

House Bill 670

By: Representatives Bruce of the 61<sup>st</sup>, Glaize of the 67<sup>th</sup>, Clark of the 108<sup>th</sup>, and McClain of the 109<sup>th</sup>

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 remove certain powers and authority of the State  
3 Election Board; to revise certain definitions; to remove certain additional requirements on  
4 the State Election Board's power to adopt emergency rules and regulations; to remove  
5 provisions related to inactive voters and inactive voter lists; to remove provisions relative to  
6 local election officials; to remove provisions relative to a state list of eligible electors; to  
7 provide for closed primaries; to provide for electors designating party affiliation; to provide  
8 for automatic voter registration when obtaining a driver's license or identification card; to  
9 provide for the preregistration of qualified 16 and 17 year olds; to provide for voter  
10 registration up to and on the date of a primary or election; to revise procedures and standards  
11 for challenging electors; to provide for additional preferred locations for polling places and  
12 advance voting locations; to provide for the time and manner for applying for absentee  
13 ballots; to revise the manner of processing absentee ballot applications; to revise the time and  
14 manner of issuing absentee ballots; to revise the manner of voting and returning absentee  
15 ballots; to remove limitations on ballot drop boxes; to revise the times for advance voting;  
16 to revise the manner of processing and tabulating absentee ballots; to revise and repeal  
17 certain sanctions; to remove certain restrictions on the distribution of certain items within  
18 close proximity to the polls on election days; to authorize out-of-precinct voting within an

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19 elector's county of residency; to revise the manner of voting and processing provisional  
20 ballots; to revise the time for runoffs; to revise provisions related to intimidation of electors;  
21 to revise provisions related to interfering with poll officers; to prohibit the knowing  
22 distribution of false information regarding candidates, political bodies, organizations, parties,  
23 and questions submitted to voters; to provide for mail-only elections; to authorize county  
24 election superintendents to implement such elections; to amend Chapter 4 of Title 1 of the  
25 Official Code of Georgia Annotated, relating to holidays and observances, so as to make  
26 election day a state holiday; to provide a short title; to provide for related matters; to provide  
27 for an effective date; to repeal conflicting laws; and for other purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 **SECTION 1.**

30 This Act shall be known and may be cited as the "Georgia Voter Participation Act."

31 **SECTION 2.**

32 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
33 primaries generally, is amended by revising paragraphs (22) and (35) of Code  
34 Section 21-2-2, relating to definitions, as follows:

35 "(22) 'Plurality' means the receiving by one candidate alone of the highest number of  
36 votes cast for eligible candidates in a general or special election among the candidates for  
37 the same office; provided, however, that such number of votes exceeds 45 percent of the  
38 total number of votes cast in such general or special election for such office. When two  
39 or more persons tie in receiving the highest number of votes cast or no candidate receives  
40 more than 45 percent of the total votes cast for eligible candidates in the general or  
41 special election for the office sought, there is no plurality. Reserved."

42 "(35) 'Superintendent' means:

43 (A) Either the judge of the probate court of a county or the county board of elections,  
44 the county board of elections and registration, the joint city-county board of elections,  
45 or the joint city-county board of elections and registration, if a county has such;

46 (B) In the case of a municipal primary, the municipal executive committee of the  
47 political party holding the primary within a municipality or its agent or, if none, the  
48 county executive committee of the political party or its agent;

49 (C) In the case of a nonpartisan municipal primary, the person appointed by the proper  
50 municipal executive committee; and

51 (D) In the case of a municipal election, the person appointed by the governing  
52 authority pursuant to the authority granted in Code Section 21-2-70; ~~and~~

53 ~~(E) In the case of the State Election Board exercising its powers under subsection (f)~~  
54 ~~of Code Section 21-2-33.1, the individual appointed by the State Election Board to~~  
55 ~~exercise the power of election superintendent."~~

56 **SECTION 3.**

57 Said chapter is further amended by repealing subsections (f), (g), and (h) of Code  
58 Section 21-2-33.1, relating to enforcement of chapter, suspension of election superintendents,  
59 and support and assistance from the Secretary of State, in their entirety.

60 **SECTION 4.**

61 Such chapter is further amended by repealing Code Section 21-2-33.2, relating to  
62 extraordinary relief, hearings, suspension and reinstatement of superintendents, and litigation  
63 expenses, in its entirety.

64 **SECTION 5.**

65 Said chapter is further amended by repealing Code Section 21-2-35, relating to imminent  
66 peril requirement for adoption of emergency rules or regulations, notice, certification of strict  
67 compliance, and conflicting provisions, in its entirety.

68 **SECTION 6.**

69 Said chapter is further amended by repealing Code Section 21-2-36, relating to notification  
70 of proposed consent agreement, settlement, or consent order, in its entirety.

71 **SECTION 7.**

72 Said chapter is further amended by revising paragraph (14) of subsection (a) of Code Section  
73 21-2-50, relating to the Secretary of State's powers and duties and prohibition against serving  
74 in fiduciary capacity, as follows:

75 "(14) To maintain the official list of registered voters for this state ~~and the list of inactive~~  
76 ~~voters~~ as required by this chapter; and"

77 **SECTION 8.**

78 Said chapter is further amended by repealing Code Section 21-2-74.1, relating to acting  
79 election superintendents during vacancy, filling vacancies, and compensation, in its entirety.

80 **SECTION 9.**

81 Said chapter is further amended by repealing Part 5 of Article 2, relating to local election  
82 officials, in its entirety.

83 **SECTION 10.**

84 Said chapter is further amended by revising Code Section 21-2-151, relating to conduct of  
85 political party primaries, as follows:

86 "21-2-151.

87 (a) A political party shall nominate its candidates for public office in a primary. Except  
88 for substitute nominations as provided in Code Section 21-2-134 and nomination of  
89 presidential electors, all nominees of a political party for public office shall be nominated  
90 in the primary preceding the general election in which the candidates' names will be listed  
91 on the ballot.

92 (b) The primary held for such purposes shall be conducted by the superintendent in the  
93 same manner as prescribed by law and by rules and regulations of the State Election Board  
94 and the superintendent for general elections. Primaries of all political parties shall be  
95 conducted jointly.

96 (c) Only those electors who have registered pursuant to subsection (d) of this Code section  
97 with the Secretary of State as affiliating with a political party may vote in the primaries of  
98 such political party.

99 (d) The Secretary of State shall develop a web portal to allow electors to designate an  
100 affiliation with a political party. Such web portal shall then electronically transmit such  
101 designation to the appropriate political party and county election superintendent and  
102 registrars.

103 (e) To vote in a primary, an elector must designate a party affiliation pursuant to  
104 subsection (c) of this Code section no later than ten days before the period of advance  
105 voting provided for in Code Section 21-2-385 for such primary.

106 (f) The State Election Board may adopt rules and regulations for the proper and efficient  
107 administration of this Code section."

108 **SECTION 11.**

109 Said chapter is further amended by revising Code Section 21-2-221, relating to driver's  
110 license or identification card application as application for voter registration, forms and  
111 procedure, and electronic transmission of applications and signatures, as follows:

112 "21-2-221.

113 (a) Prior to allowing any person to complete an application to obtain, renew, or change his  
114 or her name or address on a driver's license or identification card issued by the Department  
115 of Driver Services pursuant to Chapter 5 of Title 40, other than an application made  
116 pursuant to Code Section 40-5-21.1, the Department of Driver Services shall require such  
117 person to make a written statement under penalty of perjury of whether or not such person  
118 is a citizen of the United States, is serving a sentence for conviction of a felony involving  
119 moral turpitude, or has been found mentally incompetent by a judge. Each application to  
120 obtain, renew, or change the name or address on a driver's license or identification card  
121 issued by the Department of Driver Services pursuant to Chapter 5 of Title 40, other than  
122 an application made pursuant to Code Section 40-5-21.1, made by an applicant who is  
123 within six months of ~~such applicant's~~ his or her eighteenth birthday or older, who is a  
124 citizen of the United States, who is not serving a sentence for conviction of a felony  
125 involving moral turpitude, and who has not been found mentally incompetent by a judge  
126 shall also serve as an application for voter registration ~~unless the applicant declines to~~  
127 ~~register to vote through specific declination or by failing to sign the voter registration~~  
128 ~~application.~~

129 (b) The commissioner of driver services and the Secretary of State shall agree upon ~~and~~  
130 ~~design~~ such procedures and design such forms as will be necessary to comply with this  
131 Code section.

132 (c) The forms designed by the commissioner of driver services and the Secretary of State:  
133 ~~(1) Shall~~ shall be a single application for purposes of obtaining, renewing, or changing  
134 the name or address on a driver's license or identification card issued by the Department  
135 of Driver Services and voter registration, where the signature of the applicant on such  
136 application shall perform all required attestations for both purposes, not require the  
137 applicant to duplicate any information required in the driver's license portion of the  
138 application with the exception of a second signature; and shall include:

- 139 ~~(2) Shall include such~~ (1) Such information as required on other voter registration cards  
140 issued by the Secretary of State;
- 141 ~~(3) Shall contain a~~ (2) A statement that states lists each eligibility requirement contained  
142 in Code Section 21-2-216, ~~that contains~~ an attestation that the applicant meets each such  
143 requirement, and ~~that requires~~ the signature of the applicant under penalty of perjury; and
- 144 ~~(4) Shall include, in print~~ (3) In language that is identical to that used in the attestation,  
145 the penalties provided by law for submission of a false voter registration application; ~~and~~  
146 a statement that, if an applicant declines to register to vote, the fact that the applicant has  
147 declined to register will remain confidential and will be used only for voter registration  
148 purposes.
- 149 (d) Any change of address submitted to the Department of Driver Services for the purpose  
150 of changing the information contained on a driver's license or identification card issued by  
151 the Department of Driver Services shall serve as a notification of change of address for  
152 voter registration ~~unless the registrant states that at the time of submitting the change of~~  
153 ~~address that the change of address is not for voter registration purposes.~~
- 154 (e) An application completed pursuant to this Code section shall be a completed  
155 application for voter registration. The Department of Driver Services shall transmit the  
156 completed applications for voter registration to the Secretary of State at the conclusion of  
157 each business day. The Secretary of State shall forward the applications to the appropriate  
158 county board of registrars to determine the eligibility of the applicant and, if found eligible  
159 and if not already registered to vote, to add the applicant's name to the list of electors and  
160 to place the applicant in the correct precinct and voting ~~districts~~ district.
- 161 (f) The Department of Driver Services shall maintain such statistical records on the  
162 number of registrations and declinations as requested by the Secretary of State.
- 163 ~~(g) No information relating to the failure of an applicant for a driver's license or~~  
164 ~~identification card issued by the Department of Driver Services to sign a voter registration~~  
165 ~~application may be used for any purpose other than voter registration.~~

166 (h) The Secretary of State and the commissioner of driver services shall have the authority  
167 to promulgate rules and regulations to provide for the transmission of voter registration  
168 applications and signatures electronically. Such electronically transmitted signatures shall  
169 be valid as signatures on the voter registration application and shall be treated in all  
170 respects as a manually written original signature and shall be recognized as such in any  
171 matter concerning the voter registration application."

### 172 SECTION 12.

173 Said chapter is further amended by adding a new subsection to Code Section 21-2-221.2,  
174 relating to voter registration application for electronic voter registration, to read as follows:

175 "(a.1) A person who is 16 or 17 years of age and would otherwise be qualified to register  
176 to vote in this state and who has a valid Georgia driver's license or identification card may  
177 submit a voter preregistration application on the internet website of the Secretary of State.  
178 The Secretary of State shall, in conjunction with the Department of Driver Services, design  
179 and implement a system to allow for such electronic voter preregistration. Such  
180 preregistrations shall in all other ways be treated as a voter registration application pursuant  
181 to this chapter, and upon such person turning 18 years of age such preregistration shall  
182 automatically transition into a voter registration."

### 183 SECTION 13.

184 Said chapter is further amended by revising Code Section 21-2-224, relating to registration  
185 deadlines, restrictions on voting in primaries, official list of electors, and voting procedure  
186 when portion of county changed from one county to another, as follows:

187 "21-2-224.

188 (a) If any person whose name is not on the list of registered electors maintained by the  
189 Secretary of State under this article desires to vote at any general primary, general election,  
190 or presidential preference primary, such person shall make application as provided in this



191 ~~article by the close of business on the fifth Monday or, if such Monday is a legal holiday,~~  
192 ~~by the close of business on the following business day prior to the date of such general~~  
193 ~~primary, general election, or presidential preference primary.~~

194 (b) If any person whose name is not on the list of registered electors maintained by the  
195 Secretary of State under this article desires to vote at any special primary or special  
196 election, such person shall make application as provided in this article no later than ~~either~~  
197 ~~the close of business on the fifth day after the date of the call for the special primary or~~  
198 ~~special election, excluding Saturdays, Sundays, and legal holidays of this state or the close~~  
199 ~~of business on the fifth Monday prior to the~~ close of polls on the date of the special primary  
200 or special election or, if such Monday is a legal holiday, ~~by the close of business on the~~  
201 ~~following business day, whichever is later; except that:~~

202 ~~(1) If such special primary or special election is held in conjunction with a general~~  
203 ~~primary, general election, or presidential preference primary, the registration deadline for~~  
204 ~~such special primary or special election shall be the same as the registration deadline for~~  
205 ~~the general primary, general election, or presidential preference primary in conjunction~~  
206 ~~with which the special primary or special election is being conducted; or~~

207 ~~(2) If such special primary or special election is not held in conjunction with a general~~  
208 ~~primary, general election, or presidential preference primary but is held on one of the~~  
209 ~~dates specified in Code Section 21-2-540 for the conduct of special elections to present~~  
210 ~~a question to the voters or special primaries or elections to fill vacancies in elected county~~  
211 ~~or municipal offices, the registration deadline for such a special primary or election shall~~  
212 ~~be at the close of business on the fifth Monday prior to the date of the special primary or~~  
213 ~~election or, if such Monday is a legal holiday, by the close of business on the following~~  
214 ~~business day.~~

215 (c) Mail voter registration applications shall be deemed to have been made as of the date  
216 of the postmark affixed to such application by the United States Postal Service or, if no  
217 such postmark is affixed or if the postmark affixed by the United States Postal Service is

218 illegible or bears no date, such application shall be deemed to have been made timely if  
219 received through the United States mail by the Secretary of State no later than the close of  
220 business on the fourth Friday prior to a general primary, general election, presidential  
221 preference primary, or special primary or special election held in conjunction with a  
222 general primary, general election, or presidential preference primary or special primary or  
223 special election held on one of the dates specified in Code Section 21-2-540 for the conduct  
224 of special elections to present questions to the voters or special primaries or special  
225 elections to fill vacancies in elected county or municipal offices or no later than the close  
226 of business on the ninth day after the date of the call, excluding Saturdays, Sundays, and  
227 legal holidays of this state, for all other special primaries and special elections.

