

## House Bill 531

By: Representatives Fleming of the 121<sup>st</sup>, Jones of the 47<sup>th</sup>, Powell of the 32<sup>nd</sup>, Blackmon of the 146<sup>th</sup>, Smith of the 70<sup>th</sup>, 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 no election superintendents or boards  
3 of registrars shall accept private funding; to provide that certain persons may serve as poll  
4 workers in other than the county of their residence; to provide for the reduction in size of  
5 certain precincts under certain circumstances; to provide for certain reports; to provide  
6 limitations on the use of buses and other movable facilities; to provide for allocation of  
7 voting equipment by counties and municipalities; to provide for the time and manner for  
8 applying for absentee ballots; to provide for certain limitations on the distribution of absentee  
9 ballot applications; to provide for the manner of processing of absentee ballot applications;  
10 to provide for absentee ballot drop boxes and the requirements therefor; to provide for the  
11 time and manner of issuing absentee ballots; to provide for the manner of voting and  
12 returning absentee ballots; to revise the times for advance voting; to provide for the  
13 processing and tabulation of absentee ballots; to provide sanctions for improperly opening  
14 an absentee ballot; to provide for certain elector identification for absentee balloting; to  
15 provide for monitors and observers; to provide for poll watcher training; to provide for  
16 restrictions on the distribution of certain items within close proximity to the polls on election  
17 days; to provide for the processing of provisional ballots; to provide for duplication panels  
18 for defective ballots that cannot be processed by tabulating machines; to provide for

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19 ranked-choice voting for military and overseas voters; to revise the time for runoffs; to revise  
20 eligibility to vote in runoffs; to provide for the deadline for election certification; to provide  
21 for special primaries and special elections to fill vacancies in partisan offices; to provide for  
22 public notice and observation of preparation of voting equipment; to provide for observation  
23 of elections and ballot processing and counting; to prohibit observing or attempting to  
24 observe how a voter marks or has marked his or her ballot or inducing a voter to do so; to  
25 provide for related matters; to repeal conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 **SECTION 1.**

28 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
29 primaries generally, is amended by revising Code Section 21-2-71, relating to payment by  
30 county or municipality of superintendent's expenses, as follows:

31 "21-2-71.

32 (a) The governing authority of each county or municipality shall appropriate annually and  
33 from time to time, to the superintendent of such county or municipality, the funds that it  
34 shall deem necessary for the conduct of primaries and elections in such county or  
35 municipality and for the performance of his or her other duties under this chapter,  
36 including:

37 (1) Compensation of the poll officers, custodians, and other assistants and employees  
38 provided for in this chapter;

39 (2) Expenditures and contracts for expenditures by the superintendent for polling places;

40 (3) Purchase or printing, under contracts made by the superintendent, of all ballots and  
41 other election supplies required by this chapter, or which the superintendent shall  
42 consider necessary to carry out the provisions of this chapter;

43 (4) Maintenance of all voting equipment required by this chapter, or which the  
44 superintendent shall consider necessary to carry out this chapter; and

45 (5) All other expenses arising out of the performance of his or her duties under this  
46 chapter.

47 (b) No superintendent shall take or accept any funding, grants, or gifts from any source  
48 other than from the governing authority of the county or municipality, the State of Georgia,  
49 or the federal government."

50 **SECTION 2.**

51 Said chapter is further amended by revising subsection (a) of Code Section 21-2-92, relating  
52 to qualifications of poll officers, service during municipal election or primary, and Student  
53 Teen Election Participant (STEP) program, as follows:

54 "(a)(1) Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be  
55 judicious, intelligent, and upright citizens of the United States, residents of or otherwise  
56 employed by the county in which they are appointed except as otherwise provided in  
57 paragraph (2) of this subsection or, in the case of municipal elections, residents of or  
58 otherwise employed by the municipality in which the election is to be held or of the  
59 county in which that municipality is located, 16 years of age or over, and shall be able to  
60 read, write, and speak the English language. No poll officer shall be eligible for any  
61 nomination for public office or to be voted for at a primary or election at which the poll  
62 officer shall serve. No person who is otherwise holding public office, other than a  
63 political party office, shall be eligible to be appointed as or to serve as a poll officer. A  
64 parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law,  
65 daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to  
66 serve as a poll officer in any precinct in which such candidate's name appears on the  
67 ballot in any primary or election.

68 (2) A poll officer may be allowed to serve in a county that adjoins the county in which  
69 such poll officer resides if, in the discretion of the election superintendent of the county  
70 in which such person resides or is employed by the county, the waiver of such county  
71 residency or county employment requirements of paragraph (1) of this subsection do not  
72 impair the ability of the county to provide adequate staff for the performance of election  
73 duties under this chapter and if, in the discretion of the county election superintendent in  
74 which such person wishes to serve, sufficient need for more poll officers exists."

75 **SECTION 3.**

76 Said chapter is further amended by revising subsection (f) of Code Section 21-2-212, relating  
77 to county registrars, appointment, certification, term of service, vacancies, compensation and  
78 expenses of chief registrar, registrars, and other officers and employees, and budget  
79 estimates, as follows:

80 "(f) The board of registrars of each county shall prepare annually a budget estimate in  
81 which it shall set forth an itemized list of its expenditures for the preceding two years and  
82 an itemized estimate of the amount of money necessary to be appropriated for the ensuing  
83 year and shall submit the same at the time and in the manner and form other county budget  
84 estimates are required to be filed. No board of registrars shall take or accept any funding,  
85 grants, or gifts from any source other than from the governing authority of the county, the  
86 State of Georgia, or the federal government."

87 **SECTION 4.**

88 Said chapter is further amended by revising Code Section 21-2-263, relating to reduction in  
89 size of, or provision of additional voting equipment or poll workers to, precincts containing  
90 more than 2,000 electors when voting in such precincts at previous general election not  
91 completed one hour after closing of polls, as follows:

92 "21-2-263.

93 (a) If, at the previous general election, a precinct contained more than 2,000 electors and  
94 if all those electors desiring to vote had not completed voting one hour following the  
95 closing of the polls, the superintendent shall either reduce the size of said precinct so that  
96 it shall contain not more than 2,000 electors in accordance with the procedures prescribed  
97 by this chapter for the division, alteration, and consolidation of precincts no later than 60  
98 days before the next general election or provide additional voting equipment or poll  
99 workers, or both, before the next general election. For administering this Code section, the  
100 chief manager of a precinct which contained more than 2,000 electors at the previous  
101 general election shall submit a report thereof, under oath, to the superintendent as to the  
102 time required for completion of voting by all persons in line at the time the polls were  
103 closed. Any such change in the boundaries of a precinct shall conform with the  
104 requirements of subsection (a) of Code Section 21-2-261.1.

105 (b) If, at the previous general election, a precinct contained more than 2,000 electors and  
106 if electors desiring to vote on the day of the election had to wait in line for more than one  
107 hour before checking in to vote, the superintendent shall either reduce the size of such  
108 precinct so that it shall contain not more than 2,000 electors in accordance with the  
109 procedures prescribed by this chapter for the division, alteration, and consolidation of  
110 precincts no later than 60 days before the next general election or provide additional voting  
111 equipment or poll workers, or both, before the next general election. For administering this  
112 Code section, the chief manager of a precinct which contained more than 2,000 electors at  
113 the previous general election shall submit a report thereof to the superintendent of the  
114 reported time from entering the line to checking in to vote. Such wait time shall be  
115 measured no fewer than three different times throughout the day (in the morning, at  
116 mid-day, and prior to the close of polls) and such results shall be recorded on a form  
117 provided by the Secretary of State. Any such change in the boundaries of a precinct shall  
118 conform with the requirements of subsection (a) of Code Section 21-2-261.1."

119 **SECTION 5.**

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

123 "(b) The superintendent of a county or the governing authority of a municipality shall have  
124 discretion to procure and provide portable or movable polling facilities of adequate size for  
125 any precinct; provided, however, that buses and other readily movable facilities shall only  
126 be used in emergency circumstances to supplement the capacity of existing polling places."

127 **SECTION 6.**

128 Said chapter is further amended by revising subsection (b) of Code Section 21-2-367, relating  
129 to installation of systems, number of systems, and good working order, as follows:

130 "(b)(1) In each precinct in which optical scanning voting systems are used in a general  
131 election, the county or municipal governing authority, as appropriate, election  
132 superintendent shall provide at least one voting booth or enclosure for each 250 electors  
133 therein, or fraction thereof.

