

The Senate Committee on Ethics offered the following substitute to HB 397:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to provide that the State Election Board shall be
3 administratively attached to the State Accounting Office; to provide for definitions; to limit
4 the effective date of rules or regulations adopted by the State Election Board prior to a
5 general primary, general election, or runoff thereof; to revise duties of the State Election
6 Board; to revise provisions related to the qualification of presidential elections for
7 independent candidates for the President or Vice President of the United States and candidate
8 in special elections that are preceded by a special primary; to authorize counties to make the
9 list of electors open for inspection at no cost; to remove authorization for the Secretary of
10 State to become a member of a nongovernmental entity whose purpose is to share and
11 exchange information in order to improve the accuracy and efficiency of voter registration
12 systems; to prohibit the Secretary of State and other state and local actors from participating
13 in certain multistate voter list maintenance organizations; to authorize the Secretary of State
14 to enter into voter list maintenance joint compacts with other states and authorize the sharing
15 of certain information; to prohibit the acceptance of hand delivered absentee ballots at certain
16 times; to allow municipalities to opt out of providing advance voting on certain Saturdays
17 for certain municipal elections; to revise provisions related to drop boxes; to revise reporting
18 requirements related to absentee ballots and advance voting; to revise provisions related to

19 locations to which poll watchers may have access; to provide certain reporting requirements
 20 on election night; to revise provisions related to the timelines for calling special elections and
 21 the dates on which special elections can be held; to provide for related matters; to provide
 22 for effective dates; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
 26 primaries generally, is amended in Code Section 21-2-2, relating to definitions, by adding
 27 new paragraphs to read as follows:

28 "(11.1) 'Multistate voter list maintenance organization' means any entity, organization,
 29 consortium, or cooperative agreement among states or jurisdictions that involves the
 30 sharing of voter registration data for the purpose of voter list maintenance."

31 "(39.1) 'Voter list maintenance' means the process of ensuring the accuracy and currency
 32 of voter registration lists, including, but not limited to, removing ineligible voters and
 33 updating records."

34 **SECTION 2.**

35 Said chapter is further amended in Code Section 21-2-30, relating to creation, membership,
 36 terms of service, vacancies, quorum, bylaws, meetings, and executive director of the State
 37 Election Board, by revising subsection (g) as follows:

38 "(g) On and after July 1, ~~2023~~ 2025, the board shall be a separate and distinct budget unit
 39 as defined in ~~Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act' Code Section~~
 40 45-12-71; provided, however, that the board shall be attached for administrative purposes
 41 only to the ~~office of the Secretary of State~~ State Accounting Office as provided for in Code

42 Section 50-4-3. ~~The board shall neither be under the jurisdiction of the Secretary of State~~
43 ~~nor shall it be considered a division of the office of the Secretary of State."~~

44 **SECTION 3.**

45 Said chapter is further amended in Code Section 21-2-31, relating to duties of the State
46 Election Board, by adding a new paragraph to read as follows:

47 "(5.1) To maintain custody of all state election investigative reports and communications
48 between the Secretary of State and election superintendents."

49 **SECTION 4.**

50 Said chapter is further amended by revising Code Section 21-2-35, relating to emergency
51 rules and regulations, imminent peril requirement, and procedures, as follows:

52 "21-2-35.

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

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

65 (1) Give notice to the public of its intended action;

66 (2) Immediately upon the setting of the date and time of the meeting at which such
 67 emergency rule or regulation is to be considered, give notice by email of its intended
 68 action to:

69 (A) The Governor;

70 (B) The Lieutenant Governor;

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

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

74 (E) The Secretary of State;

75 (F) Legislative counsel; and

76 (G) The chief executive officer of each political party registered pursuant to
 77 subsection (a) of Code Section 21-2-110; and

78 (3) State in the notices required by paragraphs (1) and (2) of this subsection the nature
 79 of the emergency and the manner in which such emergency represents an imminent peril
 80 to public health, safety, or welfare.

