

The Senate Committee on Ethics offered the following substitute to HB 976:

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 primaries and elections generally, so as to revise provisions for determining residency for  
3 election purposes; to revise provisions related to challenging electors; to provide for chain  
4 of custody and related procedures for absentee ballots; to provide procedures for requesting  
5 high resolution scanned images of ballots; to revise a timing limitation on holding certain  
6 special elections in conjunction with certain state-wide primaries or elections; to provide for  
7 related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
11 primaries generally, is amended by revising Code Section 21-2-217, relating to rules for  
12 determining residence, as follows:

13 "21-2-217.

14 (a) In determining the residence of a person desiring to register to vote or to qualify to run  
15 for elective office, the following rules shall be followed so far as they are applicable:

16 (1) The residence of any person shall be held to be in that place in which such person's  
17 habitation is fixed, without any present intention of removing therefrom;

18 (1.1) The mailing address for election purposes of any person of this state who is  
19 homeless and without a permanent address shall be the registrar's office of the county in  
20 which such person resides;

21 (2) A person shall not be considered to have lost such person's residence who leaves such  
22 person's home and goes into another state or county or municipality in this state, for  
23 temporary purposes only, with the intention of returning, unless such person shall register  
24 to vote or perform other acts indicating a desire to change such person's citizenship and  
25 residence; provided, however, that:

26 (A) If a person registers to vote in another state, county, municipality, or legislative  
27 district of any type or sort, that person shall be deemed to have changed his or her  
28 residency;

29 (B) If a person returns to his or her original or new residence after voting or registering  
30 to vote in a different or separate jurisdiction, such person shall update their voter  
31 registration with their current residency jurisdiction in order to be deemed a valid  
32 registered elector and resident of such jurisdiction for voting purposes; and

33 (C) Proof of ownership or rental of a post office box or private mailbox service address  
34 within a particular jurisdiction shall not constitute sufficient grounds to establish a  
35 person's residency within that particular jurisdiction;

36 (3) A person shall not be considered to have gained a residence in any county or  
37 municipality of this state into which such person has come for temporary purposes only  
38 without the intention of making such county or municipality such person's permanent  
39 place of abode;

- 40 (4) If a person removes to another state with the intention of making it such person's  
41 residence, such person shall be considered to have lost such person's residence in this  
42 state;
- 43 (4.1) If a person removes to another county or municipality in this state with the  
44 intention of making it such person's residence, such person shall be considered to have  
45 lost such person's residence in the former county or municipality in this state;
- 46 (5) If a person removes to another state with the intention of remaining there an  
47 indefinite time and making such state such person's place of residence, such person shall  
48 be considered to have lost such person's residence in this state, notwithstanding that such  
49 person may intend to return at some indefinite future period;
- 50 (6) If a person removes to another county or municipality within this state with the  
51 intention of remaining there an indefinite time and making such other county or  
52 municipality such person's place of residence, such person shall be considered to have  
53 lost such person's residence in the former county or municipality, notwithstanding that  
54 such person may intend to return at some indefinite future period;
- 55 (7) The residence for voting purposes of a person shall not be required to be the same as  
56 the residence for voting purposes of his or her spouse;
- 57 (8) No person shall be deemed to have gained or lost a residence by reason of such  
58 person's presence or absence while enrolled as a student at any college, university, or  
59 other institution of learning in this state;
- 60 (9) The mere intention to acquire a new residence, without the fact of removal, shall  
61 avail nothing; neither shall the fact of removal without the intention;
- 62 (10) No member of the armed forces of the United States shall be deemed to have  
63 acquired a residence in this state by reason of being stationed on duty in this state;
- 64 (11) If a person removes to the District of Columbia or other federal territory, another  
65 state, or foreign country to engage in government service, such person shall not be  
66 considered to have lost such person's residence in this state during the period of such

67 service; and the place where the person resided at the time of such person's removal shall  
68 be considered and held to be such person's place of residence;

69 (12) If a person is adjudged mentally ill and is committed to an institution for the  
70 mentally ill, such person shall not be considered to have gained a residence in the county  
71 in which the institution to which such person is committed is located;

72 (13) If a person goes into another state and while there exercises the right of a citizen by  
73 voting, such person shall be considered to have lost such person's residence in this state;

74 (14) The specific address in the county or municipality in which a person has declared  
75 a homestead exemption, if a homestead exemption has been claimed, shall be deemed the  
76 person's residence address; and

77 (15) For voter registration purposes, the board of registrars and, for candidacy residency  
78 purposes, the Secretary of State, election superintendent, or hearing officer may consider  
79 evidence of where the person receives significant mail such as personal bills and any  
80 other evidence that indicates where the person resides.