228 (d) An individual or organization shall promptly transmit all completed voter registration  
229 applications to the Secretary of State or the appropriate board of registrars within ten days  
230 after receiving such application or by the close of registration, whichever period is earlier.  
231 If an individual or organization receives a completed voter registration application 14 or  
232 fewer days before the close of registration, the individual or organization shall transmit the  
233 application to the Secretary of State or the appropriate board of registrars within 72 hours  
234 of the date of the execution of the application or by midnight on the close of registration,  
235 whichever period is earlier.

236 (e) Each elector who makes timely application for registration, is found eligible by the  
237 board of registrars and placed on the official list of electors, and is not subsequently found  
238 to be disqualified to vote shall be entitled to vote in any primary or election; provided,  
239 however, that an elector, voting in the primary or primaries held by a single party for the  
240 nomination of candidates to seek public offices to be filled in an election, shall not vote in  
241 a primary held by any other party for the nomination of candidates to seek public offices  
242 to be filled in the same such election.

243 (f) The county board of registrars shall deliver to the municipality, upon a basis mutually  
244 agreed upon between the county board of registrars and the governing authority of the

245 municipality, a copy of the list of electors for the municipality for the primary or election.  
246 Such list shall be delivered not earlier than the fifth Monday prior to a primary or election  
247 and not later than ~~21~~ two days prior to such primary or election for the purpose of  
248 permitting the municipality to check the accuracy of the list. The municipality shall, upon  
249 receipt of the county registration list, or as soon as practicable thereafter but in no event  
250 later than five days prior to such primary or election, review such list and identify in  
251 writing to the county board of registrars any names on the electors list of persons who are  
252 not qualified to vote at such primary or election, stating the reason for disqualification. The  
253 county board of registrars shall challenge the persons identified in accordance with Code  
254 Section 21-2-228. ~~In addition, the county board of registrars shall provide a list of inactive~~  
255 ~~electors for the municipality.~~ The municipality shall certify such lists and file with the city  
256 clerk a copy showing the names of electors entitled to vote at such primary or election and  
257 shall establish procedures for the acceptance and approval of voter registrations occurring  
258 on the date of a primary or election.

259 (g) The official list of electors eligible to vote in any primary or election shall be prepared  
260 and completed at least five calendar days prior to the date of the primary or election in  
261 which the list is to be used. The State Election Board shall develop rules and regulations  
262 and governing the procedures for updating such lists of electors on election day to reflect  
263 registrations occurring between the completion of such list and the close of polls on the  
264 date of a primary or election.

265 (h) The official list of electors ~~and the official list of inactive electors~~ prepared and  
266 distributed to the poll officers of each precinct shall include only the elector's name,  
267 address, ZIP Code, date of birth, voter identification number, a designation of whether the  
268 elector registered for the first time in this state and is required to comply with Code  
269 Section 21-2-216, a designation of whether the elector registered for the first time in this  
270 state by mail and is required to comply with Code Sections 21-2-220 and 21-2-417,  
271 congressional district, state Senate district, state House district, county commission district,

272 if any, county or independent board of education district, if any, and municipal governing  
273 authority district designations, if any, and such other voting districts, if any. The official  
274 list of electors ~~and the official list of inactive electors~~ prepared and distributed to the poll  
275 officers of each precinct may also include codes designating that an elector has voted by  
276 absentee ballot, has been challenged, or has been sent mail by the registrars which has been  
277 returned marked undeliverable. No person whose name does not appear on the official list  
278 of electors shall vote or be allowed to vote at any election, except as otherwise provided  
279 in this article. The county registrars shall ensure that the information required to notify poll  
280 officers that an elector registered to vote for the first time in this state by mail and must  
281 comply with subsection (c) of Code Section 21-2-220 and subsection (c) of Code  
282 Section 21-2-417 is placed on each list of electors to be used at a polling place.

283 (i) All persons whose names appear on the list of electors placed in the possession of the  
284 managers in each precinct and no others, except as otherwise provided in this article, shall  
285 be allowed to deposit their ballots according to law at the precinct in which they are  
286 registered.

287 (j) When any portion of a county or municipality is changed from one county or  
288 municipality to another, the persons who would have been qualified to vote in the county  
289 or municipality from which taken, at the time of any primary or election, shall vote in the  
290 county or municipality to which they are removed; and, if required to swear or certify, the  
291 oath or certification may be so qualified as to contain this fact. The name of such elector  
292 shall be kept and checked as provided in Code Section 21-2-228."

293 **SECTION 14.**

294 Said chapter is further amended by revising Code Section 21-2-229, relating to challenge of  
295 applicant for registration by other electors, notice and hearing, right of appeal, and sanctions  
296 for board's noncompliance, as follows:

297 "21-2-229.

298 (a) Any elector of a county or municipality may challenge the qualifications of any person  
299 applying to register to vote in the county or municipality and may challenge the  
300 qualifications of any elector of the county or municipality whose name appears on the list  
301 of electors. Such challenges shall be in writing and shall specify distinctly the grounds of  
302 the challenge. ~~There shall not be a limit on the number of persons whose qualifications~~  
303 ~~such elector may challenge.~~

304 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a  
305 hearing on such challenge ~~within ten business days after serving notice of the challenge.~~  
306 Notice of the date, time, and place of the hearing shall be served upon the person whose  
307 qualifications are being challenged along with a copy of such challenge and upon the  
308 elector making the challenge ~~within ten business days following the filing of the challenge.~~  
309 The person being challenged shall receive at least three days' notice of the date, time, and  
310 place of the hearing. Such notice shall be served either by first-class mail addressed to the  
311 mailing address shown on the person's voter registration records or in the manner provided  
312 in subsection (c) of Code Section 21-2-228.

313 (c) The burden shall be on the elector making the challenge to prove that the person being  
314 challenged is not qualified to remain on the list of electors. The board of registrars shall  
315 have the authority to issue subpoenas for the attendance of witnesses and the production  
316 of books, papers, and other material upon application by the person whose qualifications  
317 are being challenged or the elector making the challenge. The party requesting such  
318 subpoenas shall be responsible to serve such subpoenas and, if necessary, to enforce the  
319 subpoenas by application to the superior court. Any witness so subpoenaed, and after  
320 attending, shall be allowed and paid the same mileage and fee as allowed and paid  
321 witnesses in civil actions in the superior court.

322 (d) After the hearing provided for in this Code section, the registrars shall determine said  
323 challenge and shall notify the parties of their decision. If the registrars uphold the

324 challenge, the person's application for registration shall be rejected or the person's name  
325 removed from the list of electors, as appropriate. The elector shall be notified of such  
326 decision in writing either by first-class mail addressed to the mailing address shown on the  
327 person's voter registration records or in the manner provided in subsection (c) of Code  
328 Section 21-2-228 for other notices.

329 (e) Either party shall have a right of appeal from the decision of the registrars to the  
330 superior court by filing a petition with the clerk of the superior court within ten days after  
331 the date of the decision of the registrars. A copy of such petition shall be served upon the  
332 other parties and the registrars. Unless and until the decision of the registrars is reversed  
333 by the court, the decision of the registrars shall stand.

334 ~~(f) Failure to comply with the provisions of this Code section by the board of registrars~~  
335 ~~shall subject such board to sanctions by the State Election Board."~~

336 **SECTION 15.**

337 Said chapter is further amended by revising Code Section 21-2-230, relating to challenge of  
338 persons on list of electors by other electors, procedure, hearing, and right of appeal, as  
339 follows:

340 "21-2-230.

341 (a) Any elector of the county or municipality may challenge the right of any other elector  
342 of the county or municipality, whose name appears on the list of electors, to vote in an  
343 election. Such challenge shall be in writing and specify distinctly the grounds of such  
344 challenge. Such challenge may be made at any time prior to the elector whose right to vote  
345 is being challenged voting at the elector's polling place or, if such elector cast an absentee  
346 ballot, prior to 5:00 P.M. on the day before the ~~absentee ballots are to begin to be scanned~~  
347 ~~and tabulated~~ election; provided, however, that challenges to persons voting by absentee  
348 ballot in person at the office of the registrars or the absentee ballot clerk shall be made prior  
349 to such person's voting. ~~There shall not be a limit on the number of persons whose~~

350 ~~qualifications such elector may challenge~~ During a 24 month period, an elector may not  
351 challenge the right of more than ten other voters whose names appear on the list of electors  
352 in a county or municipality.

353 (b) Upon the filing of such challenge, the board of registrars shall immediately consider  
354 such challenge and determine whether probable cause exists to sustain such challenge. If  
355 the registrars do not find probable cause, the challenge shall be denied. If the registrars  
356 find probable cause, the registrars shall notify the poll officers of the challenged elector's  
357 precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the  
358 absentee ballot precinct and, if practical, notify the challenged elector and afford such  
359 elector an opportunity to answer.

360 (c) If the challenged elector appears at the polling place to vote, such elector shall be given  
361 the opportunity to appear before the registrars and answer the grounds of the challenge.

362 (d) If the challenged elector does not cast an absentee ballot and does not appear at the  
363 polling place to vote and if the challenge is based on grounds other than the qualifications  
364 of the elector to remain on the list of electors, no further action by the registrars shall be  
365 required.

366 (e) If the challenged elector cast an absentee ballot and it is not practical to conduct a  
367 hearing prior to the close of the polls and the challenge is based upon grounds other than  
368 the qualifications of the elector to remain on the list of electors, the absentee ballot shall  
369 be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No  
370 further action by the registrars shall be required.

371 (f) If the challenged elector does not cast an absentee ballot and does not appear at the  
372 polling place to vote and the challenge is based on the grounds that the elector is not  
373 qualified to remain on the list of electors, the board of registrars shall proceed to hear the  
374 challenge pursuant to Code Section 21-2-229.

375 (g) If the challenged elector cast an absentee ballot and the challenge is based upon  
376 grounds that the challenged elector is not qualified to remain on the list of electors, the

377 board of registrars shall proceed to conduct a hearing on the challenge on an expedited  
378 basis prior to the certification of the consolidated returns of the election by the election  
379 superintendent. The election superintendent shall not certify such consolidated returns  
380 until such hearing is complete and the registrars have rendered their decision on the  
381 challenge. If the registrars deny the challenge, the superintendent shall proceed to certify  
382 the consolidated returns. If the registrars uphold the challenge, the name of the challenged  
383 elector shall be removed from the list of electors and the ballot of the challenged elector  
384 shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove  
385 any votes cast by such elector. The elector making the challenge and the challenged elector  
386 may appeal the decision of the registrars in the same manner as provided in subsection (e)  
387 of Code Section 21-2-229.

388 (h) If the challenged elector appears at the polls to vote and it is practical to conduct a  
389 hearing on the challenge prior to the close of the polls, the registrars shall conduct such  
390 hearing and determine the merits of the challenge. If the registrars deny the challenge, the  
391 elector shall be permitted to vote in the election notwithstanding the fact that the polls may  
392 have closed prior to the time the registrars render their decision and the elector can actually  
393 vote, provided that the elector proceeds to vote immediately after the decision of the  
394 registrars. If the registrars uphold the challenge, the challenged elector shall not be  
395 permitted to vote and, if the challenge is based upon the grounds that the elector is not  
396 qualified to remain on the list of electors, the challenged elector's name shall be removed  
397 from the list of electors.

398 (i) If the challenged elector appears at the polls to vote and it is not practical to conduct  
399 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently  
400 find that a decision on the challenge cannot be rendered within a reasonable time, the  
401 challenged elector shall be permitted to vote by casting a challenged ballot on the same  
402 type of ballot that is used by the county or municipality for provisional ballots. Such  
403 challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code



404 Section 21-2-419 and, after having the word 'Challenged,' the elector's name, and the  
405 alleged cause of the challenge written across the back of the outer envelope, the ballot shall  
406 be deposited by the person casting such ballot in a secure, sealed ballot box  
407 notwithstanding the fact that the polls may have closed prior to the time the registrars make  
408 such a determination, provided that the elector proceeds to vote immediately after such  
409 determination of the registrars. In such cases, if the challenge is based upon the grounds  
410 that the challenged elector is not qualified to remain on the list of electors, the registrars  
411 shall proceed to finish the hearing prior to the certification of the consolidated returns of  
412 the election by the election superintendent. If the challenge is based on other grounds, no  
413 further action shall be required by the registrars. The election superintendent shall not  
414 certify such consolidated returns until such hearing is complete and the registrars have  
415 rendered their decision on the challenge. If the registrars deny the challenge, the  
416 superintendent shall proceed to certify the consolidated returns. If the registrars uphold the  
417 challenge, the name of the challenged elector shall be removed from the list of electors and  
418 the ballot of the challenged elector shall be rejected and not counted and, if necessary, the  
419 returns shall be adjusted to remove any votes cast by such elector. The elector making the  
420 challenge and the challenged elector may appeal the decision of the registrars in the same  
421 manner as provided in subsection (e) of Code Section 21-2-229.  
422 ~~(j) Failure to comply with the provisions of this Code section by the board of registrars~~  
423 ~~shall subject such board to sanctions by the State Election Board."~~

424 **SECTION 16.**

425 Said chapter is further amended by revising subsection (g) of Code Section 21-2-231, relating  
426 to lists of persons convicted of felonies, noncitizens, mentally incompetent, and deceased  
427 persons provided to Secretary of State and Council of Superior Court Clerks, removal of  
428 names from list of electors, obtain information deceased, timing, and list of inactive voters  
429 provided to Council of Superior Court Clerks, as follows:

430 "(g) The Secretary of State shall provide to The Council of Superior Court Clerks of  
431 Georgia not later than the last day of each month all information enumerated in  
432 subsections (b) through (d) of this Code section and Code Section 21-2-232 ~~and a list of~~  
433 ~~voters who have failed to vote and inactive voters, as identified pursuant to Code Sections~~  
434 ~~21-2-234 and 21-2-235~~. Such data shall only be used by the council, the council's vendors,  
435 superior court clerks, and jury clerks for maintenance of state-wide master jury lists and  
436 county master jury lists. Such data shall be provided to the council or its vendors in the  
437 electronic format required by the council for such purposes."