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

141 **SECTION 7.**

142 Said chapter is further amended by revising subsection (c) of Code Section 21-2-379.25,  
143 relating to programming for ballot design and style, verification, appointment of custodians,  
144 and role of custodians, as follows:

145 "(c) On or before the third day preceding a primary or election, including special primaries,  
146 special elections, and referendum elections, the superintendent shall have each electronic  
147 ballot marker tested to ascertain that it will correctly record the votes cast for all offices and  
148 on all questions and produce a ballot reflecting such choices of the elector in a manner that  
149 the State Election Board shall prescribe by rule or regulation. Public notice of the time and  
150 place of the test shall be made at least five days prior thereto; ~~provided, however, that, in~~  
151 ~~the case of a runoff, the public notice shall be made at least three days prior thereto.~~ The  
152 superintendent of each county or municipality shall publish such notice on the homepage  
153 of the county's or municipality's publicly accessible website associated with elections and  
154 in a newspaper of general circulation in the county or municipality and by posting in a  
155 prominent location in the county or municipality. Such notice shall state the date, time, and  
156 place or places where preparation and testing of the voting system components for use in  
157 the primary or election will commence, that such preparation and testing shall continue  
158 from day to day until complete, and that representatives ~~Representatives~~ of political parties  
159 and bodies, news media, and the public shall be permitted to observe such tests. However,  
160 such representatives of political parties and bodies, news media, and the public shall not  
161 in any manner interfere with the preparation and testing of the voting system components.  
162 The advertisement in the newspaper of general circulation shall be prominently displayed,  
163 shall not be less than 30 square inches, and shall not be placed in the section of the  
164 newspaper where legal notices appear. "

165 **SECTION 8.**

166 Said chapter is further amended by revising Code Section 21-2-381, relating to making of  
167 application for absentee ballot, determination of eligibility by ballot clerk, furnishing of  
168 applications to colleges and universities, and persons entitled to make application, as follows:

169 "21-2-381.

170 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219 or for advance  
171 voting described in subsection (d) of Code Section 21-2-385, not more earlier than 180  
172 78 days or less than 11 days prior to the date of the primary or election, or runoff of  
173 either, in which the elector desires to vote, any absentee elector may make, either by  
174 mail, by facsimile transmission, by electronic transmission, or in person in the  
175 registrar's or absentee ballot clerk's office, an application for an official ballot of the  
176 elector's precinct to be voted at such primary, election, or runoff. To be timely  
177 received, an application for an absentee-by-mail ballot shall be received by the board  
178 of registrars or absentee ballot clerk no later than 11 days prior to the primary, election,  
179 or runoff. For advance voting in person, the application shall be made within the time  
180 period set forth in subsection (d) of Code Section 21-2-385.

181 (B) In the case of an elector residing temporarily out of the county or municipality or  
182 a physically disabled elector residing within the county or municipality, the application  
183 for the elector's absentee ballot may, upon satisfactory proof of relationship, be made  
184 by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,  
185 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,  
186 father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

187 (C)(i) Any person applying for an absentee-by-mail ballot shall make application in  
188 writing on the form made available by the Secretary of State. In order to confirm the  
189 identity of the voter, such form shall require the elector to provide his or her name,  
190 date of birth, address as registered, address where the elector wishes the ballot to be  
191 mailed, and the number of his or her Georgia driver's license or identification card



192 issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a  
193 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter  
194 5 of Title 40, the elector shall affirm this fact in the manner prescribed in the  
195 application and the elector shall provide a copy of a form of identification listed in  
196 subsection (c) of Code Section 21-2-417. The form made available by the Secretary  
197 of State shall include a space to affix a photocopy or electronic image of such  
198 identification. The Secretary of State shall develop a manner to allow secure  
199 electronic transmission of such form. The application shall be in writing and shall  
200 contain sufficient information for proper identification of the elector; the permanent  
201 or temporary address of the elector to which the absentee ballot shall be mailed; also  
202 include the identity of the primary, election, or runoff in which the elector wishes to  
203 vote; and the name and relationship of the person requesting the ballot if other than  
204 the elector; and an oath for the elector or relative to sign affirming that the elector is  
205 a qualified Georgia elector and the facts presented on the application are true.  
206 Submitting false information on an application for an absentee ballot shall be a  
207 violation of Code Sections 21-2-560 and 21-2-571.

208 (ii) A blank application for an absentee ballot shall be made available online by the  
209 Secretary of State and each election superintendent and registrar, but neither the  
210 Secretary of State, election superintendent, board of registrars, other governmental  
211 entity, nor employee or agent thereof shall send absentee ballot applications directly  
212 to any elector except upon request of such elector or a relative authorized to request  
213 an absentee ballot for such elector. No person or entity other than a relative  
214 authorized to request an absentee ballot for such elector or a person signing as  
215 assisting an illiterate or physically disabled elector shall send any elector an absentee  
216 ballot application that is pre-filled with the elector's required information set forth in  
217 this subparagraph. No person or entity other than the elector, a relative authorized to  
218 request an absentee ballot for such elector, a person signing as assisting an illiterate

219 or physically disabled elector with his or her application, a common carrier charged  
220 with returning the ballot application, an absentee ballot clerk, a registrar, or a law  
221 enforcement officer in the course of an investigation shall handle or return an elector's  
222 completed absentee ballot application. Handling a completed absentee ballot  
223 application by any person or entity other than as allowed in this subsection shall be  
224 a misdemeanor. Any application for an absentee ballot sent to any elector by any  
225 person or entity shall utilize the form of the application made available by the  
226 Secretary of State and shall clearly and prominently disclose on the face of the form  
227 the name of the person or entity sending the form and a disclaimer that the person or  
228 entity is not a governmental entity, that the application is not a ballot, and that  
229 completion of the application is not required in order to vote.

230 (D) Except in the case of physically disabled electors residing in the county or  
231 municipality or electors in custody in a jail or other detention facility in the county or  
232 municipality, no absentee ballot shall be mailed to an address other than the permanent  
233 mailing address of the elector as recorded on the elector's voter registration record or  
234 a temporary out-of-county or out-of-municipality address.

235 (E) Relatives applying for absentee ballots for electors must also sign an oath stating  
236 that facts in the application are true.

237 (F) If the elector is unable to fill out or sign such elector's own application because of  
238 illiteracy or physical disability, the elector shall make such elector's mark, and the  
239 person filling in the rest of the application shall sign such person's name below it as a  
240 witness.

241 (G) Any elector meeting criteria of advanced age or disability specified by rule or  
242 regulation of the State Election Board or any elector who is entitled to vote by absentee  
243 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42  
244 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application  
245 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter

246 and for a primary as well as for any runoffs resulting therefrom and for the election for  
247 which such primary shall nominate candidates as well as any runoffs resulting  
248 therefrom. If not so requested by such person, a separate and distinct application shall  
249 be required for each primary, run-off primary, election, and run-off election. Except  
250 as otherwise provided in this subparagraph, a separate and distinct application for an  
251 absentee ballot shall always be required for any special election or special primary.

252 (2) A properly executed registration card submitted under the provisions of  
253 subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or  
254 election in which the registrant is entitled to vote, shall be considered to be an application  
255 for an absentee ballot under this Code section, or for a special absentee ballot under Code  
256 Section 21-2-381.1, as appropriate.

257 (3) Reserved.

258 (4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar  
259 or absentee ballot clerk shall determine if the applicants are eligible to vote under this  
260 Code section and shall either mail or issue the absentee ballots for the election for  
261 representative in the United States Congress to an individual entitled to make application  
262 for absentee ballot under subsection (d) of this Code section the same day any such  
263 application is received, so long as the application is received by 3:00 P.M., otherwise no  
264 later than the next business day following receipt of the application. Any valid absentee  
265 ballot shall be accepted and processed so long as the ballot is received by the registrar or  
266 absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent  
267 uniformed services voter or overseas voter, but in no event later than 11 days following  
268 the date of the election.

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

273 order to ~~be found eligible to vote an absentee ballot by mail~~ verify the identity of the  
274 applicant, the registrar or absentee ballot clerk shall compare the ~~identifying information~~  
275 applicant's name, date of birth, and number of his or her Georgia driver's license or  
276 identification card issued pursuant to Article 5 of Chapter 5 of Title 40 on the application  
277 with the information on file in the registrar's office ~~and, if the application is signed by the~~  
278 ~~elector, compare the signature or mark of the elector on the application with the signature~~  
279 ~~or mark of the elector on the elector's voter registration card.~~ If the application does not  
280 contain the number of the applicant's Georgia driver's license or identification card issued  
281 pursuant to Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall  
282 verify that the identification provided with the application identifies the applicant. In  
283 order to be found eligible to vote an absentee ballot in person at the registrar's office or  
284 absentee ballot clerk's office, such person shall show one of the forms of identification  
285 listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare  
286 the identifying information on the application with the information on file in the  
287 registrar's office.

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

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

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

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

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

300 of ineligibility, a copy of which notification should be retained on file in the office of the  
301 board of registrars or absentee ballot clerk for at least one year. However, an absentee  
302 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the  
303 ~~signature~~ signature identifying information of the elector on the application and the ~~signature~~  
304 identifying information of the elector on file with the board of registrars. In such cases,  
305 the board of registrars or absentee ballot clerk shall send the elector a provisional  
306 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and  
307 information prepared by the Secretary of State as to the process to be followed to cure the  
308 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee  
309 ballot clerk prior to the closing of the polls on the day of the primary or election, the  
310 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of  
311 registrars or absentee ballot clerk along with a copy of one of the forms of identification  
312 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for  
313 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the  
314 board of registrars or absentee ballot clerk finds the affidavit and identification to be  
315 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of  
316 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,  
317 then the procedure contained in Code Section 21-2-386 shall be followed for rejected  
318 absentee ballots.

