

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

AS PASSED SENATE

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 certain reports regarding absentee ballots
15 and advance voting; to provide for certain audits; to provide that it shall be illegal to observe
16 how an elector votes; to amend Article 1 of Chapter 13 of Title 50 of the Official Code of
17 Georgia Annotated, relating to general provisions regarding administrative procedure, so as
18 to provide for the submission and suspension of emergency rules by the State Election Board;

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19 to provide for severability; to provide for related matters; to repeal conflicting laws; and for
20 other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

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

26 "21-2-3.

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

34 **SECTION 2.**

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

37 "21-2-35.

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

42

SECTION 3.

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

45 "21-2-78.

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

55 (b) Within 15 days after receiving a recommendation of the superintendent's removal from
56 office from the State Election Board in accordance with subsection (a) of this Code section,
57 the legislative delegation by majority vote may temporarily remove such election
58 superintendent from exercising his or her duties in accordance with this Code section. The
59 duties of such election superintendent shall be filled for the period of suspension by the
60 legislative delegation's appointment of a temporary election superintendent. In making
61 such appointment, the legislative delegation by majority vote shall select a person or
62 persons who have experience or training in managing and conducting elections to serve as
63 temporary election superintendent.

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

67

SECTION 4.

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

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

75

SECTION 5.

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

79 "(b) The superintendent of a county or the governing authority of a municipality shall have
80 discretion to procure and provide be responsible for procuring and providing portable or
81 movable polling facilities of adequate size for any precinct to replace any existing polling
82 place, if needed. Portable or movable polling facilities shall only be deployed and used to
83 replace an existing polling place when the existing polling place has been deemed to be
84 unsafe for human occupation by a licensed commercial building inspector employed or
85 contracted by the county or municipality or has suffered a failure of utility services that
86 provide water or electricity. Portable or moveable polling places shall follow the same
87 standards as they relate to voting access for those electors with disabilities as the existing
88 polling place that such portable or moveable polling place is being used to replace.
89 Portable or movable polling places shall be located within 2,640 feet of the existing polling
90 place that has been deemed unsafe or suffered a loss of utility services that provide water
91 or electricity. Any replacement of an existing polling place with a portable or movable
92 polling place shall be presented before and approved by a superior court judge of the circuit

93 in which the existing polling place is located prior to such replacement being used for
94 elections. The superintendent of a county or the governing authority of a municipality shall
95 be solely responsible for ensuring that all portable or movable polling facilities used by
96 such county or municipality meet all safety and licensing requirements currently applicable
97 under the law related to the operations of commercial vehicles and all applicable state,
98 county, and municipal codes related to the accessibility and safety of portable and
99 temporary structures."

100

SECTION 6.

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

103 "21-2-380.

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

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

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

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

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

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

122 (6) Is 65 years of age or older; or

123 (7) Is entitled to vote by absentee ballot under the federal Uniformed and Overseas
124 Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended.

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

132 **SECTION 7.**

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

137 "(C)(i) Any person applying for an absentee-by-mail ballot shall make application in
138 writing on the form made available by the Secretary of State. In order to confirm the
139 identity of the elector, such form shall require the elector to provide his or her name,
140 date of birth, address as registered, address where the elector wishes the ballot to be
141 mailed, and the elector's Georgia driver's license number or identification card
142 number issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not
143 have a Georgia driver's license or identification card issued pursuant to Article 5 of
144 Chapter 5 of Title 40, the elector shall swear or affirm this fact in the manner

145 prescribed in the application and the elector shall provide a copy of a form of
146 identification listed in subsection (c) of Code Section 21-2-417. The form made
147 available by the Secretary of State shall include a space to affix a photocopy or
148 electronic image of such identification. In addition to the web application described
149 in this paragraph, the Secretary of State shall develop a method to allow secure
150 electronic transmission of such application form. The application shall be in writing
151 and shall contain sufficient information for proper identification of the elector; the
152 permanent or temporary address of the elector to which the absentee ballot shall be
153 mailed; also include the reason for requesting the absentee ballot as provided in Code
154 Section 21-2-380; the identity of the primary, election, or runoff in which the elector
155 wishes to vote; and the name and relationship of the person requesting the ballot if
156 other than the elector; and an oath for the elector or relative making application on
157 behalf of such elector to sign swearing or affirming that the elector is a qualified
158 elector of this state and that the facts presented in the application are true. Submitting
159 false information on an application for an absentee ballot shall be a violation of Code
160 Sections 21-2-560 and 21-2-571.

