

Senate Bill 241

By: Senators Dugan of the 30th, Miller of the 49th, Gooch of the 51st, Kennedy of the 18th, Cowsert of the 46th and others

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 provide for the establishment of a voter intimidation and illegal election activities hotline;
4 to limit the ability of the State Election Board and the Secretary of State to enter into certain
5 consent agreements; to provide for the suspension and temporary replacement of election
6 superintendents on the basis of malfeasance, misfeasance, neglect of duty, incompetence, or
7 inability to perform duties; to provide for participation in a multistate voter registration
8 system; to provide for the use of portable or movable polling places only under limited
9 conditions; to revise a definition; to require reasons for absentee voting; to require
10 identification for requesting an absentee ballot application and to submit an absentee ballot;
11 to provide for the processing of absentee ballot applications and absentee ballots; to provide
12 for when absentee ballots may be sent to electors; to provide for certain disclosures by
13 nongovernmental entities who distribute absentee ballot applications; to provide for where
14 advance voting may be conducted; to provide for a witness on absentee ballot envelopes; to
15 provide for certain reports regarding absentee ballots and advance voting; to provide for drop
16 boxes; to provide for certain audits; to provide for limitations on voting during extended poll
17 hours; to provide for priority in hearing complaints regarding the ballot tabulation process;
18 to provide that it shall be illegal to observe how an elector votes; to provide for immediate

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19 counting and tabulation of ballots after the close of the polls until such counting and
20 tabulation is completed; to provide notice of number of ballots cast; to amend Article 1 of
21 Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general
22 provisions regarding administrative procedure, so as to provide for the submission and
23 suspension of emergency rules by the State Election Board; to provide for severability; to
24 provide for related matters; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 **SECTION 1.**

27 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
28 primaries generally, is amended by revising Code Section 21-2-3, which was previously
29 reserved, as follows:

30 "21-2-3.

31 The Attorney General shall establish and maintain a telephone hotline for the use of
32 electors of this state to file complaints and allegations of voter intimidation and illegal
33 election activities. Such hotline shall, in addition to complaints and reports from identified
34 persons, also accept anonymous tips regarding voter intimidation and election fraud. The
35 Attorney General shall review each complaint or allegation of voter intimidation or illegal
36 election activities within three business days and determine if such complaint or report
37 should be investigated or prosecuted. Reserved."

38 **SECTION 2.**

39 Said chapter is further amended in Subpart 1 of Part 1 of Article 2, relating to the State
40 Election Board, by adding a new Code section to read as follows:

41 "21-2-35.
42 The State Election Board, the members thereof, the Secretary of State, and any of their
43 attorneys or staff shall not have any authority to enter into any consent agreement with any
44 other person that limits, alters, or interprets any provision of this chapter without obtaining
45 the approval of the General Assembly through a joint resolution."

46 **SECTION 3.**

47 Said chapter is further amended in Part 3 of Article 2, relating to superintendents, by adding
48 a new Code section to read as follows:

49 "21-2-78.

50 (a) Notwithstanding any law to the contrary, the State Election Board, after due notice to
51 the affected person or persons and the opportunity for a hearing before the State Election
52 Board, may recommend in writing to the legislative delegation representing the jurisdiction
53 involved that a county or municipal election superintendent be temporarily removed from
54 exercising the duties of election superintendent on the basis of malfeasance, misfeasance,
55 neglect of duty, incompetence, or inability to perform the duties of election superintendent
56 for the duration of the period from the time of the removal until January 1 following the
57 next election in such county or municipality and the conclusion of any run-off election
58 from such election, if any.

59 (b) Within 15 days after receiving a recommendation of the superintendent's removal from
60 office from the State Election Board in accordance with subsection (a) of this Code section,
61 the legislative delegation by majority vote may temporarily remove such election
62 superintendent from exercising his or her duties in accordance with this Code section. The
63 duties of such election superintendent shall be filled for the period of suspension by the
64 legislative delegation's appointment of a temporary election superintendent. In making
65 such appointment, the legislative delegation by majority vote shall select a person or

66 persons who have experience or training in managing and conducting elections to serve as
67 temporary election superintendent.

68 (c) In making the temporary appointment under subsection (b) of this Code section, the
69 legislative delegation shall be authorized to appoint any qualified elector of this state,
70 regardless of the county of residence of such elector."