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

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

327 vote by absentee ballot in such primary or election, if the registration card, properly  
328 completed, is returned to the clerk or the board on or before the last day for registering  
329 to vote in such primary or election. If the closing date for registration in the primary or  
330 election concerned has not passed, the clerk or registrar shall also mail a ballot to the  
331 applicant, as soon as it is prepared and available; and the ballot shall be cast in such  
332 primary or election if returned to the clerk or board not later than the close of the polls  
333 on the day of the primary or election concerned.

334 (c) In those counties or municipalities in which the absentee ballot clerk or board of  
335 registrars provides application forms for absentee ballots, the clerk or board shall provide  
336 such quantity of the application form to the dean of each college or university located in  
337 that county as said dean determines necessary for the students of such college or university.

338 (d)(1) A citizen of the United States permanently residing outside the United States is  
339 entitled to make application for an absentee ballot from Georgia and to vote by absentee  
340 ballot in any election for presidential electors and United States senator or representative  
341 in Congress:

342 (A) If such citizen was last domiciled in Georgia immediately before his or her  
343 departure from the United States; and

344 (B) If such citizen could have met all qualifications, except any qualification relating  
345 to minimum voting age, to vote in federal elections even though, while residing outside  
346 the United States, he or she does not have a place of abode or other address in Georgia.

347 (2) An individual is entitled to make application for an absentee ballot under paragraph  
348 (1) of this subsection even if such individual's intent to return to Georgia may be  
349 uncertain, as long as:

350 (A) He or she has complied with all applicable Georgia qualifications and requirements  
351 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for  
352 and voting by absentee ballots;

353 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting  
354 in any other state or election district of a state or territory or in any territory or  
355 possession of the United States; and

356 (C) He or she has a valid passport or card of identity and registration issued under the  
357 authority of the Secretary of State of the United States or, in lieu thereof, an alternative  
358 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state  
359 requirements, if a citizen does not possess a valid passport or card of identity and  
360 registration.

361 (e) The State Election Board is authorized to promulgate reasonable rules and regulations  
362 for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules  
363 and regulations may include provisions for the limitation of opportunities for fraudulent  
364 application, including, but not limited to, comparison of voter registration records with  
365 death certificates."

366 **SECTION 9.**

367 Said chapter is further amended by revising Code Section 21-2-382, relating to additional  
368 sites as additional registrar's office or place of registration for absentee ballots, as follows:  
369 "21-2-382.

370 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of  
371 registrars may establish additional sites as additional registrar's offices or places of  
372 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and  
373 for the purpose of voting absentee ballots under Code Section 21-2-385, provided that any  
374 such site is a branch of the county courthouse, a courthouse annex, a government service  
375 center providing general government services, another government building generally  
376 accessible to the public, or a location that is used as an election day polling place,  
377 notwithstanding that such location is not a government building.

378 (b)(1) A board of registrars or absentee ballot clerk may establish secure drop boxes as  
379 a means for absentee by mail electors to deliver their ballots to the board of registrars or  
380 absentee ballot clerk. Drop boxes may be established inside locations at which advance  
381 voting, as set forth in subsection (d) of Code Section 21-2-385, is conducted in the  
382 applicable primary, election, or runoff and may be open during the hours of advance  
383 voting at that location. Such drop boxes shall be closed when advance voting is not being  
384 conducted at that location. All drop boxes shall be closed when the advance voting  
385 period ends, as set forth in subsection (d) of Code Section 21-2-385. The drop box  
386 location shall have adequate lighting and be under constant surveillance by an election  
387 official or his or her designee, law enforcement official, or licensed security guard.  
388 (2) The opening slot of a drop box shall not allow ballots to be tampered with or  
389 removed and shall be designed to minimize the ability for liquid or other substances that  
390 may damage ballots to be poured into the drop box. A drop box shall be labeled  
391 "OFFICIAL ABSENTEE BALLOT DROP BOX" and shall clearly display the signage  
392 developed by the Secretary of State pertaining to Georgia law with regard to who is  
393 allowed to return absentee ballots and destroying, defacing, or delaying delivery of  
394 ballots.  
395 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and  
396 return of ballots deposited at each drop box at the conclusion of each day where advance  
397 voting takes place. Collection of ballots from a drop box shall be made by a team of at  
398 least two people. Any person collecting ballots from a drop box shall have sworn an oath  
399 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The  
400 collection team shall complete and sign a ballot transfer form upon removing the ballots  
401 from the drop box which shall include the date, time, location, number of ballots,  
402 confirmation that the drop box was locked after the removal of the ballots, and the  
403 identity of each person collecting the ballots. The collection team shall then immediately  
404 transfer the ballots to the board of registrars or absentee ballot clerk, who shall process



405 and store the ballots in the same manner as absentee ballots returned by mail are  
406 processed and stored. The board of registrars, absentee ballot clerk, or a designee of the  
407 board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt  
408 of the ballots from the collection team. Such form shall be considered a public record  
409 pursuant to Code Section 50-18-70.

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

416 ~~(b)~~(c) Any other provisions of this chapter to the contrary notwithstanding, in all counties  
417 of this state having a population of 550,000 or more according to the United States  
418 decennial census of 1990 or any future such census, any branch of the county courthouse  
419 or courthouse annex established within any such county shall be an additional registrar's  
420 or absentee ballot clerk's office or place of registration for the purpose of receiving  
421 absentee ballots under Code Section 21-2-381 and for the purpose of voting absentee  
422 ballots under Code Section 21-2-385."

423 **SECTION 10.**

424 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation  
425 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting  
426 absentee electors, master list of ballots sent, challenges, and electronic transmission of  
427 ballots, as follows:

428 "21-2-384.

429 (a)(1) The superintendent shall, in consultation with the board of registrars or absentee  
430 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this

431 subsection an adequate supply of official absentee ballots to the board of registrars or  
432 absentee ballot clerk for use in the primary or election or as soon as possible prior to a  
433 runoff. Envelopes and other supplies as required by this article may be ordered by the  
434 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary  
435 or election.

436 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee  
437 ballots to all eligible applicants not more than ~~49~~ 29 days but not less than ~~45~~ 25 days  
438 prior to any presidential preference primary, general primary other than a municipal  
439 general primary, general election other than a municipal general election, or special  
440 primary or special election in which there is a candidate for a federal office on the ballot;  
441 22 days prior to any municipal general primary or municipal general election; and as soon  
442 as possible prior to any runoff. In the case of all other special primaries or special  
443 elections, the board of registrars or absentee ballot clerk shall mail or issue official  
444 absentee ballots to all eligible applicants within three days after the receipt of such ballots  
445 and supplies, but no earlier than 22 days prior to the election; provided, however, that  
446 ~~should~~ official absentee ballots shall be issued to any elector of the jurisdiction ~~be~~  
447 ~~permitted to vote by absentee ballot~~ who is entitled to vote by absentee ballot under the  
448 federal Uniformed and Overseas Citizen Absentee Voting Act, 52 U.S.C. Section 20301,  
449 et seq., as amended, beginning 49 days prior to a federal primary or election, ~~all eligible~~  
450 ~~applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49~~  
451 ~~days prior to such primary or election and not later than 45 days prior to a federal primary~~  
452 ~~or election.~~ As additional applicants who submitted timely applications for an absentee  
453 ballot are determined to be eligible, the board or clerk shall mail or issue official absentee  
454 ballots to such additional applicants immediately upon determining their eligibility;  
455 ~~provided, however, that no absentee ballot shall be mailed by the registrars or absentee~~  
456 ~~ballot clerk on the day prior to a primary or election and provided, further, that no~~  
457 ~~absentee ballot shall be issued on the day prior to a primary or election.~~ For all timely

458 received applications for absentee ballots, the board of registrars or absentee ballot clerk  
459 shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection  
460 as soon as possible upon determining their eligibility within the time periods set forth in  
461 this subsection. During the period for advance voting set forth in Code Section 21-2-385,  
462 the board of registrars or absentee ballot clerk shall make such determinations and mail  
463 or issue absentee ballots, provisional absentee ballots, and notices of rejection of  
464 application within three days after receiving a timely application for an absentee ballot.

465 The board of registrars or absentee ballot clerk shall, within the ~~same~~ time periods  
466 specified in this subsection, electronically transmit official absentee ballots to all electors  
467 who have requested to receive their official absentee ballot electronically and are entitled  
468 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
469 Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as amended.

470 (3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date  
471 a ballot is mailed or issued to an elector and the date it is returned shall be entered on the  
472 application record therefor.