81 (b) In determining a voter's qualification to register and vote, the registrars to whom such  
82 application is made shall consider, in addition to the applicant's expressed intent, any  
83 relevant circumstances determining the applicant's residence. The registrars taking such  
84 registration may consider the applicant's financial independence, business pursuits,  
85 employment, income sources, residence for income tax purposes, age, marital status,  
86 residence of parents, spouse, and children, if any, leaseholds, sites of personal and real  
87 property owned by the applicant, motor vehicle and other personal property registration,  
88 National Change of Address program information sponsored by the United States Postal  
89 Service, and other such factors that the registrars may reasonably deem necessary to  
90 determine the qualification of an applicant to vote in a primary or election. The decision  
91 of the registrars to whom such application is made shall be presumptive evidence of a  
92 person's residence for voting purposes."

93

**SECTION 2.**

94 Reserved.

95

**SECTION 3.**

96 Said chapter is further amended by revising subsection (b) of Code Section 21-2-230, relating  
97 to challenge of persons on list of electors by other electors, procedure, hearing, and right of  
98 appeal, and by adding a new subsection to read as follows:

99 "(b) Upon the filing of such challenge, the board of registrars shall immediately consider  
100 such challenge and determine whether probable cause exists to sustain such challenge. If  
101 the registrars do not find probable cause, the challenge shall be denied. If the registrars  
102 find probable cause, the registrars shall notify the poll officers of the challenged elector's  
103 precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the  
104 absentee ballot precinct and, if practical, notify the challenged elector and afford such  
105 elector an opportunity to answer. Probable causes shall include, but not be limited to, an  
106 elector who is deceased; an elector voting or registering to vote in a different jurisdiction;  
107 an elector obtaining a homestead exemption in a different jurisdiction; or an elector being  
108 registered at a nonresidential address as confirmed or listed by or in a government office,  
109 data base, website, or publicly available sources derived solely from such governmental  
110 sources. If a challenged elector's name appears on the National Change of Address data  
111 base, as maintained by the United States Postal Service, as having changed such elector's  
112 residence to a different jurisdiction, the presence of such elector's name on such data base  
113 shall be insufficient cause to sustain the challenge against the elector unless additional  
114 evidence would indicate that the elector has lost his or her residency as determined  
115 pursuant to Code Section 21-2-217; provided, however, that:

116 (1) Any challenge of an elector within 45 days of a primary, run-off primary, election,  
117 or run-off election shall be postponed until the certification of such primary, election, or  
118 runoff is completed; and

119 (2) Any challenge of an elector who is determined eligible pursuant to the residency  
120 determinations provided for in paragraph (8), (10), or (11) of subsection (a) of Code  
121 Section 21-2-217 shall be deemed insufficient to sustain such challenge."  
122 "(k) Any challenge of an elector that occurs during a primary or general election shall  
123 continue through the run-off primary or run-off election of such primary or general  
124 election."

125 **SECTION 4.**

126 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,  
127 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to  
128 location designated by superintendent, duties of superintendent and managers, precinct  
129 returns, report of returns of verified and accepted absentee ballots cast as soon as possible  
130 following closing of polls, notification of challenged elector, and unlawful disclosure of  
131 tabulation results, as follows:

132 "21-2-386.