71 **SECTION 4.**

72 Said chapter is further amended in Code Section 21-2-231, relating to lists of persons
73 convicted of felonies, noncitizens, mentally incompetent, and deceased persons provided to
74 Secretary of State and Council of Superior Court Clerks, removal of names from list of
75 electors, obtain information about deceased, timing, and list of inactive voters provided to
76 Council of Superior Court Clerks by adding a new subsection to read as follows:

77 "(h) The Secretary of State shall participate in a multistate voter registration system. The
78 Secretary of State shall use the data bases maintained by such organizations to cross-check
79 registration information with other states that participate in such multistate voter
80 registration system."

81 **SECTION 5.**

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

85 "(b) The superintendent of a county or the governing authority of a municipality shall ~~have~~
86 ~~discretion to procure and provide~~ be responsible for procuring and providing portable or
87 movable polling facilities of adequate size for any precinct to replace any existing polling
88 place, if needed. Portable or movable polling facilities shall only be deployed and used to
89 replace an existing polling place when the existing polling place has been deemed to be
90 unsafe for human occupation by a licensed commercial building inspector employed or

91 contracted by the county or municipality or has suffered a failure of utility services that
92 provide water or electricity. Portable or movable polling places shall be located within
93 2,640 feet of the existing polling place that has been deemed unsafe or suffered a loss of
94 utility services that provide water or electricity. Any replacement of an existing polling
95 place with a portable or movable polling place shall be presented before and approved by
96 a superior court judge of the circuit in which the existing polling place is located prior to
97 such replacement being used for elections. The superintendent of a county or the
98 governing authority of a municipality shall be solely responsible for ensuring that all
99 portable or movable polling facilities used by such county or municipality meet all safety
100 and licensing requirements currently applicable under the law related to the operations of
101 commercial vehicles and all applicable state, county, and municipal codes related to the
102 accessibility and safety of portable and temporary structures."

103

SECTION 6.

104 Said chapter is further amended by revising Code Section 21-2-380, relating to "absentee
105 elector" defined and when reason for absentee ballot not required, as follows:

106 "21-2-380.

107 (a) As used in this article, the term 'absentee elector' means an elector of this state or a
108 municipality thereof who casts a ballot in a primary, election, or runoff other than in person
109 at the polls on the day of such primary, election, or runoff: or at an advance voting location
110 pursuant to subsection (d) of Code Section 21-2-385 and who:

111 (1) Is required to be absent from his or her precinct during the hours designated for
112 advance voting pursuant to subsection (d) of Code Section 21-2-385 and hours designated
113 for voting on the day of the primary, election, or runoff in which he or she desires to vote;

114 (2) Will perform any of the official acts or duties set forth in this chapter in connection
115 with the primary, election, or runoff in which he or she desires to vote;

116 (3) Because of physical disability or because of being required to give constant care to
 117 someone who is physically disabled, will be unable to be present at the polls on the day
 118 of such primary, election, or runoff;

119 (4) Because the primary, election, or runoff falls upon a religious holiday observed by
 120 such elector, will be unable to be present at the polls on the day of such primary, election,
 121 or runoff;

122 (5) Is required to remain on duty in his or her place of employment during the entire time
 123 the polls are open when such place of employment is within the precinct in which the
 124 elector resides; or

125 (6) Is 65 years of age or older.

126 (b) An elector who ~~votes by absentee ballot shall not be required to provide a reason in~~
 127 ~~order to cast an absentee ballot in any primary, election, or runoff~~ casts an absentee ballot
 128 in person at the registrar's or absentee ballot clerk's office or other authorized location
 129 during the advance voting period immediately preceding the date of a primary, election,
 130 or runoff as specified in subsection (d) of Code Section 21-2-385 shall not be required to
 131 demonstrate a reason as provided in subsection (a) of this Code section in order to cast such
 132 ballot."

133

SECTION 7.

134 Said chapter is further amended by revising subparagraph (a)(1)(C) of Code
 135 Section 21-2-381, relating to making of application for absentee ballot, determination of
 136 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
 137 entitled to make application as follows:

138 "(C) The application shall be in writing and shall contain sufficient information for
 139 proper identification of the elector; the permanent or temporary address of the elector
 140 to which the absentee ballot shall be mailed; the identity of the primary, election, or
 141 runoff in which the elector wishes to vote; ~~and~~ the name and relationship of the person

142 requesting the ballot if other than the elector; the reason for requesting the absentee
143 ballot as provided in Code Section 21-2-380; and an attestation under oath that the facts
144 contained in the application are true. Except for an elector who is entitled to vote by
145 absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting
146 Act, 52 U.S.C. Section 20302, et seq., as amended, the elector shall also include with
147 the application the elector's date of birth and the elector's Georgia driver's license
148 number or personal identification card number for a personal identification card that is
149 issued pursuant to Article 5 of Chapter 5 of Title 40. If the elector registered to vote
150 by mail but did not comply with subsection (c) of Code Section 21-2-220 and is voting
151 for the first time in this state, the application shall contain a photocopy of one of the
152 forms of identification specified in subsection (c) of Code Section 21-2-417."