473 (4) Notwithstanding any other provision of this chapter, an elector confined in a hospital  
474 may make application for an absentee ballot ~~The delivery of an absentee ballot to a~~  
475 ~~person confined in a hospital may be made by the registrar or clerk on the day of a~~  
476 ~~primary or election or during a five-day~~ ten-day period immediately preceding the day  
477 of such primary or election. Such application shall immediately be processed and, if such  
478 applicant is determined to be eligible, the board of registrars or absentee ballot clerk shall  
479 deliver the absentee ballot to such elector.

480 (5) In the event an absentee ballot which has been mailed by the board of registrars or  
481 absentee ballot clerk is not received by the applicant, the applicant may notify the board  
482 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot  
483 has not been received. The board of registrars or absentee ballot clerk shall then issue a  
484 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit

485 shall be attached to the original application. A second application for an absentee ballot  
486 shall not be required.

487 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's  
488 office, in addition to the mailing envelope addressed to the elector, the superintendent,  
489 board of registrars, or absentee ballot clerk shall provide two envelopes for each official  
490 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in  
491 order to permit the placing of one within the other and both within the mailing envelope.  
492 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed  
493 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the  
494 two envelopes to be enclosed within the mailing envelope shall be printed contain the form  
495 of oath of the elector and the oath for persons assisting electors, as provided for in Code  
496 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,  
497 21-2-579, and 21-2-599 for violations of oaths; and on a place for the elector to print his  
498 or her name; a signature line; a space for the elector to print the number of his or her  
499 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of  
500 Title 40; a space for the elector to mark to affirm that he or she does not have a Georgia  
501 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40;  
502 a space for the elector to print his or her date of birth; and a space for the elector to print  
503 the last four digits of his or her social security number, if the elector does not have a  
504 Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5  
505 of Title 40. The envelope shall be designed so that the number of the elector's Georgia  
506 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40,  
507 the last four digits of the elector's social security number, and the elector's date of birth  
508 shall be hidden from view when the envelope is correctly sealed. Any person other than  
509 an absentee ballot clerk, registrar, or law enforcement officer in the course of an  
510 investigation who knowingly unseals a sealed absentee ballot envelope shall be guilty of  
511 a felony. On the face of such envelope shall be printed the name and address of the board

512 of registrars or absentee ballot clerk. The larger of the two envelopes shall also display the  
513 elector's name and voter registration number. The mailing envelope addressed to the  
514 elector shall contain the two envelopes, the official absentee ballot, the uniform instructions  
515 for the manner of preparing and returning the ballot, in form and substance as provided by  
516 the Secretary of State, provisional absentee ballot information, if necessary, and a notice  
517 in the form provided by the Secretary of State of all withdrawn, deceased, and disqualified  
518 candidates and any substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155  
519 and nothing else. The uniform instructions shall include information specific to the voting  
520 system used for absentee voting concerning the effect of overvoting or voting for more  
521 candidates than one is authorized to vote for a particular office and information concerning  
522 how the elector may correct errors in voting the ballot before it is cast including  
523 information on how to obtain a replacement ballot if the elector is unable to change the  
524 ballot or correct the error.

525 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially  
526 the following form:

527 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of  
528 the State of Georgia; that I possess the qualifications of an elector required by the laws  
529 of the State of Georgia; that I am entitled to vote in the precinct containing my  
530 residence in the primary or election in which this ballot is to be cast; that I am eligible  
531 to vote by absentee ballot; that I have not marked or mailed any other absentee ballot,  
532 nor will I mark or mail another absentee ballot for voting in such primary or election;  
533 nor shall I vote therein in person; and that I have read and understand the instructions  
534 accompanying this ballot; and that I have carefully complied with such instructions in  
535 completing this ballot. I understand that the offer or acceptance of money or any other  
536 object of value to vote for any particular candidate, list of candidates, issue, or list of  
537 issues included in this election constitutes an act of voter fraud and is a felony under  
538 Georgia law.

539  
540  
541  
542

\_\_\_\_\_  
Signature or Mark of Elector  
\_\_\_\_\_  
Printed Name of Elector

543 Oath of Person Assisting Elector (if any):

544 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in  
545 marking such elector's absentee ballot as such elector personally communicated such  
546 elector's preference to me; and that such elector is entitled to receive assistance in  
547 voting under provisions of subsection (a) of Code Section 21-2-409.

548 This, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

549  
550  
551  
552  
553  
554

\_\_\_\_\_  
Signature of Person Assisting  
Elector  
\_\_\_\_\_  
Printed Name of Person  
Assisting Elector

555 Reason for assistance (Check appropriate square):

- 556  Elector is unable to read the English language.
- 557  Elector requires assistance due to physical disability.

558 The forms upon which such oaths are printed shall contain the following information:

559 Georgia law provides that any person who knowingly falsifies information so as to  
560 vote illegally by absentee ballot or who illegally gives or receives assistance in voting,  
561 as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.

562 (2) In the case of absent uniformed services or overseas voters, if the presidential  
563 designee under Section 705(b) of the federal Help America Vote Act promulgates a  
564 standard oath for use by such voters, the Secretary of State shall be required to use such  
565 oath on absentee ballot materials for such voters and such oath shall be accepted in lieu  
566 of the oath set forth in paragraph (1) of this subsection.

567 (d) Each board of registrars or absentee ballot clerk shall maintain for public inspection  
568 a master list, arranged by precincts, setting forth the name and residence of every elector  
569 to whom an official absentee ballot has been sent. Absentee electors whose names appear  
570 on the master list may be challenged by any elector prior to 5:00 P.M. on the day before  
571 the primary or election.

572 (e)(1) The election superintendent shall prepare special absentee run-off ballots for  
573 general primaries and general elections for use by qualified electors who are entitled to  
574 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
575 Voting Act, 52 U.S.C. Section 20301, et seq.

576 (2) Such special absentee run-off ballots for the general primary shall list the titles of all  
577 offices being contested at the general primary and the candidates qualifying for such  
578 general primary for each office and shall permit the elector to vote in the general primary  
579 runoff by indicating his or her order of preference for each candidate for each office. A  
580 separate ballot shall be prepared for each political party, but a qualified elector under this  
581 subsection shall be mailed only the ballot of the political party in whose primary such  
582 elector requests to vote. Such ballots shall be of a distinctive color that is different from  
583 that of the ballots used in the general primary and general election. The Secretary of  
584 State shall prepare instructions for use with such special absentee run-off ballots,  
585 including instructions for voting by mail using an electronically transmitted ballot. Such  
586 ballot shall be returned by the elector in the same manner as other absentee ballots by  
587 such electors who are entitled to vote by absentee ballot under the federal Uniformed and  
588 Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.

589 (3) Such special absentee run-off ballots for the general election shall list the titles of all  
590 offices being contested at the general election and the candidates qualifying for such  
591 general election for each office and shall permit the elector to vote in the general election  
592 runoff by indicating his or her order of preference for each candidate for each office.

593 (4) To indicate order of preference for each candidate for each office to be voted on, an  
594 elector shall put the numeral '1' next to the name of the candidate who is the elector's first  
595 choice for such office, the numeral '2' for the elector's second choice, and so forth, in  
596 consecutive numerical order, such that a numeral indicating the elector's preference is  
597 written by the elector next to each candidate's name on the ballot. An elector shall not  
598 be required to indicate preference for more than one candidate for an office if the elector  
599 so chooses.

600 (5) A special absentee run-off ballot shall be enclosed with each general primary  
601 absentee ballot sent to an elector who is entitled to vote by absentee ballot under the  
602 federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301,  
603 et seq., along with instructions on how to cast the special absentee run-off ballot and the  
604 two envelopes to be used in returning such ballot as provided in subsection (b) of this  
605 Code section, provided that the envelopes bear the notation of 'Official Special General  
606 Primary Run-off Ballot' and shall be a different color from that of the regular absentee  
607 ballot envelopes. An elector shall be sent only the ballot containing the candidates of the  
608 political party in whose primary such elector desires to vote.