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

138 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
139 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
140 number of the elector's Georgia driver's license number or state identification card  
141 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the  
142 absentee ballot envelope with the same information contained in the elector's voter  
143 registration records. If the elector has affirmed on the envelope that he or she does not  
144 have a Georgia driver's license or state identification card issued pursuant to Article 5

145 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the  
146 elector's social security number and date of birth entered on the envelope with the same  
147 information contained in the elector's voter registration records. The registrar or clerk  
148 shall also confirm that the elector signed the oath and the person assisting the elector,  
149 if any, signed the required oath. If the elector has signed the elector's oath, the person  
150 assisting has signed the required oath, if applicable, and the identifying information  
151 entered on the absentee ballot envelope matches the same information contained in the  
152 elector's voter registration record, the registrar or clerk shall so certify by signing or  
153 initialing his or her name below the voter's oath. Each elector's name so certified shall  
154 be listed by the registrar or clerk on the numbered list of absentee voters prepared for  
155 his or her precinct. All accepted absentee ballots shall be securely stored in either a  
156 sealed container or appropriately secured in an access controlled room that will prevent  
157 tampering or unauthorized access prior to the scanning of such ballots.

158 (C) If the elector has failed to sign the oath, or if the identifying information entered  
159 on the absentee ballot envelope does not match the same information appearing in the  
160 elector's voter registration record, or if the elector has failed to furnish required  
161 information or information so furnished does not conform with that on file in the  
162 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the  
163 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason  
164 therefor. The board of registrars or absentee ballot clerk shall promptly notify the  
165 elector of such rejection, a copy of which notification shall be retained in the files of  
166 the board of registrars or absentee ballot clerk for at least two years. Such elector shall  
167 have until the end of the period for verifying provisional ballots contained in  
168 subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection  
169 of the ballot. The elector may cure a failure to sign the oath, nonmatching identifying  
170 information, or missing information by submitting an affidavit to the board of registrars  
171 or absentee ballot clerk along with a copy of one of the forms of identification

172 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.  
173 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's  
174 ballot, and that the elector is registered and qualified to vote in the primary, election,  
175 or runoff in question. If the board of registrars or absentee ballot clerk finds the  
176 affidavit and identification to be sufficient, the absentee ballot shall be counted.

177 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
178 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
179 ballot shall include with his or her application for an absentee ballot or in the outer oath  
180 envelope of his or her absentee ballot either one of the forms of identification listed in  
181 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
182 statement, government check, paycheck, or other government document that shows the  
183 name and address of such elector. If such elector does not provide any of the forms of  
184 identification listed in this subparagraph with his or her application for an absentee  
185 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
186 provisional ballot and such ballot shall only be counted if the registrars are able to  
187 verify current and valid identification of the elector as provided in this subparagraph  
188 within the time period for verifying provisional ballots pursuant to Code  
189 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify  
190 the elector that such ballot is deemed a provisional ballot and shall provide information  
191 on the types of identification needed and how and when such identification is to be  
192 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

193 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
194 absentee electors, giving the name of the elector and the reason for the rejection in each  
195 case. Three copies of the numbered list of certified absentee voters and three copies of  
196 the numbered list of rejected absentee voters for each precinct shall be turned over to  
197 the poll manager in charge of counting the absentee ballots and shall be distributed as  
198 required by law for numbered lists of voters.



199 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
200 of the polls on the day of the primary or election shall be safely kept unopened by the  
201 board or absentee ballot clerk and then transferred to the appropriate clerk with the  
202 documentation provided for in subparagraph (a)(1)(A) of this Code section for storage  
203 in a manner that will prevent tampering for the period of time required for the  
204 preservation of ballots used at the primary or election and shall then, without being  
205 opened, be destroyed in like manner as the used ballots of the primary or election. The  
206 board of registrars or absentee ballot clerk shall promptly notify the elector by  
207 first-class mail that the elector's ballot was returned too late to be counted and that the  
208 elector will not receive credit for voting in the primary or election. All such late  
209 absentee ballots shall be delivered to the appropriate clerk and stored as provided in  
210 Code Section 21-2-390.