153

SECTION 8.

154 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code
155 Section 21-2-381, relating to making of application for absentee ballot, determination of
156 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
157 entitled to make application, which was previously reserved, as follows:

158 "(3) No absentee ballot shall be issued to an elector by the Secretary of State or any
159 county or municipal registration or election official unless:

160 (A) Such elector first applies for such ballot in accordance with the provisions of this
161 Code section;

162 (B) Such elector's application is found by the registrars or absentee ballot clerk to be
163 in compliance with the provisions of this Code section; and

164 (C) Such elector is determined by the registrars or absentee ballot clerk to be eligible
165 to vote by absentee ballot in the primary, election, or runoff for which such absentee
166 ballot has been requested by the elector. ~~Reserved.~~

167

SECTION 9.

168 Said chapter is further amended by revising subsection (b) of Code Section 21-2-381, relating
169 to making of application for absentee ballot, determination of eligibility by ballot clerk,
170 furnishing of applications to colleges and universities, and persons entitled to make
171 application, as follows:

172 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
173 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
174 shall determine, in accordance with the provisions of this chapter, if the applicant is
175 eligible to vote in the primary or election involved. In order to be found eligible to vote
176 an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the
177 identifying information on and contained in the application with the information on file
178 in the registrar's office and, if the application is signed by the elector, compare the
179 signature or mark of the elector on the application with the signature or mark of the
180 elector on the elector's voter registration card. In order to be found eligible to vote an
181 absentee ballot in person at the registrar's office or absentee ballot clerk's office, such
182 person shall show one of the forms of identification listed in Code Section 21-2-417 and
183 the registrar or absentee ballot clerk shall compare the identifying information on the
184 application with the information on file in the registrar's office.

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

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

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

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

194 (3) If found ineligible, the clerk or the board of registrars shall deny the application by
195 writing the reason for rejection in the proper space on the application and shall promptly
196 notify the applicant in writing of the ground of ineligibility, a copy of which notification
197 should be retained on file in the office of the board of registrars or absentee ballot clerk
198 for at least one year. However, an absentee ballot application shall not be rejected due
199 to an apparent mismatch between the signature of the elector on the application and the
200 signature of the elector on file with the board of registrars. In such cases, the board of
201 registrars or absentee ballot clerk shall send the elector a provisional absentee ballot with
202 the designation 'Provisional Ballot' on the outer oath envelope and information prepared
203 by the Secretary of State as to the process to be followed to cure the signature
204 discrepancy. If such ballot is returned to the board of registrars or absentee ballot clerk
205 prior to the closing of the polls on the day of the primary or election, the elector may cure
206 the signature discrepancy by submitting an affidavit to the board of registrars or absentee
207 ballot clerk along with a copy of one of the forms of identification enumerated in
208 subsection (c) of Code Section 21-2-417 before the close of the period for verifying
209 provisional ballots contained in subsection (c) of Code Section 21-2-419. If the board of
210 registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the
211 absentee ballot shall be counted as other absentee ballots. If the board of registrars or
212 absentee ballot clerk finds the affidavit and identification to be insufficient, then the
213 procedure contained in Code Section 21-2-386 shall be followed for rejected absentee
214 ballots.

215 (4) If the registrar or clerk is unable to determine the identity of the elector from
216 information given on the application, the registrar or clerk should promptly write to
217 request additional information.

218 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
219 or the board shall immediately mail a blank registration card as provided by Code
220 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to

221 vote by absentee ballot in such primary or election, if the registration card, properly
222 completed, is returned to the clerk or the board on or before the last day for registering
223 to vote in such primary or election. If the closing date for registration in the primary or
224 election concerned has not passed, the clerk or registrar shall also mail a ballot to the
225 applicant, as soon as it is prepared and available; and the ballot shall be cast in such
226 primary or election if returned to the clerk or board not later than the close of the polls
227 on the day of the primary or election concerned.