609 (6) A special absentee run-off ballot shall be enclosed with each general election  
610 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal  
611 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.,  
612 along with instructions on how to cast the special absentee run-off ballot and the two  
613 envelopes to be used in returning such ballot as provided in subsection (b) of this Code  
614 section, provided that the envelopes bear the notation of 'Official Special General  
615 Election Run-off Ballot' and shall be a different color from that of the regular absentee



616 ballot envelopes. ~~The State Election Board shall by rule or regulation establish~~  
617 ~~procedures for the transmission of blank absentee ballots by mail and by electronic~~  
618 ~~transmission for all electors who are entitled to vote by absentee ballot under the federal~~  
619 ~~Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20302, et seq.,~~  
620 ~~as amended, and by which such electors may designate whether the elector prefers the~~  
621 ~~transmission of such ballots by mail or electronically, for use in county, state, and federal~~  
622 ~~primaries, elections, and runoffs in this state and, if the Secretary of State finds it to be~~  
623 ~~feasible, for use in municipal primaries, elections, and runoffs. If no preference is stated,~~  
624 ~~the ballot shall be transmitted by mail. The State Election Board shall by rule or~~  
625 ~~regulation establish procedures to ensure to the extent practicable that the procedures for~~  
626 ~~transmitting such ballots shall protect the security and integrity of such ballots and shall~~  
627 ~~ensure that the privacy of the identity and other personal data of such electors who are~~  
628 ~~entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens~~  
629 ~~Absentee Voting Act, 52 U.S.C. Section 20302, et seq., as amended, to whom a blank~~  
630 ~~absentee ballot is transmitted under this Code section is protected throughout the process~~  
631 ~~of such transmission."~~

632 **SECTION 11.**

633 Said chapter is further amended by revising subsection (a) of Code Section 21-2-385, relating  
634 to procedure for voting by absentee ballot and advance voting, as follows:

635 "(a) At any time after receiving an official absentee ballot, but before the day of the  
636 primary or election, except electors who are confined to a hospital on the day of the  
637 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and  
638 enclose and securely seal the same in the envelope on which is printed 'Official Absentee  
639 Ballot.' This envelope shall then be placed in the second one, on which is printed the form  
640 of the oath of the elector; the name and oath of the person assisting, if any; and other  
641 required identifying information. The elector shall then fill out, subscribe, and swear to the

642 oath printed on such envelope. In order to verify that the absentee ballot was voted by the  
643 elector who requested the ballot, the elector shall print the number of his or her Georgia  
644 driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of  
645 Title 40 in the space provided on the outer oath envelope. The elector shall also print his  
646 or her date of birth in the space provided in the outer oath envelope. If the elector does not  
647 have a Georgia driver's license or state identification card issued pursuant to Article 5 of  
648 Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath  
649 envelope and print the last four digits of his or her social security number in the space  
650 provided on the outer oath envelope. If the elector does not have a Georgia driver's license,  
651 identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security  
652 number, the elector shall so affirm in the space provided on the outer oath envelope and  
653 place a copy of one of the forms of identification set forth in subsection (c) of Code  
654 Section 21-2-417. Such envelope shall then be securely sealed and the elector shall then  
655 personally mail or personally deliver same to the board of registrars or absentee ballot  
656 clerk, provided that mailing or delivery may be made by the elector's mother, father,  
657 grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild,  
658 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or  
659 an individual residing in the household of such elector. The absentee ballot of a disabled  
660 elector may be mailed or delivered by the caregiver of such disabled elector, regardless of  
661 whether such caregiver resides in such disabled elector's household. The absentee ballot  
662 of an elector who is in custody in a jail or other detention facility may be mailed or  
663 delivered by any employee of such jail or facility having custody of such elector. An  
664 elector who is confined to a hospital on a primary or election day to whom an absentee  
665 ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the  
666 ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector  
667 registered to vote for the first time in this state by mail and has not previously provided the  
668 identification required by Code Section 21-2-220 and votes for the first time by absentee

669 ballot and fails to provide the identification required by Code Section 21-2-220 with such  
 670 absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be  
 671 counted only if the registrars are able to verify the identification and registration of the  
 672 elector during the time provided pursuant to Code Section 21-2-419."

673

## SECTION 12.

674 Said chapter is further amended by revising subsection (d) of Code Section 21-2-385, relating  
 675 to procedure for voting by absentee ballot and advance voting, as follows:

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

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

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

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

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

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

685 Voting shall be conducted ~~during normal business hours~~ beginning at 9:00 A.M. and  
 686 ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period

687 and shall be conducted on the second Saturday prior to a primary or election ~~during the~~  
 688 ~~hours of 9:00 A.M. through 4:00 P.M.~~ beginning at 9:00 A.M. and ending at 5:00 P.M.;

689 provided, however, ~~that in primaries and elections in which there are no federal or state~~  
 690 ~~candidates on the ballot, no Saturday voting hours shall be required; and provided,~~

691 ~~further,~~ that, if such second Saturday is a public and legal holiday pursuant to Code  
 692 Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on  
 693 the Thursday or Friday immediately preceding such second Saturday, or if such second  
 694 Saturday immediately precedes a public and legal holiday occurring on the following

695 Sunday or Monday, such advance voting shall not be held on such second Saturday but  
 696 shall be held on the third Saturday prior to such primary or election beginning at 9:00  
 697 A.M. and ending at 5:00 P.M. Except as otherwise provided in this paragraph, counties  
 698 and municipalities may extend the hours for voting ~~beyond regular business hours to~~  
 699 permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional  
 700 voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the  
 701 jurisdiction at their option; provided, however, that voting shall occur only on the days  
 702 specified in this paragraph and counties and municipalities shall not be authorized to  
 703 conduct advance voting on any other days.

704 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice  
 705 to the electors of their jurisdiction of the availability of advance voting as well as the  
 706 times, dates, and locations at which advance voting will be conducted. In addition, the  
 707 registrars or absentee ballot clerk shall notify the Secretary of State in the manner  
 708 prescribed by the Secretary of State of the times, dates, and locations at which advance  
 709 voting will be conducted."

710 **SECTION 13.**

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

715 "21-2-386.

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

720 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
721 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
722 number of the elector's Georgia driver's license number or state identification card  
723 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the  
724 absentee ballot envelope identifying information on the oath with the same information  
725 ~~on file in his or her office, shall compare the signature or mark on the oath with the~~  
726 ~~signature or mark on the absentee elector's voter registration card or the most recent~~  
727 ~~update to such absentee elector's voter registration card and application for absentee~~  
728 ~~ballot or a facsimile of said signature or mark taken from said card or application, and~~  
729 ~~shall, if the information and signature appear to be valid and other identifying~~  
730 ~~information appears to be correct, contained in the elector's voter registration records.~~  
731 If the elector has affirmed on the envelope that he or she does not have a Georgia  
732 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of  
733 Title 40, the registrar or clerk shall compare the last four digits of the elector's social  
734 security number and date of birth entered on the envelope with the same information  
735 contained in the elector's voter registration records. The registrar or clerk shall also  
736 confirm that the elector signed the oath and the person assisting the elector, if any,  
737 signed the required oath. If the elector has signed the elector's oath, the person assisting  
738 has signed the required oath, if applicable, and the identifying information entered on  
739 the absentee ballot envelope matches the same information contained in the elector's  
740 voter registration record, the registrar or clerk shall so certify by signing or initialing  
741 his or her name below the voter's oath. Each elector's name so certified shall be listed  
742 by the registrar or clerk on the numbered list of absentee voters prepared for his or her  
743 precinct.

744 (C) If the elector has failed to sign the oath, or if the ~~signature~~ identifying information  
745 entered on the absentee ballot envelope does not ~~appear to be valid~~ match the same  
746 information appearing in the elector's voter registration record, or if the elector has

747 failed to furnish required information or information so furnished does not conform  
748 with that on file in the registrar's or clerk's office, or if the elector is otherwise found  
749 disqualified to vote, the registrar or clerk shall write across the face of the envelope  
750 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk  
751 shall promptly notify the elector of such rejection, a copy of which notification shall be  
752 retained in the files of the board of registrars or absentee ballot clerk for at least two  
753 years. Such elector shall have until the end of the period for verifying provisional  
754 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem  
755 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,  
756 ~~an invalid signature~~ nonmatching identifying information, or missing information by  
757 submitting an affidavit to the board of registrars or absentee ballot clerk along with a  
758 copy of one of the forms of identification enumerated in subsection (c) of Code  
759 Section 21-2-417 before the close of such period. The affidavit shall affirm that the  
760 ballot was submitted by the elector, is the elector's ballot, and that the elector is  
761 registered and qualified to vote in the primary, election, or runoff in question. If the  
762 board of registrars or absentee ballot clerk finds the affidavit and identification to be  
763 sufficient, the absentee ballot shall be counted.

764 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
765 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
766 ballot shall include with his or her application for an absentee ballot or in the outer oath  
767 envelope of his or her absentee ballot either one of the forms of identification listed in  
768 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
769 statement, government check, paycheck, or other government document that shows the  
770 name and address of such elector. If such elector does not provide any of the forms of  
771 identification listed in this subparagraph with his or her application for an absentee  
772 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
773 provisional ballot and such ballot shall only be counted if the registrars are able to

774 verify current and valid identification of the elector as provided in this subparagraph  
775 within the time period for verifying provisional ballots pursuant to Code  
776 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify  
777 the elector that such ballot is deemed a provisional ballot and shall provide information  
778 on the types of identification needed and how and when such identification is to be  
779 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

780 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
781 absentee electors, giving the name of the elector and the reason for the rejection in each  
782 case. Three copies of the numbered list of certified absentee voters and three copies of  
783 the numbered list of rejected absentee voters for each precinct shall be turned over to  
784 the poll manager in charge of counting the absentee ballots and shall be distributed as  
785 required by law for numbered lists of voters.