438 **SECTION 17.**

439 Said chapter is further amended by repealing paragraph (3) of subsection (b) of Code  
440 Section 21-2-232, relating to removal of elector's name from list of electors, in its entirety.

441 **SECTION 18.**

442 Said chapter is further amended by revising subsection (c) of Code Section 21-2-233, relating  
443 to comparison of change of address information supplied by United States Postal Service  
444 with electors list, removal from list of electors, and notice to electors, as follows:

445 "(c) If it appears from the change of address information supplied by the licensees of the  
446 United States Postal Service that an elector whose name appears on the official list of  
447 electors has moved to a different address outside of the boundaries of the county or  
448 municipality in which the elector is presently registered, such elector shall be sent a  
449 confirmation notice as provided in Code Section 21-2-234 at the old address of the elector.  
450 The registrars may also send a confirmation notice to the elector's new address. If the  
451 elector confirms the change of address to an address outside of the State of Georgia, the  
452 elector's name shall be removed from the appropriate list of electors. If the elector  
453 confirms the change of address to an address outside of the boundaries of the county or  
454 municipality in which the elector is presently registered, but still within the State of

455 Georgia, the elector's registration shall be transferred to the new county or municipality.  
 456 The Secretary of State or the registrars shall forward the confirmation card to the registrars  
 457 of the county in which the elector's new address is located and the registrars of the county  
 458 of the new address shall update the voter registration list to reflect the change of address.  
 459 If the elector responds to the notice and affirms that the elector has not moved, the elector  
 460 shall remain on the list of electors at the elector's current address. ~~If the elector fails to~~  
 461 ~~respond to the notice within 30 days after the date of the notice, the elector shall be~~  
 462 ~~transferred to the inactive list provided for in Code Section 21-2-235."~~

463

### SECTION 19.

464 Said chapter is further amended by revising subsections (a), (c), and (g) of Code  
 465 Section 21-2-234, relating to electors who have failed to vote and with whom there has been  
 466 no contact in five years, confirmation notice requirements and procedure, and time for  
 467 completion of list maintenance activities, as follows:

468 "(a)(1) As used in this Code section ~~and Code Section 21-2-235~~, the term 'no contact'  
 469 shall mean that the elector has not filed an updated voter registration card, has not filed  
 470 a change of name or address, has not signed a petition which is required by law to be  
 471 verified by the election superintendent of a county or municipality or the Secretary of  
 472 State, has not signed a voter's certificate, has not submitted an absentee ballot application  
 473 or voted an absentee ballot, and has not confirmed the elector's continuation at the same  
 474 address during the preceding five calendar years.

475 (2) In the first six months of each odd-numbered year, the Secretary of State shall  
 476 identify all electors whose names appear on the list of electors with whom there has been  
 477 no contact during the preceding five calendar years and who were not identified as  
 478 changing addresses under Code Section 21-2-233. The confirmation notice described in  
 479 this Code section shall be sent to each such elector during each odd-numbered year. Such  
 480 notices shall be sent by forwardable, first-class mail."

481 "(c) The confirmation notice shall be a postage prepaid, preaddressed return card on which  
482 an elector may state such elector's current address ~~and which also includes a notice which~~  
483 ~~states substantially the following:~~

484 ~~(1) If the elector has not changed addresses or has changed addresses within the county~~  
485 ~~or municipality in which the elector is currently registered, the elector must return the~~  
486 ~~card with the updated information, if any, within 30 days after the date of the notice; and~~

487 ~~(2) If the card is not returned within 30 days after the date of the notice, the elector's~~  
488 ~~name shall be transferred to the inactive list of electors provided for in Code Section~~  
489 ~~21-2-235."~~

490 "(g) If the elector fails to return the card within 30 days after the date of the notice, ~~the~~  
491 ~~elector shall be transferred to the inactive list provided for in Code Section 21-2-235 no~~  
492 ~~further actions shall be taken regarding such elector's registration."~~

493 **SECTION 20.**

494 Said chapter is further amended by repealing and reserving Code Section 21-2-235, relating  
495 to inactive list of electors.

496 **SECTION 21.**

497 Said chapter is further amended by revising subsection (a) of Code Section 21-2-236,  
498 relating to periods of retention of registration cards, applications, and records of list  
499 maintenance activities and rules and regulations regarding safekeeping and maintenance of  
500 electronic records, as follows:

501 "(a) The voter registration cards of electors whose names appear on ~~either~~ the official list  
502 of electors ~~or the list of inactive electors~~ shall be retained on file as long as the elector  
503 remains on such ~~lists~~ list and for a period of two years following ~~the~~ removal from the ~~lists~~  
504 list; provided, however, that an original voter registration card may be destroyed if an  
505 image of the face of the card is stored electronically."

506

**SECTION 22.**

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

510 "(a) In selecting polling places and advance voting locations, the superintendent of a  
511 county or the governing authority of a municipality shall select, wherever practicable and  
512 consistent with subsection (d) of Code Section 21-2-265, schoolhouses, public and private  
513 college and university campuses, municipal buildings or rooms, or other public buildings  
514 for that purpose. In selecting polling places and advance voting locations, the  
515 superintendent of a county or the governing authority of a municipality shall give  
516 consideration to the comfort and convenience those places to be selected will provide to  
517 both electors and poll officers. School, public college and university, county, municipal,  
518 or other governmental authorities, upon request of the superintendent of a county or the  
519 governing authority of a municipality, shall make arrangements for the use of their property  
520 for polling places or advance voting locations; provided, however, that such use shall not  
521 substantially interfere with the use of such property for the purposes for which it is  
522 primarily intended. The superintendent of a county or the governing authority of a  
523 municipality in which a historically black college or university is located shall also  
524 consider the placement of polling places and advance voting locations on or near such  
525 campus.

526 (b) The superintendent of a county or the governing authority of a municipality shall have  
527 discretion to procure and provide portable or movable polling facilities of adequate size for  
528 any precinct; ~~provided, however, that buses and other readily movable facilities shall only~~  
529 ~~be used in emergencies declared by the Governor pursuant to Code Section 38-3-51 to~~  
530 ~~supplement the capacity of the polling place where the emergency circumstance occurred."~~

531 **SECTION 23.**

532 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of  
533 ballot, run-off election, and declaration of prevailing candidate as duly elected in nonpartisan  
534 elections, as follows:

535 "21-2-285.1.

536 The names of all candidates for offices which the General Assembly has by general law or  
537 local Act provided for election in a nonpartisan election shall be printed on each official  
538 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan  
539 election shall be separated from the names of candidates for party nomination to other  
540 offices by being listed last on each ballot, with the top of that portion of each official  
541 primary ballot relating to the nonpartisan election to have printed in prominent type the  
542 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a  
543 ballot that contains just the official nonpartisan election ballot available for electors who  
544 choose not to vote in a party primary. Such ballot shall have printed at the top the name  
545 and designation of the precinct. Directions that explain how to cast a vote, how to write  
546 in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall  
547 appear immediately under the caption, as specified by rule or regulation of the State  
548 Election Board. Immediately under the directions, the name of each such nonpartisan  
549 candidate shall be arranged alphabetically by last name under the title of the office for  
550 which they are candidates and be printed thereunder. The incumbency of a candidate  
551 seeking election for the public office he or she then holds shall be indicated on the ballot.  
552 No party designation or affiliation shall appear beside the name of any candidate for  
553 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting  
554 of write-in votes for such offices. In the event that no candidate in such nonpartisan  
555 election receives a majority plurality of the total votes cast for such office, there shall be  
556 a nonpartisan election runoff between the candidates receiving the two highest numbers of  
557 votes; and the names of such candidates shall be placed on the official ballot at the general

558 primary runoff in the same manner as prescribed in this Code section for the nonpartisan  
 559 election and there shall be a separate official nonpartisan election run-off ballot for those  
 560 electors who do not choose or are not eligible to vote in the general primary runoff. In the  
 561 event that only nonpartisan candidates are to be placed on a run-off ballot, the form of the  
 562 ballot shall be as prescribed by the Secretary of State or election superintendent in  
 563 essentially the same format as prescribed for the nonpartisan election. Except as provided  
 564 in subsection (g) of Code Section 21-2-134, the candidate having a majority plurality of the  
 565 votes cast in the nonpartisan election or the candidate receiving the highest number of votes  
 566 cast in the nonpartisan election runoff shall be declared duly elected to such office."

567

#### SECTION 24.

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

571 "21-2-381.

572 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219 ~~or for advance~~  
 573 ~~voting described in subsection (d) of Code Section 21-2-385~~, not earlier more than 78  
 574 180 days ~~or less than 11 days~~ prior to the date of the primary or election, or runoff of  
 575 either, in which the elector desires to vote, any absentee elector may make, either by  
 576 mail, by facsimile transmission, by electronic transmission, or in person in the  
 577 registrar's or absentee ballot clerk's office, an application for an official ballot of the  
 578 elector's precinct to be voted at such primary, election, or runoff. ~~To be timely~~  
 579 ~~received, an application for an absentee-by-mail ballot shall be received by the board~~  
 580 ~~of registrars or absentee ballot clerk no later than 11 days prior to the primary, election,~~  
 581 ~~or runoff. For advance voting in person, the application shall be made within the time~~  
 582 ~~period set forth in subsection (d) of Code Section 21-2-385.~~

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

589 ~~(C)(i) Any person applying for an absentee-by-mail ballot shall make application in~~  
590 ~~writing on the form made available by the Secretary of State. In order to confirm the~~  
591 ~~identity of the voter, such form shall require the elector to provide his or her name,~~  
592 ~~date of birth, address as registered, address where the elector wishes the ballot to be~~  
593 ~~mailed, and the number of his or her Georgia driver's license or identification card~~  
594 ~~issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a~~  
595 ~~Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5~~  
596 ~~of Title 40, the elector shall affirm this fact in the manner prescribed in the application~~  
597 ~~and the elector shall provide a copy of a form of identification listed in subsection (c)~~  
598 ~~of Code Section 21-2-417. The form made available by the Secretary of State shall~~  
599 ~~include a space to affix a photocopy or electronic image of such identification. The~~  
600 ~~Secretary of State shall develop a method to allow secure electronic transmission of~~  
601 ~~such form. The application shall also include be in writing and shall contain~~  
602 ~~sufficient information for proper identification of the elector; the permanent or~~  
603 ~~temporary address of the elector to which the absentee ballot shall be mailed; the~~  
604 ~~identity of the primary, election, or runoff in which the elector wishes to vote; and the~~  
605 ~~name and relationship of the person requesting the ballot if other than the elector; and~~  
606 ~~an oath for the elector or relative to write his or her usual signature with a pen and ink~~  
607 ~~affirming that the elector is a qualified Georgia elector and the facts presented on the~~  
608 ~~application are true. Submitting false information on an application for an absentee~~  
609 ~~ballot shall be a violation of Code Sections 21-2-560 and 21-2-571.~~



610 ~~(ii) A blank application for an absentee ballot shall be made available online by the~~  
611 ~~Secretary of State and each election superintendent and registrar, but neither the~~  
612 ~~Secretary of State, election superintendent, board of registrars, other governmental~~  
613 ~~entity, nor employee or agent thereof shall send absentee ballot applications directly~~  
614 ~~to any elector except upon request of such elector or a relative authorized to request~~  
615 ~~an absentee ballot for such elector. No person or entity other than a relative~~  
616 ~~authorized to request an absentee ballot for such elector or a person signing as~~  
617 ~~assisting an illiterate or physically disabled elector shall send any elector an absentee~~  
618 ~~ballot application that is prefilled with the elector's required information set forth in~~  
619 ~~this subparagraph. No person or entity other than the elector, a relative authorized to~~  
620 ~~request an absentee ballot for such elector, a person signing as assisting an illiterate~~  
621 ~~or physically disabled elector with his or her application, a common carrier charged~~  
622 ~~with returning the ballot application, an absentee ballot clerk, a registrar, or a law~~  
623 ~~enforcement officer in the course of an investigation shall handle or return an elector's~~  
624 ~~completed absentee ballot application. Handling a completed absentee ballot~~  
625 ~~application by any person or entity other than as allowed in this subsection shall be~~  
626 ~~a misdemeanor. Any application for an absentee ballot sent to any elector by any~~  
627 ~~person or entity shall utilize the form of the application made available by the~~  
628 ~~Secretary of State and shall clearly and prominently disclose on the face of the form:~~  
629 ~~"This is NOT an official government publication and was NOT provided to you~~  
630 ~~by any governmental entity and this is NOT a ballot. It is being distributed by~~  
631 ~~[insert name and address of person, organization, or other entity distributing such~~  
632 ~~document or material]."~~  
633 ~~(iii) The disclaimer required by division (ii) of this subparagraph shall be:~~  
634 ~~(I) Of sufficient font size to be clearly readable by the recipient of the~~  
635 ~~communication;~~

636 ~~(H) Be contained in a printed box set apart from the other contents of the~~  
637 ~~communication; and~~

638 ~~(H) Be printed with a reasonable degree of color contrast between the background~~  
639 ~~and the printed disclaimer.~~

640 (D) Except in the case of physically disabled electors residing in the county or  
641 municipality or electors in custody in a jail or other detention facility in the county or  
642 municipality, no absentee ballot shall be mailed to an address other than the permanent  
643 mailing address of the elector as recorded on the elector's voter registration record or  
644 a temporary out-of-county or out-of-municipality address. ~~Upon request, electors held~~  
645 ~~in jails or other detention facilities who are eligible to vote shall be granted access to~~  
646 ~~the necessary personal effects for the purpose of applying for and voting an absentee~~  
647 ~~ballot pursuant to this chapter.~~

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

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

654 (G) Any elector meeting criteria of ~~advance~~ advanced age, ~~or disability, or employment~~  
655 obligation specified by rule or regulation of the State Election Board or any elector who  
656 is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens  
657 Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as  
658 amended, may request in writing on one application ~~a ballot for a presidential~~  
659 ~~preference primary held pursuant to Article 5 of this chapter and for a primary as well~~  
660 ~~as for any runoffs resulting therefrom and for the election for which such primary shall~~  
661 ~~nominate candidates as well as any runoffs resulting therefrom~~ absentee ballots for all  
662 future primaries, elections, and runoffs. If not so requested by such person, a separate

663 and distinct application shall be required for each primary, run-off primary, election,  
664 and run-off election. Except as otherwise provided in this subparagraph, a separate and  
665 distinct application for an absentee ballot shall always be required for any special  
666 election or special primary.