228 (6) If the applicant fails to provide his or her driver's license number, personal
229 identification card number issued pursuant to Article 5 of Chapter 5 of Title 40, or
230 photocopy of one of the forms of identification specified in subparagraph (a)(1)(C) of this
231 Code section, or if the photocopy is not legible, the registrar or absentee ballot clerk shall
232 advise the elector promptly and he or she shall be allowed to correct the problem if done
233 during the time permitted for the issuance of absentee ballots. If an application is
234 received by a registrar or absentee ballot clerk on or after the eighth day prior to a
235 primary, election, or runoff and does not contain the applicant's driver's license number,
236 personal identification card number issued pursuant to Article 5 of Chapter 5 of Title 40,
237 or photocopy of one of the forms of identification specified in subparagraph (a)(1)(C) of
238 this Code section, or if the photocopy is not legible, if the applicant is otherwise
239 sufficiently qualified to vote in such primary, election, or runoff, the registrar or absentee
240 ballot clerk shall issue the absentee ballot as a provisional ballot."

241 **SECTION 10.**

242 Said chapter is further amended in Code Section 21-2-381, relating to making of application
243 for absentee ballot, determination of eligibility by ballot clerk, furnishing of applications to
244 colleges and universities, and persons entitled to make application, by adding a new
245 subsection to read as follows:

246 "(f) Other than the Secretary of State or a county election or registration official, any
247 person, organization, or other entity which distributes or publishes any document or
248 material to electors that purports to be an application for an absentee ballot shall
249 prominently display a disclaimer thereon in at least 20 point type which occupies at least
250 25 percent of the area on the front and back of such document or material and which shall
251 state:

252 "This is NOT an official government publication and was NOT provided to you by any
253 governmental entity. It is being distributed by [insert name and address of person,
254 organization, or other entity distributing such document or material]."

255 **SECTION 11.**

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

258 "21-2-382.

259 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
260 registrars may establish additional sites as additional registrar's offices or places of
261 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
262 for the purpose of voting absentee ballots under Code Section 21-2-385, including advance
263 voting, provided that any such site is a building that is a branch of the county courthouse,
264 a courthouse annex, a government service center providing general government services,
265 another government building generally accessible to the public, or a ~~location~~ building that
266 is used as an election day polling place, notwithstanding that such ~~location~~ building is not
267 a government building.

268 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of
269 this state having a population of 550,000 or more according to the United States decennial
270 census of 1990 or any future such census, any building that is a branch of the county
271 courthouse or courthouse annex established within any such county shall be an additional

272 registrar's or absentee ballot clerk's office or place of registration for the purpose of
273 receiving absentee ballots under Code Section 21-2-381 and for the purpose of voting
274 absentee ballots under Code Section 21-2-385, including advance voting."

275 **SECTION 12.**

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

279 "(a) At any time after receiving an official absentee ballot, but before the day of the
280 primary or election, except electors who are confined to a hospital on the day of the
281 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
282 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
283 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
284 of the oath of the elector; the name and oath of the person assisting, if any; and other
285 required identifying information. The elector shall then fill out, subscribe, and swear to the
286 oath printed on such envelope, have an individual who is 18 years of age or older sign as
287 a witness, and enclose in the outer envelope, in addition to but not inside the ballot
288 envelope, a photocopy of one of the forms of identification specified in subsection (a) of
289 Code Section 21-2-417. A witness signature shall not be necessary for absentee electors
290 who are voting an absentee ballot owing to being disabled, being the caregiver for someone
291 who is disabled, or are entitled to vote by absentee ballot under the federal Uniformed and
292 Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20302, et seq., as amended.
293 Such envelope shall then be securely sealed and the elector shall then personally mail or
294 personally deliver same to a registrar, deputy registrar, or clerk of the board of registrars
295 or the absentee ballot clerk or clerk in the office of the absentee ballot clerk, provided that
296 mailing or delivery as provided in this subsection may be made by the elector's mother,
297 father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew,

298 grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law,
299 sister-in-law, or an individual residing in the household of such elector. The absentee
300 ballot of a disabled elector may be mailed or delivered as provided in this subsection by the
301 caregiver of such disabled elector, regardless of whether such caregiver resides in such
302 disabled elector's household. The absentee ballot of an elector who is in custody in a jail
303 or other detention facility may be mailed or delivered as provided in this subsection by any
304 employee of such jail or facility having custody of such elector. An elector who is
305 confined to a hospital on a primary or election day to whom an absentee ballot is delivered
306 by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly,
307 and return it to the registrar or absentee ballot clerk as provided in this subsection. If the
308 elector registered to vote for the first time in this state by mail and has not previously
309 provided the identification required by Code Section 21-2-220 and votes for the first time
310 by absentee ballot and fails to provide the identification required by Code Section 21-2-220
311 with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and
312 shall be counted only if the registrars are able to verify the identification and registration
313 of the elector during the time provided pursuant to Code Section 21-2-419."

