

House Bill 1207 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 114th, Petrea of the 166th, Washburn of the 144th, Silcox of the 53rd, Cooper of the 45th, 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 provide that any person employed or retained by
3 a county election superintendent to conduct election duties must be a citizen of the United
4 States; to provide for the reopening of candidate qualifying in the event that no person
5 qualifies as a candidate during the initial qualifying period; to provide candidates the
6 opportunity to review and proof ballots prior to the finalization of the final official form of
7 such ballots; to provide a definition; to authorize election superintendents to determine the
8 number of voting booths or enclosures for state-wide general elections based upon expected
9 turnout, the number of electors who have already voted by advance voting or absentee ballot,
10 and other relevant factors; to clarify that provisions related to poll watchers; to prohibit the
11 use or threats of violence that would prevent or interfere with an election official or poll
12 watcher carrying out his or her duties; to provide for related matters; to repeal conflicting
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
17 primaries generally, is amended by adding a new Code section to read as follows:

18 "21-2-78.

19 Any person employed or retained by a county election superintendent to undertake any
20 election related duties arising from this chapter shall be a citizen of the United States."

21 **SECTION 2.**

22 Said chapter is further amended in subsection (c) of Code Section 21-2-132, relating to filing
23 notice of candidacy, nomination petition, and affidavit, payment of qualifying fee, pauper's
24 affidavit and qualifying petition for exemption from qualifying fee, and military service, by
25 deleting "and" at the end of subparagraph (B) of paragraph (3) and adding a new paragraph
26 to read as follows:

27 "(3.1) In any case where no candidate has filed notice of candidacy and paid the
28 prescribed qualifying fee in a nonpartisan election prior to the close of the applicable
29 qualifying period prescribed in this subsection, qualifying for candidates shall be
30 reopened at 9:00 A.M. on the Monday next following the close of the preceding
31 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
32 such reopening, notwithstanding the fact that any such days may be legal holidays; and"

33 **SECTION 3.**

34 Said chapter is further amended in Code Section 21-2-153, relating to qualification of
35 candidates for party nomination in a state or county primary, posting of list of all qualified
36 candidates, filing of affidavit with political party by each qualifying candidate, and
37 performance of military service does not create vacancy, by revising subparagraph (c)(1)(B)
38 as follows:

39 "(B) In any case where no candidate has qualified for a state or county office after the
40 close of the applicable qualifying period prescribed in this paragraph, qualifying shall
41 be reopened at 9:00 A.M. on the Monday next following the close of the preceding
42 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
43 such reopening, notwithstanding the fact that any such days may be legal holidays
44 Reserved."

45 **SECTION 4.**

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

47 "21-2-283.1.

48 (a) As used in this Code section, the term 'ballot proof' means a draft version of a proposed
49 official ballot that is reviewed by a superintendent or candidate to ensure the accuracy of
50 the information contained on the final official ballot used in an election.

51 (b) In any primary, special primary, election, or special election occurring after
52 January 1, 2025, prior to the printing of the final official ballots or the final programming
53 of the display of the official ballot on electronic ballot markers pursuant to Code
54 Section 21-2-379.25, the superintendent shall check the ballot proof to ensure the accuracy
55 of the official ballot by verifying that:

56 (1) The ballots for each precinct contain the correct contests for the voters in that
57 precinct and no other contests;

58 (2) The ballots for each precinct contain the correct ballot questions for the voters in that
59 precinct and no other questions; and

60 (3) The name, political party or political body designation, incumbency statutes, and
61 other identifying information for each candidate appearing on such ballots are properly
62 displayed.

63 (c) After the superintendent has completed the ballot review and proofing procedures
64 provided for in subsection (b) of this Code section, and has made any needed corrections,

65 but before the ballots have been approved and sent to print or for final programming
66 pursuant to Code Section 21-2-379.25, the superintendent shall make available the final set
67 of approved ballot proofs, clearly marked as ballot proofs, to any candidate appearing on
68 the ballot, or such candidate's agent, using at least one of the following procedures:

- 69 (1) By email, if the candidate has provided an email address at the time of qualifying; or
70 (2) By making physical copies available for review at the office of the superintendent
71 during normal business hours.

72 The ballot proof review procedures to be used in an election are at the sole discretion of the
73 superintendent.

74 (d) Candidates appearing on the ballot proof provided for by subsection (c) of this Code
75 section shall have 24 hours from the time that the superintendent makes ballot proofs
76 available for review to verify that the candidate's name, other identifying information such
77 as party or incumbency, and other relevant information are properly displayed on the ballot
78 and to request changes to be made by the superintendent.

79 (e)(1) In the event that a candidate requests a change to a ballot proof pursuant to
80 subsection (d) of this Code section, the superintendent, at its sole discretion, may make
81 such requested change if it determines that the requested change will ensure the accuracy
82 of the information displayed on the ballot.