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

672 ~~(3)(A) All persons or entities, other than the Secretary of State, election~~  
673 ~~superintendents, boards of registrars, and absentee ballot clerks, that send applications~~  
674 ~~for absentee ballots to electors in a primary, election, or runoff shall mail such~~  
675 ~~applications only to individuals who have not already requested, received, or voted an~~  
676 ~~absentee ballot in the primary, election, or runoff. Any such person or entity shall~~  
677 ~~compare its mail distribution list with the most recent information available about~~  
678 ~~which electors have requested, been issued, or voted an absentee ballot in the primary,~~  
679 ~~election, or runoff and shall remove the names of such electors from its mail~~  
680 ~~distribution list. A person or entity shall not be liable for any violation of this~~  
681 ~~subparagraph if such person or entity relied upon information made available by the~~  
682 ~~Secretary of State within five business days prior to the date such applications are~~  
683 ~~mailed. Reserved.~~

684 ~~(B) A person or entity in violation of subparagraph (A) of this paragraph shall be~~  
685 ~~subject to sanctions by the State Election Board which, in addition to all other possible~~  
686 ~~sanctions, may include requiring such person or entity to pay restitution to each affected~~  
687 ~~county or municipality in an amount up to \$100.00 per duplicate absentee ballot~~  
688 ~~application that is processed by the county or municipality due to such violation or the~~

689 actual cost incurred by each affected county or municipality for the processing of such  
690 duplicate absentee ballot applications.

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

702 (b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee  
703 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk  
704 shall ~~verify the identity of the applicant and~~ determine, in accordance with the provisions  
705 of this chapter, if the applicant is eligible to vote in the primary or election involved. In  
706 order to ~~verify the identity of the applicant~~ be found eligible to vote an absentee ballot by  
707 mail, the registrar or absentee ballot clerk shall compare the ~~applicant's name, date of~~  
708 ~~birth, and number of his or her Georgia driver's license or identification card issued~~  
709 ~~pursuant to Article 5 of Chapter 5 of Title 40~~ identifying information on the application  
710 with the information on file in the registrar's office and, if the application is signed by the  
711 elector, compare the signature or mark of the elector on the application with the signature  
712 or mark of the elector on the elector's voter registration card. ~~If the application does not~~  
713 ~~contain the number of the applicant's Georgia driver's license or identification card issued~~  
714 ~~pursuant to Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall~~  
715 ~~verify that the identification provided with the application identifies the applicant.~~ In

716 order to be found eligible to vote an absentee ballot in person at the registrar's office or  
717 absentee ballot clerk's office, such person shall show one of the forms of identification  
718 listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare  
719 the identifying information on the application with the information on file in the  
720 registrar's office.

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

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

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

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

730 (3) If found ineligible ~~or if the application is not timely received~~, the clerk or the board  
731 of registrars shall deny the application by writing the reason for rejection in the proper  
732 space on the application and shall promptly notify the applicant in writing of the ground  
733 of ineligibility, a copy of which notification should be retained on file in the office of the  
734 board of registrars or absentee ballot clerk for at least one year. However, an absentee  
735 ballot application shall not be rejected ~~solely~~ due to a an apparent mismatch between the  
736 ~~identifying information~~ signature of the elector on the application and the identifying  
737 information of the elector on file with the board of registrars. In such cases, the board of  
738 registrars or absentee ballot clerk shall send the elector a provisional absentee ballot with  
739 the designation 'Provisional Ballot' on the outer oath envelope and information prepared  
740 by the Secretary of State as to the process to be followed to cure the signature  
741 discrepancy. If such ballot is returned to the board of registrars or absentee ballot clerk  
742 prior to the closing of the polls on the day of the primary or election, the elector may cure

743 the signature discrepancy by submitting an affidavit to the board of registrars or absentee  
744 ballot clerk along with a copy of one of the forms of identification enumerated in  
745 subsection (c) of Code Section 21-2-417 before the close of the period for verifying  
746 provisional ballots contained in subsection (c) of Code Section 21-2-419. If the board of  
747 registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the  
748 absentee ballot shall be counted as other absentee ballots. If the board of registrars or  
749 absentee ballot clerk finds the affidavit and identification to be insufficient, then the  
750 procedure contained in Code Section 21-2-386 shall be followed for rejected absentee  
751 ballots.

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

757 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk  
758 or the board shall immediately mail a blank registration card as provided by Code  
759 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to  
760 vote by absentee ballot in such primary or election, if the registration card, properly  
761 completed, is returned to the clerk or the board on or before the last day for registering  
762 to vote in such primary or election. If the closing date for registration in the primary or  
763 election concerned has not passed, the clerk or registrar shall also mail a ballot to the  
764 applicant, as soon as it is prepared and available; and the ballot shall be cast in such  
765 primary or election if returned to the clerk or board not later than the close of the polls  
766 on the day of the primary or election concerned.

767 (c) In those counties or municipalities in which the absentee ballot clerk or board of  
768 registrars provides application forms for absentee ballots, the clerk or board shall provide

769 such quantity of the application form to the dean of each college or university located in  
770 that county as said dean determines necessary for the students of such college or university.

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

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

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

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

783 (A) He or she has complied with all applicable Georgia qualifications and requirements  
784 which are consistent with ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301  
785 concerning absentee registration for and voting by absentee ballots;

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

789 (C) He or she has a valid passport or card of identity and registration issued under the  
790 authority of the Secretary of State of the United States or, in lieu thereof, an alternative  
791 form of identification consistent with ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section  
792 20301 and applicable state requirements, if a citizen does not possess a valid passport  
793 or card of identity and registration.

794 (e) The State Election Board is authorized to promulgate reasonable rules and regulations  
795 for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules

796 and regulations may include provisions for the limitation of opportunities for fraudulent  
797 application, including, but not limited to, comparison of voter registration records with  
798 death certificates."

799 **SECTION 25.**

800 Said chapter is further amended by revising Code Section 21-2-382, relating to additional  
801 buildings as additional registrar's office or place of registration for receiving absentee ballots  
802 and for advance voting and drop boxes, as follows:

803 "21-2-382.

804 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of  
805 registrars may establish additional sites as additional registrar's offices or places of  
806 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and  
807 for the purpose of ~~advance~~ voting absentee ballots under Code Section 21-2-385, provided  
808 that any such site ~~is a building that~~ is a branch of the county courthouse, a courthouse  
809 annex, a government service center providing general government services, another  
810 government building generally accessible to the public, or a building location that is used  
811 as an election day polling place, notwithstanding that such building location is not a  
812 government building.

813 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of  
814 this state having a population of 550,000 or more according to the United States decennial  
815 census of 1990 or any future such census, any ~~building that is a~~ branch of the county  
816 courthouse or courthouse annex established within any such county shall be an additional  
817 registrar's or absentee ballot clerk's office or place of registration for the purpose of  
818 receiving absentee ballots under Code Section 21-2-381 and for the purpose of ~~advance~~  
819 voting absentee ballots under Code Section 21-2-385.

820 (c)(1) A board of registrars or absentee ballot clerk shall establish ~~at least one~~ drop box  
821 boxes in such numbers as such board or clerk deem sufficient as a means for absentee by



822 mail electors to deliver their ballots to the board of registrars or absentee ballot clerk. A  
823 board of registrars or absentee ballot clerk may establish additional drop boxes, subject  
824 to the limitations of this Code section, but may only establish additional drop boxes  
825 totaling the lesser of either one drop box for every 100,000 active registered voters in the  
826 county or the number of advance voting locations in the county. Any additional drop  
827 boxes shall be evenly geographically distributed by population in the county. ~~Drop boxes~~  
828 ~~established pursuant to this Code section shall be established at the office of the board of~~  
829 ~~registrars or absentee ballot clerk or inside locations at which advance voting, as set forth~~  
830 ~~in subsection (d) of Code Section 21-2-385, is conducted in the applicable primary,~~  
831 ~~election, or runoff and may be open during the hours of advance voting at that location.~~  
832 ~~Such drop boxes shall be closed when advance voting is not being conducted at that~~  
833 ~~location. All drop boxes shall be closed when the advance voting period ends, as set forth~~  
834 ~~in subsection (d) of Code Section 21-2-385 at 7:00 P.M. on the date of the primary or~~  
835 ~~election.~~ The drop box location shall have adequate lighting and be under constant video  
836 ~~surveillance by an election official or his or her designee, law enforcement official, or~~  
837 ~~licensed security guard.~~ During an emergency declared by the Governor pursuant to  
838 Code Section 38-3-51, drop boxes may be located outside the office of the board of  
839 registrars or absentee ballot clerk or outside of locations at which advance voting is  
840 taking place, subject to the other limitations of this Code section.

841 (2) The opening slot of a drop box shall not allow ballots to be tampered with or  
842 removed and shall be designed to minimize the ability for liquid or other substances that  
843 may damage ballots to be poured into the drop box. A drop box shall be labeled  
844 "OFFICIAL ABSENTEE BALLOT DROP BOX" and shall clearly display the signage  
845 developed by the Secretary of State pertaining to Georgia law with regard to who is  
846 allowed to return absentee ballots and destroying, defacing, or delaying delivery of  
847 ballots.

848 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and  
849 return of ballots deposited at each drop box at the conclusion of each day where advance  
850 voting or in-person voting takes place. Collection of ballots from a drop box shall be  
851 made by a team of at least two people. Any person collecting ballots from a drop box  
852 shall have sworn an oath in the same form as the oath for poll officers set forth in Code  
853 Section 21-2-95. The collection team shall complete and sign a ballot transfer form upon  
854 removing the ballots from the drop box which shall include the date, time, location,  
855 number of ballots, ~~confirmation that the drop box was locked after the removal of the~~  
856 ~~ballots~~, and the identity of each person collecting the ballots. The collection team shall  
857 then immediately transfer the ballots to the board of registrars or absentee ballot clerk,  
858 who shall process and store the ballots in the same manner as absentee ballots returned  
859 by mail are processed and stored. The board of registrars, absentee ballot clerk, or a  
860 designee of the board of registrars or absentee ballot clerk shall sign the ballot transfer  
861 form upon receipt of the ballots from the collection team. Such form shall be considered  
862 a public record pursuant to Code Section 50-18-70.

863 (4) At the beginning of voting at each advance location where a drop box is present, the  
864 manager of the advance voting location shall open the drop box and confirm on the  
865 reconciliation form for that advance voting location that the drop box is empty. If the  
866 drop box is not empty, the manager shall secure the contents of the drop box and  
867 immediately inform the election superintendent, board of registrars, or absentee ballot  
868 clerk, who shall inform the Secretary of State."

869 **SECTION 26.**

870 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation  
871 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting  
872 absentee electors, master list of ballots sent, challenges, special absentee run-off ballots, and  
873 electronic transmission of ballots, as follows:

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874 "21-2-384.

875 (a)(1) The superintendent shall, in consultation with the board of registrars or absentee  
876 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this  
877 subsection an adequate supply of official absentee ballots to the board of registrars or  
878 absentee ballot clerk for use in the primary or election or as soon as possible prior to a  
879 runoff. Envelopes and other supplies as required by this article may be ordered by the  
880 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary  
881 or election.

882 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee  
883 ballots to all eligible applicants not more than ~~29~~ 49 days but not less than ~~25~~ 45 days  
884 prior to any presidential preference primary, general primary other than a municipal  
885 general primary, general election other than a municipal general election, or special  
886 primary or special election in which there is a candidate for a federal office on the ballot;  
887 22 days prior to any municipal general primary or municipal general election; and as soon  
888 as possible prior to any runoff. In the case of all other special primaries or special  
889 elections, the board of registrars or absentee ballot clerk shall mail or issue official  
890 absentee ballots to all eligible applicants within three days after the receipt of such ballots  
891 and supplies, but no earlier than 22 days prior to the election; provided, however, that  
892 ~~official absentee ballots shall be issued to~~ should any elector of the jurisdiction ~~who is~~  
893 ~~entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizen~~  
894 ~~Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended; be permitted to vote~~  
895 by absentee ballot beginning 49 days prior to a federal primary or election, all eligible  
896 applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49  
897 days prior to such primary or election and not later than 45 days prior to a federal primary  
898 ~~or election.~~ As additional applicants ~~who submitted timely applications for an absentee~~  
899 ~~ballot~~ are determined to be eligible, the board or clerk shall mail or issue official absentee  
900 ballots to such additional applicants immediately upon determining their eligibility;

901 provided, however, that no absentee ballot shall be mailed by the registrars or absentee  
902 ballot clerk on the day prior to a primary or election and provided, further, that no  
903 absentee ballot shall be issued on the day prior to a primary or election. For all timely  
904 received applications for absentee ballots, the board of registrars or absentee ballot clerk  
905 shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection  
906 as soon as possible upon determining their eligibility within the time periods set forth in  
907 this subsection. During the period for advance voting set forth in Code Section 21-2-385,  
908 the board of registrars or absentee ballot clerk shall make such determinations and mail  
909 or issue absentee ballots, provisional absentee ballots, and notices of rejection of  
910 application within three days after receiving a timely application for an absentee ballot.  
911 The board of registrars or absentee ballot clerk shall, within the same time periods  
912 specified in this subsection, electronically transmit official absentee ballots to all electors  
913 who have requested to receive their official absentee ballot electronically and are entitled  
914 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
915 Voting Act, 52 U.S.C. Section 20301, et seq., as amended.

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

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

926 (5) In the event an absentee ballot which has been mailed by the board of registrars or  
927 absentee ballot clerk is not received by the applicant, the applicant may notify the board

928 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot  
929 has not been received. The board of registrars or absentee ballot clerk shall then issue a  
930 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit  
931 shall be attached to the original application. A second application for an absentee ballot  
932 shall not be required.