314 "(d)(1) There shall be a period of advance voting during which persons may vote in
315 person without specifying any of the reasons stated in subsection (a) of Code
316 Section 21-2-380 that shall commence:

- 317 (A) On the fourth Monday immediately prior to each primary or election;
318 (B) On the fourth Monday immediately prior to a runoff from a general primary;
319 (C) On the fourth Monday immediately prior to a runoff from a general election in
320 which there are candidates for a federal office on the ballot in the runoff; and
321 (D) As soon as possible prior to a runoff from any other general election in which there
322 are only state or county candidates on the ballot in the runoff but no later than the
323 second Monday immediately prior to such runoff

324 and shall end on the Friday immediately prior to each primary, election, or runoff.
325 Voting shall be conducted during normal business hours on weekdays during such period
326 and shall be conducted on the second Saturday prior to a primary or election during the
327 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
328 in which there are no federal or state candidates on the ballot, no Saturday voting hours
329 shall be required; and provided, further, that, if such second Saturday is a public and legal
330 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
331 legal holiday occurring on the Thursday or Friday immediately preceding such second
332 Saturday, or if such second Saturday immediately precedes a public and legal holiday
333 occurring on the following Sunday or Monday, such advance voting shall not be held on
334 such second Saturday but shall be held on the third Saturday prior to such primary or
335 election. Except as otherwise provided in this paragraph, counties and municipalities
336 may extend the hours for voting beyond regular business hours and may provide for
337 additional voting locations in buildings authorized pursuant to Code Section 21-2-382 to
338 suit the needs of the electors of the jurisdiction at their option. Advance voting shall be
339 allowed only in the main office of the board of elections and registration, the main office
340 of the board of registrars, or a building authorized pursuant to Code Section 21-2-382.
341 (e) On each day of an absentee voting period, each county board of registrars or municipal
342 absentee ballot clerk shall report for the county or municipality to the Secretary of State
343 and post on the county or municipal website not later than 10:00 A.M. on each business
344 day the number of persons to whom absentee ballots have been issued, the number of
345 persons who have returned absentee ballots, the number of absentee ballots that have been
346 rejected, and the number of ballots that have been rejected. Additionally, on each day of
347 an advance voting period, each county board of registrars or municipal absentee ballot
348 clerk shall report to the Secretary of State and post on the county or municipal website not
349 later than 10:00 A.M. on each business day the number of persons who have voted at the
350 advance voting sites in the county or municipality. During the absentee voting period and

351 for a period of three days following a primary, election, or runoff, each county board of
352 registrars or municipal absentee ballot clerk shall report to the Secretary of State and post
353 on the county or municipal website not later than 10:00 A.M. on each business day the
354 number of persons who have voted provisional ballots, the number of provisional ballots
355 that have verified or cured and accepted for counting, and the number of provisional ballots
356 that have been rejected."

357

SECTION 13.

358 Said chapter is further amended by revising subparagraphs (a)(1)(B) and (a)(1)(C) of Code
359 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
360 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and
361 notification of challenged elector, and by adding new subsections to read as follows:

362 "(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
363 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
364 identifying information on the oath with the information on file in his or her office,
365 shall compare the signature or mark on the oath with the signature or mark on the
366 absentee elector's voter registration card or the most recent update to such absentee
367 elector's voter registration card and application for absentee ballot or a facsimile of said
368 signature or mark taken from said card or application, shall open the outer oath
369 envelope and verify the identity of the elector with the enclosed photocopy of one of
370 the forms of identification specified in subsection (a) of Code Section 21-2-417, and
371 shall, if the information and signature appear to be valid and other identifying
372 information appears to be correct, so certify by signing or initialing his or her name
373 below the voter's oath. Each elector's name so certified shall be listed by the registrar
374 or clerk on the numbered list of absentee voters prepared for his or her precinct.