81 ~~(b)~~(c) Upon adoption or promulgation of any emergency rule or regulation pursuant to
 82 subsection (b) of this Code section, a majority of the State Election Board shall certify in
 83 writing that such emergency rule or regulation was made in strict and exact compliance
 84 with the provisions of this chapter and subsection (e) of Code Section 50-13-4.

85 ~~(e)~~(d) In the event of any conflict between this Code section and any provision of
 86 Chapter 13 of Title 50, this Code section shall govern and supersede any such conflicting
 87 provision."

88 **SECTION 5.**

89 Said chapter is further amended in Code Section 21-2-132, relating to filing notice of
 90 candidacy, nomination petition, and affidavit, reopening qualifying period, payment of
 91 qualifying fee, and pauper's affidavit and qualifying petition for exemption from qualifying

92 fee, by revising paragraph (1) of subsection (d) and subsection (e) and by adding two new
93 subsections to read as follows:

94 "(1) Each elector for President or Vice President of the United States, or his or her agent,
95 desiring to have the names of his or her candidates for President and Vice President
96 placed on the election ballot, and each independent candidate for President or Vice
97 President of the United States, or his or her agent, shall file a notice of his or her
98 candidacy, giving his or her name, residence address, and the office he or she is seeking,
99 in the office of the Secretary of State during the period beginning at 9:00 A.M. on the
100 fourth Monday in June immediately prior to the election and ending at 12:00 Noon on the
101 Friday following the fourth Monday in June, notwithstanding the fact that any such days
102 may be legal holidays;"

103 "(e) Each candidate required to file a notice of candidacy by this Code section shall, no
104 earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and
105 no later than 12:00 Noon on the second Tuesday in July immediately prior to the election,
106 file with the same official with whom he or she filed his or her notice of candidacy a
107 nomination petition in the form prescribed in Code Section 21-2-170, except that such
108 petition shall not be required if such candidate is:

109 (1) A nominee of a political party for the office of presidential elector when such party
110 has held a national convention and therein nominated candidates for President and Vice
111 President of the United States;

112 (2) Seeking office in a special election that is not preceded by a special primary;

113 (3) An incumbent qualifying as a candidate to succeed himself or herself;

114 (4) A candidate seeking election in a nonpartisan election; ~~or~~

115 (5) A nominee for a state-wide office by a duly constituted political body convention,
116 provided that the political body making the nomination has qualified to nominate
117 candidates for state-wide public office under the provisions of Code Section 21-2-180;

118 or

119 (6) A presidential elector certified by an independent candidate for the office of President
 120 or Vice President of the United States under subsection (c) of Code Section 21-2-132.1.
 121 (e.1) An independent candidate for the office of President or Vice President of the United
 122 States shall, no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to
 123 the election and no later than 12:00 Noon on the second Tuesday in July immediately prior
 124 to the election, file with the same official with whom he or she filed his or her notice of
 125 candidacy a nomination petition in the form prescribed in Code Section 21-2-170.
 126 (e.2) Each candidate required to file a notice of candidacy for a special election that is
 127 preceded by a special primary shall, no earlier than 9:00 A.M. on the fourth Monday in
 128 June immediately prior to the election and no later than 12:00 Noon on the second Tuesday
 129 in July immediately prior to the election, file with the same official with whom he or she
 130 filed his or her notice of candidacy a nomination petition in the form prescribed in Code
 131 Section 21-2-170."