161 (ii) The Secretary of State shall be authorized to create a web application that allows
162 an elector to submit an absentee ballot application via an online portal. Such
163 application shall verify the identity of the elector by matching the elector's name, date
164 of birth, and Georgia driver's license or identification card number issued pursuant to
165 Article 5 of Chapter 5 of Title 40 contained in the state voter registration system with
166 the name, date of birth, and Georgia driver's license or identification card number
167 issued pursuant to Article 5 of Chapter 5 of Title 40 entered into the web application.
168 Such application shall require the elector to swear or affirm that he or she is a
169 qualified elector of this state and that the facts presented on the application are true.

170 (iii) The blank application for absentee ballot shall be made available online by the
171 Secretary of State, but neither the Secretary of State nor any election superintendent,

172 registrar, absentee ballot clerk, or employee or agent thereof shall send absentee ballot
 173 applications directly to any elector except upon request of such elector or relative of
 174 such elector authorized to request an absentee ballot for such elector. No person or
 175 entity other than a relative authorized to request an absentee ballot for such elector or
 176 a person signing as assisting an illiterate or physically disabled elector shall send any
 177 elector an absentee ballot application that is pre-filled with the elector's personal
 178 identifying information, in whole or in part. Any blank application for absentee ballot
 179 sent by any person or entity shall utilize the form made available by the Secretary of
 180 State.

181 (D) Except in the case of physically disabled electors residing in the county or
 182 municipality or electors in custody in a jail or other detention facility in the county or
 183 municipality, no absentee ballot shall be mailed to an address other than the permanent
 184 mailing address of the elector as recorded on the elector's voter registration record or
 185 a temporary out-of-county or out-of-municipality address. Upon request, electors held
 186 in jails or other detention facilities who are eligible to vote shall be granted access to
 187 the necessary personal effects for the purpose of applying for an absentee ballot
 188 pursuant to this Code section."

189

SECTION 8.

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

194 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
 195 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
 196 shall verify the identity of the applicant and determine, in accordance with the provisions
 197 of this chapter, if the applicant is eligible to vote in the primary or election involved. In

198 order to ~~be found eligible to vote an absentee ballot by mail~~ verify the identity of the
199 applicant, the registrar or absentee ballot clerk shall compare the ~~identifying information~~
200 applicant's name, date of birth, and Georgia driver's license number or identification card
201 number issued pursuant to Article 5 of Chapter 5 of Title 40 on the application with the
202 information on file in the registrar's office and, ~~if the application is signed by the elector,~~
203 ~~compare the signature or mark of the elector on the application with the signature or mark~~
204 ~~of the elector on the elector's voter registration card.~~ If the application does not contain
205 a Georgia driver's license number or identification card number issued pursuant to
206 Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall verify that
207 the identification provided with the application identifies the applicant. In order to be
208 found eligible to vote an absentee ballot in person at the registrar's office or absentee
209 ballot clerk's office, such person shall show one of the forms of identification listed in
210 Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the
211 identifying information on the application with the information on file in the registrar's
212 office.

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

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

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

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

222 (3) If found ineligible or if the application is not timely received, the clerk or the board
223 of registrars shall deny the application by writing the reason for rejection in the proper
224 space on the application and shall promptly notify the applicant in writing of the ground

225 of ineligibility, a copy of which notification should be retained on file in the office of the
226 board of registrars or absentee ballot clerk for at least one year. However, an absentee
227 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the
228 ~~signature~~ signature identifying information of the elector on the application and the ~~signature~~
229 identifying information of the elector on file with the board of registrars. In such cases,
230 the board of registrars or absentee ballot clerk shall send the elector a provisional
231 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and
232 information prepared by the Secretary of State as to the process to be followed to cure the
233 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee
234 ballot clerk prior to the closing of the polls on the day of the primary or election, the
235 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of
236 registrars or absentee ballot clerk along with a copy of one of the forms of identification
237 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for
238 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the
239 board of registrars or absentee ballot clerk finds the affidavit and identification to be
240 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of
241 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,
242 then the procedure contained in Code Section 21-2-386 shall be followed for rejected
243 absentee ballots.

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

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

252 vote by absentee ballot in such primary or election, if the registration card, properly
253 completed, is returned to the clerk or the board on or before the last day for registering
254 to vote in such primary or election. If the closing date for registration in the primary or
255 election concerned has not passed, the clerk or registrar shall also mail a ballot to the
256 applicant, as soon as it is prepared and available; and the ballot shall be cast in such
257 primary or election if returned to the clerk or board not later than the close of the polls
258 on the day of the primary or election concerned."

259

SECTION 9.

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

264 "(f) Other than the Secretary of State or a county election or registration official, any
265 person, organization, or other entity which distributes or publishes any document or
266 material to electors that purports to be an application for an absentee ballot shall
267 prominently display a disclaimer thereon in at least 20 point type which occupies at least
268 25 percent of the area on the front and back of such document or material and which shall
269 state:

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

273

SECTION 10.

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

276 "21-2-382.

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

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

293

SECTION 11.