375 (C) If the elector has failed to sign the oath, or if the signature does not appear to be
376 valid, or if the elector has failed to furnish required information or information so

377 furnished does not conform with that on file in the registrar's or clerk's office, or if the
378 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
379 the face of the envelope 'Rejected,' giving the reason therefor. If the elector fails to
380 provide the identification specified in subsection (a) of Code Section 21-2-417 with
381 such absentee ballot, such absentee ballot shall be treated as a provisional ballot and
382 shall be counted only if the registrars are able to verify the identification and
383 registration of the elector during the time provided pursuant to Code Section 21-2-419.
384 The board of registrars or absentee ballot clerk shall promptly notify the elector that
385 such ballot is deemed a provisional ballot and shall provide information on the types
386 of identification needed and how and when such identification is to be submitted to the
387 board of registrars or absentee ballot clerk to verify the ballot. The board of registrars
388 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
389 which notification shall be retained in the files of the board of registrars or absentee
390 ballot clerk for at least two years. Such elector shall have until the end of the period for
391 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419 to
392 cure the problem resulting in the rejection of the ballot. The elector may cure a failure
393 to sign the oath, an invalid signature, or missing information by submitting an affidavit
394 to the board of registrars or absentee ballot clerk along with a copy of one of the forms
395 of identification enumerated in subsection (c) of Code Section 21-2-417 before the
396 close of such period. The affidavit shall affirm that the ballot was submitted by the
397 elector, is the elector's ballot, and that the elector is registered and qualified to vote in
398 the primary, election, or runoff in question. If the board of registrars or absentee ballot
399 clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be
400 counted."

401 "(g) After the close of the polls on the day of a primary, election, or runoff, the board of
402 registrars shall notify the election superintendent of the total number of absentee ballots

403 received by the close of the polls that were certified by the board of registrars, and the
404 election superintendent shall post such information publicly.

405 (h) After the polls close, the certified absentee ballots that were received by the time for
406 the closing of the polls shall be counted and tabulated, and such count and tabulation shall
407 not cease until all such ballots have been tabulated. If the election superintendent has
408 exercised the option under paragraph (3) of subsection (a) of this Code section to begin the
409 count and tabulation of absentee ballots earlier than the close of the polls, then such count
410 shall proceed until all certified absentee ballots that were received by the close of the polls
411 have been counted and tabulated."

412

SECTION 14.

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

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

424

SECTION 15.

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

428 "(b) Poll hours at a precinct may be extended only by order of a judge of the superior court
429 of the county in which the precinct is located upon good cause being shown.
430 (c) In the event that the time for the closing of the polls at a precinct is extended by court
431 order, only those electors whose names appear on the electors list for such precinct and no
432 others shall be permitted to vote during the extended poll hours."

433 **SECTION 16.**

434 Said chapter is further amended by revising Code Section 21-2-412, relating to duties of
435 superior courts on days of primaries and elections, by designating the existing text as
436 subsection (a) and adding a new subsection to read as follows:

437 "(b) A case regarding a dispute or claim regarding election procedures or the ballot
438 tabulation process for a primary, election, or runoff which requests the issuance of an
439 injunction, restraining order, writ of mandamus, or declaratory judgment shall be given
440 priority by the judge of the superior court presiding over the case, and such judge shall hear
441 such case within two business days of the filing of such case and shall proceed to decide
442 such case as expeditiously as possible with a view therein to the circumstances of the
443 matter and the proximity to the next primary, election, or runoff and the need to certify the
444 results of the primary, election, or runoff. This subsection shall not apply to election
445 contests under Article 13 of this chapter."

446 **SECTION 17.**

447 Said chapter is further amended in Part 1 of Article 11, relating to general provisions
448 regarding preparation for and conduct of primaries and elections, by adding a new Code
449 section to read as follows:

450 "21-2-420.

451 (a) After the time for the closing of the polls and the last elector voting, the poll officials
452 in each precinct shall complete the required accounting and related documentation for the