132 **SECTION 6.**

133 Said chapter is further amended in Code Section 21-2-225, relating to restrictions on public
 134 inspection of applications for voter registration and data on electors, and membership of
 135 Secretary of State in nongovernmental entity for purpose of improving voter registration
 136 systems, by revising subsection (c) and adding a new subsection to read as follows:

137 "(c) It shall be the duty of the Secretary of State to furnish copies of such data as may be
 138 collected and maintained on electors whose names appear on the list of electors maintained
 139 by the Secretary of State pursuant to this article, within the limitations provided in this
 140 article, on electronic media or computer run list or both. ~~Notwithstanding any other~~
 141 ~~provision of law to the contrary, the Secretary of State shall establish the cost to be charged~~
 142 ~~for such data~~ Nothing in this subsection shall prevent a county board of registrars or
 143 election superintendent from making the list of electors in such county available for
 144 inspection at no cost at its offices, on its website, or both within the limitations otherwise

145 provided in this article. The Secretary of State may contract with private vendors to make
146 such data available in accordance with this subsection. Such data may not be used by any
147 person for commercial purposes."

148 "(d.1) The State Election Board shall submit to the General Assembly a report evaluating
149 procedures to improve the accuracy and efficiency of the voter registration system without
150 participating in a nongovernmental entity with the purpose of sharing voter registration
151 information. Such report shall include recommended amendments or modifications of state
152 law governing voter registration procedures and the sharing of voting registration
153 information with officials in other states. The State Election Board shall provide the report
154 required by this subsection to the chairpersons of the Senate Ethics Committee and the
155 House Committee on Governmental Affairs no later than December 31, 2025. This
156 subsection shall stand repealed on July 1, 2026."

157

SECTION 7.

158 Said chapter is further amended in Code Section 21-2-225, relating to restrictions on public
159 inspection of applications for voter registration and data on electors, and membership of
160 Secretary of State in nongovernmental entity for purpose of improving voter registration
161 systems, effective on July 1, 2027, by revising subsection (d) and adding new subsections
162 to read as follows:

163 ~~"(d)(1) The Secretary of State may become a member of a nongovernmental entity whose~~
164 ~~purpose is to share and exchange information in order to improve the accuracy and~~
165 ~~efficiency of voter registration systems. The membership of the nongovernmental entity~~
166 ~~shall be composed solely of election officials of state and territorial governments of the~~
167 ~~United States, except that such membership may also include election officials of the~~
168 ~~District of Columbia.~~

169 ~~(2) Notwithstanding any provision of law to the contrary, the Secretary of State may~~
170 ~~share confidential and exempt information after becoming a member of such~~
171 ~~nongovernmental entity as provided in paragraph (1) of this subsection.~~

172 ~~(3) The Secretary of State may become a member of such nongovernmental entity only~~
173 ~~if such entity is controlled and operated by the participating jurisdictions. The entity shall~~
174 ~~not be operated or controlled by the federal government or any other entity acting on~~
175 ~~behalf of the federal government. The Secretary of State must be able to withdraw at any~~
176 ~~time from any such membership in such nongovernmental entity.~~

177 ~~(4) If the Secretary of State becomes a member of such nongovernmental entity, the~~
178 ~~Department of Driver Services shall, pursuant to an agreement with the Secretary of~~
179 ~~State, provide driver's license or identification card information related to voter eligibility~~
180 ~~to the Secretary of State for the purpose of sharing and exchanging voter registration~~
181 ~~information with such nongovernmental entity.~~

182 ~~(5)(d) Notwithstanding any law to the contrary, upon the Secretary of State becoming a~~
183 ~~member of a nongovernmental entity as provided in this subsection, any information~~
184 ~~received by the Secretary of State prior to the effective date of this subsection from ~~the a~~~~
185 ~~nongovernmental entity whose purpose was to share and exchange information in order to~~
186 ~~improve the accuracy and efficiency of voter registration systems is exempt from~~
187 ~~disclosure under Article 4 of Chapter 18 of Title 50, relating to open records, and any other~~
188 ~~provision of law. However, the Secretary of State may provide such information to the~~
189 ~~boards of registrars to conduct voter registration list maintenance activities.~~

190 ~~(e)(1) The Secretary of State or any other state department, agency, board, bureau, office,~~
191 ~~commission, public corporation, or authority or any board of registrars or election~~
192 ~~superintendent shall be prohibited from joining or participating in any multistate voter list~~
193 ~~maintenance organization that:~~

194 ~~(A) Requires or encourages the contacting of individuals who are not currently~~
195 ~~registered to vote with the intent to register them to vote; or~~

196 (B) Shares voter data outside of the explicit purpose of removing deceased, duplicate,
197 or otherwise ineligible voters from the list of electors.

