

Senate Bill 270

By: Senators Watson of the 11th, Gooch of the 51st, Burns of the 23rd, Williams of the 25th, Kennedy of the 18th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 elections and primaries generally, so as to limit the effective date of rules or regulations  
3 adopted by the State Election Board prior to a general primary, general election, or runoff  
4 thereof; to provide that hand delivered absentee ballots shall not be accepted following the  
5 end of advance voting; to provide exceptions; to provide procedures for supervised assistance  
6 in preparing absentee ballots events at an assisted living facility, a nursing home facility, or  
7 a long-term care facility; to provide for notice of such events to candidates and the selection  
8 of poll watchers for the same; to revise certain reporting requirements related to advance  
9 voting; to revise provisions related to locations poll watchers may have access to; to provide  
10 reporting requirements for the conclusion of the computation and canvassing of the returns;  
11 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14

**SECTION 1.**

15 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
16 primaries generally, is amended by revising Code Section 21-2-35, relating to emergency  
17 rules and regulations, imminent peril requirement, and procedures, as follows:

18 "21-2-35.

19 (a) Except for emergency rule-making as provided for in subsection (b) of this Code  
20 section, if the State Election Board adopts a rule, as defined in Code Section 50-13-2, or  
21 a regulation and the date of such adoption is within 60 days of the date of a presidential  
22 preference primary, general primary, general election, or runoff thereof, the effective date  
23 of such rule or regulation shall be 30 days following the date of such primary, election, or  
24 runoff.

25 ~~(a)~~(b) Notwithstanding any other provision of this chapter, Chapter 3 of Title 38, relating  
26 to emergency management, or Chapter 13 of Title 50, the 'Georgia Administrative  
27 Procedure Act,' to the contrary, the State Election Board may only adopt emergency rules  
28 or regulations in circumstances of imminent peril to public health, safety, or welfare. To  
29 adopt any such emergency rule or regulation, in addition to any other rule-making  
30 requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

31 (1) Give notice to the public of its intended action;  
32 (2) Immediately upon the setting of the date and time of the meeting at which such  
33 emergency rule or regulation is to be considered, give notice by email of its intended  
34 action to:

35 (A) The Governor;

36 (B) The Lieutenant Governor;

37 (C) The Speaker of the House of Representatives;

38 (D) The chairpersons of the standing committees of each house of the General  
39 Assembly tasked with election matters;

40 (E) The Secretary of State;

41 (F) Legislative counsel; and  
 42 (G) The chief executive officer of each political party registered pursuant to  
 43 subsection (a) of Code Section 21-2-110; and  
 44 (3) State in the notices required by paragraphs (1) and (2) of this subsection the nature  
 45 of the emergency and the manner in which such emergency represents an imminent peril  
 46 to public health, safety, or welfare.  
 47 ~~(b)(c)~~ Upon adoption or promulgation of any emergency rule or regulation pursuant to  
 48 subsection (b) of this Code section, a majority of the State Election Board shall certify in  
 49 writing that such emergency rule or regulation was made in strict and exact compliance  
 50 with the provisions of this chapter and subsection (e) of Code Section 50-13-4.  
 51 ~~(e)(d)~~ In the event of any conflict between this Code section and any provision of  
 52 Chapter 13 of Title 50, this Code section shall govern and supersede any such conflicting  
 53 provision."

54 **SECTION 2.**

55 Said chapter is further amended in Code Section 21-2-382, relating to additional buildings  
 56 as additional registrar's office or place of registration for receiving absentee ballots and for  
 57 advance voting, and drop boxes, by adding a new subsection to read as follows:

58 "(b.1) Notwithstanding any provisions of this article to the contrary, the registrars or  
 59 absentee ballot clerk shall not accept the hand delivery of any absentee ballot following the  
 60 end of the period of advance voting provided for in subsection (d) of Code  
 61 Section 21-2-385; provided, however, that this subsection shall not apply to:

62 (1) Any absentee ballots delivered pursuant to subsection (a) of Code Section 21-2-385  
 63 on the date of a primary, election, or runoff during the hours polls are open on such day;  
 64 (2) Absentee ballots delivered to the registrars or absentee ballot clerk by the United  
 65 States Postal Service; or

66 (3) Absentee ballots cases pursuant to the federal Uniformed and Overseas Citizens  
67 Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended."

68 **SECTION 3.**

69 Said chapter is further amended by adding a new Code section to read as follows:

70 "21-2-382.1.

71 (a) Upon a valid request being made pursuant to subsection (b) of this Code section, the  
72 board of registrars or absentee ballot clerk shall provide events at which supervised  
73 assistance in preparing absentee ballots may be provided to absentee electors who reside  
74 in any assisted living facility, nursing home facility, or long-term care facility within the  
75 county, or in the case of municipal elections within the municipality. Such events shall be  
76 known as 'supervised assistance events.'