83 (2) In the event that the superintendent makes a change to a ballot proof pursuant to
84 paragraph (1) of this subsection, and if time permits, as determined in the sole discretion
85 of the superintendent, the superintendent may provide new ballot proofs to a candidate
86 or candidates for review using the same procedures as provided for in subsection (c) of
87 this Code section."

88 **SECTION 5.**

89 Said chapter is further amended by revising Code Section 21-2-367, relating to installation
90 of systems, number of systems, and good working order, as follows:

91 "21-2-367.

92 (a) When the use of optical scanning voting systems has been authorized in the manner
93 prescribed in this part, such optical scanning voting systems shall be installed, either
94 simultaneously or gradually, within the county or municipality.

95 (b)(1) In each precinct in which optical scanning voting systems are used in a state-wide
96 general election, except as provided for in paragraph (2) of this subsection, the county
97 election superintendent shall provide at least one voting booth or enclosure for each 250
98 electors therein, or fraction thereof.

99 (2) For any ~~other~~ primary, election, or runoff, the county or municipal election
100 superintendent may provide a greater or lesser number of voting booths or enclosures if,
101 after a thorough consideration of the type of election, expected turnout, the number of
102 electors who have already voted by advance voting or absentee ballot, and other relevant
103 factors that inform the appropriate amount of equipment needed, such superintendent
104 determines that a different amount of equipment is needed or sufficient. Such
105 determination shall be subject to the provisions of Code Section 21-2-263.

106 (c) Reserved.

107 (d) The county or municipal governing authority, as appropriate, shall provide optical
108 scanning voting systems in good working order and of sufficient capacity to accommodate
109 the names of a reasonable number of candidates for all party offices and nominations and
110 public offices which, under the provisions of existing laws and party rules, are likely to be
111 voted for at any future primary or election."

112 **SECTION 6.**

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

117 "(d) Notwithstanding any other provisions of this chapter, ~~a poll watcher~~ watchers shall
118 be granted access to polling places, advance voting locations, tabulation centers, and
119 locations where absentee ballots are being verified, processed, adjudicated, and scanned
120 and may be permitted behind the enclosed space for the purpose of observing the conduct
121 of the election and the counting and recording of votes. Poll watchers shall be entitled to
122 observe any activity conducted at the location at which they are serving as poll watchers.
123 Except as otherwise provided for in this chapter, poll watchers shall be entitled to sit or
124 stand as close as is practicable to the observed activity so as to be able to see and hear the
125 poll worker or election official being observed. Poll watchers shall not be permitted to
126 observe information that is prohibited from disclosure by subsection (b) of Code
127 Section 21-2-225. ~~Such poll watcher~~ Poll watchers shall in no way interfere with the
128 conduct of the election, and the poll manager may make reasonable regulations to avoid
129 such interference. Without in any way limiting the authority of poll managers, poll
130 watchers are prohibited from talking to voters, checking electors lists, using photographic
131 or other electronic monitoring or recording devices, using cellular telephones, or
132 participating in any form of campaigning while they are behind the enclosed space. If a
133 poll watcher persists in interfering with the conduct of the election or in violating any of
134 the provisions of this Code section after being duly warned by the poll manager or
135 superintendent, he or she may be removed by such official. Any infraction or irregularities
136 observed by poll watchers shall be reported directly to the superintendent, not to the poll
137 manager. The superintendent shall furnish a badge to each poll watcher bearing the words
138 'Official Poll Watcher,' the name of the poll watcher, the primary or election in which the
139 poll watcher shall serve, and either the precinct or tabulating center in which the poll
140 watcher shall serve or a statement that such poll watcher is a state-wide poll watcher and
141 is entitled to observe at any location in this state. The poll watcher shall wear such badge
142 at all times while serving as a poll watcher."

143 **SECTION 7.**

144 Said chapter is further amended by revising Code Section 21-2-566, relating to interference
145 with primaries and elections generally, as follows:

146 "21-2-566.

147 Any person who:

148 (1) Willfully prevents or attempts to prevent any poll officer from holding any primary
149 or election under this chapter;

150 (2) Uses or threatens violence in a manner that would prevent a reasonable poll officer,
151 election official, or poll watcher or actually prevents a poll officer, election official, or
152 poll watcher, as provided for by Code Section 21-2-408, from the execution of his or her
153 duties or materially interrupts or improperly and materially interferes with the execution
154 of a poll officer's officer, election official, or poll watcher's, as provided for by Code
155 Section 21-2-408, duties;

156 (3) Willfully blocks or attempts to block the avenue to the door of any polling place;

157 (4) Uses or threatens violence in a manner that would prevent a reasonable elector from
158 voting or actually prevents any elector from voting;

159 (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not
160 signed by the elector whose certificate it purports to be;

161 (6) Knowingly deposits fraudulent ballots in the ballot box;

162 (7) Knowingly registers fraudulent votes upon any voting machine; or

163 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
164 ballot box, voting machine, direct recording electronic (DRE) equipment, electronic
165 ballot marker, or tabulating machine

166 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
167 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
168 or both."

169

SECTION 8.

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