.**

2022 Said chapter is further amended by revising subsection (a) of Code Section 21-2-438, relating
 2023 to ballots identifying voter, not marked, or improperly marked declared void, as follows:

2024 "(a) Any ballot marked so as to identify the voter shall be void and not counted, except a
 2025 ballot cast by a challenged elector whose name appears on the electors list; such challenged
 2026 vote shall be counted as prima facie valid but may be voided in the event of an election
 2027 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
 2028 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
 2029 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
 2030 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
 2031 any nomination or office than there are candidates to be voted for such nomination or
 2032 office, or if, for any reason, it may be impossible to determine his or her choice for any
 2033 nomination or office, his or her ballot shall not be counted for such nomination or office;
 2034 but the ballot shall be counted for all nominations or offices for which it is properly
 2035 marked. Ballots not marked or improperly or defectively marked so that the whole ballot
 2036 is void; shall be set aside and shall be preserved with the other ballots. In primaries, votes
 2037 cast for candidates who have died, withdrawn, or been disqualified shall be void and shall
 2038 not be counted. Except as provided in subsection (g) of Code Section 21-2-134 regarding

2039 nonpartisan elections, in ~~in~~ elections, votes for candidates who have died or been
 2040 disqualified shall be void and shall not be counted."

2041 **SECTION 39.**

2042 Said chapter is further amended by revising subsection (f) of Code Section 21-2-483, relating
 2043 to counting of ballots, public accessibility to tabulating center and precincts, execution of
 2044 ballot recap forms, and preparation of duplicate ballots, as follows:

2045 "(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be
 2046 processed by the tabulating machine, the superintendent, in his or her discretion, may order
 2047 ~~the proper election official at the tabulating center or precinct~~ a duplication panel to prepare
 2048 a true duplicate copy for processing ~~with the ballots of the same polling place, which shall~~
 2049 ~~be verified in the presence of a witness.~~ In a partisan election, the duplication panel shall
 2050 be composed of the election superintendent or a designee thereof and one person appointed
 2051 by the county executive committee of each political party having candidates whose names
 2052 appear on the ballot for such election, provided that, if there is no organized county
 2053 executive committee for a political party, the person shall be appointed by the state
 2054 executive committee of the political party. In a nonpartisan election or an election
 2055 involving only the presentation of a question to the electors, the duplication panel shall be
 2056 composed of the election superintendent or a designee thereof and two electors of the
 2057 county or municipality. In the case of a nonpartisan county or municipal election or an
 2058 election involving only the presentation of a question to the electors, the two elector
 2059 members of the panel shall be appointed by the chief judge of the superior court of the
 2060 county or municipality in which the election is held. In the case of a municipality which
 2061 is located in more than one county, the two elector members of the panel shall be appointed
 2062 by the chief judge of the superior court of the county in which the city hall of the
 2063 municipality is located. The election superintendent may create multiple duplication panels
 2064 to handle the processing of such ballots more efficiently. All duplicate ballots shall be

2065 clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and
 2066 shall ~~be given the same serial number as the defective ballot~~ contain a unique number that
 2067 will allow such duplicate ballot to be linked back to the original ballot. The defective
 2068 ballot shall be retained."

2069

SECTION 40.

2070 Said chapter is further amended by revising Code Section 21-2-492, relating to computation
 2071 and canvassing of returns, notice of when and where returns will be computed and canvassed,
 2072 blank forms for making statements of returns, and swearing of assistants, as follows:

2073 "21-2-492.

2074 The superintendent shall arrange for the computation and canvassing of the returns of votes
 2075 cast at each primary and election at his or her office or at some other convenient public
 2076 place at the county seat or municipality following the close of the polls on the day of such
 2077 primary or election with accommodations for those present insofar as space permits. An
 2078 interested candidate or his or her representative shall be permitted to keep or check his or
 2079 her own computation of the votes cast in the several precincts as the returns from the same
 2080 are read, as directed in this article. The superintendent shall give at least one week's notice
 2081 prior to the primary or election by publishing same in a conspicuous place in the
 2082 superintendent's office, of the ~~time and place when and~~ where he or she will commence and
 2083 hold his or her sessions for the computation and canvassing of the returns; and he or she
 2084 shall keep copies of such notice posted in his or her office during such period. The
 2085 superintendent shall procure a sufficient number of blank forms of returns made out in the
 2086 proper manner and headed as the nature of the primary or election may require, for making
 2087 out full and fair statements of all votes which shall have been cast within the county or any
 2088 precinct therein, according to the returns from the several precincts thereof, for any person
 2089 voted for therein, or upon any question voted upon therein. The assistants of the
 2090 superintendent in the computation and canvassing of the votes shall be first sworn by the

2091 superintendent to perform their duties impartially and not to read, write, count, or certify
 2092 any return or vote in a false or fraudulent manner."