211 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
212 States Department of Defense notifies the Secretary of State that the Department of  
213 Defense has implemented a system of expedited absentee voting for those electors  
214 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
215 eligible absentee electors who reside outside the county or municipality in which the  
216 primary, election, or runoff is held and are members of the armed forces of the United  
217 States, members of the merchant marine of the United States, spouses or dependents of  
218 members of the armed forces or merchant marine residing with or accompanying such  
219 members, or overseas citizens that are postmarked by the date of such primary, election,  
220 or runoff and are received within the three-day period following such primary, election,  
221 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and  
222 included in the certified election results.

223 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary,  
224 election, or runoff, the election superintendent shall be authorized to open the outer oath  
225 envelope of absentee ballots that have been verified and accepted pursuant to

226 subparagraph (a)(1)(B) of this Code section, remove the contents of such outer  
227 envelope, open the inner envelope marked 'Official Absentee Ballot,' and scan the  
228 absentee ballot using one or more ballot scanners. At least three persons who are  
229 registrars, deputy registrars, poll workers, or absentee ballot clerks ~~must~~ shall be present  
230 before commencing; and three persons who are registrars, deputy registrars, or absentee  
231 ballot clerks shall be present at all times while the sealed containers containing verified  
232 and accepted absentee ballots are unsealed and verified for integrity, while the absentee  
233 ballot envelopes are ~~being~~ opened, and while the absentee ballots are ~~being~~ scanned.  
234 However, no person shall tally, tabulate, estimate, or attempt to tally, tabulate, or  
235 estimate or cause the ballot scanner or any other equipment to produce any tally or  
236 tabulate, partial or otherwise, of the absentee ballots cast until the time for the closing  
237 of the polls on the day of the primary, election, or runoff except as provided in this  
238 Code section. Prior to beginning the process set forth in this paragraph, the  
239 superintendent shall provide written notice to the Secretary of State in writing at least  
240 seven days prior to processing and scanning absentee ballots. Such notice shall contain  
241 the dates, start and end times, and location or locations where absentee ballots will be  
242 processed and scanned. The superintendent shall also post such notice publicly in a  
243 prominent location in the superintendent's office and on the home page of the county  
244 election superintendent's website, if the county election superintendent maintains such  
245 a website. The Secretary of State shall publish on his or her website the information  
246 he or she receives from superintendents stating the dates, times, and locations where  
247 absentee ballots will be processed.

248 (B) The proceedings set forth in this paragraph shall be open to the view of the public,  
249 but no person except one employed and designated by the superintendent shall touch  
250 any ballot or ballot container. Any person involved in processing and scanning  
251 absentee ballots shall swear an oath, in the same form as the oath for poll officers  
252 provided in Code Section 21-2-95, prior to beginning the processing and scanning of

253 absentee ballots. The county executive committee or, if there is no organized county  
254 executive committee, the state executive committee of each political party and political  
255 body having candidates whose names appear on the ballot for such election shall have  
256 the right to designate two persons and each independent and nonpartisan candidate  
257 whose name appears on the ballot for such election shall have the right to designate one  
258 person to act as monitors for such process. In the event that the only issue to be voted  
259 upon in an election is a referendum question, the superintendent shall also notify in  
260 writing the chief judge of the superior court of the county who shall appoint two  
261 electors of the county to monitor such process. While viewing or monitoring the  
262 process set forth in this paragraph, monitors and observers shall be prohibited from:

- 263 (i) In any way interfering with the processing or scanning of absentee ballots or the  
264 conduct of the election;
- 265 (ii) Using or bringing into the room any photographic or other electronic monitoring  
266 or recording devices, cellular telephones, or computers;
- 267 (iii) Engaging in any form of campaigning or campaign activity;
- 268 (iv) Taking any action that endangers the secrecy and security of the ballots;
- 269 (v) Touching any ballot or ballot container;
- 270 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,  
271 whether partial or otherwise, any of the votes on the absentee ballots cast; and
- 272 (vii) Communicating any information that they see while monitoring the processing  
273 and scanning of the absentee ballots, whether intentionally or inadvertently, about any  
274 ballot, vote, or selection to anyone other than an election official who needs such  
275 information to lawfully carry out his or her official duties.

276 (C) The State Election Board shall promulgate rules requiring reconciliation  
277 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes  
278 are opened; secrecy of election results prior to the closing of the polls on the day of a

279 primary, election, or runoff; and other protections to protect the integrity of the process  
280 set forth in this paragraph.