77 (b)(1) Request for a supervised assistance in preparing absentee ballot event may be  
78 made by:

79 (A) The administrator of such facility; or

80 (B) A resident of such facility who is a registered elector.

81 (2) Such request shall be submitted in writing to the registrars or absentee ballot clerk  
82 no later than 30 days prior to the date of the primary, election, or runoff for which such  
83 request is submitted. Such request shall specify the name and address of the facility, as  
84 well as the name of each absentee elector who wishes to receive supervised assistance in  
85 preparing his or her absentee ballot. If a request made pursuant to this subsection  
86 contains the names of fewer than five absentee electors, the registrars or absentee ballot  
87 clerk is not required to provide a supervised assistance event.

88 (c)(1) The registrars or absentee ballot clerk shall, in cooperation with the administrator  
89 of such facility, select the date and time that a supervised assistance event will occur.

90 (2) Upon setting the date and location for a supervised assistance event, the registrars or  
91 absentee ballot clerk shall provide notice of such event in:

- 92 (A) A primary or run-off primary, to each candidate entitled to have his or her name  
93 placed on the primary or run-off primary ballot of such event; and
- 94 (B) An election or run-off election, to each political party, each political body, and  
95 each nonpartisan or independent candidate who appears on the ballot for such election  
96 or run-off election.
- 97 (d) The registrars or absentee ballot clerk shall designate a supervised assistance team to  
98 provide the services required by this Code section at each supervised assistance event.  
99 Each such team shall include no less than two persons employed or designated by such  
100 registrars or absentee ballot clerk and shall have sworn an oath in the same form as the oath  
101 for poll officers set forth in Code Section 21-2-95.
- 102 (e) A supervised assistance team shall deliver absentee ballots and the necessary envelopes  
103 to each absentee elector at such facility who has requested supervised assistance in  
104 preparing his or her absentee ballot. Such team may jointly assist the absentee elector in  
105 preparing the envelopes and the oath required by this article for an absentee ballot. A  
106 member of such team may assist an absentee elector in voting his or her absentee ballot  
107 only if such elector is entitled to assistance in voting pursuant to subsection (c) of Code  
108 Section 21-2-384.
- 109 (f) Before providing any assistance to an absentee elector, the supervised assistance team  
110 shall disclose to the absentee elector:
- 111 (1) That he or she may:
- 112 (A) Retain the absentee ballot and envelopes provided by such team;  
113 (B) Complete such absentee ballot at a later date or time;  
114 (C) Return the completed absentee ballot in any manner as provided for in this article;  
115 or  
116 (D) Vote in person either at an advance voting location or his or her designated  
117 precinct; and

118 (2) The date that a voted absentee ballot must be delivered to the registrars or absentee  
119 ballot clerk for it to be tabulated for such primary, election, or runoff.

120 (g) If an absentee elector elects to vote his or her absentee ballot during the supervised  
121 assistance event, such absentee elector may choose to provide the signed and sealed  
122 absentee ballot envelope containing his or her absentee ballot to the supervised assistance  
123 team. Such team shall place all such absentee ballots they receive in a secured container  
124 and upon the completion of the event immediately deliver such container to the registrars  
125 or absentee ballot clerk for processing pursuant to Code Section 21-2-386.

126 (h) In the event that an absentee elector declines to or is unable to accept an absentee ballot  
127 or the required envelopes from the supervised assistance team, such team shall mark such  
128 absentee ballot as 'refused to vote' or 'unable to vote' and return such absentee ballot to the  
129 registrars or absentee ballot clerk."

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#### SECTION 4.

131 Said chapter is further amended in Code Section 21-2-385, relating to procedure for voting  
132 by absentee ballot and advance voting, by revising subsection (e) as follows:

133 "(e) On each day of an absentee voting period, each county board of registrars or municipal  
134 absentee ballot clerk shall report for the county or municipality to the Secretary of State  
135 and post on the county or municipal website, or if the county or municipality does not  
136 maintain such a website, a place of public prominence in the county or municipality, not  
137 later than 10:00 A.M. on each business day the number of persons to whom absentee  
138 ballots have been issued, the number of persons who have returned absentee ballots, and  
139 the number of absentee ballots that have been rejected. Additionally, on each day of an  
140 advance voting period, each county board of registrars or municipal absentee ballot clerk  
141 shall report to the Secretary of State and post on the county or municipal website, or if the  
142 county or municipality does not maintain such a website, a place of public prominence in  
143 the county or municipality, not later than 10:00 A.M. on each business day the number of

144 persons who have voted at the advance voting sites in the county or municipality, and for  
145 each primary the number of nonpartisan ballots requested. During the absentee voting  
146 period and for a period of three days following a primary, election, or runoff, each county  
147 board of registrars or municipal absentee ballot clerk shall report to the Secretary of State  
148 and post on the county or municipal website, or if the county or municipality does not  
149 maintain such a website, a place of public prominence in the county or municipality, not  
150 later than 10:00 A.M. on each business day the number of persons who have voted  
151 provisional ballots, the number of provisional ballots that have verified or cured and  
152 accepted for counting, and the number of provisional ballots that have been rejected."