2093 **SECTION 41.**

2094 Said chapter is further amended by revising subsections (a) and (k) of Code
 2095 Section 21-2-493, relating to computation, canvassing, and tabulation of returns,
 2096 investigation of discrepancies in vote counts, recount procedure, certification of returns, and
 2097 change in returns, and adding a new subsection to read as follows:

2098 "(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the
 2099 day ~~following the~~ of a primary or election, at his or her office or at some other convenient
 2100 public place at the county seat or in the municipality, of which due notice shall have been
 2101 given as provided by Code Section 21-2-492, publicly commence the computation and
 2102 canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the
 2103 close of the polls, including those cast by advance voting, and all ballots cast on the day
 2104 of the primary or election have been counted and tabulated and the results of such
 2105 tabulation released to the public and, then, continuing with provisional ballots as provided
 2106 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in
 2107 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For
 2108 this purpose, the superintendent may organize his or her assistants into sections, each of
 2109 ~~which~~ whom may simultaneously proceed with the computation and canvassing of the
 2110 returns from various precincts of the county or municipality in the manner provided by this
 2111 Code section. Upon the completion of such computation and canvassing, the
 2112 superintendent shall tabulate the figures for the entire county or municipality and sign,
 2113 announce, and attest the same, as required by this Code section."

2114 "(j.1) The Secretary of State shall create a pilot program for the posting of digital images
 2115 of the scanned paper ballots created by the voting system.

2116 (k) As the returns from each precinct are read, computed, and found to be correct or
 2117 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
 2118 all the returns from the various precincts which are entitled to be counted shall have been
 2119 duly recorded; then they shall be added together, announced, and attested by the assistants
 2120 who made and computed the entries respectively and shall be signed by the superintendent.
 2121 The consolidated returns shall then be certified by the superintendent in the manner
 2122 required by this chapter. Such returns shall be certified by the superintendent not later than
 2123 5:00 P.M. on the ~~second Friday~~ Monday following the date on which such election was
 2124 held and such returns shall be immediately transmitted to the Secretary of State; ~~provided,~~
 2125 ~~however, that such certification date may be extended by the Secretary of State in his or~~
 2126 ~~her discretion if necessary to complete a precertification audit as provided in Code Section~~
 2127 ~~21-2-498."~~

2128

SECTION 42.

2129 Said chapter is further amended by revising Code Section 21-2-501, relating to number of
 2130 votes required for election, as follows:

2131 "21-2-501.

2132 (a)(1) Except as otherwise provided in this Code section, no candidate shall be
 2133 nominated for public office in any primary or special primary or elected to public office
 2134 in any election or special election or shall take or be sworn into such elected public office
 2135 unless such candidate shall have received a majority of the votes cast to fill such
 2136 nomination or public office. In instances where no candidate receives a majority of the
 2137 votes cast, a run-off primary, special primary runoff, run-off election, or special election
 2138 runoff between the candidates receiving the two highest numbers of votes shall be held.
 2139 Unless such date is postponed by a court order, such ~~run-off primary, special primary~~
 2140 ~~runoff, run-off election, or special election runoff~~ shall be held as ~~provided in this~~
 2141 ~~subsection.~~

2142 ~~(2) In the case of a runoff from a general primary or a special primary or special election~~
2143 ~~held in conjunction with a general primary, the runoff shall be held on the Tuesday of the~~
2144 ~~ninth week following such general primary.~~

2145 ~~(3) In the case of a runoff from a general election for a federal office or a runoff from a~~
2146 ~~special primary or special election for a federal office held in conjunction with a general~~
2147 ~~election, the runoff shall be held on the Tuesday of the ninth week following such general~~
2148 ~~election.~~

2149 ~~(4) In the case of a runoff from a general election for an office other than a federal office~~
2150 ~~or a runoff from a special primary or special election for an office other than a federal~~
2151 ~~office held in conjunction with a general election, the runoff shall be held on the~~
2152 ~~twenty-eighth day after the day of holding the preceding general or special primary or~~
2153 ~~general or special election.~~