933 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's  
934 office, in addition to the mailing envelope addressed to the elector, the superintendent,  
935 board of registrars, or absentee ballot clerk shall provide two envelopes for each official  
936 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in  
937 order to permit the placing of one within the other and both within the mailing envelope.  
938 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed  
939 the words 'Official Absentee Ballot' and nothing else. ~~The~~ On the back of the larger of the  
940 two envelopes to be enclosed within the mailing envelope shall ~~contain~~ be printed the form  
941 of oath of the elector and the oath for persons assisting electors, as provided for in Code  
942 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,  
943 21-2-579, and 21-2-599 for violations of oaths; ~~a place for the elector to print his or her~~  
944 ~~name; a signature line; a space for the elector to print the number of his or her Georgia~~  
945 ~~driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40;~~  
946 ~~a space for the elector to mark to affirm that he or she does not have a Georgia driver's~~  
947 ~~license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40; a space~~  
948 ~~for the elector to print his or her date of birth; and a space for the elector to print the last~~  
949 ~~four digits of his or her social security number, if the elector does not have a Georgia~~  
950 ~~driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title~~  
951 ~~40. The envelope shall be designed so that the number of the elector's Georgia driver's~~  
952 ~~license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the last~~  
953 ~~four digits of the elector's social security number, and the elector's date of birth shall be~~  
954 ~~hidden from view when the envelope is correctly sealed. Any person other than the elector~~

955 ~~who requested the ballot, an authorized person who is assisting the elector entitled to~~  
956 ~~assistance in voting pursuant to Code Section 21-2-409, an absentee ballot clerk, registrar,~~  
957 ~~or law enforcement officer in the course of an investigation who knowingly unseals a~~  
958 ~~sealed absentee ballot envelope shall be guilty of a felony. On and on the face of such~~  
959 ~~envelope shall be printed the name and address of the board of registrars or absentee ballot~~  
960 ~~clerk. The larger of the two envelopes shall also display the elector's name and voter~~  
961 ~~registration number. The mailing envelope addressed to the elector shall contain the two~~  
962 ~~envelopes, the official absentee ballot, the uniform instructions for the manner of preparing~~  
963 ~~and returning the ballot, in form and substance as provided by the Secretary of State,~~  
964 ~~provisional absentee ballot information, if necessary, and a notice in the form provided by~~  
965 ~~the Secretary of State of all withdrawn, deceased, and disqualified candidates and any~~  
966 ~~substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155 and nothing else.~~  
967 ~~The uniform instructions shall include information specific to the voting system used for~~  
968 ~~absentee voting concerning the effect of overvoting or voting for more candidates than one~~  
969 ~~is authorized to vote for a particular office and information concerning how the elector may~~  
970 ~~correct errors in voting the ballot before it is cast including information on how to obtain~~  
971 ~~a replacement ballot if the elector is unable to change the ballot or correct the error. The~~  
972 ~~uniform instructions shall prominently include specific instructions stating that the elector~~  
973 ~~shall mark his or her ballot in private and sign the oath by writing his or her usual signature~~  
974 ~~with a pen and ink under penalty of false swearing that the elector has not allowed any~~  
975 ~~person to observe the marking of his or her ballot other than an authorized person lawfully~~  
976 ~~assisting the elector if the elector is entitled to assistance, the elector's child under 18 years~~  
977 ~~of age, or any child under 12 years of age and that the elector will not permit any~~  
978 ~~unauthorized person to deliver or return the voted ballot to the board of registrars. The~~  
979 ~~uniform instructions shall include a list of authorized persons who may deliver or return~~  
980 ~~the voted ballot to the board of registrars on behalf of the elector as provided in subsection~~  
981 ~~(a) of Code Section 21-2-385. The uniform instructions shall include the contact~~

982 ~~information of the Secretary of State which may be used by the elector to report any~~  
 983 ~~unauthorized person requesting to observe the elector voting his or her ballot or the~~  
 984 ~~elector's voted ballot or any unauthorized person offering to deliver or return the voted~~  
 985 ~~ballot to the board of registrars.~~

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

988 'I, the undersigned, do swear (or affirm) ~~under penalty of false swearing~~ that I am a  
 989 citizen of the United States and of the State of Georgia; that I possess the qualifications  
 990 of an elector required by the laws of the State of Georgia; that I am entitled to vote in  
 991 the precinct containing my residence in the primary or election in which this ballot is  
 992 to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed  
 993 any other absentee ballot, nor will I mark or mail another absentee ballot for voting in  
 994 such primary or election; nor shall I vote therein in person; and that I have read and  
 995 understand the instructions accompanying this ballot; and that I have carefully complied  
 996 with such instructions in completing this ballot; ~~that I have marked and sealed this~~  
 997 ~~ballot in private and have not allowed any unauthorized person to observe the voting~~  
 998 ~~of this ballot or how this ballot was voted except those authorized under state and~~  
 999 ~~federal law; and that I will not give or transfer this ballot to any person not authorized~~  
 1000 ~~by law to deliver or return absentee ballots.~~ I understand that the offer or acceptance  
 1001 of money or any other object of value to vote for any particular candidate, list of  
 1002 candidates, issue, or list of issues included in this election constitutes an act of voter  
 1003 fraud and is a felony under Georgia law.

1004

1005

1006

1007

---

 Signature or Mark of Elector

---

 Printed Name of Elector'

1008 Oath of Person Assisting Elector (if any):

1009 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in  
1010 marking such elector's absentee ballot as such elector personally communicated such  
1011 elector's preference to me; and that such elector is entitled to receive assistance in  
1012 voting under provisions of subsection (a) of Code Section 21-2-409 (b) of Code  
1013 Section 21-2-385.

1014 This, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

1015 \_\_\_\_\_

1016 Signature of Person Assisting  
1017 Elector

1018 \_\_\_\_\_

1019 Printed Name of Person  
1020 Assisting Elector

1021 Reason for assistance (Check appropriate square):

- 1022  Elector is unable to read the English language.
- 1023  Elector requires assistance due to physical disability.'

1024 The forms upon which such oaths are printed shall contain the following information:

1025 'Georgia law provides that any person who knowingly falsifies information so as to  
1026 vote illegally by absentee ballot or who illegally gives or receives assistance in voting,  
1027 as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.'

1028 (2) In the case of absent uniformed services or overseas voters, if the presidential  
1029 designee under Section 705(b) of the federal Help America Vote Act promulgates a  
1030 standard oath for use by such voters, the Secretary of State shall be required to use such  
1031 oath on absentee ballot materials for such voters and such oath shall be accepted in lieu  
1032 of the oath set forth in paragraph (1) of this subsection.



1033 (d) Each board of registrars or absentee ballot clerk shall maintain for public inspection  
1034 a master list, arranged by precincts, setting forth the name and residence of every elector  
1035 to whom an official absentee ballot has been sent. Absentee electors whose names appear  
1036 on the master list may be challenged by any elector prior to 5:00 P.M. on the day before  
1037 ~~absentee ballots are to begin being scanned and tabulated~~ the primary or election.

1038 ~~(e)(1) The election superintendent shall prepare special absentee run-off ballots for~~  
1039 ~~general primaries and general elections for use by qualified electors who are entitled to~~  
1040 ~~vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee~~  
1041 ~~Voting Act, 52 U.S.C. Section 20301, et seq.~~

1042 ~~(2) Such special absentee run-off ballots for the general primary shall list the titles of all~~  
1043 ~~offices being contested at the general primary and the candidates qualifying for such~~  
1044 ~~general primary for each office and shall permit the elector to vote in the general primary~~  
1045 ~~runoff by indicating his or her order of preference for each candidate for each office. A~~  
1046 ~~separate ballot shall be prepared for each political party, but a qualified elector under this~~  
1047 ~~subsection shall be mailed only the ballot of the political party in whose primary such~~  
1048 ~~elector requests to vote. The Secretary of State shall prepare instructions for use with~~  
1049 ~~such special absentee run-off ballots, including instructions for voting by mail using an~~  
1050 ~~electronically transmitted ballot. Such ballot shall be returned by the elector in the same~~  
1051 ~~manner as other absentee ballots by such electors who are entitled to vote by absentee~~  
1052 ~~ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52~~  
1053 ~~U.S.C. Section 20301, et seq.~~

1054 ~~(3) Such special absentee run-off ballots for the general election shall list the titles of all~~  
1055 ~~offices being contested at the general election and the candidates qualifying for such~~  
1056 ~~general election for each office and shall permit the elector to vote in the general election~~  
1057 ~~runoff by indicating his or her order of preference for each candidate for each office.~~

1058 ~~(4) To indicate order of preference for each candidate for each office to be voted on, an~~  
1059 ~~elector shall put the numeral '1' next to the name of the candidate who is the elector's first~~

1060 ~~choice for such office, the numeral '2' for the elector's second choice, and so forth, in~~  
1061 ~~consecutive numerical order, such that a numeral indicating the elector's preference is~~  
1062 ~~written by the elector next to each candidate's name on the ballot. An elector shall not~~  
1063 ~~be required to indicate preference for more than one candidate for an office if the elector~~  
1064 ~~so chooses.~~

1065 ~~(5) A special absentee run-off ballot shall be enclosed with each general primary~~  
1066 ~~absentee ballot sent to an elector who is entitled to vote by absentee ballot under the~~  
1067 ~~federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301,~~  
1068 ~~et seq., along with instructions on how to cast the special absentee run-off ballot and the~~  
1069 ~~two envelopes to be used in returning such ballot as provided in subsection (b) of this~~  
1070 ~~Code section, provided that the envelopes bear the notation of 'Official Overseas/Military~~  
1071 ~~General Primary Run-off Ballot.'~~ An elector shall be sent only the ballot containing the  
1072 candidates of the political party in whose primary such elector desires to vote.

1073 ~~(6) A special absentee run-off ballot shall be enclosed with each general election~~  
1074 ~~absentee ballot sent to an elector entitled to vote by absentee ballot under the federal~~  
1075 ~~Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.,~~  
1076 ~~along with instructions on how to cast the special absentee run-off ballot and the two~~  
1077 ~~envelopes to be used in returning such ballot as provided in subsection (b) of this Code~~  
1078 ~~section, provided that the envelopes bear the notation of 'Official Overseas/Military~~  
1079 ~~General Election Run-off Ballot.'~~ The State Election Board shall by rule or regulation  
1080 establish procedures for the transmission of blank absentee ballots by mail and by  
1081 electronic transmission for all electors who are entitled to vote by absentee ballot under  
1082 the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.  
1083 Section 20301, et seq., as amended, and by which such electors may designate whether  
1084 the elector prefers the transmission of such ballots by mail or electronically, for use in  
1085 county, state, and federal primaries, elections, and runoffs in this state and, if the  
1086 Secretary of State finds it to be feasible, for use in municipal primaries, elections, and

1087 runoffs. If no preference is stated, the ballot shall be transmitted by mail. The State  
1088 Election Board shall by rule or regulation establish procedures to ensure to the extent  
1089 practicable that the procedures for transmitting such ballots shall protect the security and  
1090 integrity of such ballots and shall ensure that the privacy of the identity and other  
1091 personal data of such electors who are entitled to vote by absentee ballot under the federal  
1092 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et  
1093 seq., as amended, to whom a blank absentee ballot is transmitted under this Code section  
1094 is protected throughout the process of such transmission."

1095 **SECTION 27.**

1096 Said chapter is further amended by repealing subsection (e) in its entirety and by revising  
1097 subsections (a) and (d) of Code Section 21-2-385, relating to procedure for voting by  
1098 absentee ballot and advance voting, as follows:

1099 "(a) At any time after receiving an official absentee ballot, but before the day of the  
1100 primary or election, except electors who are confined to a hospital on the day of the  
1101 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and  
1102 enclose and securely seal the same in the envelope on which is printed 'Official Absentee  
1103 Ballot.' This envelope shall then be placed in the second one, on which is printed the form  
1104 of the oath of the elector; the name and oath of the person assisting, if any; and other  
1105 required identifying information. The elector shall then fill out, subscribe, and swear to the  
1106 oath printed on such envelope. ~~In order to verify that the absentee ballot was voted by the~~  
1107 ~~elector who requested the ballot, the elector shall print the number of his or her Georgia~~  
1108 ~~driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of~~  
1109 ~~Title 40 in the space provided on the outer oath envelope. The elector shall also print his~~  
1110 ~~or her date of birth in the space provided in the outer oath envelope. If the elector does not~~  
1111 ~~have a Georgia driver's license or state identification card issued pursuant to Article 5 of~~  
1112 ~~Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath~~

1113 ~~envelope and print the last four digits of his or her social security number in the space~~  
1114 ~~provided on the outer oath envelope. If the elector does not have a Georgia driver's license,~~  
1115 ~~identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security~~  
1116 ~~number, the elector shall so affirm in the space provided on the outer oath envelope and~~  
1117 ~~place a copy of one of the forms of identification set forth in subsection (c) of Code~~  
1118 ~~Section 21-2-417 in the outer envelope. Such envelope shall then be securely sealed and~~  
1119 the elector shall then personally mail or personally deliver same to the board of registrars  
1120 or absentee ballot clerk, provided that mailing or delivery may be made by the elector's  
1121 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,  
1122 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,  
1123 brother-in-law, sister-in-law, or an individual residing in the household of such elector.  
1124 The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of  
1125 such disabled elector, regardless of whether such caregiver resides in such disabled  
1126 elector's household. The absentee ballot of an elector who is in custody in a jail or other  
1127 detention facility may be mailed or delivered by any employee of such jail or facility  
1128 having custody of such elector. An elector who is confined to a hospital on a primary or  
1129 election day to whom an absentee ballot is delivered by the registrar or absentee ballot  
1130 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or  
1131 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail  
1132 and has not previously provided the identification required by Code Section 21-2-220 and  
1133 votes for the first time by absentee ballot and fails to provide the identification required by  
1134 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as  
1135 a provisional ballot and shall be counted only if the registrars are able to verify the  
1136 identification and registration of the elector during the time provided pursuant to Code  
1137 Section 21-2-419."