786 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
787 of the polls on the day of the primary or election shall be safely kept unopened by the  
788 board or absentee ballot clerk and then transferred to the appropriate clerk for storage  
789 for the period of time required for the preservation of ballots used at the primary or  
790 election and shall then, without being opened, be destroyed in like manner as the used  
791 ballots of the primary or election. The board of registrars or absentee ballot clerk shall  
792 promptly notify the elector by first-class mail that the elector's ballot was returned too  
793 late to be counted and that the elector will not receive credit for voting in the primary  
794 or election. All such late absentee ballots shall be delivered to the appropriate clerk and  
795 stored as provided in Code Section 21-2-390.

796 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
797 States Department of Defense notifies the Secretary of State that the Department of  
798 Defense has implemented a system of expedited absentee voting for those electors  
799 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
800 eligible absentee electors who reside outside the county or municipality in which the

801 primary, election, or runoff is held and are members of the armed forces of the United  
802 States, members of the merchant marine of the United States, spouses or dependents of  
803 members of the armed forces or merchant marine residing with or accompanying such  
804 members, or overseas citizens that are postmarked by the date of such primary, election,  
805 or runoff and are received within the three-day period following such primary, election,  
806 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and  
807 included in the certified election results.

808 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to and no later than the  
809 second Monday prior to ~~After the opening of the polls on the day of the primary,~~  
810 election, or runoff, the ~~registrars or absentee ballot clerks~~ election superintendent shall  
811 be authorized to open the outer oath envelope ~~on which is printed the oath of the elector~~  
812 of absentee ballots that have been verified and accepted pursuant to subparagraph  
813 (a)(1)(B) of this Code section, in such a manner as not to destroy the oath printed  
814 ~~thereon; provided, however, that the registrars or absentee ballot clerk shall not be~~  
815 ~~authorized to remove the contents of such outer envelope, or to open the inner envelope~~  
816 ~~marked 'Official Absentee Ballot,' except as otherwise provided in this Code section~~  
817 and scan the absentee ballot using one or more ballot scanners. At least three persons  
818 who are registrars, deputy registrars, poll workers, or absentee ballot clerks must be  
819 present before commencing; and three persons who are registrars, deputy registrars, or  
820 absentee ballot clerks shall be present at all times while the ~~outer~~ absentee ballot  
821 envelopes are being opened and the absentee ballots are being scanned. ~~After opening~~  
822 ~~the outer envelopes, the ballots shall be safely and securely stored until the time for~~  
823 ~~tabulating such ballots.~~ However, no person shall tally, tabulate, estimate, or attempt  
824 to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to  
825 produce any tally or tabulate, partial or otherwise, of the absentee ballots cast until the  
826 time for the closing of the polls on the day of the primary, election, or runoff except as  
827 provided in this Code section. Prior to beginning the process set forth in this paragraph,



828 the superintendent shall provide written notice to the Secretary of State in writing at  
829 least seven days prior to processing and scanning absentee ballots. Such notice shall  
830 contain the dates, start and end times, and location or locations where absentee ballots  
831 will be processed and scanned. The superintendent shall also post such notice publicly  
832 in a prominent location in the superintendent's office and on the home page of the  
833 county election superintendent's website. The Secretary of State shall publish on his  
834 or her website the information he or she receives from superintendents stating the dates,  
835 times, and locations where absentee ballots will be processed.

836 (B) The proceedings set forth in this paragraph shall be open to the view of the public,  
837 but no person except one employed and designated by the superintendent shall touch  
838 any ballot or ballot container. Any person involved in processing and scanning  
839 absentee ballots shall swear an oath, in the same form as the oath for poll officers  
840 provided in Code Section 21-2-95, prior to beginning the processing and scanning of  
841 absentee ballots. The county executive committee or, if there is no organized county  
842 executive committee, the state executive committee of each political party and political  
843 body having candidates whose names appear on the ballot for such election shall have  
844 the right to designate two persons and each independent and nonpartisan candidate  
845 whose name appears on the ballot for such election shall have the right to designate one  
846 person to act as monitors for such process. In the event that the only issue to be voted  
847 upon in an election is a referendum question, the superintendent shall also notify in  
848 writing the chief judge of the superior court of the county who shall appoint two  
849 electors of the county to monitor such process. While viewing or monitoring the  
850 process set forth in this paragraph, monitors and observers shall be prohibited from:

851 (i) In any way interfering with the processing or scanning of absentee ballots or the  
852 conduct of the election;

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

855 (iii) Engaging in any form of campaigning or campaign activity;  
856 (iv) Taking any action that endangers the secrecy and security of the ballots;  
857 (v) Touching any ballot or ballot container;  
858 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,  
859 whether partial or otherwise, any of the votes on the absentee ballots cast; and  
860 (vii) Communicating any information that they see while monitoring the processing  
861 and scanning of the absentee ballots, whether intentionally or inadvertently, about any  
862 ballot, vote, or selection to anyone other than an election official who needs such  
863 information to lawfully carry out his or her official duties.

864 (C) The State Election Board shall promulgate rules requiring reconciliation  
865 procedures and other protections to protect the integrity of the process set forth in this  
866 paragraph.

867 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
868 day of the primary, election, or runoff open the inner envelopes in accordance with the  
869 procedures prescribed in this subsection and begin tabulating the absentee ballots. If the  
870 county election superintendent chooses to open the inner envelopes and begin tabulating  
871 such ballots prior to the close of the polls on the day of the primary, election, or runoff,  
872 the superintendent shall notify in writing, at least seven days prior to the primary,  
873 election, or runoff, the Secretary of State of the superintendent's intent to begin the  
874 absentee ballot tabulation prior to the close of the polls. The county executive committee  
875 or, if there is no organized county executive committee, the state executive committee of  
876 each political party and political body having candidates whose names appear on the  
877 ballot for such election in such county shall have the right to designate two persons and  
878 each independent and nonpartisan candidate whose name appears on the ballot for such  
879 election in such county shall have the right to designate one person to act as monitors for  
880 such process. In the event that the only issue to be voted upon in an election is a  
881 referendum question, the superintendent shall also notify in writing the chief judge of the

882 superior court of the county who shall appoint two electors of the county to monitor such  
883 process.

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

888 (5) The process for opening ~~the inner~~ absentee ballot envelopes, scanning absentee  
889 ballots, of and tabulating absentee ballots on the day of a primary, election, or runoff as  
890 provided in this subsection shall be ~~a confidential process~~ conducted in a manner to  
891 maintain the secrecy of all ballots and to protect the disclosure of any balloting  
892 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated  
893 before 7:00 A.M. on the day of a primary, election, or runoff.

894 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,  
895 election, or runoff, including the vote review panel required by Code Section 21-2-483,  
896 and all monitors and observers shall be sequestered until the time for the closing of the  
897 polls. All such persons shall have no contact with the news media; shall have no contact  
898 with other persons not involved in monitoring, observing, or conducting the tabulation;  
899 shall not use any type of communication device including radios, telephones, and cellular  
900 telephones; shall not utilize computers for the purpose of e-mail, instant messaging, or  
901 other forms of communication; and shall not communicate any information concerning  
902 the tabulation until the time for the closing of the polls; provided, however, that  
903 supervisory and technical assistance personnel shall be permitted to enter and leave the  
904 area in which the tabulation is being conducted but shall not communicate any  
905 information concerning the tabulation to anyone other than the county election  
906 superintendent; the staff of the superintendent; those persons conducting, observing, or  
907 monitoring the tabulation; and those persons whose technical assistance is needed for the  
908 tabulation process to operate.

909 (7) The absentee ballots shall be tabulated in accordance with the procedures of this  
910 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be  
911 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,  
912 for security. The persons conducting the tabulation of the absentee ballots shall not cause  
913 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes  
914 cast until the time for the closing of the polls except as otherwise provided in this Code  
915 section.

916 (b) ~~As soon as practicable after 7:00 A.M. on the day of the primary, election, or runoff,~~  
917 ~~in precincts other than those in which optical scanning tabulators are used~~ When requested  
918 by the superintendent, but not earlier than the third Monday prior to a primary, election, or  
919 runoff, a registrar or absentee ballot clerk shall deliver the official absentee ballot of each  
920 certified absentee elector, each rejected absentee ballot, applications for such ballots, and  
921 copies of the numbered lists of certified and rejected absentee electors to the ~~manager in~~  
922 ~~charge of the absentee ballot precinct of the county or municipality, which shall be located~~  
923 ~~in the precincts containing the county courthouse or polling place designated by the~~  
924 ~~municipal superintendent. In those precincts in which optical scanning tabulators are used,~~  
925 ~~such absentee ballots shall be taken to the tabulation center or other place~~ location  
926 designated by the superintendent, and the superintendent or official receiving such absentee  
927 ballots shall issue his or her receipt therefor. ~~Except as otherwise provided in this Code~~  
928 ~~section, in no event shall the counting of the ballots begin before the polls close.~~

929 (c) ~~Except as otherwise provided in this Code section, after the close of the polls on the~~  
930 ~~day of the primary, election, or runoff, a~~ The superintendent shall cause the verified and  
931 accepted absentee ballots to be opened and tabulated as provided in this Code section. A  
932 manager shall then open the outer envelope in such manner as not to destroy the oath  
933 printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in  
934 a ballot box reserved for absentee ballots. In the event that an outer envelope is found to  
935 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an