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

298 "(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
299 office, in addition to the mailing envelope addressed to the elector, the superintendent,
300 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
301 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in

302 order to permit the placing of one within the other and both within the mailing envelope.
303 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
304 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the
305 two envelopes to be enclosed within the mailing envelope shall be printed contain the form
306 of oath of the elector and the oath for persons assisting electors, as provided for in Code
307 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,
308 21-2-579, and 21-2-599 for violations of oaths; a place for the elector to print his or her
309 name; a signature line; a space for the elector to print his or her Georgia driver's license or
310 state identification card number issued pursuant to Article 5 of Chapter 5 of Title 40; a
311 space for the elector to mark to affirm that he or she does not have a Georgia driver's
312 license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40; a space
313 for the elector to print his or her date of birth; and a space for the elector to print the last
314 four digits of his or her social security number, if the elector does not have a Georgia
315 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of
316 Title 40. The envelope shall be designed so that the elector's Georgia driver's license or
317 identification card number issued pursuant to Article 5 of Chapter 5 of Title 40, last four
318 digits of social security number, and date of birth shall be hidden from view when the
319 envelope is correctly sealed. Any person other than the elector who requested the ballot,
320 an authorized person who is assisting an elector entitled to assistance under Code
321 Section 21-2-381, absentee ballot clerk, registrar, or law enforcement officer in the course
322 of an investigation who knowingly unseals a sealed absentee ballot envelope shall be guilty
323 of a felony. ~~and on~~ On the face of such envelope shall be printed the name and address of
324 the board of registrars or absentee ballot clerk. The larger of the two envelopes shall also
325 display the elector's name and voter registration number. The mailing envelope addressed
326 to the elector shall contain the two envelopes, the official absentee ballot, the uniform
327 instructions for the manner of preparing and returning the ballot, in form and substance as
328 provided by the Secretary of State, provisional absentee ballot information, if necessary,

329 and a notice in the form provided by the Secretary of State of all withdrawn, deceased, and
330 disqualified candidates and any substitute candidates pursuant to Code Sections 21-2-134
331 and 21-2-155 and nothing else. The uniform instructions shall include information specific
332 to the voting system used for absentee voting concerning the effect of overvoting or voting
333 for more candidates than one is authorized to vote for a particular office and information
334 concerning how the elector may correct errors in voting the ballot before it is cast including
335 information on how to obtain a replacement ballot if the elector is unable to change the
336 ballot or correct the error."

337 **SECTION 12.**

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

341 "(a) At any time after receiving an official absentee ballot, but before the day of the
342 primary or election, except electors who are confined to a hospital on the day of the
343 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
344 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
345 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
346 of the oath of the elector; the name and oath of the person assisting, if any; and other
347 required identifying information. The elector shall then fill out, subscribe, and swear to the
348 oath printed on such envelope. In order to verify that the absentee ballot was voted by the
349 elector who requested the ballot, the elector shall print his or her Georgia driver's license
350 or identification card number issued pursuant to Article 5 of Chapter 5 of Title 40 in the
351 space provided on the envelope. The elector shall also print his or her date of birth in the
352 space provided in the envelope. If the elector does not have a Georgia driver's license or
353 state identification card number issued pursuant to Article 5 of Chapter 5 of Title 40, the
354 elector shall so swear or affirm in the space provided on the envelope and print the last four

355 digits of his or her social security number in the space provided on the envelope. If the
356 elector does not have a Georgia driver's license or identification card or a social security
357 number, the elector shall so affirm in the space provided on the envelope and place a copy
358 of identification set forth in subsection (c) of Code Section 21-2-417. Such envelope shall
359 then be securely sealed and the elector shall then personally mail or personally deliver
360 same to the board of registrars or absentee ballot clerk, provided that mailing or delivery
361 may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister,
362 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
363 mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the
364 household of such elector. The absentee ballot of a disabled elector may be mailed or
365 delivered by the caregiver of such disabled elector, regardless of whether such caregiver
366 resides in such disabled elector's household. The absentee ballot of an elector who is in
367 custody in a jail or other detention facility may be mailed or delivered by any employee of
368 such jail or facility having custody of such elector. An elector who is confined to a hospital
369 on a primary or election day to whom an absentee ballot is delivered by the registrar or
370 absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to
371 the registrar or absentee ballot clerk. If the elector registered to vote for the first time in
372 this state by mail and has not previously provided the identification required by Code
373 Section 21-2-220 and votes for the first time by absentee ballot and fails to provide the
374 identification required by Code Section 21-2-220 with such absentee ballot, such absentee
375 ballot shall be treated as a provisional ballot and shall be counted only if the registrars are
376 able to verify the identification and registration of the elector during the time provided
377 pursuant to Code Section 21-2-419."