198 (2) The Secretary of State or any other state department, agency, board, bureau, office,
199 commission, public corporation, or authority or any board of registrars or election
200 superintendent shall terminate participation in any multistate voter list maintenance
201 organization prohibited by paragraph (1) of this subsection within 90 days of the effective
202 date of this subsection.

203 (f)(1) In order to improve the accuracy and efficiency of the voter registration system,
204 the Secretary of State shall be authorized to enter into joint compacts with the chief
205 election official of any other state or states for the purpose of sharing information for
206 voter list maintenance.

207 (2) Notwithstanding any provisions of law to the contrary, the Secretary of State may
208 share confidential and exempt information after becoming a member of such voter list
209 maintenance joint compact.

210 (3) If the Secretary of State becomes a member of such voter list maintenance joint
211 compact, the Department of Driver Services shall, pursuant to an agreement with the
212 Secretary of State, provide driver's license or identification card information related to
213 voter eligibility to the Secretary of State for the purpose of sharing and exchanging voter
214 registration information with the other state or states participating in such compact.

215 (4) The Secretary of State must be able to withdraw from any such joint compact at any
216 time."

217 **SECTION 8.**

218 Said chapter is further amended by revising subsection (b) of Code Section 21-2-232, relating
219 to removal of elector's name from list of electors, as follows:

220 "(b)(1) When an elector of this state moves to another state and registers to vote and the
221 registration officials in such state send a notice of cancellation reflecting the registration

222 of the elector in the other state, which includes a copy of such elector's voter registration
 223 application bearing the elector's signature, the Secretary of State or the board of
 224 registrars, as the case may be, shall remove such elector's name from the list of electors.
 225 It shall not be necessary to send a confirmation notice to the elector in such
 226 circumstances.

227 (2) When an elector of this state moves to another state and the registration officials in
 228 such other state ~~or a nongovernmental entity as described in subsection (d) of Code~~
 229 ~~Section 21-2-225~~ send a notice of cancellation or other information indicating that the
 230 elector has moved to such state but such notice or information does not include a copy
 231 of such elector's voter registration application in such other state bearing the elector's
 232 signature, the Secretary of State or the board of registrars, as the case may be, shall send
 233 a confirmation notice to the elector as provided in Code Section 21-2-234.

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

239

SECTION 9.

240 Said chapter is further amended in Code Section 21-2-382, relating to additional buildings
 241 as additional registrar's office or place of registration for receiving absentee ballots and for
 242 advance voting, and drop boxes, by revising subsection (c) and adding a new subsection to
 243 read as follows:

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

248 establish additional drop boxes totaling the lesser of either one drop box for every
249 100,000 active registered voters in the county or the number of advance voting locations
250 in the county. Any additional drop boxes shall be evenly geographically distributed by
251 population in the county. Drop boxes established pursuant to this Code section shall be
252 established at the office of the board of registrars or absentee ballot clerk or inside
253 locations at which advance voting, as set forth in subsection (d) of Code Section
254 21-2-385, is conducted in the applicable primary, election, or runoff and may be open
255 during the hours of advance voting at that location. Such drop boxes shall be closed
256 when advance voting is not being conducted at that location. All drop boxes shall be
257 closed when the advance voting period ends, as set forth in subsection (d) of Code
258 Section 21-2-385. The drop box location shall have adequate lighting and be under
259 constant surveillance by an election official or his or her designee, law enforcement
260 official, or licensed security guard. During an emergency declared by the Governor
261 pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the
262 board of registrars or absentee ballot clerk or outside of locations at which advance voting
263 is taking place, subject to the other limitations of this Code section.