2154 ~~(5) In the case of a runoff from a special primary or special election for a federal office~~
2155 ~~not held in conjunction with a general primary or general election, the runoff shall be held~~
2156 ~~on the Tuesday of the ninth week following such special primary or special election.~~

2157 ~~(6) In the case of a runoff from a special primary or special election for an office other~~
2158 ~~than a federal office not held in conjunction with a general primary or general election,~~
2159 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~
2160 ~~special primary or special election; provided, however, that, if such runoff is from a~~
2161 ~~special primary or special election held in conjunction with a special primary or special~~
2162 ~~election for a federal office and there is a runoff being conducted for such federal office,~~
2163 ~~the runoff from the special primary or special election conducted for such other office~~
2164 ~~may be held in conjunction with the runoff for the federal office.~~

2165 ~~(7)~~(2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be
2166 ineligible, the remaining candidates receiving the two highest numbers of votes shall be
2167 the candidates in the runoff.

2168 ~~(8)~~(3) The candidate receiving the highest number of the votes cast in such run-off
2169 primary, special primary runoff, run-off election, or special election runoff to fill the
2170 nomination or public office sought shall be declared the winner.

2171 ~~(9)~~(4) The name of a write-in candidate eligible for election in a runoff shall be printed
2172 on the election or special election run-off ballot in the independent column.

2173 ~~(10)~~(5) The run-off primary, special primary runoff, run-off election, or special election
2174 runoff shall be a continuation of the primary, special primary, election, or special election
2175 for the particular office concerned. Only the electors who ~~were~~ are duly registered to
2176 vote and not subsequently deemed disqualified to vote in the ~~primary, special primary,~~
2177 ~~election, or special election runoff~~ for candidates for that particular office shall be entitled
2178 to vote therein, and only those votes cast for the persons designated as candidates in such
2179 run-off primary, special primary runoff, run-off election, or special election runoff shall
2180 be counted in the tabulation and canvass of the votes cast. No elector shall vote in a
2181 run-off primary or special primary runoff in violation of Code Section 21-2-224.

2182 (b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one
2183 candidate alone of the highest number of votes cast. If the municipal charter or ordinances
2184 of a municipality as now existing or as amended subsequent to September 1, 1968, provide
2185 that a candidate may be nominated or elected by a plurality of the votes cast to fill such
2186 nomination or public office, such provision shall prevail. Otherwise, no municipal
2187 candidate shall be nominated for public office in any primary or elected to public office in
2188 any election unless such candidate shall have received a majority of the votes cast to fill
2189 such nomination or public office.

2190 (c) In instances in which no municipal candidate receives a majority of the votes cast and
2191 the municipal charter or ordinances do not provide for nomination or election by a plurality
2192 vote, a run-off primary or election shall be held between the candidates receiving the two
2193 highest numbers of votes. Such runoff shall be held on the twenty-eighth day after the day
2194 of holding the first primary or election, unless such run-off date is postponed by court

2195 order, ~~provided, however, that, in the case of a runoff from a municipal special election~~
2196 ~~that is held in conjunction with a special election for a federal office and not in conjunction~~
2197 ~~with a general primary or general election, the municipality may conduct such runoff from~~
2198 ~~such municipal special election on the date of the special election runoff for the federal~~
2199 ~~office. Only the electors entitled to vote in the first primary or election shall be entitled to~~
2200 ~~vote in any run-off primary or election resulting therefrom; provided, however, that no~~ No
2201 elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off
2202 primary or election shall be a continuation of the first primary or election, and only those
2203 votes cast for the candidates receiving the two highest numbers of votes in the first primary
2204 or election shall be counted. No write-in votes may be cast in such a primary, run-off
2205 primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or
2206 is found to be ineligible, the remaining candidates receiving the two highest numbers of
2207 votes shall be the candidates in such runoff. The municipal candidate receiving the highest
2208 number of the votes cast in such run-off primary or run-off election to fill the nomination
2209 or public office sought shall be declared the winner. The municipality shall give written
2210 notice to the Secretary of State of such runoff as soon as such municipality certifies the
2211 preceding primary, special primary, election, or special election.

2212 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
2213 shall be printed on the municipal run-off election ballot in the independent column.