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

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

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

383 (C) On the fourth Monday immediately prior to a runoff from a general election in
384 which there are candidates for a federal office on the ballot in the runoff; and

385 (D) As soon as possible prior to a runoff from any other general election in which there
386 are only state or county candidates on the ballot in the runoff but no later than the
387 second Monday immediately prior to such runoff

388 and shall end on the Friday immediately prior to each primary, election, or runoff.

389 Voting shall be conducted during normal business hours on weekdays during such period
390 and shall be conducted on the second Saturday prior to a primary or election during the

391 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

392 in which there are no federal or state candidates on the ballot, no Saturday voting hours

393 shall be required; and provided, further, that, if such second Saturday is a public and legal

394 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and

395 legal holiday occurring on the Thursday or Friday immediately preceding such second

396 Saturday, or if such second Saturday immediately precedes a public and legal holiday

397 occurring on the following Sunday or Monday, such advance voting shall not be held on

398 such second Saturday but shall be held on the third Saturday prior to such primary or

399 election. Except as otherwise provided in this paragraph, counties and municipalities

400 may extend the hours for voting beyond regular business hours and may provide for

401 additional voting locations in buildings authorized pursuant to Code Section 21-2-382 to

402 suit the needs of the electors of the jurisdiction at their option. Advance voting shall be

403 allowed only in the main office of the board of elections and registration, the main office

404 of the board of registrars, or a building authorized pursuant to Code Section 21-2-382.

405 (e) On each day of an absentee voting period, each county board of registrars or municipal

406 absentee ballot clerk shall report for the county or municipality to the Secretary of State

407 and post on the county or municipal website not later than 10:00 A.M. on each business

408 day the number of persons to whom absentee ballots have been issued, the number of

409 persons who have returned absentee ballots, the number of absentee ballots that have been
410 rejected, and the number of ballots that have been rejected. Additionally, on each day of
411 an advance voting period, each county board of registrars or municipal absentee ballot
412 clerk shall report to the Secretary of State and post on the county or municipal website not
413 later than 10:00 A.M. on each business day the number of persons who have voted at the
414 advance voting sites in the county or municipality. During the absentee voting period and
415 for a period of three days following a primary, election, or runoff, each county board of
416 registrars or municipal absentee ballot clerk shall report to the Secretary of State and post
417 on the county or municipal website not later than 10:00 A.M. on each business day the
418 number of persons who have voted provisional ballots, the number of provisional ballots
419 that have verified or cured and accepted for counting, and the number of provisional ballots
420 that have been rejected."

421

SECTION 13.

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

426 "21-2-386.

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

431 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
432 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
433 ~~identifying information on the oath with the information on file in his or her office,~~
434 ~~shall compare the signature or mark on the oath with the signature or mark on the~~

435 ~~absentee elector's voter registration card or the most recent update to such absentee~~
436 ~~elector's voter registration card and application for absentee ballot or a facsimile of said~~
437 ~~signature or mark taken from said card or application, and shall, if the information and~~
438 ~~signature appear to be valid and other identifying information appears to be correct,~~
439 elector's Georgia driver's license number or state identification card issued pursuant to
440 Article 5 of Chapter 5 of Title 40 entered on the absentee ballot envelope with the same
441 information contained in the elector's voter registration records. If the elector has
442 sworn or affirmed on the envelope that he or she does not have a Georgia driver's
443 license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40,
444 the registrar or absentee ballot clerk shall compare the last four digits of the elector's
445 social security number and date of birth entered on the envelope with the same
446 information contained in the elector's voter registration records. The registrar or
447 absentee ballot clerk shall also confirm that the elector signed the oath and the person
448 assisting the elector, if any, signed the oath of assistance. If the elector has signed the
449 oath, the person assisting such elector, if any, has signed the oath of assistance, and the
450 identifying information entered on the absentee ballot envelope matches the same
451 information contained in the elector's voter registration record, the registrar or absentee
452 ballot clerk shall so certify by signing or initialing his or her name below the voter's
453 oath. Each elector's name so certified shall be listed by the registrar or clerk on the
454 numbered list of absentee voters prepared for his or her precinct.

455 (C) If the elector has failed to sign the oath, or if the ~~signature~~ identifying information
456 entered on the absentee ballot envelope does not appear to be valid match the same
457 information appearing in the elector's voter registration record, or if the elector has
458 failed to furnish required information or information so furnished does not conform
459 with that on file in the registrar's or absentee ballot clerk's office, or if the elector is
460 otherwise found disqualified to vote, the registrar or absentee ballot clerk shall write
461 across the face of the envelope 'Rejected,' giving the reason therefor. The board of

462 registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a
463 copy of which notification shall be retained in the files of the board of registrars or
464 absentee ballot clerk for at least two years. Such elector shall have until the end of the
465 period for verifying provisional ballots contained in subsection (c) of Code
466 Section 21-2-419 to cure the problem resulting in the rejection of the ballot. The
467 elector may cure a failure to sign the oath, ~~an invalid signature~~ nonmatching identifying
468 information, or missing information by submitting an affidavit to the board of registrars
469 or absentee ballot clerk along with a copy of one of the forms of identification
470 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.
471 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's
472 ballot, and that the elector is registered and qualified to vote in the primary, election,
473 or runoff in question. If the board of registrars or absentee ballot clerk finds the
474 affidavit and identification to be sufficient, the absentee ballot shall be counted.