264 (2) The opening slot of a drop box shall not allow ballots to be tampered with or
265 removed and shall be designed to minimize the ability for liquid or other substances that
266 may damage ballots to be poured into the drop box. A drop box shall be labeled
267 'OFFICIAL ABSENTEE BALLOT DROP BOX' and shall clearly display the signage
268 developed by the Secretary of State pertaining to Georgia law with regard to who is
269 allowed to return absentee ballots and destroying, defacing, or delaying delivery of
270 ballots.

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

275 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The
276 collection team shall complete and sign a ballot transfer form upon removing the ballots
277 from the drop box which shall include the date, time, location, number of ballots,
278 confirmation that the drop box was locked after the removal of the ballots, and the
279 identity of each person collecting the ballots. The collection team shall then immediately
280 transfer the ballots to the board of registrars or absentee ballot clerk, who shall process
281 and store the ballots in the same manner as absentee ballots returned by mail are
282 processed and stored. The board of registrars, absentee ballot clerk, or a designee of the
283 board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt
284 of the ballots from the collection team. Such form shall be considered a public record
285 pursuant to Code Section 50-18-70.

286 (4) At the beginning of voting at each advance location where a drop box is present, the
287 manager of the advance voting location shall open the drop box and confirm on the
288 reconciliation form for that advance voting location that the drop box is empty. If the
289 drop box is not empty, the manager shall secure the contents of the drop box and
290 immediately inform the election superintendent, board of registrars, or absentee ballot
291 clerk, who shall inform the Secretary of State.

292 (5) At each advance voting location where a drop box is present, the board of registrars
293 or absentee ballot clerk shall initiate video surveillance and recording of such location
294 upon the conclusion of voting on each day of advance voting. Such surveillance shall
295 ensure that a visual record is made of each such drop box. In the event that constant and
296 direct video surveillance of a drop box is not possible when advance voting is not
297 occurring, such ballot box shall be removed from areas of public access, locked, and
298 rendered inoperable so that no absentee ballots may be inserted into it. A recording of
299 all such video surveillance shall be retained in the same manner as provided for in
300 subsection (a) of Code Section 21-2-390. A board of registrars or absentee ballot clerk
301 may livestream to the public any such video surveillance.

302 (d) Notwithstanding any provisions of this article to the contrary, the registrars or absentee
 303 ballot clerk shall not accept the hand delivery of any absentee ballot following the end of
 304 the period of advance voting provided for in subsection (d) of Code Section 21-2-385;
 305 provided, however, that this subsection shall not apply to:

306 (1) Any absentee ballots delivered to the registrars or absentee ballot clerks at the
 307 registrars' or absentee ballot clerk's office on the date of a primary, election, or runoff
 308 during the hours polls are open on such day;

309 (2) Absentee ballots hand delivered to the registrars or absentee ballot clerks at the
 310 registrars' or absentee ballot clerk's office on the Monday prior to the date of a primary
 311 or election, if open for business, between the hours of 7:00 A.M. and 7:00 P.M.;
 312 provided, however, that the registrar or absentee ballot clerk shall provide public notice,
 313 at least 14 days prior to such date, that absentee ballots will be accepted at such locations
 314 on such date and times;

315 (3) Absentee ballots delivered to the registrars or absentee ballot clerks by the United
 316 States Postal Service or other common carrier; or

317 (4) Absentee ballots cast pursuant to the federal Uniformed and Overseas Citizens
 318 Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended."

319

SECTION 10.