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### SECTION 5.

154 Said chapter is further amended in Code Section 21-2-408, relating to poll watchers,  
155 designation, duties, removal for interference with election, reports of infractions or  
156 irregularities, ineligibility of candidates to serve, and training, by adding a new subsection  
157 and revising subsection (c) as follows:

158 "(b.1)(1) In a primary or run-off primary, each candidate entitled to have his or her name  
159 placed on the primary or run-off primary ballot may submit the name of one poll watcher  
160 for each location at which a supervised assistance event conducted pursuant to Code  
161 Section 21-2-382.1 occurs in which he or she wishes to have an observer to the  
162 chairperson or secretary of the appropriate party executive committee at least 14 days  
163 prior to the date of such supervised assistance event. The appropriate party executive  
164 committee shall designate at least seven days prior to such supervised assistance event  
165 for a primary or run-off primary no more than two poll watchers for each supervised  
166 assistance event location, such poll watchers to be selected by the committee from the list  
167 submitted by party candidates. Official poll watchers shall be given a letter signed by the  
168 party chairperson and secretary, if designated by a political party, containing the  
169 following information: name of official poll watcher, address, location in which he or she

170 shall serve, and name and date of primary or run-off primary. At least three days prior  
171 to the supervised assistance event, a copy of the letter shall be delivered to the  
172 superintendent and the chief registrar of the county or municipality in which the poll  
173 watcher is to serve.

174 (2) In an election or run-off election, each political party and political body shall each  
175 be entitled to designate, at least seven days prior to when a supervised assistance event  
176 conducted pursuant to Code Section 21-2-382.1 occurs for such election or run-off  
177 election, no more than two official poll watchers for each supervised assistance event, to  
178 be selected by the appropriate party or body executive committee. Each independent  
179 candidate shall be entitled to designate one poll watcher for each supervised assistance  
180 event. In addition, candidates running in a nonpartisan election shall be entitled to  
181 designate one poll watcher for each supervised assistance event. Each poll watcher shall  
182 be given a letter signed by the appropriate political party or body chairperson and  
183 secretary, if a party or body designates same, or by the independent or nonpartisan  
184 candidate, if named by the independent or nonpartisan candidate. Such letter shall  
185 contain the following information: name of official poll watcher, address, location in  
186 which he or she shall serve, and date of election or run-off election. At least three days  
187 prior to the supervised assistance event, a copy of the letter shall be delivered to the  
188 superintendent and the chief registrar of the county or municipality in which the poll  
189 watcher is to serve.

190 (c) In counties or municipalities using direct recording electronic (DRE) voting systems  
191 or optical scanning voting systems, each political party may appoint two poll watchers in  
192 each primary or election, each political body may appoint two poll watchers in each  
193 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan  
194 election, and each independent candidate may appoint one poll watcher in each election to  
195 serve in the locations designated by the superintendent within the tabulating center. Such  
196 designated locations shall include the check-in area, the computer room, the duplication

197 area, and such other areas that tabulation processes are taking place, including, but not  
198 limited to, adjudication of provisional ballots, closing of advance voting equipment, the  
199 verification and processing of absentee ballots, memory card transfers, or election  
200 reconciliation processes as the superintendent may deem necessary to the assurance of fair  
201 and honest procedures in the tabulating center. The locations designated by the  
202 superintendent shall ensure that each poll watcher can fairly observe the procedures set  
203 forth in this Code section. The poll watchers provided for in this subsection shall be  
204 appointed and serve in the same manner as other poll watchers."

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### SECTION 6.

206 Said chapter is further amended by adding a new Code section to read as follows:

207 "21-2-493.1.

208 (a) For each primary, election, or runoff, at the conclusion of the computation and  
209 canvassing of the returns provided for in subsection (a) of Code Section 21-2-493, the  
210 election superintendent shall prepare a report indicating the vote totals, by precinct, for all  
211 contests on the ballot; provided, however, that such report need not include information  
212 from:

213 (1) Absentee ballots cases pursuant to the federal Uniformed and Overseas Citizens  
214 Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended;

215 (2) Provisional ballots; or

216 (3) Any ballots requiring adjudication.

217 (b) As soon as possible but not later than 11:59 P.M. following the conclusion of the  
218 computation and canvassing of the returns provided for in subsection (a) of Code  
219 Section 21-2-493, the election superintendent shall ensure that a copy of such report is  
220 posted on the public website maintained by the county or municipality, if such public  
221 website exists. If no such public website exists, such report must be posted in a public  
222 place that is accessible 24 hours a day to the public."

223 **SECTION 7.**

224 This Act shall become effective on July 1, 2025.

225 **SECTION 8.**

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