475 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
476 of Code Section 21-2-220, and who votes for the first time in this state by absentee
477 ballot shall include with his or her application for an absentee ballot or in the outer oath
478 envelope of his or her absentee ballot either one of the forms of identification listed in
479 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
480 statement, government check, paycheck, or other government document that shows the
481 name and address of such elector. If such elector does not provide any of the forms of
482 identification listed in this subparagraph with his or her application for an absentee
483 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
484 provisional ballot and such ballot shall only be counted if the registrars are able to
485 verify current and valid identification of the elector as provided in this subparagraph
486 within the time period for verifying provisional ballots pursuant to Code
487 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
488 the elector that such ballot is deemed a provisional ballot and shall provide information

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

491 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
492 absentee electors, giving the name of the elector and the reason for the rejection in each
493 case. Three copies of the numbered list of certified absentee voters and three copies of
494 the numbered list of rejected absentee voters for each precinct shall be turned over to
495 the poll manager in charge of counting the absentee ballots and shall be distributed as
496 required by law for numbered lists of voters.

497 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
498 of the polls on the day of the primary or election shall be safely kept unopened by the
499 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
500 for the period of time required for the preservation of ballots used at the primary or
501 election and shall then, without being opened, be destroyed in like manner as the used
502 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
503 promptly notify the elector by first-class mail that the elector's ballot was returned too
504 late to be counted and that the elector will not receive credit for voting in the primary
505 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
506 stored as provided in Code Section 21-2-390.

507 (G) Notwithstanding any provision of this chapter to the contrary, until the United
508 States Department of Defense notifies the Secretary of State that the Department of
509 Defense has implemented a system of expedited absentee voting for those electors
510 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
511 eligible absentee electors who reside outside the county or municipality in which the
512 primary, election, or runoff is held and are members of the armed forces of the United
513 States, members of the merchant marine of the United States, spouses or dependents of
514 members of the armed forces or merchant marine residing with or accompanying such
515 members, or overseas citizens that are postmarked by the date of such primary, election,

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

519 ~~(2)(A) Beginning at 8:00 A.M. on the second Monday prior to~~ After the opening of the
520 ~~polls on the day of the primary, election, or runoff, the registrars or absentee ballot~~
521 ~~clerks superintendent~~ shall be authorized to open the outer envelope ~~on which is printed~~
522 ~~the oath of the elector~~ of absentee ballots that have been verified and accepted pursuant
523 to subparagraph (a)(1)(B) of this Code section in such a manner as not to destroy the
524 oath printed thereon, ~~provided, however, that the registrars or absentee ballot clerk~~
525 ~~shall not be authorized to remove the contents of such outer envelope, or to open the~~
526 ~~inner envelope marked 'Official Absentee Ballot,' except as otherwise provided in this~~
527 ~~Code section~~ and scan the absentee ballot using one or more ballot scanners. At least
528 three persons who are registrars, deputy registrars, poll workers, or absentee ballot
529 clerks must be present before commencing; and three persons who are registrars, deputy
530 registrars, or absentee ballot clerks shall be present at all times while the ~~outer~~ absentee
531 ballot envelopes are being opened and the absentee ballots are being scanned. ~~After~~
532 ~~opening the outer envelopes, the ballots shall be safely and securely stored until the~~
533 ~~time for tabulating such ballots~~ However, no person shall tally, tabulate, estimate, or
534 attempt to tally, tabulate, or estimate or cause the ballot scanner or any other equipment
535 to produce any tally or tabulation, partial or otherwise, of the absentee ballots cast until
536 the time for the closing of the polls on the day of the primary, election, or runoff except
537 as provided in this Code section. Prior to beginning the process set forth in this
538 subsection, the superintendent shall provide written notice to the Secretary of State in
539 writing at least seven days prior to processing absentee ballots. Such notice shall
540 contain the dates, start and end times, and location or locations where absentee ballots
541 will be processed. The superintendent shall also post such notice publicly in a
542 prominent and public location in the superintendent's office and on the home page of

543 the county or municipal website regarding elections. The Secretary of State shall
544 publish on his or her website the information he or she receives from counties and
545 municipalities stating the dates, times, and locations where absentee ballots will be
546 processed.