2214 (e) In all cities having a population in excess of 100,000 according to the United States
2215 decennial census of 1980 or any future such census, in order for a municipal candidate to
2216 be nominated for public office in any primary or elected to public office in any municipal
2217 election, he or she must receive a majority of the votes cast.

2218 (f) Except for presidential electors, to be elected to public office in a general election, a
2219 candidate must receive a majority of the votes cast in an election to fill such public office.
2220 To be elected to the office of presidential electors, no slate of candidates shall be required

2221 to receive a majority of the votes cast, but that slate of candidates shall be elected to such
 2222 office which receives the highest number of votes cast."

2223 **SECTION 43.**

2224 Said chapter is further amended by revising Code Section 21-2-540, relating to conduct of
 2225 special elections generally, as follows:

2226 "21-2-540.

2227 (a)(1) Every special primary and special election shall be held and conducted in all
 2228 respects in accordance with the provisions of this chapter relating to general primaries
 2229 and general elections; and the provisions of this chapter relating to general primaries and
 2230 general elections shall apply thereto insofar as practicable and as not inconsistent with
 2231 any other provisions of this chapter. All special primaries and special elections held at
 2232 the time of a general primary, as provided by Code Section 21-2-541, shall be conducted
 2233 by the poll officers by the use of the same equipment and facilities, insofar as practicable,
 2234 as are used for such general primary. All special primaries and special elections held at
 2235 the time of a general election, as provided by Code Section 21-2-541, shall be conducted
 2236 by the poll officers by the use of the same equipment and facilities, ~~so far~~ insofar as
 2237 practicable, as are used for such general election.

2238 (2) If a vacancy occurs in a partisan office to which the Governor is authorized to
 2239 appoint an individual to serve until the next general election, a special primary shall
 2240 precede the special election.

2241 (b) At least 29 days shall intervene between the call of a special primary and the holding
 2242 of same, and at least 29 days shall intervene between the call of a special election and the
 2243 holding of same. The period during which candidates may qualify to run in a special
 2244 primary or a special election shall remain open for a minimum of two and one-half days.
 2245 Special primaries and special elections which are to be held in conjunction with the
 2246 presidential preference primary, a state-wide general primary, or state-wide general

2247 election shall be called at least 90 days prior to the date of such presidential preference
2248 primary, state-wide general primary, or state-wide general election; provided, however, that
2249 this requirement shall not apply to special primaries and special elections held on the same
2250 date as such presidential preference primary, state-wide general primary, or state-wide
2251 general election but conducted completely separate and apart from such state-wide general
2252 primary or state-wide general election using different ballots or voting equipment,
2253 facilities, poll workers, and paperwork. ~~Notwithstanding any provision of this subsection~~
2254 ~~to the contrary, special elections which are to be held in conjunction with the state-wide~~
2255 ~~general primary or state-wide general election in 2014 shall be called at least 60 days prior~~
2256 ~~to the date of such state-wide general primary or state-wide general election.~~

2257 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
2258 special election to fill a vacancy in a county or municipal office shall be held only on one
2259 of the following dates which is at least 29 days after the date of the call for the special
2260 election:

2261 (A) In odd-numbered years, any such special primary or special election shall only be
2262 held on:

2263 (i) The third Tuesday in March;

2264 (ii) The third Tuesday in June;

2265 (iii) The third Tuesday in September; or

2266 (iv) The Tuesday after the first Monday in November; and

2267 (B) In even-numbered years, any such special primary or special election shall only be
2268 held on:

2269 (i) The third Tuesday in March; provided, however, that in the event that a special
2270 primary or special election is to be held under this provision in a year in which a
2271 presidential preference primary is to be held, then any such special primary or special
2272 election shall be held on the date of and in conjunction with the presidential
2273 preference primary;