320 Said chapter is further amended in Code Section 21-2-385, relating to procedure for voting
 321 by absentee ballot and advance voting, by revising paragraph (1) of subsection (d) and
 322 subsection (e) as follows:

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

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

325 (B) As soon as possible prior to a runoff from any general primary or election but no
 326 later than the second Monday immediately prior to such runoff

327 and shall end on the Friday immediately prior to each primary, election, or runoff.
328 Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays,
329 other than observed state holidays, during such period and shall be conducted on the
330 second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the
331 registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both
332 the second and third Sundays prior to a primary or election during hours determined by
333 the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.;
334 provided, however, that, if such second Saturday is a public and legal holiday pursuant
335 to Code Section 1-4-1, if such second Saturday follows a public and legal holiday
336 occurring on the Thursday or Friday immediately preceding such second Saturday, or if
337 such second Saturday immediately precedes a public and legal holiday occurring on the
338 following Sunday or Monday, such advance voting shall not be held on such second
339 Saturday but shall be held on the third Saturday prior to such primary or election
340 beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this
341 paragraph, the registrars may extend the hours for voting to permit advance voting
342 from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant
343 to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their
344 option; provided, however, that voting shall occur only on the days specified in this
345 paragraph and counties and municipalities shall not be authorized to conduct advance
346 voting on any other days. Notwithstanding any other provision of this paragraph to the
347 contrary, the governing authority of a municipality may opt out of conducting voting on
348 one or more Saturdays during the period of advance voting in any municipal election for
349 such municipality, by action taken during a duly called public meeting of the governing
350 authority; provided, however, that the provisions of this sentence shall not apply to any
351 municipal election that is held concurrent with and on the same date as any county or
352 state primary, election, or runoff thereof."

353 "(e) On each day of an absentee voting period, each county board of registrars or municipal
354 absentee ballot clerk shall report for the county or municipality to the Secretary of State
355 and post on the county or municipal website, or if the county or municipality does not
356 maintain such a website, a place of public prominence in the county or municipality, not
357 later than 10:00 A.M. on each business day the number of persons by precinct to whom
358 absentee ballots have been issued, the number of persons by precinct who have returned
359 absentee ballots, and the number of absentee ballots by precinct that have been rejected.
360 Additionally, on each day of an advance voting period, each county board of registrars or
361 municipal absentee ballot clerk shall report to the Secretary of State and post on the county
362 or municipal website, or if the county or municipality does not maintain such a website, a
363 place of public prominence in the county or municipality, not later than 10:00 A.M. on
364 each business day the number of persons by precinct who have voted at the advance voting
365 sites in the county or municipality, and for each primary the number of nonpartisan ballots
366 requested. During the absentee voting period and for a period of three days following a
367 primary, election, or runoff, each county board of registrars or municipal absentee ballot
368 clerk shall report to the Secretary of State and post on the county or municipal website, or
369 if the county or municipality does not maintain such a website, a place of public
370 prominence in the county or municipality, not later than 10:00 A.M. on each business day
371 the number of persons by precinct who have voted provisional ballots, the number of
372 provisional ballots that have verified or cured and accepted for counting, and the number
373 of provisional ballots that have been rejected."

374

SECTION 11.

375 Said chapter is further amended in Code Section 21-2-408, relating to poll watchers,
376 designation, duties, removal for interference with election, reports of infractions or
377 irregularities, ineligibility of candidates to serve, and training, by revising subsection (c) as
378 follows:

379 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems
 380 or optical scanning voting systems, each political party may appoint two poll watchers in
 381 each primary or election, each political body may appoint two poll watchers in each
 382 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan
 383 election, and each independent candidate may appoint one poll watcher in each election to
 384 serve in the locations designated by the superintendent within the tabulating center. Such
 385 designated locations shall include the check-in area, the computer room, the duplication
 386 area, and such other areas that tabulation processes are taking place, including, but not
 387 limited to, adjudication of provisional ballots, closing of advance voting equipment, the
 388 verification and processing of absentee ballots, memory card transfers, or election
 389 reconciliation processes as the superintendent may deem necessary to the assurance of fair
 390 and honest procedures in the tabulating center. The locations designated by the
 391 superintendent shall ensure that each poll watcher can fairly observe the procedures set
 392 forth in this Code section. The poll watchers provided for in this subsection shall be
 393 appointed and serve in the same manner as other poll watchers."

394

SECTION 12.

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

396 "21-2-493.1.