1138 "(d)(1) There shall be a period of advance voting that shall commence:

1139 (A) On the fourth Monday immediately prior to each primary or election; and

1140 (B) As soon as possible prior to a runoff from any general primary or election but no  
1141 later than the ~~second~~ third Monday immediately prior to such runoff  
1142 and shall end on the Friday immediately prior to each primary, election, or runoff.  
1143 Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays,  
1144 other than observed state holidays, during such period. Voting ~~and~~ shall also be  
1145 conducted on the second and third Saturdays prior to a primary, election, or runoff during  
1146 the hours of 9:00 A.M. through 5:00 P.M. ~~and, if the registrar or absentee ballot clerk so~~  
1147 ~~chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior~~  
1148 ~~to a primary or election during hours determined by the registrar or absentee ballot clerk,~~  
1149 ~~but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if~~ If such  
1150 second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such  
1151 second Saturday follows a public and legal holiday occurring on the Thursday or Friday  
1152 immediately preceding such second Saturday, or if such second Saturday immediately  
1153 precedes a public and legal holiday occurring on the following Sunday or Monday, such  
1154 advance voting shall not be held on such second Saturday but shall be held on the third  
1155 Saturday prior to such primary, ~~or election, or runoff~~ beginning at 9:00 A.M. and ending  
1156 at 5:00 P.M. If the registrar or absentee ballot clerk so chooses, advance voting may also  
1157 be conducted on the second Sunday, the third Sunday, or both the second and third  
1158 Sundays prior to a primary, election, or runoff during hours determined by the registrar  
1159 or absentee ballot clerk, but no longer than from 7:00 A.M. through 7:00 P.M. Except  
1160 as otherwise provided in this paragraph, the registrars may extend the hours for voting  
1161 to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional  
1162 voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the  
1163 jurisdiction at their option; provided, however, that voting shall occur only on the days  
1164 specified in this paragraph and counties and municipalities shall not be authorized to  
1165 conduct advance voting on any other days.

1166 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice  
1167 to the electors of their jurisdiction of the availability of advance voting as well as the  
1168 times, dates, and locations at which advance voting will be conducted. In addition, the  
1169 registrars or absentee ballot clerk shall notify the Secretary of State in the manner  
1170 prescribed by the Secretary of State of the times, dates, and locations at which advance  
1171 voting will be conducted.

1172 (3) The board of registrars shall publish the dates, times, and locations of the availability  
1173 of advance voting in its jurisdiction on the homepage of the county's publicly accessible  
1174 website associated with elections or registrations, or if the county does not have such a  
1175 website, in a newspaper of general circulation, and by posting in a prominent location in  
1176 the county, no later than 14 days prior to the beginning of the advance voting period for  
1177 a general primary, special primary, general election, or special election and no later than  
1178 seven days prior to the beginning of the advance voting period for any run-off election.  
1179 Any new advance voting locations added after that deadline shall be published in the  
1180 same manner as soon as possible. The board of registrars shall not remove any advance  
1181 voting location after the notice of such location is published, except in the case of an  
1182 emergency or unavoidable event that renders a location unavailable for use. Any changes  
1183 that are made due to an emergency or unavoidable event after a notice of a location has  
1184 been published shall be published as soon as possible in the same manner set forth in this  
1185 paragraph."

1186

**SECTION 28.**

1187 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,  
1188 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to  
1189 manager, duties of managers, precinct returns, report of returns, notification of challenged  
1190 elector, and unlawful disclosure of tabulation results, as follows:

1191 "21-2-386.

1192 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,  
1193 and stored in a manner that will prevent tampering and unauthorized access all official  
1194 absentee ballots received from absentee electors prior to the closing of the polls on the  
1195 day of the primary or election except as otherwise provided in this subsection.

1196 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
1197 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
1198 ~~number of the elector's Georgia driver's license number or state identification card~~  
1199 ~~issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the~~  
1200 ~~absentee ballot envelope~~ identifying information on the oath with the same information  
1201 contained in the elector's voter registration records. ~~If the elector has affirmed on the~~  
1202 ~~envelope that he or she does not have a Georgia driver's license or state identification~~  
1203 ~~card issued pursuant to Article 5 of Chapter 5 of Title 40, the registrar or clerk shall~~  
1204 ~~compare the last four digits of the elector's social security number and date of birth~~  
1205 ~~entered on the envelope with the same information contained in the elector's voter~~  
1206 ~~registration records. The registrar or clerk shall also confirm that the elector signed the~~  
1207 ~~oath and the person assisting the elector, if any, signed the required oath. If the elector~~  
1208 ~~has signed the elector's oath, the person assisting has signed the required oath, if~~  
1209 ~~applicable, and the identifying information entered on the absentee ballot envelope~~  
1210 ~~matches the same information contained in the elector's voter registration record, the~~  
1211 ~~registrar or clerk shall~~ on file in his or her office, shall compare the signature or mark  
1212 on the oath with the signature or mark on the absentee elector's voter registration card  
1213 or the most recent update to such absentee elector's voter registration card and  
1214 application for absentee ballot or a facsimile of said signature or mark taken from said  
1215 card or application, and shall, if the information and signature appear to be valid and  
1216 other identifying information appears to be correct, so certify by signing or initialing  
1217 his or her name below the voter's oath. Each elector's name so certified shall be listed

1218 by the registrar or clerk on the numbered list of absentee voters prepared for his or her  
1219 precinct.

1220 (C) If the elector has failed to sign the oath, or if the ~~identifying information entered~~  
1221 ~~on the absentee ballot envelope~~ signature does not ~~match the same information~~  
1222 ~~appearing in the elector's voter registration record~~ appear to be valid, or if the elector  
1223 has failed to furnish required information or information so furnished does not conform  
1224 with that on file in the registrar's or clerk's office, or if the elector is otherwise found  
1225 disqualified to vote, the registrar or clerk shall write across the face of the envelope  
1226 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk  
1227 shall promptly notify the elector of such rejection, a copy of which notification shall be  
1228 retained in the files of the board of registrars or absentee ballot clerk for at least two  
1229 years. Such elector shall have until the end of the period for verifying provisional  
1230 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem  
1231 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,  
1232 ~~nonmatching identifying information~~ an invalid signature, or missing information by  
1233 submitting an affidavit to the board of registrars or absentee ballot clerk along with a  
1234 copy of one of the forms of identification enumerated in subsection (c) of Code  
1235 Section 21-2-417 before the close of such period. The affidavit shall affirm that the  
1236 ballot was submitted by the elector, is the elector's ballot, and that the elector is  
1237 registered and qualified to vote in the primary, election, or runoff in question. If the  
1238 board of registrars or absentee ballot clerk finds the affidavit and identification to be  
1239 sufficient, the absentee ballot shall be counted.

1240 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
1241 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
1242 ballot shall include with his or her application for an absentee ballot or in the outer oath  
1243 envelope of his or her absentee ballot either one of the forms of identification listed in  
1244 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank



1245 statement, government check, paycheck, or other government document that shows the  
1246 name and address of such elector. If such elector does not provide any of the forms of  
1247 identification listed in this subparagraph with his or her application for an absentee  
1248 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
1249 provisional ballot and such ballot shall only be counted if the registrars are able to  
1250 verify current and valid identification of the elector as provided in this subparagraph  
1251 within the time period for verifying provisional ballots pursuant to Code  
1252 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify  
1253 the elector that such ballot is deemed a provisional ballot and shall provide information  
1254 on the types of identification needed and how and when such identification is to be  
1255 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

1256 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
1257 absentee electors, giving the name of the elector and the reason for the rejection in each  
1258 case. Three copies of the numbered list of certified absentee voters and three copies of  
1259 the numbered list of rejected absentee voters for each precinct shall be turned over to  
1260 the poll manager in charge of counting the absentee ballots and shall be distributed as  
1261 required by law for numbered lists of voters.

1262 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
1263 of the polls on the day of the primary or election shall be safely kept unopened by the  
1264 board or absentee ballot clerk and then transferred to the appropriate clerk for storage  
1265 for the period of time required for the preservation of ballots used at the primary or  
1266 election and shall then, without being opened, be destroyed in like manner as the used  
1267 ballots of the primary or election. The board of registrars or absentee ballot clerk shall  
1268 promptly notify the elector by first-class mail that the elector's ballot was returned too  
1269 late to be counted and that the elector will not receive credit for voting in the primary  
1270 or election. All such late absentee ballots shall be delivered to the appropriate clerk and  
1271 stored as provided in Code Section 21-2-390.

1272 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
1273 States Department of Defense notifies the Secretary of State that the Department of  
1274 Defense has implemented a system of expedited absentee voting for those electors  
1275 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
1276 eligible absentee electors who reside outside the county or municipality in which the  
1277 primary, election, or runoff is held and are members of the armed forces of the United  
1278 States, members of the merchant marine of the United States, spouses or dependents of  
1279 members of the armed forces or merchant marine residing with or accompanying such  
1280 members, or overseas citizens that are postmarked by the date of such primary, election,  
1281 or runoff and are received within the three-day period following such primary, election,  
1282 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and  
1283 included in the certified election results.

1284 ~~(2)(A) Beginning at 8:00 A.M. on the third Monday prior to~~ After the opening of the  
1285 polls on the day of the primary, election, or runoff, the election superintendent  
1286 registrars or absentee ballot clerks shall be authorized to open the outer oath envelope  
1287 of absentee ballots that have been verified and accepted pursuant to  
1288 subparagraph (a)(1)(B) of this Code section, on which is printed the oath of the elector  
1289 in such a manner as not to destroy the oath printed thereon; provided, however, that the  
1290 registrars or absentee ballot clerk shall not be authorized to remove the contents of such  
1291 outer envelope; or to open the inner envelope marked 'Official Absentee Ballot,' and  
1292 scan the absentee ballot using one or more ballot scanners except as otherwise provided  
1293 in this Code section. At least three persons who are registrars, deputy registrars, poll  
1294 workers, or absentee ballot clerks must be present before commencing; and three  
1295 persons who are registrars, deputy registrars, or absentee ballot clerks shall be present  
1296 at all times while the ~~absentee ballot~~ outer envelopes are being opened ~~and the absentee~~  
1297 ~~ballots are being scanned.~~ However, ~~no person shall tally, tabulate, estimate, or attempt~~  
1298 ~~to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to~~

1299 produce any tally or tabulate, partial or otherwise, of the absentee ballots cast until the  
1300 time for the closing of the polls on the day of the primary, election, or runoff except as  
1301 provided in this Code section. Prior to beginning the process set forth in this paragraph,  
1302 the superintendent shall provide written notice to the Secretary of State in writing at  
1303 least seven days prior to processing and scanning absentee ballots. Such notice shall  
1304 contain the dates, start and end times, and location or locations where absentee ballots  
1305 will be processed and scanned. The superintendent shall also post such notice publicly  
1306 in a prominent location in the superintendent's office and on the home page of the  
1307 county election superintendent's website, if the county election superintendent  
1308 maintains such a website. The Secretary of State shall publish on his or her website the  
1309 information he or she receives from superintendents stating the dates, times, and  
1310 locations where absentee ballots will be processed: After opening the outer envelopes,  
1311 the ballots shall be safely and securely stored until the time for tabulating such ballots.  
1312 (B) The proceedings set forth in this paragraph shall be open to the view of the public,  
1313 but no person except one employed and designated by the superintendent shall touch  
1314 any ballot or ballot container. Any person involved in processing and scanning  
1315 absentee ballots shall swear an oath, in the same form as the oath for poll officers  
1316 provided in Code Section 21-2-95, prior to beginning the processing and scanning of  
1317 absentee ballots. The county executive committee or, if there is no organized county  
1318 executive committee, the state executive committee of each political party and political  
1319 body having candidates whose names appear on the ballot for such election shall have  
1320 the right to designate two persons and each independent and nonpartisan candidate  
1321 whose name appears on the ballot for such election shall have the right to designate one  
1322 person to act as monitors for such process. In the event that the only issue to be voted  
1323 upon in an election is a referendum question, the superintendent shall also notify in  
1324 writing the chief judge of the superior court of the county who shall appoint two

1325 ~~electors of the county to monitor such process. While viewing or monitoring the~~  
 1326 ~~process set forth in this paragraph, monitors and observers shall be prohibited from:~~  
 1327 ~~(i) In any way interfering with the processing or scanning of absentee ballots or the~~  
 1328 ~~conduct of the election;~~  
 1329 ~~(ii) Using or bringing into the room any photographic or other electronic monitoring~~  
 1330 ~~or recording devices, cellular telephones, or computers;~~  
 1331 ~~(iii) Engaging in any form of campaigning or campaign activity;~~  
 1332 ~~(iv) Taking any action that endangers the secrecy and security of the ballots;~~  
 1333 ~~(v) Touching any ballot or ballot container;~~  
 1334 ~~(vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,~~  
 1335 ~~whether partial or otherwise, any of the votes on the absentee ballots cast; and~~  
 1336 ~~(vii) Communicating any information that they see while monitoring the processing~~  
 1337 ~~and scanning of the absentee ballots, whether intentionally or inadvertently, about any~~  
 1338 ~~ballot, vote, or selection to anyone other than an election official who needs such~~  
 1339 ~~information to lawfully carry out his or her official duties.~~  
 1340 ~~(C) The State Election Board shall promulgate rules requiring reconciliation~~  
 1341 ~~procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes~~  
 1342 ~~are opened; secrecy of election results prior to the closing of the polls on the day of a~~  
 1343 ~~primary, election, or runoff; and other protections to protect the integrity of the process~~  
 1344 ~~set forth in this paragraph.~~  
 1345 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
 1346 day of the primary, election, or runoff open the inner envelopes in accordance with the  
 1347 procedures prescribed in this subsection and begin tabulating the absentee ballots. If the  
 1348 county election superintendent chooses to open the inner envelopes and begin tabulating  
 1349 such ballots prior to the close of the polls on the day of the primary, election, or runoff,  
 1350 the superintendent shall notify in writing, at least seven days prior to the primary,  
 1351 election, or runoff, the Secretary of State of the superintendent's intent to begin the

1352 absentee ballot tabulation prior to the close of the polls. The county executive committee  
1353 or, if there is no organized county executive committee, the state executive committee of  
1354 each political party and political body having candidates whose names appear on the  
1355 ballot for such election in such county shall have the right to designate two persons and  
1356 each independent and nonpartisan candidate whose name appears on the ballot for such  
1357 election in such county shall have the right to designate one person to act as monitors for  
1358 such process. In the event that the only issue to be voted upon in an election is a  
1359 referendum question, the superintendent shall also notify in writing the chief judge of the  
1360 superior court of the county who shall appoint two electors of the county to monitor such  
1361 process.