- 2274 (ii) The date of the general primary; or
2275 (iii) The Tuesday after the first Monday in November;
2276 provided, however, that, in the event that a special primary or special election to fill a
2277 federal or state office on a date other than the dates provided in this paragraph has been
2278 scheduled and it is possible to hold a special primary or special election to fill a vacancy
2279 in a county, municipal, or school board office in conjunction with such special primary
2280 or special election to fill a federal or state office, the special primary or special election
2281 to fill such county, municipal, or school board office may be held on the date of and in
2282 conjunction with such special primary or special election to fill such federal or state
2283 office, provided all other provisions of law regarding such primaries and elections are
2284 met.
- 2285 (2) Notwithstanding any other provision of law to the contrary, a special election to
2286 present a question to the voters shall be held only on one of the following dates which is
2287 at least 29 days after the date of the call for the special election:
- 2288 (A) In odd-numbered years, any such special election shall only be held on the third
2289 Tuesday in March or on the Tuesday after the first Monday in November; and
- 2290 (B) In even-numbered years, any such special election shall only be held on:
- 2291 (i) The date of and in conjunction with the presidential preference primary if one is
2292 held that year;
- 2293 (ii) The date of the general primary; or
- 2294 (iii) The Tuesday after the first Monday in November.
- 2295 (3) The provisions of this subsection shall not apply to:
- 2296 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
2297 to recall a public officer or to fill a vacancy in a public office caused by a recall
2298 election; and
- 2299 (B) Special primaries or special elections to fill vacancies in federal or state public
2300 offices.

2301 (d) Except as otherwise provided by this chapter, the superintendent of each county or
 2302 municipality shall publish the call of the special primary or special election.

2303 (e)(1) Candidates in special elections for partisan offices that are not preceded by special
 2304 primaries shall be listed alphabetically on the ballot and may choose to designate on the
 2305 ballot their party affiliation. The party affiliation selected by a candidate shall not be
 2306 changed following the close of qualifying.

2307 (2) Candidates in special primaries shall be listed alphabetically on the ballot."

2308 **SECTION 44.**

2309 Said chapter is further amended by revising subsection (b) of Code Section 21-2-541, relating
 2310 to holding of special primary or election at time of general primary or election and inclusion
 2311 of candidates and questions in special primary or election on ballot, as follows:

2312 "(b) If the times specified for the closing of the registration list for a special primary or
 2313 special election are the same as those for a general primary or general election, the
 2314 candidates and questions in such special primary or special election shall be included on
 2315 the ballot for such general primary or general election. In such an instance, the name of
 2316 the office and the candidates in such special primary or special election shall appear on the
 2317 ballot in the position where such names would ordinarily appear if such contest was a
 2318 general primary or general election."

2319 **SECTION 45.**

2320 Said chapter is further amended by revising Code Section 21-2-542, relating to special
 2321 election for United States senator vacancy and temporary appointment by Governor, as
 2322 follows:

2323 "21-2-542.

2324 Whenever a vacancy shall occur in the representation of this state in the Senate of the
 2325 United States, such vacancy shall be filled for the unexpired term by the vote of the electors

2326 of the state at a special primary to be held at the time of the next general primary followed
 2327 by a special election to be held at the time of the next November state-wide general
 2328 election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the
 2329 duty of the Governor to issue his or her proclamation for such special primary and special
 2330 election. Until such time as the vacancy shall be filled by an election as provided in this
 2331 Code section, the Governor may make a temporary appointment to fill such vacancy."

2332 **SECTION 46.**

2333 Said chapter is further amended in Article 14, relating to special elections and primaries
 2334 generally and municipal terms of office, by adding a new Code section to read as follows:

2335 "21-2-546.

2336 Notwithstanding any other law to the contrary, in each county in this state in which there
 2337 is a civil and magistrate court established by local Act of the General Assembly, vacancies
 2338 in the office of chief judge of such court caused by death, retirement, resignation, or
 2339 otherwise shall be filled by the appointment of a qualified person by the Governor to serve
 2340 until a successor is duly elected and qualified and until January 1 of the year following the
 2341 next general election which is more than six months following such person's appointment."

2342 **SECTION 47.**

2343 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating
 2344 to entry into voting compartment or booth while another voting, interfering with elector,
 2345 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,
 2346 as follows:

2347 "(a) Any person who knowingly:

2348 (1) Goes into the voting compartment or voting machine booth while another is voting
 2349 or marks the ballot or registers the vote for another, except in strict accordance with this
 2350 chapter;

- 2351 (2) Interferes with any elector marking his or her ballot or registering his or her vote;
 2352 (3) Attempts to induce any elector ~~before depositing his or her ballot~~ to show how he or
 2353 she marks or has marked his or her ballot; ~~or~~
 2354 (4) Discloses to anyone how another elector voted, without said elector's consent, except
 2355 when required to do so in any legal proceeding; or
 2356 (5) Accepts an absentee ballot from an elector for delivery or return to the board of
 2357 registrars except as authorized by subsection (a) of Code Section 21-2-385
 2358 shall be guilty of a felony."