397 (a) For each primary, election, or runoff, after the final uploading of unofficial and
 398 incomplete election results on election night, the election superintendent shall prepare a
 399 report indicating the vote totals, by precinct and voting method, for all contests on the
 400 ballot; provided, however, that such report need not include information from:

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

403 (2) Provisional ballots; or

404 (3) Any ballots requiring adjudication.

405 (b) As soon as possible but not later than 11:59 P.M. or after the final uploading of
406 unofficial and incomplete election results on election night, the election superintendent
407 shall ensure that a copy of such report is posted on the public website maintained by the
408 county or municipality, if such public website exists. If no such public website exists, or
409 if the election superintendent cannot upload to such website outside of business hours, such
410 report must be posted in a public place that is accessible 24 hours a day to the public."

411

SECTION 13.

412 Said chapter is further amended in Code Section 21-2-540, relating to conduct and timing of
413 special primaries and special elections generally, by revising subsection (b) and
414 paragraph (2) of subsection (c) as follows:

415 "(b) At least 29 days shall intervene between the call of a special primary and the holding
416 of same, and at least 29 days shall intervene between the call of a special election and the
417 holding of same. The period during which candidates may qualify to run in a special
418 primary or a special election shall remain open for a minimum of two and one-half days.
419 Special elections to present questions to the voters which are to be held in conjunction with
420 the presidential preference primary, a state-wide general primary, ~~or~~ state-wide general
421 election, state-wide special primary, or state-wide special election shall be called at least
422 90 days prior to the date of such presidential preference primary, state-wide general
423 primary, ~~or~~ state-wide general election, state-wide special primary, or state-wide special
424 election; provided, however, that this requirement shall not apply to special elections to
425 present questions to the voters held on the same date as such presidential preference
426 primary, state-wide general primary, ~~or~~ state-wide general election, state-wide special
427 primary, or state-wide special election but conducted completely separate and apart from
428 such state-wide general primary or state-wide general election using different ballots or
429 voting equipment, facilities, poll workers, and paperwork."

430 "(2) Notwithstanding any other provision of law to the contrary, a special election to
 431 present a question to the voters shall be held only on one of the following dates which is
 432 at least 29 days after the date of the call for the special election:

433 (A) In odd-numbered years, any such special election shall only be held on ~~the~~:

434 (i) The third Tuesday in March ~~or on the~~;

435 (ii) The Tuesday after the first Monday in November; and or

436 (iii) The date of and in conjunction with any state-wide special primary or special
 437 election if one is held that year, regardless of whether or not such special primary or
 438 special election is held pursuant to the terms of this chapter; provided, however, that
 439 the 90 days call provision of subsection (b) of this Code section shall not apply to a
 440 special election held pursuant to this division; and

441 (B) In even-numbered years, any such special election shall only be held on:

442 (i) The date of and in conjunction with the presidential preference primary if one is
 443 held that year;

444 (ii) The third Tuesday in March; provided, however, that such special election shall
 445 occur prior to July 1, 2024, and present a question to the voters on sales and use taxes
 446 authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;

447 (iii) The date of the general primary; or

448 (iv) The Tuesday after the first Monday in November."

449 **SECTION 14.**

450 Said chapter is further amended by revising Code Section 21-2-540, relating to conduct and
 451 timing of special primaries and special elections generally, effective on July 1, 2026, as
 452 follows:

453 "21-2-540.

454 (a)(1) Every special primary and special election shall be held and conducted in all
 455 respects in accordance with the provisions of this chapter relating to general primaries

456 and general elections; and the provisions of this chapter relating to general primaries and
457 general elections shall apply thereto insofar as practicable and as not inconsistent with
458 any other provisions of this chapter. All special primaries and special elections held at
459 the time of a general primary, as provided by Code Section 21-2-541, shall be conducted
460 by the poll officers by the use of the same equipment and facilities, insofar as practicable,
461 as are used for such general primary. All special primaries and special elections held at
462 the time of a general election, as provided by Code Section 21-2-541, shall be conducted
463 by the poll officers by the use of the same equipment and facilities, insofar as practicable,
464 as are used for such general election.