281 (D) At the conclusion of the scanning of ballots, such scanned ballots shall be stored  
282 in tamper-resistant containers sealed with numbered seals, the number of which shall  
283 be recorded on the chain of custody document specified by the Secretary of State, and  
284 such forms shall be signed by the person storing the ballots and the date and time of  
285 storage shall be entered on such forms.

286 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
287 day of the primary, election, or runoff begin tabulating the absentee ballots. If the county  
288 election superintendent chooses to open the inner envelopes and begin tabulating such  
289 ballots prior to the close of the polls on the day of the primary, election, or runoff, the  
290 superintendent shall notify in writing, at least seven days prior to the primary, election,  
291 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot  
292 tabulation prior to the close of the polls. The county executive committee or, if there is  
293 no organized county executive committee, the state executive committee of each political  
294 party and political body having candidates whose names appear on the ballot for such  
295 election in such county shall have the right to designate two persons and each  
296 independent and nonpartisan candidate whose name appears on the ballot for such  
297 election in such county shall have the right to designate one person to act as monitors for  
298 such process. In the event that the only issue to be voted upon in an election is a  
299 referendum question, the superintendent shall also notify in writing the chief judge of the  
300 superior court of the county who shall appoint two electors of the county to monitor such  
301 process.

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

306 (5) The process for opening absentee ballot envelopes, scanning absentee ballots, and  
307 tabulating absentee ballots on the day of a primary, election, or runoff as provided in this  
308 subsection shall be conducted in a manner to maintain the secrecy of all ballots and to  
309 protect the disclosure of any balloting information before 7:00 P.M. on election day. No  
310 absentee ballots shall be tabulated before 7:00 A.M. on the day of a primary, election, or  
311 runoff.

312 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,  
313 election, or runoff, including the vote review panel required by Code Section 21-2-483,  
314 and all monitors and observers shall be sequestered until the time for the closing of the  
315 polls. All such persons shall have no contact with the news media; shall have no contact  
316 with other persons not involved in monitoring, observing, or conducting the tabulation;  
317 shall not use any type of communication device including radios, telephones, and cellular  
318 telephones; shall not utilize computers for the purpose of email, instant messaging, or  
319 other forms of communication; and shall not communicate any information concerning  
320 the tabulation until the time for the closing of the polls; provided, however, that  
321 supervisory and technical assistance personnel shall be permitted to enter and leave the  
322 area in which the tabulation is being conducted but shall not communicate any  
323 information concerning the tabulation to anyone other than the county election  
324 superintendent; the staff of the superintendent; those persons conducting, observing, or  
325 monitoring the tabulation; and those persons whose technical assistance is needed for the  
326 tabulation process to operate.

327 (7) The absentee ballots shall be tabulated in accordance with the procedures of this  
328 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be  
329 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,  
330 for security. Such boxes or bags shall be sealed and witnessed and verified by each  
331 person taking custody of such items by each such person's signature and date and time  
332 of taking custody. The persons conducting the tabulation of the absentee ballots shall not

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

336 (b) When requested by the superintendent, but not earlier than the third Monday prior to  
337 a primary, election, or runoff, a registrar or absentee ballot clerk shall deliver the official  
338 absentee ballot of each certified absentee elector, each rejected absentee ballot, applications  
339 for such ballots, and copies of the numbered lists of certified and rejected absentee electors  
340 to the location designated by the superintendent in secure, sealed containers with the chain  
341 of custody documents as specified by the Secretary of State and the signature and date and  
342 time of the person taking custody, and the superintendent or official receiving such  
343 absentee ballots shall issue his or her receipt therefor.

344 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened  
345 and tabulated as provided in this Code section. A manager shall then open the outer  
346 envelope in such manner as not to destroy the oath printed thereon and shall deposit the  
347 inner envelope marked 'Official Absentee Ballot' in a ballot box reserved for absentee  
348 ballots with an accompanying chain of custody documentation. Such ballot box shall be  
349 securely sealed if it is not in the direct control of the poll officers or if it is transferred to  
350 a different room or facility for tabulation. In the event that an outer envelope is found to  
351 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an  
352 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited  
353 in the ballot box and counted in the same manner as other absentee ballots, provided that  
354 such ballot is otherwise proper. Such manager with two assistant managers, appointed by  
355 the superintendent, with such clerks as the manager deems necessary shall count the  
356 absentee ballots following the procedures prescribed by this chapter for other ballots,  
357 insofar as practicable.