936 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited  
937 in the ballot box and counted in the same manner as other absentee ballots, provided that  
938 such ballot is otherwise proper. Such manager with two assistant managers, appointed by  
939 the superintendent, with such clerks as the manager deems necessary shall count the  
940 absentee ballots following the procedures prescribed by this chapter for other ballots,  
941 insofar as practicable, ~~and prepare an election return for the county or municipality~~  
942 ~~showing the results of the absentee ballots cast in such county or municipality.~~

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

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

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

960

**SECTION 14.**

961 Said chapter is further amended by revising subsections (c) and (e) of Code  
962 Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with  
963 election, reports by poll watchers of infractions or irregularities, and ineligibility of  
964 candidates to serve as poll watchers, as follows:

965 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems  
966 or optical scanning voting systems, each political party may appoint two poll watchers in  
967 each primary or election, each political body may appoint two poll watchers in each  
968 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan  
969 election, and each independent candidate may appoint one poll watcher in each election to  
970 serve in the locations designated by the superintendent within the tabulating center. Such  
971 designated locations shall include the check-in area, the computer room, the duplication  
972 area, and such other areas as the superintendent may deem necessary to the assurance of  
973 fair and honest procedures in the tabulating center. The locations designated by the  
974 superintendent shall ensure that each poll watcher can fairly observe the procedures set  
975 forth in this Code section. The poll watchers provided for in this subsection shall be  
976 appointed and serve in the same manner as other poll watchers."

977 "(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary  
978 or election in which such person is a candidate. No person shall be eligible to serve as a  
979 poll watcher unless he or she has completed training provided by the political party,  
980 political body, or candidate designating the poll watcher. Upon request, the Secretary of  
981 State shall make available material to each political party, political body, or candidate that  
982 can be utilized in such training but it shall be the responsibility of the political party,  
983 political body, or candidate designating the poll watcher to instruct poll watchers in their  
984 duties and in applicable laws and rules and regulations."

985 **SECTION 15.**

986 Said chapter is further amended by revising subsection (a) of Code Section 21-2-414, relating  
987 to restrictions on campaign activities and public opinion polling within the vicinity of a  
988 polling place, cellular phone use prohibited, prohibition of candidates from entering certain  
989 polling places, and penalty, as follows:

990 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any  
991 person distribute or display any campaign material, nor shall any person give, offer to give,  
992 or participate in the giving of any money or gifts, including, but not limited to, food and  
993 drink, to an elector, nor shall any person solicit signatures for any petition, nor shall any  
994 person, other than election officials discharging their duties, establish or set up any tables  
995 or booths on any day in which ballots are being cast:

996 (1) Within 150 feet of the outer edge of any building within which a polling place is  
997 established;

998 (2) Within any polling place; or

999 (3) Within 25 feet of any voter standing in line to vote at any polling place.

1000 These restrictions shall not apply to conduct occurring in private offices or areas which  
1001 cannot be seen or heard by such electors."

1002 **SECTION 16.**

1003 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of  
1004 provisional ballots and reporting to Secretary of State, as follows:

1005 "21-2-419.

1006 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the  
1007 county or municipality. Such provisional ballot shall be sealed in double envelopes as  
1008 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot  
1009 in a secure, sealed ballot box.

1010 (b) At the earliest time possible after the casting of a provisional ballot, but no later than  
1011 the day after the primary or election in which such provisional ballot was cast, the board  
1012 of registrars of the county or municipality, as the case may be, shall be notified by the  
1013 election superintendent that provisional ballots were cast in the primary or election and the  
1014 registrars shall be provided with the documents completed by the person casting the  
1015 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be  
1016 securely maintained by the election superintendent until a determination has been made  
1017 concerning their status. The board of registrars shall immediately examine the information  
1018 contained on such documents and make a good faith effort to determine whether the person  
1019 casting the provisional ballot was entitled to vote in the precinct in which he or she voted  
1020 in the primary or election. Such good faith effort shall include a review of all available  
1021 voter registration documentation, including registration information made available by the  
1022 electors themselves and documentation of modifications or alterations of registration data  
1023 showing changes to an elector's registration status. Additional sources of information may  
1024 include, but are not limited to, information from the Department of Driver Services,  
1025 Department of Family and Children Services, Department of Natural Resources, public  
1026 libraries, or any other agency of government including, but not limited to, other county  
1027 election and registration offices.

1028 (c)(1) If the registrars determine after the polls close, but not later than three days  
1029 following the primary or election, that the person casting the provisional ballot timely  
1030 registered to vote and was eligible and entitled to vote in the precinct in which he or she  
1031 voted in such primary or election, the registrars shall notify the election superintendent  
1032 and the provisional ballot shall be counted and included in the county's or municipality's  
1033 certified election results.

1034 ~~(2) If the registrars determine after the polls close, but not later than three days following~~  
1035 ~~the primary or election, that the person voting the provisional ballot timely registered and~~  
1036 ~~was eligible and entitled to vote in the primary or election but voted in the wrong~~



1037 ~~precinct, then the board of registrars shall notify the election superintendent. The~~  
1038 ~~superintendent shall count such person's votes which were cast for candidates in those~~  
1039 ~~races for which the person was entitled to vote but shall not count the votes cast for~~  
1040 ~~candidates in those races in which such person was not entitled to vote. The~~  
1041 ~~superintendent shall order the proper election official at the tabulating center or precinct~~  
1042 ~~to prepare an accurate duplicate ballot containing only those votes cast by such person~~  
1043 ~~in those races in which such person was entitled to vote for processing at the tabulating~~  
1044 ~~center or precinct, which shall be verified in the presence of a witness. Such duplicate~~  
1045 ~~ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the~~  
1046 ~~polling place, and shall be given the same serial number as the original ballot. The~~  
1047 ~~original ballot shall be retained.~~

1048 (3)(2) If the registrars determine that the person casting the provisional ballot did not  
1049 timely register to vote or was not eligible or entitled to vote in the precinct in which he  
1050 or she voted in such primary or election or shall be unable to determine within three days  
1051 following such primary or election whether such person timely registered to vote and was  
1052 eligible and entitled to vote in such primary or election, the registrars shall so notify the  
1053 election superintendent and such ballot shall not be counted. The election superintendent  
1054 shall mark or otherwise document that such ballot was not counted and shall deliver and  
1055 store such ballots with all other ballots and election materials as provided in Code  
1056 Section 21-2-500.

1057 (d)(1) At the earliest time possible after a determination is made regarding a provisional  
1058 ballot, the board of registrars shall notify in writing those persons whose provisional  
1059 ballots were not counted that their ballots were not counted because of the inability of the  
1060 registrars to verify that the persons timely registered to vote or other proper reason. The  
1061 registrars shall process the official voter registration form completed by such persons  
1062 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found  
1063 qualified.

1064 (2) At the earliest time possible after a determination is made regarding a provisional  
 1065 ballot, the board of registrars shall notify in writing those electors who voted in the wrong  
 1066 precinct and whose votes were partially counted of their correct precinct.

1067 (e) The board of registrars shall complete a report in a form designated by the Secretary  
 1068 of State indicating the number of provisional ballots cast and counted in the primary or  
 1069 election."

### 1070 SECTION 17.

1071 Said chapter is further amended by revising subsection (f) of Code Section 21-2-483, relating  
 1072 to counting of ballots, public accessibility to tabulating center and precincts, execution of  
 1073 ballot recap forms, and preparation of duplicate ballots, as follows:

1074 "(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be  
 1075 processed by the tabulating machine, the superintendent, in his or her discretion, may order  
 1076 ~~the proper election official at the tabulating center or precinct~~ a duplication panel to prepare  
 1077 a true duplicate copy for processing ~~with the ballots of the same polling place, which shall~~  
 1078 ~~be verified in the presence of a witness.~~ In a partisan election, the duplication panel shall  
 1079 be composed of the election superintendent or a designee thereof and one person appointed  
 1080 by the county executive committee of each political party having candidates whose names  
 1081 appear on the ballot for such election, provided that, if there is no organized county  
 1082 executive committee for a political party, the person shall be appointed by the state  
 1083 executive committee of the political party. In a nonpartisan election or an election  
 1084 involving only the presentation of a question to the electors, the duplication panel shall be  
 1085 composed of the election superintendent or a designee thereof and two electors of the  
 1086 county or municipality. In the case of a nonpartisan county or municipal election or an  
 1087 election involving only the presentation of a question to the electors, the two elector  
 1088 members of the panel shall be appointed by the chief judge of the superior court of the  
 1089 county or municipality in which the election is held. In the case of a municipality which

1090 is located in more than one county, the two elector members of the panel shall be appointed  
 1091 by the chief judge of the superior court of the county in which the city hall of the  
 1092 municipality is located. The election superintendent may create multiple duplication panels  
 1093 to handle the processing of such ballots more efficiently. All duplicate ballots shall be  
 1094 clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and  
 1095 shall be given the same serial number as the defective ballot contain a unique number that  
 1096 will allow such duplicate ballot to be linked back to the original ballot. The defective  
 1097 ballot shall be retained."