547 (B) The proceedings set forth in this subsection shall be open to the view of the public,
548 but no person except a person employed and designated by the superintendent shall
549 touch any ballot or ballot container. Any person involved in processing absentee
550 ballots shall swear or affirm an oath, in the same form as the oath for poll officers set
551 forth in Code Section 21-2-95, prior to beginning the processing and scanning of the
552 absentee ballots. The state or county executive committee of each political party and
553 political body having candidates whose names appear on the ballot for such election in
554 such county or municipality shall have the right to designate two persons, and each
555 independent and nonpartisan candidate whose name appears on the ballot for such
556 election in such county or municipality shall have the right to designate one person to
557 act as monitors for such process. In the event that the only issue to be voted upon in an
558 election is a referendum question, the superintendent shall also notify in writing the
559 chief judge of the superior court of the county who shall appoint two electors of the
560 county or municipality to monitor such process. While viewing or monitoring the
561 process set forth in this subsection, monitors and observers are prohibited from:

562 (i) In any way interfering with the processing of absentee ballots or the conduct of
563 the primary, election, or runoff;

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

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

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

568 (v) Touching any ballot or ballot container;

569 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,
570 whether partial or otherwise, any of the votes on the absentee ballots cast; and
571 (vii) Communicating any information that they see, whether intentionally or
572 inadvertently, about any ballot, vote, or selection to anyone other than an election
573 official who needs such information to lawfully carry out his or her official duties.
574 (C) The State Election Board shall promulgate rules and regulations requiring
575 reconciliation procedures and other protections to protect the integrity of the process
576 set forth in this subsection.

577 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
578 day of the primary, election, or runoff open the inner envelopes in accordance with the
579 procedures prescribed in this subsection and begin tabulating the absentee ballots. If the
580 county election superintendent chooses to open the inner envelopes and begin tabulating
581 such ballots prior to the close of the polls on the day of the primary, election, or runoff,
582 the superintendent shall notify in writing, at least seven days prior to the primary,
583 election, or runoff, the Secretary of State of the superintendent's intent to begin the
584 absentee ballot tabulation prior to the close of the polls. The state or county executive
585 committee ~~or, if there is no organized county executive committee, the state executive~~
586 ~~committee~~ of each political party and political body having candidates whose names
587 appear on the ballot for such election in such county shall have the right to designate two
588 persons and each independent and nonpartisan candidate whose name appears on the
589 ballot for such election in such county shall have the right to designate one person to act
590 as monitors for such process. In the event that the only issue to be voted upon in an
591 election is a referendum question, the superintendent shall also notify in writing the chief
592 judge of the superior court of the county who shall appoint two electors of the county to
593 monitor such process.

594 (4) The county election superintendent shall publish a written notice in the
595 superintendent's office of the superintendent's intent to begin the absentee ballot

596 tabulation prior to the close of the polls and publish such notice at least one week prior
597 to the primary, election, or runoff in the legal organ of the county.

598 (5) The process for opening ~~the inner envelopes of~~ absentee ballot envelopes, scanning
599 absentee ballots, and tabulating absentee ballots on the day of a primary, election, or
600 runoff as provided in this subsection shall be a confidential process to maintain the
601 secrecy of all ballots and to protect the disclosure of any balloting information before
602 7:00 P.M. on election day. No absentee ballots shall be tabulated before 7:00 A.M. on
603 the day of a primary, election, or runoff.

604 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
605 election, or runoff, including the vote review panel required by Code Section 21-2-483,
606 and all monitors and observers shall be sequestered until the time for the closing of the
607 polls. All such persons shall have no contact with the news media; shall have no contact
608 with other persons not involved in monitoring, observing, or conducting the tabulation;
609 shall not use any type of communication device including radios, telephones, and cellular
610 telephones; shall not utilize computers for the purpose of e-mail, instant messaging, or
611 other forms of communication; and shall not communicate any information concerning
612 the tabulation until the time for the closing of the polls; provided, however, that
613 supervisory and technical assistance personnel shall be permitted to enter and leave the
614 area in which the tabulation is being conducted but shall not communicate any
615 information concerning the tabulation to anyone other than the county election
616 superintendent; the staff of the superintendent; those persons conducting, observing, or
617 monitoring the tabulation; and those persons whose technical assistance is needed for the
618 tabulation process to operate.

619 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
620 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
621 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
622 for security. The persons conducting the tabulation of the absentee ballots shall not cause

623 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes
624 cast until the time for the closing of the polls except as otherwise provided in this Code
625 section.