1362 (4) The county election superintendent shall publish a written notice in the  
1363 superintendent's office of the superintendent's intent to begin the absentee ballot  
1364 tabulation prior to the close of the polls and publish such notice at least one week prior  
1365 to the primary, election, or runoff in the legal organ of the county.

1366 (5) The process for opening ~~absentee ballot~~ the inner envelopes, ~~scanning absentee~~  
1367 ~~ballots,~~ of and tabulating absentee ballots on the day of a primary, election, or runoff as  
1368 provided in this subsection shall be ~~conducted in a manner~~ a confidential process to  
1369 maintain the secrecy of all ballots and to protect the disclosure of any balloting  
1370 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated  
1371 before 7:00 A.M. on the day of a primary, election, or runoff.

1372 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,  
1373 election, or runoff, including the vote review panel required by Code Section 21-2-483,  
1374 and all monitors and observers shall be sequestered until the time for the closing of the  
1375 polls. All such persons shall have no contact with the news media; shall have no contact  
1376 with other persons not involved in monitoring, observing, or conducting the tabulation;  
1377 shall not use any type of communication device including radios, telephones, and cellular  
1378 telephones; shall not utilize computers for the purpose of email, instant messaging, or

1379 other forms of communication; and shall not communicate any information concerning  
1380 the tabulation until the time for the closing of the polls; provided, however, that  
1381 supervisory and technical assistance personnel shall be permitted to enter and leave the  
1382 area in which the tabulation is being conducted but shall not communicate any  
1383 information concerning the tabulation to anyone other than the county election  
1384 superintendent; the staff of the superintendent; those persons conducting, observing, or  
1385 monitoring the tabulation; and those persons whose technical assistance is needed for the  
1386 tabulation process to operate.

1387 (7) The absentee ballots shall be tabulated in accordance with the procedures of this  
1388 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be  
1389 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,  
1390 for security. The persons conducting the tabulation of the absentee ballots shall not cause  
1391 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes  
1392 cast until the time for the closing of the polls ~~except as otherwise provided in this Code~~  
1393 ~~section.~~

1394 (b) ~~When requested by the superintendent, but not earlier than the third Monday prior to~~  
1395 ~~a primary, election, or runoff~~ As soon as practicable after 7:00 A.M. on the day of the  
1396 primary, election, or runoff, in precincts other than those in which optical scanning  
1397 tabulators are used, a registrar or absentee ballot clerk shall deliver the official absentee  
1398 ballot of each certified absentee elector, each rejected absentee ballot, applications for such  
1399 ballots, and copies of the numbered lists of certified and rejected absentee electors to the  
1400 ~~location~~ manager in charge of the absentee ballot precinct of the county or municipality,  
1401 which shall be located in the precincts containing the county courthouse or polling place  
1402 designated by the municipal superintendent. In those precincts in which optical scanning  
1403 tabulators are used, such absentee ballots shall be taken to the tabulation center or other  
1404 place designated by the superintendent, and the ~~superintendent~~ or official receiving such

1405 absentee ballots shall issue his or her receipt therefor. Except as otherwise provided in this  
1406 Code section, in no event shall the counting of the ballots begin before the polls close.

1407 (c) ~~The superintendent shall cause the verified and accepted absentee ballots to be opened~~  
1408 ~~and tabulated as provided in this Code section. A~~ Except as otherwise provided in this  
1409 Code section, after the close of the polls on the day of the primary, election, or runoff, a  
1410 manager shall then open the outer envelope in such manner as not to destroy the oath  
1411 printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in  
1412 a ballot box reserved for absentee ballots. In the event that an outer envelope is found to  
1413 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an  
1414 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited  
1415 in the ballot box and counted in the same manner as other absentee ballots, provided that  
1416 such ballot is otherwise proper. Such manager with two assistant managers, appointed by  
1417 the superintendent, with such clerks as the manager deems necessary shall count the  
1418 absentee ballots following the procedures prescribed by this chapter for other ballots,  
1419 insofar as practicable, and prepare an election return for the county or municipality  
1420 showing the results of the absentee ballots cast in such county or municipality.

1421 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may  
1422 be reported by precinct; and separate returns shall be made for each precinct in which  
1423 absentee ballots were cast showing the results by each precinct in which the electors reside.  
1424 ~~The superintendent shall utilize the procedures set forth in this Code section to ensure that~~  
1425 ~~the returns of verified and accepted absentee ballots cast are reported to the public as soon~~  
1426 ~~as possible following the closing of the polls on the day of the primary, election, or runoff.~~  
1427 ~~Failure to utilize these procedures to ensure that the returns of verified and accepted~~  
1428 ~~absentee ballots are reported as soon as possible following the close of polls shall subject~~  
1429 ~~the superintendent to sanctions by the State Election Board. If a superintendent fails to~~  
1430 ~~report the returns of verified and accepted absentee ballots by the day following the~~

1431 ~~election at 5:00 P.M., the State Election Board may convene an independent performance~~  
 1432 ~~review board pursuant to Code Section 21-2-107.~~

1433 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
 1434 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer  
 1435 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted  
 1436 as other challenged ballots are counted. Where direct recording electronic voting systems  
 1437 are used for absentee balloting and a challenge to an elector's right to vote is made prior to  
 1438 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot  
 1439 and such ballot shall be handled as provided in this subsection. The board of registrars or  
 1440 absentee ballot clerk shall promptly notify the elector of such challenge.

1441 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose  
 1442 or for any person to receive any information regarding the results of the tabulation of  
 1443 absentee ballots except as expressly provided by law."

1444 **SECTION 29.**

1445 Said chapter is further amended by revising subsection (a) of Code Section 21-2-414, relating  
 1446 to restrictions on campaign activities, giving of food or water, and public opinion polling  
 1447 within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates  
 1448 from entering certain polling places, and penalty, as follows:

1449 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any  
 1450 person distribute or display any campaign material, ~~nor shall any person give, offer to give,~~  
 1451 ~~or participate in the giving of any money or gifts, including, but not limited to, food and~~  
 1452 ~~drink, to an elector,~~ nor shall any person solicit signatures for any petition, nor shall any  
 1453 person, other than election officials discharging their duties, establish or set up any tables  
 1454 or booths on any day in which ballots are being cast:

1455 (1) Within 150 feet of the outer edge of any building within which a polling place is  
 1456 established;



1457 (2) Within any polling place; or

1458 (3) Within 25 feet of any voter standing in line to vote at any polling place.

1459 These restrictions shall not apply to conduct occurring in private offices or areas which  
1460 cannot be seen or heard by such electors."

1461 **SECTION 30.**

1462 Said chapter is further amended by revising Code Section 21-2-415, which is reserved, as  
1463 follows:

1464 "21-2-415.

1465 Notwithstanding any other provisions of this chapter to the contrary, if an elector presents  
1466 himself or herself at a polling place, absentee polling place, or registration office in his or  
1467 her county of residence in this state for the purpose of casting a ballot in a primary or  
1468 election on the date of such primary or election, such elector shall be permitted to cast his  
1469 or her ballot in the same manner as if he or she were voting at the polling place in the  
1470 county in which he or she is registered to vote. The ballots upon which such votes are cast  
1471 shall not be considered provisional ballots as provided for in Code Section 21-2-418  
1472 Reserved."

1473 **SECTION 31.**

1474 Said chapter is further amended by revising subsections (a) and (b) of Code  
1475 Section 21-2-418, relating to provisional ballots, as follows:

1476 "(a) If a person presents himself or herself at a polling place, absentee polling place, or  
1477 registration office in his or her county of residence in this state for the purpose of casting  
1478 a ballot in a primary or election stating a good faith belief that he or she has timely  
1479 registered to vote in such county of residence in such primary or election and the person's  
1480 name does not appear on the list of registered electors, the person shall be entitled to cast  
1481 a provisional ballot in his or her county of residence in this state as provided in this Code

1482 section. ~~If the person presents himself or herself at a polling place in the county in which~~  
1483 ~~he or she is registered to vote, but not at the precinct at which he or she is registered to~~  
1484 ~~vote, the poll officials shall inform the person of the polling location for the precinct where~~  
1485 ~~such person is registered to vote. The poll officials shall also inform such person that any~~  
1486 ~~votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast~~  
1487 ~~after 5:00 P.M. and before the regular time for the closing of the polls on the day of the~~  
1488 ~~primary, election, or runoff and unless the person executes a sworn statement, witnessed~~  
1489 ~~by the poll official, stating that he or she is unable to vote at his or her correct polling place~~  
1490 ~~prior to the closing of the polls and giving the reason therefor.~~

1491 (b) Such person voting a provisional ballot shall complete an official voter registration  
1492 form and a provisional ballot voting certificate which shall include information about the  
1493 place, manner, and approximate date on which the person registered to vote. The person  
1494 shall swear or affirm in writing that he or she previously registered to vote in such primary  
1495 or election, is eligible to vote in such primary or election, has not voted previously in such  
1496 primary or election, and meets the criteria for registering to vote in such primary or  
1497 election. ~~If the person is voting a provisional ballot in the county in which he or she is~~  
1498 ~~registered to vote but not at the precinct in which he or she is registered to vote during the~~  
1499 ~~period from 5:00 P.M. to the regular time for the closing of the polls on the day of the~~  
1500 ~~primary, election, or runoff, the person shall execute a sworn statement, witnessed by the~~  
1501 ~~poll official, stating that he or she is unable to vote at his or her correct polling place prior~~  
1502 ~~to the closing of the polls and giving the reason therefor. The form of the provisional ballot~~  
1503 ~~voting certificate shall be prescribed by the Secretary of State. The person shall also~~  
1504 ~~present the identification required by Code Section 21-2-417."~~

1505

**SECTION 32.**

1506 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of  
1507 provisional ballots and reporting to Secretary of State, as follows:

H. B. 670

1508 "21-2-419.

1509 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the  
1510 county or municipality. Such provisional ballot shall be sealed in double envelopes as  
1511 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot  
1512 in a secure, sealed ballot box.

1513 (b) At the earliest time possible after the casting of a provisional ballot, but no later than  
1514 the day after the primary or election in which such provisional ballot was cast, the board  
1515 of registrars of the county or municipality, as the case may be, shall be notified by the  
1516 election superintendent that provisional ballots were cast in the primary or election and the  
1517 registrars shall be provided with the documents completed by the person casting the  
1518 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be  
1519 securely maintained by the election superintendent until a determination has been made  
1520 concerning their status. The board of registrars shall immediately examine the information  
1521 contained on such documents and make a good faith effort to determine whether the person  
1522 casting the provisional ballot was entitled to vote in the primary or election. Such good  
1523 faith effort shall include a review of all available voter registration documentation,  
1524 including registration information made available by the electors themselves and  
1525 documentation of modifications or alterations of registration data showing changes to an  
1526 elector's registration status. Additional sources of information may include, but are not  
1527 limited to, information from the Department of Driver Services, Department of Family and  
1528 Children Services, Department of Natural Resources, public libraries, or any other agency  
1529 of government including, but not limited to, other county election and registration offices.

1530 (c)(1) If the registrars determine after the polls close, but not later than three days  
1531 following the primary or election, that the person casting the provisional ballot timely  
1532 registered to vote and was eligible and entitled to vote ~~in the precinct in which he or she~~  
1533 ~~voted~~ in such primary or election, the registrars shall notify the election superintendent

1534 and the provisional ballot shall be counted and included in the county's or municipality's  
1535 certified election results.

1536 (2) If the registrars determine after the polls close, but not later than three days following  
1537 the primary or election, that the person voting the provisional ballot timely registered and  
1538 was eligible and entitled to vote in the primary or election but voted in the wrong  
1539 precinct, then the board of registrars shall notify the election superintendent ~~only if such~~  
1540 ~~person voted between the hours of 5:00 P.M. and the regular time for the closing of the~~  
1541 ~~polls on the day of the primary, election, or runoff and provided the sworn statement~~  
1542 ~~required by subsection (b) of Code Section 21-2-418.~~ The superintendent shall count  
1543 such person's votes which were cast for candidates in those races for which the person  
1544 was entitled to vote but shall not count the votes cast for candidates in those races in  
1545 which such person was not entitled to vote. The superintendent shall order the proper  
1546 election official at the tabulating center or precinct to prepare an accurate duplicate ballot  
1547 containing only those votes cast by such person in those races in which such person was  
1548 entitled to vote for processing at the tabulating center or precinct, which shall be verified  
1549 in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word  
1550 'Duplicate,' shall bear the designation of the polling place, and shall be given the same  
1551 serial number as the original ballot. The original ballot shall be retained ~~and the sworn~~  
1552 ~~statement required by subsection (b) of Code Section 21-2-418 shall be transmitted to the~~  
1553 ~~Secretary of State with the certification documents required by paragraph (4) of~~  
1554 ~~subsection (a) of Code Section 21-2-497 and such statement shall be reviewed by the~~  
1555 ~~State Election Board.~~

1556 (3) If the registrars determine that the person casting the provisional ballot did not timely  
1557 register to vote or was not eligible or entitled to vote ~~in the precinct in which he or she~~  
1558 ~~voted~~ in such primary or election or shall be unable to determine within three days  
1559 following such primary or election whether such person timely registered to vote and was  
1560 eligible and entitled to vote in such primary or election, the registrars shall so notify the

1561 election superintendent and such ballot shall not be counted. The election superintendent  
1562 shall mark or otherwise document that such ballot was not counted and shall deliver and  
1563 store such ballots with all other ballots and election materials as provided in Code  
1564 Section 21-2-500.

1565 (d)(1) At the earliest time possible after a determination is made regarding a provisional  
1566 ballot, the board of registrars shall notify in writing those persons whose provisional  
1567 ballots were not counted that their ballots were not counted because of the inability of the  
1568 registrars to verify that the persons timely registered to vote or other proper reason. The  
1569 registrars shall process the official voter registration form completed by such persons  
1570 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found  
1571 qualified.

1572 (2) At the earliest time possible after a determination is made regarding a provisional  
1573 ballot, the board of registrars shall notify in writing those electors who voted in the wrong  
1574 precinct and whose votes were partially counted of their correct precinct.

1575 (e) The board of registrars shall complete a report in a form designated by the Secretary  
1576 of State indicating the number of provisional ballots cast and counted in the primary or  
1577 election."