1098 **SECTION 18.**

1099 Said chapter is further amended by revising subsection (k) of Code Section 21-2-493, relating  
 1100 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote  
 1101 counts, recount procedure, certification of returns, and change in returns, as follows:

1102 "(k) As the returns from each precinct are read, computed, and found to be correct or  
 1103 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until  
 1104 all the returns from the various precincts which are entitled to be counted shall have been  
 1105 duly recorded; then they shall be added together, announced, and attested by the assistants  
 1106 who made and computed the entries respectively and shall be signed by the superintendent.  
 1107 The consolidated returns shall then be certified by the superintendent in the manner  
 1108 required by this chapter. Such returns shall be certified by the superintendent not later than  
 1109 5:00 P.M. on the ~~second Friday~~ Monday following the date on which such election was  
 1110 held and such returns shall be immediately transmitted to the Secretary of State; ~~provided,~~  
 1111 ~~however, that such certification date may be extended by the Secretary of State in his or~~  
 1112 ~~her discretion if necessary to complete a precertification audit as provided in Code Section~~  
 1113 ~~21-2-498."~~

**SECTION 19.**

1114  
1115 Said chapter is further amended by revising Code Section 21-2-540, relating to conduct of  
1116 special elections generally, as follows:

1117 "21-2-540.

1118 (a)(1) Every special primary and special election shall be held and conducted in all  
1119 respects in accordance with the provisions of this chapter relating to general primaries  
1120 and general elections; and the provisions of this chapter relating to general primaries and  
1121 general elections shall apply thereto insofar as practicable and as not inconsistent with  
1122 any other provisions of this chapter. All special primaries and special elections held at  
1123 the time of a general primary, as provided by Code Section 21-2-541, shall be conducted  
1124 by the poll officers by the use of the same equipment and facilities, insofar as practicable,  
1125 as are used for such general primary. All special primaries and special elections held at  
1126 the time of a general election, as provided by Code Section 21-2-541, shall be conducted  
1127 by the poll officers by the use of the same equipment and facilities, ~~so far~~ insofar as  
1128 practicable, as are used for such general election.

1129 (2) If a vacancy occurs in an office to which the Governor is authorized to appoint an  
1130 individual to serve until the next general election, a special primary shall precede the  
1131 special election.

1132 (b) At least 29 days shall intervene between the call of a special primary and the holding  
1133 of same, and at least 29 days shall intervene between the call of a special election and the  
1134 holding of same. The period during which candidates may qualify to run in a special  
1135 primary or a special election shall remain open for a minimum of two and one-half days.  
1136 Special primaries and special elections which are to be held in conjunction with the  
1137 presidential preference primary, a state-wide general primary, or state-wide general  
1138 election shall be called at least 90 days prior to the date of such presidential preference  
1139 primary, state-wide general primary, or state-wide general election; provided, however, that  
1140 this requirement shall not apply to special primaries and special elections held on the same

1141 date as such presidential preference primary, state-wide general primary, or state-wide  
1142 general election but conducted completely separate and apart from such state-wide general  
1143 primary or state-wide general election using different ballots or voting equipment,  
1144 facilities, poll workers, and paperwork. ~~Notwithstanding any provision of this subsection~~  
1145 ~~to the contrary, special elections which are to be held in conjunction with the state-wide~~  
1146 ~~general primary or state-wide general election in 2014 shall be called at least 60 days prior~~  
1147 ~~to the date of such state-wide general primary or state-wide general election.~~

1148 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or  
1149 special election to fill a vacancy in a county or municipal office shall be held only on one  
1150 of the following dates which is at least 29 days after the date of the call for the special  
1151 election:

1152 (A) In odd-numbered years, any such special primary or special election shall only be  
1153 held on:

- 1154 (i) The third Tuesday in March;  
1155 (ii) The third Tuesday in June;  
1156 (iii) The third Tuesday in September; or  
1157 (iv) The Tuesday after the first Monday in November; and

1158 (B) In even-numbered years, any such special primary or special election shall only be  
1159 held on:

- 1160 (i) The third Tuesday in March; provided, however, that in the event that a special  
1161 primary or special election is to be held under this provision in a year in which a  
1162 presidential preference primary is to be held, then any such special primary or special  
1163 election shall be held on the date of and in conjunction with the presidential  
1164 preference primary;  
1165 (ii) The date of the general primary; or  
1166 (iii) The Tuesday after the first Monday in November;

1167 provided, however, that, in the event that a special primary or special election to fill a  
1168 federal or state office on a date other than the dates provided in this paragraph has been  
1169 scheduled and it is possible to hold a special primary or special election to fill a vacancy  
1170 in a county, municipal, or school board office in conjunction with such special primary  
1171 or special election to fill a federal or state office, the special primary or special election  
1172 to fill such county, municipal, or school board office may be held on the date of and in  
1173 conjunction with such special primary or special election to fill such federal or state  
1174 office, provided all other provisions of law regarding such primaries and elections are  
1175 met.

1176 (2) Notwithstanding any other provision of law to the contrary, a special election to  
1177 present a question to the voters shall be held only on one of the following dates which is  
1178 at least 29 days after the date of the call for the special election:

1179 (A) In odd-numbered years, any such special election shall only be held on the third  
1180 Tuesday in March or on the Tuesday after the first Monday in November; and

1181 (B) In even-numbered years, any such special election shall only be held on:

1182 (i) The date of and in conjunction with the presidential preference primary if one is  
1183 held that year;

1184 (ii) The date of the general primary; or

1185 (iii) The Tuesday after the first Monday in November.

1186 (3) The provisions of this subsection shall not apply to:

1187 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'  
1188 to recall a public officer or to fill a vacancy in a public office caused by a recall  
1189 election; and

1190 (B) Special primaries or special elections to fill vacancies in federal or state public  
1191 offices.

1192 (d) Except as otherwise provided by this chapter, the superintendent of each county or  
1193 municipality shall publish the call of the special primary or special election.

1194 (e)(1) Candidates in special elections for partisan offices that are not preceded by special  
1195 primaries shall be listed alphabetically on the ballot and may choose to designate on the  
1196 ballot their party affiliation. The party affiliation selected by a candidate shall not be  
1197 changed following the close of qualifying.

1198 (2) Candidates in special primaries shall be listed alphabetically on the ballot."

1199 **SECTION 20.**

1200 Said chapter is further amended by revising subsection (b) of Code Section 21-2-541, relating  
1201 to holding of special primary or election at time of general primary or election and inclusion  
1202 of candidates and questions in special primary or election on ballot, as follows:

1203 "(b) If the times specified for the closing of the registration list for a special primary or  
1204 special election are the same as those for a general primary or general election, the  
1205 candidates and questions in such special primary or special election shall be included on  
1206 the ballot for such general primary or general election. In such an instance, the name of  
1207 the office and the candidates in such special primary or special election shall appear on the  
1208 ballot in the position where such names would ordinarily appear if such contest was a  
1209 general primary or general election."

1210 **SECTION 21.**

1211 Said chapter is further amended by revising Code Section 21-2-542, relating to special  
1212 election for United States senator vacancy and temporary appointment by Governor, as  
1213 follows:

1214 "21-2-542.

1215 Whenever a vacancy shall occur in the representation of this state in the Senate of the  
1216 United States, such vacancy shall be filled for the unexpired term by the vote of the electors  
1217 of the state at a special primary to be held at the time of the next general primary followed  
1218 by a special election to be held at the time of the next November state-wide general

1219 election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the  
 1220 duty of the Governor to issue his or her proclamation for such special primary and special  
 1221 election. Until such time as the vacancy shall be filled by an election as provided in this  
 1222 Code section, the Governor may make a temporary appointment to fill such vacancy."

1223

### SECTION 22.

1224 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating  
 1225 to entry into voting compartment or booth while another voting, interfering with elector,  
 1226 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,  
 1227 as follows:

1228 "(a) Any person who knowingly:

1229 (1) Goes into the voting compartment or ~~voting machine~~ booth while another is voting  
 1230 or marks the ballot or registers the vote for another, except in strict accordance with this  
 1231 chapter;

1232 (2) Interferes with any elector marking his or her ballot or registering his or her vote;

1233 (3) ~~Induces or attempts~~ Attempts to induce any elector ~~before depositing his or her ballot~~  
 1234 to show how ~~he or she~~ such elector marks or has marked his or her ballot; ~~or~~

1235 (4) Observes or attempts to observe any elector to see how such elector marks or has  
 1236 marked his or her ballot, except in strict accordance with this chapter regarding assistance  
 1237 in voting; or

1238 ~~(4)~~(5) Discloses to anyone how another elector voted, without ~~said~~ such elector's  
 1239 consent, except when required to do so in any legal proceeding  
 1240 shall be guilty of a felony."

1241

### SECTION 23.

1242 All laws and parts of laws in conflict with this Act are repealed.