626 (b) ~~As soon as practicable after 7:00 A.M. on the day of the primary, election, or runoff,~~
627 ~~in precincts other than those in which optical scanning tabulators are used~~ When requested
628 by the superintendent, but not earlier than the second Monday prior to a primary, election,
629 or runoff, a registrar or absentee ballot clerk shall deliver the official absentee ballot of
630 each certified absentee elector, each rejected absentee ballot, applications for such ballots,
631 and copies of the numbered lists of certified and rejected absentee electors to the manager
632 in charge of the absentee ballot precinct of the county or municipality, which shall be
633 located in the precincts containing the county courthouse or polling place designated by the
634 municipal superintendent. In those precincts in which optical scanning tabulators are used,
635 such absentee ballots shall be taken to the tabulation center or other place designated by
636 the superintendent, and the official receiving such absentee ballots shall issue his or her
637 receipt therefor. Except as otherwise provided in this Code section, in no event shall the
638 counting of the ballots begin before the polls close.

639 (c) The superintendent shall cause the certified absentee ballots to be opened and tabulated
640 as provided in this Code section. ~~A Except as otherwise provided in this Code section,~~
641 ~~after the close of the polls on the day of the primary, election, or runoff,~~ a manager shall
642 ~~then~~ open the outer envelope in such manner as not to destroy the oath printed thereon and
643 shall deposit the inner envelope marked 'Official Absentee Ballot' in a ballot box reserved
644 for absentee ballots. In the event that an outer envelope is found to contain an absentee
645 ballot that is not in an inner envelope, the ballot shall be sealed in an inner envelope,
646 initialed and dated by the person sealing the inner envelope, and deposited in the ballot box
647 and counted in the same manner as other absentee ballots, provided that such ballot is
648 otherwise proper. Such manager with two assistant managers, appointed by the
649 superintendent, with such clerks as the manager deems necessary shall count the absentee

650 ballots following the procedures prescribed by this chapter for other ballots, insofar as
651 practicable, ~~and prepare an election return for the county or municipality showing the~~
652 ~~results of the absentee ballots cast in such county or municipality.~~

653 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
654 be reported by precinct; and separate returns shall be made for each precinct in which
655 absentee ballots were cast showing the results by each precinct in which the electors reside.
656 The superintendent shall utilize the procedures set forth in this Code section to ensure that
657 the returns of verified absentee ballots cast are reported to the public as soon as possible
658 following the closing of the polls on the day of the primary, election, or runoff.

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

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

670

SECTION 14.

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

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

682 **SECTION 15.**

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

686 "(b) Poll hours at a precinct may be extended only by order of a judge of the superior court
687 of the county in which the precinct is located upon good cause being shown."

688 **SECTION 16.**

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

692 "21-2-420.

693 (a) After the time for the closing of the polls and the last elector voting, the poll officials
694 in each precinct shall complete the required accounting and related documentation for the
695 precinct and shall advise the election superintendent of the total number of ballots cast at
696 such precinct and the total number of provisional ballots cast. In precincts using
697 precinct-based counting or tabulation, the poll officials shall proceed to count and tabulate
698 the ballots cast. Such poll officials shall not cease such count until all ballots have been
699 counted or tabulated and vote totals obtained, with the exception of provisional ballots.

700 The chief manager and at least one assistant manager shall post a copy of the tabulated
701 results for the precinct on the door of the precinct and then immediately deliver all required
702 documentation and election materials to the election superintendent. In precincts using
703 central counting or tabulation, the chief manager and at least one assistant manager shall,
704 after completing the required accounting and related documentation for such precinct,
705 immediately deliver all ballots and required documentation and election materials to the
706 election superintendent or the counting and tabulating center designated by the election
707 superintendent for processing, counting, and tabulation. The election superintendent shall
708 then ensure that such ballots are processed, counted, and tabulated as soon as possible and
709 shall not cease such count and tabulation until all such ballots are counted and tabulated.
710 (b) The election superintendent shall ensure that each precinct notifies the election
711 superintendent of the number of ballots cast and number of provisional ballots cast as soon
712 as possible after the time for the closing of the polls and the last elector votes. The election
713 superintendent shall post such information publicly."

714

SECTION 17.

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

717 "(a) After the polls close and as soon as all the ballots have been properly accounted for
718 and those outside the ballot box as well as the voter's certificates, numbered list of voters,
719 and electors list have been sealed, the poll officers shall open the ballot box and take
720 therefrom all ballots contained therein. In primaries in which more than one ballot box is
721 used, any ballots or stubs belonging to another party holding its primary in the same polling
722 place shall be returned to the ballot box for the party for which they were issued. In
723 primaries, separate tally and return sheets shall be prepared for each party, and separate
724 poll officers shall be designated by the chief manager to count and tally each party's ballot.
725 Where the same ballot box is being used by one or more parties, the ballots and stubs shall