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

468 (b) At least ~~29~~ 60 days shall intervene between the call of a special primary and the
469 holding of same, and at least ~~29~~ 45 days shall intervene between the call of a special
470 election and the holding of same. The period during which candidates may qualify to run
471 in a special primary or a special election shall remain open for a minimum of two and
472 one-half days. Special elections to present questions to the voters which are to be held in
473 conjunction with the presidential preference primary, a state-wide general primary,
474 state-wide general election, state-wide special primary, or state-wide special election shall
475 be called at least 90 days prior to the date of such presidential preference primary,
476 state-wide general primary, state-wide general election, state-wide special primary, or
477 state-wide special election; provided, however, that this requirement shall not apply to
478 special elections to present questions to the voters held on the same date as such
479 presidential preference primary, state-wide general primary, state-wide general election,
480 state-wide special primary, or state-wide special election but conducted completely
481 separate and apart from such state-wide general primary or state-wide general election
482 using different ballots or voting equipment, facilities, poll workers, and paperwork.

483 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
484 special election to fill a vacancy in a county or municipal office shall be held only on one
485 of the following dates which is at least ~~29~~ 60 days after the date of the call for the special
486 election:

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

489 (i) The third Tuesday in March;

490 (ii) The third Tuesday in June; or

491 (iii) ~~The third Tuesday in September; or~~

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

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

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

500 (ii) The date of the general primary; or

501 (iii) The Tuesday after the first Monday in November;

502 provided, however, that, in the event that a special primary or special election to fill a
503 federal or state office on a date other than the dates provided in this paragraph has been
504 scheduled and it is possible to hold a special primary or special election to fill a vacancy
505 in a county, municipal, or school board office in conjunction with such special primary
506 or special election to fill a federal or state office, the special primary or special election
507 to fill such county, municipal, or school board office may be held on the date of and in
508 conjunction with such special primary or special election to fill such federal or state

509 office, provided all other provisions of law regarding such primaries and elections are
510 met.

511 (2) Notwithstanding any other provision of law to the contrary, a special election to
512 present a question to the voters shall be held only on one of the following dates which is
513 at least ~~29~~ 45 days after the date of the call for the special election:

514 (A) In odd-numbered years, any such special election shall only be held on:

515 (i) The third Tuesday in March;

516 (ii) The Tuesday after the first Monday in November; or

517 (iii) The date of and in conjunction with any state-wide special primary or special
518 election if one is held that year, regardless of whether or not such special primary or
519 special election is held pursuant to the terms of this chapter; provided, however, that
520 the 90 days call provision of subsection (b) of this Code section shall not apply to a
521 special election held pursuant to this division; and

522 (B) In even-numbered years, any such special election shall only be held on:

523 (i) The date of and in conjunction with the presidential preference primary if one is
524 held that year;

525 ~~(ii) The third Tuesday in March; provided, however, that such special election shall~~
526 ~~occur prior to July 1, 2024, and present a question to the voters on sales and use taxes~~
527 ~~authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;~~

528 ~~(iii)~~ (iii) The date of the general primary; or

529 ~~(iv)~~(iii) The Tuesday after the first Monday in November.

530 (3) The provisions of this subsection shall not apply to:

531 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
532 to recall a public officer or to fill a vacancy in a public office caused by a recall
533 election; and

534 (B) Special primaries or special elections to fill vacancies in federal or state public
535 offices.

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

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

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

543 **SECTION 15.**

544 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
545 on July 1, 2025.

546 (b)(1) Sections 1, 6, 13, 16, and this section of this Act shall become effective upon their
547 approval by the Governor or upon their becoming law without such approval.

548 (2) Section 14 of this Act shall become effective on July 1, 2026.

549 (3) Sections 7 and 8 of this Act shall become effective on July 1, 2027.

550 **SECTION 16.**

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