358 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may  
359 be reported by precinct; and separate returns shall be made for each precinct in which

360 absentee ballots were cast showing the results by each precinct in which the electors reside.  
361 The superintendent shall utilize the procedures set forth in this Code section to ensure that  
362 the returns of verified and accepted absentee ballots cast are reported to the public as soon  
363 as possible following the closing of the polls on the day of the primary, election, or runoff.  
364 Failure to utilize these procedures to ensure that the returns of verified and accepted  
365 absentee ballots are reported as soon as possible following the close of polls shall subject  
366 the superintendent to sanctions by the State Election Board. If a superintendent fails to  
367 report the returns of verified and accepted absentee ballots by the day following the  
368 election at 5:00 P.M., the State Election Board may convene an independent performance  
369 review board pursuant to Code Section 21-2-107.

370 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
371 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer  
372 envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be  
373 a chain of custody document as specified by the Secretary of State on which is recorded  
374 and witnessed the name and signature of each person taking custody of such ballots; and  
375 it shall be counted as other challenged ballots are counted. Where direct recording  
376 electronic voting systems are used for absentee balloting and a challenge to an elector's  
377 right to vote is made prior to the time that the elector votes, the elector shall vote on a paper  
378 or optical scanning ballot and such ballot shall be handled as provided in this subsection.  
379 The board of registrars or absentee ballot clerk shall promptly notify the elector of such  
380 challenge.

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

384

**SECTION 5.**

385 Said chapter is further amended in Code Section 21-2-493, relating to computation,  
386 canvassing, and tabulation of returns, investigation of discrepancies in vote counts, recount  
387 procedure, pilot program for posting of digital images of scanned paper ballots, certification  
388 of returns, and change in returns, by adding a new subsection to read as follows:

389 "(j.2)(1) In the event that a superintendent receives a request pursuant to Code  
390 Section 50-18-71 for scanned ballot images at a resolution higher than the ballot images  
391 available from the Secretary of State pursuant to subsection (j.1) of this Code section, and  
392 such request is received following the final certification of the results of the election in  
393 which such ballots were created, the superintendent shall, consistent with Code  
394 Section 50-18-71, produce digital scans of the requested ballots at a resolution of no less  
395 than 600 dots per inch and deliver such scans to the requestor. A person making a request  
396 pursuant to this subsection may observe the scanning and related handling process, but  
397 under no circumstances shall anyone other than an authorized election official touch or  
398 handle a physical ballot.

399 (2) Notwithstanding any seal provided for by Code Section 21-2-500, a superintendent  
400 shall have access to the ballots cast within its jurisdiction so as to comply with the  
401 provisions of this subsection. Upon receiving a request pursuant to this subsection, the  
402 superintendent shall notify the clerk of the superior court or, if designated by the clerk of  
403 the superior court, the county records manager or other office or official under the  
404 jurisdiction of a county governing authority which maintains or is responsible for  
405 maintaining such sealed ballots, and such official or office that maintains such requested  
406 ballot shall provide the superintendent access to such ballot without the need for  
407 obtaining a court order. All ballots provided to a superintendent pursuant to this  
408 paragraph shall be immediately returned by such superintendent to the official or office  
409 that maintains such ballots upon the scanning of such ballot."



410

**SECTION 5.1.**

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

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

427

**SECTION 6.**

428 (a) This section and Sections 5.1 and 7 of this Act shall become effective upon its approval  
429 by the Governor or upon its becoming law without such approval.

430 (b) Sections 4 and 5 of this Act shall become effective on January 1, 2025.

431 (c) Except as provided in subsections (a) or (b) of this section, this provisions of this Act  
432 shall become effective on July 1, 2024.

433

**SECTION 7.**

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