453 precinct and shall advise the election superintendent of the total number of ballots cast at
454 such precinct and the total number of provisional ballots cast. In precincts using
455 precinct-based counting or tabulation, the poll officials shall proceed to count and tabulate
456 the ballots cast. Such poll officials shall not cease such count until all ballots have been
457 counted or tabulated and vote totals obtained, with the exception of provisional ballots.
458 The chief manager and at least one assistant manager shall post a copy of the tabulated
459 results for the precinct on the door of the precinct and then immediately deliver all required
460 documentation and election materials to the election superintendent. In precincts using
461 central counting or tabulation, the chief manager and at least one assistant manager shall,
462 after completing the required accounting and related documentation for such precinct,
463 immediately deliver all ballots and required documentation and election materials to the
464 election superintendent or the counting and tabulating center designated by the election
465 superintendent for processing, counting, and tabulation. The election superintendent shall
466 then ensure that such ballots are processed, counted, and tabulated as soon as possible and
467 shall not cease such count and tabulation until all such ballots are counted and tabulated.
468 (b) The election superintendent shall ensure that each precinct notifies the election
469 superintendent of the number of ballots cast and number of provisional ballots cast as soon
470 as possible after the time for the closing of the polls and the last elector votes. The election
471 superintendent shall post such information publicly."

472

SECTION 18.

473 Said chapter is further amended by revising subsection (a) of Code Section 21-2-437, relating
474 to procedure as to count and return of votes generally and void ballots, as follows:

475 "(a) After the polls close and as soon as all the ballots have been properly accounted for
476 and those outside the ballot box as well as the voter's certificates, numbered list of voters,
477 and electors list have been sealed, the poll officers shall open the ballot box and take
478 therefrom all ballots contained therein. In primaries in which more than one ballot box is

479 used, any ballots or stubs belonging to another party holding its primary in the same polling
480 place shall be returned to the ballot box for the party for which they were issued. In
481 primaries, separate tally and return sheets shall be prepared for each party, and separate
482 poll officers shall be designated by the chief manager to count and tally each party's ballot.
483 Where the same ballot box is being used by one or more parties, the ballots and stubs shall
484 first be divided by party before being tallied and counted. The ballots shall then be counted
485 one by one and a record made of the total number. Then the chief manager, together with
486 such assistant managers and other poll officers as the chief manager may designate, under
487 the scrutiny of one of the assistant managers and in the presence of the other poll officers,
488 shall read aloud the names of the candidates marked or written upon each ballot, together
489 with the office for which the person named is a candidate, and the answers contained on
490 the ballots to the questions submitted, if any; and the other assistant manager and clerks
491 shall carefully enter each vote as read and keep account of the same in ink on a sufficient
492 number of tally papers, all of which shall be made at the same time. All ballots, after being
493 removed from the box, shall be kept within the unobstructed view of all persons in the
494 voting room until replaced in the box. No person, while handling the ballots, shall have
495 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
496 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
497 not adjourn or postpone the canvass or computation until it shall have been fully
498 completed, ~~except that, in the discretion of the superintendent, the poll officers may stop~~
499 ~~the counting after all contested races and questions are counted, provided that the results~~
500 ~~of these contested races and questions are posted for the information of the public outside~~
501 ~~the polling place and the ballots are returned to the ballot box and deposited with the~~
502 ~~superintendent until counting is resumed on the following day."~~

503

SECTION 19.

504 Said chapter is further amended by revising Code Section 21-2-483, relating to counting of
505 ballots, public accessibility to tabulating center and precincts, execution of ballot recap
506 forms, and preparation of duplicate ballots, by adding new subsections to read as follows:

507 "(i) After the time for the closing of the polls and the last elector voting, the poll officials
508 in each precinct shall complete the required accounting and related documentation for the
509 precinct and shall advise the election superintendent of the total number of ballots cast at
510 such precinct and the total number of provisional ballots cast. In precincts using
511 precinct-based counting or tabulation, the poll officials shall proceed to count and tabulate
512 the ballots cast. Such poll officials shall not cease such count until all ballots have been
513 counted or tabulated and vote totals obtained, with the exception of provisional ballots.
514 The chief manager and at least one assistant manager shall post a copy of the tabulated
515 results for the precinct on the door of the precinct and then immediately deliver all required
516 documentation and election materials to the election superintendent. In precincts using
517 central counting or tabulation, the chief manager and at least one assistant manager shall,
518 after completing the required accounting and related documentation for such precinct,
519 immediately deliver all ballots and required documentation and election materials to the
520 election superintendent or to the counting and tabulating center designated by the election
521 superintendent for processing, counting, and tabulation. The election superintendent shall
522 then ensure that such ballots are processed, counted, and tabulated as soon as possible and
523 shall not cease such count and tabulation until all such ballots are counted and tabulated.
524 (j) The election superintendent shall ensure that each precinct notifies the election
525 superintendent of the number of ballots cast and number of provisional ballots cast as soon
526 as possible after the time for the closing of the polls and the last elector votes. The election
527 superintendent shall post such information publicly."