2359 **SECTION 48.**

2360 Said chapter is further amended in Article 15, relating to miscellaneous offenses, by adding
 2361 new Code sections to read as follows:

2362 "21-2-568.1.

2363 (a) Except while providing authorized assistance in voting under Code Section 21-2-409
 2364 and except for children authorized to be in the enclosed space under subsection (f) of Code
 2365 Section 21-2-413, no person shall intentionally observe an elector while casting a ballot in
 2366 a manner that would allow such person to see for whom or what the elector is voting.

2367 (b) Any person who violates the provisions of subsection (a) of this Code section shall be
 2368 guilty of a felony.

2369 21-2-568.2.

2370 (a) It shall be illegal for any person to use photographic or other electronic monitoring or
 2371 recording devices, cameras, or cellular telephones, except as authorized by law, to:

2372 (1) Photograph or record the face of an electronic ballot marker while a ballot is being
 2373 voted or while an elector's votes are displayed on such electronic ballot marker; or

2374 (2) Photograph or record a voted ballot.

2375 (b) Any person who violates subsection (a) of this Code section shall be guilty of a
2376 misdemeanor."

2377

SECTION 49.

2378 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, relating to home rule
2379 powers, is amended by revising subsection (a) of Code Section 36-35-4.1, relating to
2380 reapportionment of election districts for municipal elections, as follows:

2381 "(a) Subject to the limitations provided by this Code section, the governing authority of
2382 any municipal corporation is authorized to reapportion the election districts from which
2383 members of the municipal governing authority are elected following publication of the
2384 United States decennial census of 1980 or any future such census. Such reapportionment
2385 of districts shall be effective for the election of members to the municipal governing
2386 authority at the next regular general municipal election following the publication of the
2387 decennial census; provided, however, that, if the publication of the decennial census occurs
2388 within 120 days of the next general or special municipal election, such reapportionment of
2389 districts shall be effective for any subsequent special election and the subsequent general
2390 municipal election."

2391

SECTION 50.

2392 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
2393 by revising subsection (b) of Code Section 50-13-4, relating to procedural requirements for
2394 adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest
2395 rule, and legislative override, as follows:

2396 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,
2397 including but not limited to, summary processes such as quarantines, contrabands, seizures,
2398 and the like authorized by law without notice, requires adoption of a rule upon fewer than
2399 30 days' notice and states in writing its reasons for that finding, it may proceed without

2400 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable
2401 to adopt an emergency rule. Any such rule adopted relative to a public health emergency
2402 shall be submitted as promptly as reasonably practicable to the House of Representatives
2403 and Senate Committees on Judiciary, provided that any such rule adopted relative to a state
2404 of emergency by the State Election Board shall be submitted as soon as practicable but not
2405 later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State
2406 Election Board pursuant to the provisions of this subsection may be suspended upon the
2407 majority vote of the House of Representatives or Senate Committees on Judiciary within
2408 ten days of the receipt of such rule by the committees. The rule may be effective for a
2409 period of not longer than 120 days but the adoption of an identical rule under paragraphs
2410 (1) and (2) of subsection (a) of this Code section is not precluded; provided, however, that
2411 such a rule adopted pursuant to discharge of responsibility under an executive order
2412 declaring a state of emergency or disaster exists as a result of a public health emergency,
2413 as defined in Code Section 38-3-3, shall be effective for the duration of the emergency or
2414 disaster and for a period of not more than 120 days thereafter."

2415 **SECTION 51.**

2416 Said title is further amended in Code Section 50-18-71, relating to right of access to public
2417 records, timing, fees, denial of requests, and impact of electronic records, by adding a new
2418 subsection to read as follows:

2419 "(k) Scanned ballot images created by a voting system authorized by Chapter 2 of Title 21
2420 shall be public records subject to disclosure under this article."

2421 **SECTION 52.**

2422 (a) Sections 21, 23, 25, 27, 28, and 29 of this Act shall become effective on July 1, 2021.
2423 (b) All other sections of this Act shall become effective upon its approval by the Governor
2424 or upon its becoming law without such approval.

2425

SECTION 53.

2426 All laws and parts of laws in conflict with this Act are repealed.