726 first be divided by party before being tallied and counted. The ballots shall then be counted
727 one by one and a record made of the total number. Then the chief manager, together with
728 such assistant managers and other poll officers as the chief manager may designate, under
729 the scrutiny of one of the assistant managers and in the presence of the other poll officers,
730 shall read aloud the names of the candidates marked or written upon each ballot, together
731 with the office for which the person named is a candidate, and the answers contained on
732 the ballots to the questions submitted, if any; and the other assistant manager and clerks
733 shall carefully enter each vote as read and keep account of the same in ink on a sufficient
734 number of tally papers, all of which shall be made at the same time. All ballots, after being
735 removed from the box, shall be kept within the unobstructed view of all persons in the
736 voting room until replaced in the box. No person, while handling the ballots, shall have
737 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
738 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
739 not adjourn or postpone the canvass or computation until it shall have been fully
740 completed, ~~except that, in the discretion of the superintendent, the poll officers may stop~~
741 ~~the counting after all contested races and questions are counted, provided that the results~~
742 ~~of these contested races and questions are posted for the information of the public outside~~
743 ~~the polling place and the ballots are returned to the ballot box and deposited with the~~
744 ~~superintendent until counting is resumed on the following day."~~

745

SECTION 18.

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

749 "21-2-492.

750 The superintendent shall arrange for the computation and canvassing of the returns of votes
751 cast at each primary and election at his or her office or at some other convenient public

752 place at the county seat or municipality following the close of the polls on the day of such
 753 primary or election with accommodations for those present insofar as space permits. An
 754 interested candidate or his or her representative shall be permitted to keep or check his or
 755 her own computation of the votes cast in the several precincts as the returns from the same
 756 are read, as directed in this article. The superintendent shall give at least one week's notice
 757 prior to the primary or election by publishing same in a conspicuous place in the
 758 superintendent's office, of the ~~time and place when and~~ where he or she will commence and
 759 hold his or her sessions for the computation and canvassing of the returns; and he or she
 760 shall keep copies of such notice posted in his or her office during such period. The
 761 superintendent shall procure a sufficient number of blank forms of returns made out in the
 762 proper manner and headed as the nature of the primary or election may require, for making
 763 out full and fair statements of all votes which shall have been cast within the county or any
 764 precinct therein, according to the returns from the several precincts thereof, for any person
 765 voted for therein, or upon any question voted upon therein. The assistants of the
 766 superintendent in the computation and canvassing of the votes shall be first sworn by the
 767 superintendent to perform their duties impartially and not to read, write, count, or certify
 768 any return or vote in a false or fraudulent manner."

769

SECTION 19.

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

773 "(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the
 774 day ~~following the~~ of a primary or election, at his or her office or at some other convenient
 775 public place at the county seat or in the municipality, of which due notice shall have been
 776 given as provided by Code Section 21-2-492, publicly commence the computation and
 777 canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the

778 close of the polls, including those cast by advance voting, and all ballots cast on the day
779 of the primary or election have been counted and tabulated and the results of such
780 tabulation released to the public and, then, continuing with provisional ballots as provided
781 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in
782 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For
783 this purpose, the superintendent may organize his or her assistants into sections, each of
784 which whom may simultaneously proceed with the computation and canvassing of the
785 returns from various precincts of the county or municipality in the manner provided by this
786 Code section. Upon the completion of such computation and canvassing, the
787 superintendent shall tabulate the figures for the entire county or municipality and sign,
788 announce, and attest the same, as required by this Code section."

789

SECTION 20.

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

792 "21-2-568.1.

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

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

798

SECTION 21.

799 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
800 general provisions regarding administrative procedure, is amended by revising subsection (b)
801 of Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or

802 repeal of rules, emergency rules, limitation on action to contest rule, and legislative override,
803 as follows:

804 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,
805 including but not limited to, summary processes such as quarantines, contrabands, seizures,
806 and the like authorized by law without notice, requires adoption of a rule upon fewer than
807 30 days' notice and states in writing its reasons for that finding, it may proceed without
808 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable
809 to adopt an emergency rule. Any such rule adopted relative to a public health emergency
810 shall be submitted as promptly as reasonably practicable to the House of Representatives
811 and Senate Committees on Judiciary, provided that any such rule adopted relative to a
812 public health emergency by the State Election Board shall be submitted as soon as
813 practicable but not later than 20 days prior to the rule taking effect. Any emergency rule
814 adopted by the State Election Board pursuant to the provisions of this subsection may be
815 suspended upon the majority vote of the House of Representatives or Senate Committees
816 on Judiciary within ten days of the receipt of such rule by the committees. The rule may
817 be effective for a period of not longer than 120 days but the adoption of an identical rule
818 under paragraphs (1) and (2) of subsection (a) of this Code section is not precluded;
819 provided, however, that such a rule adopted pursuant to discharge of responsibility under
820 an executive order declaring a state of emergency or disaster exists as a result of a public
821 health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of
822 the emergency or disaster and for a period of not more than 120 days thereafter."

823 **SECTION 22.**

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

825 **SECTION 23.**

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