528

SECTION 20.

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

532 "21-2-492.

533 The superintendent shall arrange for the computation and canvassing of the returns of votes
534 cast at each primary and election at his or her office or at some other convenient public
535 place at the county seat or municipality following the close of the polls on the day of such
536 primary or election with accommodations for those present insofar as space permits. An
537 interested candidate or his or her representative shall be permitted to keep or check his or
538 her own computation of the votes cast in the several precincts as the returns from the same
539 are read, as directed in this article. The superintendent shall give at least one week's notice
540 prior to the primary or election by publishing same in a conspicuous place in the
541 superintendent's office, of the ~~time and place when and~~ where he or she will commence and
542 hold his or her sessions for the computation and canvassing of the returns; and he or she
543 shall keep copies of such notice posted in his or her office during such period. The
544 superintendent shall procure a sufficient number of blank forms of returns made out in the
545 proper manner and headed as the nature of the primary or election may require, for making
546 out full and fair statements of all votes which shall have been cast within the county or any
547 precinct therein, according to the returns from the several precincts thereof, for any person
548 voted for therein, or upon any question voted upon therein. The assistants of the
549 superintendent in the computation and canvassing of the votes shall be first sworn by the
550 superintendent to perform their duties impartially and not to read, write, count, or certify
551 any return or vote in a false or fraudulent manner."

552

SECTION 21.

553 Said chapter is further amended by revising subsection (a) of Code Section 21-2-493, relating
554 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote
555 counts, recount procedure, certification of returns, and change in returns, as follows:

556 "(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the
557 day ~~following the~~ of a primary or election, at his or her office or at some other convenient
558 public place at the county seat or in the municipality, of which due notice shall have been
559 given as provided by Code Section 21-2-492, publicly commence the computation and
560 canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the
561 close of the polls, including those cast by advance voting, and all ballots cast on the day
562 of the primary or election have been counted and tabulated and the results of such
563 tabulation released to the public and, then, continuing with provisional ballots as provided
564 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in
565 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For
566 this purpose, the superintendent may organize his or her assistants into sections, each of
567 ~~which~~ whom may simultaneously proceed with the computation and canvassing of the
568 returns from various precincts of the county or municipality in the manner provided by this
569 Code section. Upon the completion of such computation and canvassing, the
570 superintendent shall tabulate the figures for the entire county or municipality and sign,
571 announce, and attest the same, as required by this Code section."

572

SECTION 22.

573 Said chapter is further amended in Article 15, relating to miscellaneous offenses, by adding
574 a new Code section to read as follows:

575 "21-2-568.1.

576 (a) Except while providing authorized assistance in voting under Code Section 21-2-409,
577 no person shall intentionally observe an elector while casting a ballot in a manner that
578 would allow such person to see for whom or what the elector is voting.

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

581

SECTION 23.

582 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
583 general provisions regarding administrative procedure, is amended by revising subsection (b)
584 of Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or
585 repeal of rules, emergency rules, limitation on action to contest rule, and legislative override,
586 as follows:

587 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,
588 including but not limited to, summary processes such as quarantines, contrabands, seizures,
589 and the like authorized by law without notice, requires adoption of a rule upon fewer than
590 30 days' notice and states in writing its reasons for that finding, it may proceed without
591 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable
592 to adopt an emergency rule. Any such rule adopted relative to a public health emergency
593 shall be submitted as promptly as reasonably practicable to the House of Representatives
594 and Senate Committees on Judiciary, provided that any such rule adopted relative to a
595 public health emergency by the State Election Board shall be submitted as soon as
596 practicable but not later than 20 days prior to the rule taking effect. Any emergency rule
597 adopted by the State Election Board pursuant to the provisions of this subsection may be

598 suspended upon the majority vote of the House of Representatives or Senate Committees
599 on Judiciary within ten days of the receipt of such rule by the committees. The rule may
600 be effective for a period of not longer than 120 days but the adoption of an identical rule
601 under paragraphs (1) and (2) of subsection (a) of this Code section is not precluded;
602 provided, however, that such a rule adopted pursuant to discharge of responsibility under
603 an executive order declaring a state of emergency or disaster exists as a result of a public
604 health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of
605 the emergency or disaster and for a period of not more than 120 days thereafter."

606 **SECTION 24.**

607 This Act shall be severable in accordance with Code Section 1-1-3.

608 **SECTION 25.**

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