1578 **SECTION 33.**

1579 Said chapter is further amended by revising subsections (a) and (f) of Code Section 21-2-501,  
1580 relating to number of votes required for election and runoff, as follows:

1581 "(a)(1) Except as otherwise provided in this Code section, no candidate shall be  
1582 nominated for public office in any primary or special primary or elected to public office  
1583 in any election or special election or shall take or be sworn into such elected public office  
1584 unless such candidate shall have received a majority plurality of the votes cast to fill such  
1585 nomination or public office. In instances where no candidate receives a majority plurality  
1586 of the votes cast, a run-off primary, special primary runoff, run-off election, or special

1587 election runoff between the candidates receiving the two highest numbers of votes shall  
1588 be held. Unless such date is postponed by a court order, such runoff shall be held on the  
1589 ~~twenty-eighth day after the day of holding the preceding~~ Tuesday of the sixth week  
1590 following such general or special primary or general or special election.

1591 (2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible,  
1592 the remaining candidates receiving the two highest numbers of votes shall be the  
1593 candidates in the runoff.

1594 (3) The candidate receiving the highest number of the votes cast in such run-off primary,  
1595 special primary runoff, run-off election, or special election runoff to fill the nomination  
1596 or public office sought shall be declared the winner.

1597 (4) The name of a write-in candidate eligible for election in a runoff shall be printed on  
1598 the election or special election run-off ballot in the independent column.

1599 (5) The run-off primary, special primary runoff, run-off election, or special election  
1600 runoff shall be a continuation of the primary, special primary, election, or special election  
1601 for the particular office concerned. Only the electors who are duly registered to vote and  
1602 not subsequently deemed disqualified to vote in the runoff for candidates for that  
1603 particular office shall be entitled to vote therein, and only those votes cast for the persons  
1604 designated as candidates in such run-off primary, special primary runoff, run-off election,  
1605 or special election runoff shall be counted in the tabulation and canvass of the votes cast.  
1606 No elector shall vote in a run-off primary or special primary runoff in violation of Code  
1607 Section 21-2-224."

1608 "(f) Except for presidential electors, to be elected to public office in a general or special  
1609 election, a candidate must receive a ~~majority~~ plurality of the votes cast in an election to fill  
1610 such public office. To be elected to the office of presidential electors, no slate of  
1611 candidates shall be required to receive a majority or plurality of the votes cast, but that slate  
1612 of candidates shall be elected to such office which receives the highest number of votes  
1613 cast."

1614

**SECTION 34.**

1615 Said chapter is further amended by revising Code Section 21-2-567, relating to intimidation  
1616 of electors, as follows:

1617 "21-2-567.

1618 (a) Any person who uses or threatens to use force and violence, or acts in any other  
1619 manner to intimidate any other person, to:

1620 (1) Vote or refrain from voting at any primary or election, or to vote or refrain from  
1621 voting for or against any particular candidate or question submitted to electors at such  
1622 primary or election; or

1623 (2) Place or refrain from placing his or her name upon a register of electors  
1624 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment  
1625 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,  
1626 or both.

1627 (b) As used in this Code section, the term 'acts in any other manner to intimidate' means  
1628 to undertake or pursue a knowing and willful course of conduct which causes emotional  
1629 distress by placing another person in reasonable fear for such person's safety or for the  
1630 safety of another person and which serves no legitimate purpose. Such term shall include  
1631 patrolling or observing within 1,000 feet of a polling place, advance voting location, or  
1632 drop box while openly carrying a firearm or other weapon.

1633

**SECTION 35.**

1634 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating  
1635 to entry into voting compartment or booth while another voting, interfering with elector,  
1636 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,  
1637 as follows:

1638 "(a) Any person who knowingly:  
 1639 (1) Goes into the voting compartment or voting machine booth while another is voting  
 1640 or marks the ballot or registers the vote for another, except in strict accordance with this  
 1641 chapter;  
 1642 (2) Interferes with any elector marking his or her ballot or registering his or her vote;  
 1643 (3) Attempts to induce any elector before depositing his or her ballot to show how he or  
 1644 she marks or has marked his or her ballot; or  
 1645 (4) Discloses to anyone how another elector voted, without said elector's consent, except  
 1646 when required to do so in any legal proceeding; ~~or~~  
 1647 ~~(5) Accepts an absentee ballot from an elector for delivery or return to the board of~~  
 1648 ~~registrars except as authorized by subsection (a) of Code Section 21-2-385~~  
 1649 shall be guilty of a felony."

1650

**SECTION 36.**

1651 Said chapter is further amended by revising Code Section 21-2-569, relating to interfering  
 1652 with poll officers, as follows:

1653 "21-2-569.

1654 (a) As used in this Code section, the term 'acts in any other manner to intimidate' means  
 1655 to undertake or pursue a knowing and willful course of conduct which causes emotional  
 1656 distress by placing another person in reasonable fear for such person's safety or for the  
 1657 safety of another person and which serves no legitimate purpose. Such term shall include  
 1658 patrolling or observing within 1,000 feet of a polling place, advance voting location, or  
 1659 drop box while openly carrying a firearm or other weapon.

1660 (b) Any person, including any poll officer, who willfully prevents any poll officer or other  
 1661 election official from performing the duties imposed on him or her by this chapter, who  
 1662 uses or threatens force or violence in a manner that would prevent a reasonable poll officer  
 1663 or election official from executing his or her duties, who materially interrupts or



1664 improperly interferes with the execution of a poll officer's or election official's duties, or  
1665 acts in any other manner to intimidate any poll officer or election official from faithfully  
1666 performing his or her duties as required by law shall be guilty of a felony."

1667 **SECTION 37.**

1668 Said chapter is further amended by adding a new Code section to read as follows:

1669 "21-2-605.

1670 Any person who knowingly distributes false information, whether such information is  
1671 contained in campaign materials or not, about any candidate, political body, political  
1672 organization, political party, or question submitted to the voters shall be guilty of a  
1673 misdemeanor. Any person who has been convicted of violating this Code section two or  
1674 more times shall be disqualified from holding or running for public office."

1675 **SECTION 38.**

1676 Said chapter is further amended by adding a new article to read as follows:

1677 "ARTICLE 16

1678 21-2-700.

1679 On and after January 1, 2024, each county election superintendent may opt to conduct all  
1680 primaries and elections in such county by mail in accordance with the provisions of this  
1681 article.

1682 21-2-701.

1683 Each active registered elector of the county shall automatically be issued a mail ballot for  
1684 each general or special election, general primary or special primary, or run-off election or

1685 primary. Each active registered elector shall continue to receive a ballot by mail until the  
1686 death or disqualification of the elector or cancellation of the elector's registration.

1687 21-2-702.

1688 (a) County election superintendents shall provide special absentee ballots to the board of  
1689 registrars to be used for primary or general elections and runoffs involving county, state,  
1690 or federal candidates. The board of registrars shall provide a special absentee ballot only  
1691 to a registered elector who completes an application stating that he or she will be unable  
1692 to vote and return a regular ballot by normal mail delivery within the period provided for  
1693 such ballots.

1694 (b) A special absentee ballot may not be requested more than 90 days before the applicable  
1695 primary or general election or runoff. The special absentee ballot shall list the offices and  
1696 questions which will appear on the primary or general election or run-off ballot. The  
1697 elector may use the special absentee ballot to write in the name of any eligible candidate  
1698 for each office as well as to vote on any question.

1699 (c) Write-in votes on special absentee ballots shall be counted in the same manner as  
1700 provided by law for the counting of other write-in votes. The county election  
1701 superintendent shall process and canvass the special absentee ballots provided for under  
1702 this Code section in the same manner as other ballots under this chapter.

1703 (d) An elector who requests a special absentee ballot under this Code section may also  
1704 request a regular ballot. If the regular ballot is properly cast and returned, the special  
1705 absentee ballot shall be void, and the county election superintendent shall reject it in whole  
1706 when special absentee ballots are processed.

1707 21-2-703.

1708 (a) Unless prohibited by court order, the board of registrars shall mail ballots to each  
1709 elector at least 18 days before each primary, election, or runoff and as soon as possible for  
1710 all subsequent registration changes.

1711 (b) Unless prohibited by court order, the board of registrars shall mail ballots to each  
1712 elector who is entitled to vote by absentee ballot under the federal Uniformed and Overseas  
1713 Citizens Absentee Voting Act, 52 U.S.C. Section 20302, et seq., as amended, at least 30  
1714 days before each special primary or special election that involves a state, county, or  
1715 municipal office; at least 45 days before each general primary or general election or any  
1716 special primary or special election that involves a federal office; and as soon as possible  
1717 prior to a runoff. A request for a ballot made by an elector who is entitled to vote by  
1718 absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act,  
1719 52 U.S.C. Section 20302, et seq., as amended, shall be processed immediately.

1720 (c) A registered elector may obtain a replacement ballot if his or her ballot is destroyed,  
1721 spoiled, lost, or not received. The elector may request the replacement ballot from the  
1722 board of registrars in his or her county of registration by telephone, by mail, electronically,  
1723 or in person. The board of registrars shall keep a record of each request for a replacement  
1724 ballot.

1725 (d) Each board of registrars shall certify to the Secretary of State the dates on which the  
1726 ballots were mailed or the reason for delay and the date the ballots will be mailed if the  
1727 ballots were not mailed on time as provided for in this Code section.

1728 (e) Failure to mail ballots as prescribed in this Code section shall be the sole reason for  
1729 contesting an election or for mounting any other legal challenge to the results of a general  
1730 or special primary, general or special election, or runoff.

1731 21-2-704.

1732 (a) The board of registrars shall mail to each elector a ballot, a security envelope in which  
1733 to conceal the ballot after voting, a larger envelope in which to return the security envelope,  
1734 a declaration that the elector must sign, and instructions on how to obtain information about  
1735 the election, how to mark the ballot, and how to return the ballot to the board of registrars.

1736 (b) The elector shall swear under penalty of perjury that he or she meets the qualifications  
1737 to vote and has not voted in any other jurisdiction during the current election. The  
1738 declaration shall clearly inform the elector that it is illegal to vote if he or she is not a  
1739 United States citizen and that it is illegal to cast a ballot or sign a ballot declaration on  
1740 behalf of another elector. The ballot materials shall provide space for the elector to sign the  
1741 declaration, indicate the date on which the ballot was cast, and include a telephone number  
1742 at which the elector can be contacted.

1743 (c) The elector shall be instructed to either return the ballot to the board of registrars no  
1744 later than 7:00 P.M. on the day of the primary, election, or runoff or mail the ballot to the  
1745 board of registrars with a postmark dated not later than the day of the election, primary, or  
1746 runoff.

1747 21-2-705.

1748 (a) The opening and subsequent processing of returned ballot envelopes may begin upon  
1749 receipt; however, the tabulation of ballots shall not commence until after 7:00 P.M. on the  
1750 day of the primary, election, or runoff.

1751 (b) The board of registrars shall examine both the postmark on the returned ballot envelope  
1752 and the signature on the declaration before processing each returned ballot. The ballot shall  
1753 either be received no later than 7:00 P.M. on the day of the primary, election, or runoff or  
1754 be postmarked no later than the day of the primary, election, or runoff. All personnel  
1755 assigned to verify signatures shall receive training on signature verification. Such  
1756 personnel shall verify that the elector's signature on the ballot declaration is the same as the

1757 signature of that elector in the registration files of the county. Verification may be  
1758 conducted by an automated verification system approved by the Secretary of State. A  
1759 discrepancy between the signature of the elector on the ballot declaration and the signature  
1760 of that elector in the registration files owing to the substitution of initials or the use of  
1761 common nicknames is permitted so long as the surname and handwriting clearly match  
1762 those on the registration files.

1763 (c) If the postmark is missing or illegible, the date on the ballot declaration to which the  
1764 elector has attested shall determine the validity as to the date and time of voting of that  
1765 ballot. For an elector who is entitled to vote by absentee ballot under the federal  
1766 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20302, et seq.,  
1767 as amended, the date on the declaration to which the elector has attested shall determine  
1768 the validity as to the date and time of voting of that ballot.

1769 21-2-706.

1770 Each board of registrars shall maintain in its office, open for public inspection, a record of  
1771 all electors who were issued a ballot and all electors who returned a ballot.

1772 21-2-707.

1773 (a) Each county election superintendent shall open a voting center in the county for each  
1774 primary, election, and runoff. The voting center shall be open during business hours during  
1775 the voting period, which shall begin at 7:00 A.M. 18 days before and end at 7:00 P.M. on  
1776 the day of the primary, election, or runoff.

1777 (b) The voting center shall provide ballots, provisional ballots, ballot marking devices,  
1778 sample ballots, instructions on how to properly cast a ballot, and a ballot drop box.

1779 (c) The voting center shall be accessible to persons with disabilities. Each state agency  
1780 and entity of local government shall permit the use of any of its accessible facilities as  
1781 voting centers when requested by a county election superintendent.

- 1782 (d) Before opening the voting center, the voting equipment shall be inspected to determine  
1783 if it has been properly prepared for voting.
- 1784 (e) The county election superintendent shall require any person desiring to vote at a voting  
1785 center to complete a voter's certificate as provided in Code Section 21-2-402 and provide  
1786 identification as provided in Code Section 21-2-417.
- 1787 (f) Provisional ballots shall be available at the voting center for use as provided in Code  
1788 Section 21-2-418.
- 1789 (g) An elector who has already returned a ballot but requests to vote at a voting center  
1790 shall be issued a provisional ballot. The election superintendent shall not count the  
1791 provisional ballot if he or she finds that the elector has also cast a regular ballot in that  
1792 primary, election, or runoff.
- 1793 (h) The county election superintendent shall prevent overflow of each ballot drop box to  
1794 allow an elector to deposit his or her ballot securely. Ballots shall be removed from a  
1795 ballot drop box by at least two people, with a record kept of the date and time ballots were  
1796 removed and the names of the people removing them. Ballots from drop boxes shall be  
1797 returned to the counting center in secured transport containers. A copy of the record shall  
1798 be placed in the container, and one copy shall be transported with the ballots to the  
1799 counting center, where the seal number shall be verified by the county election  
1800 superintendent or a designated representative. All ballot drop boxes shall be secured  
1801 at 7:00 P.M. on the day of the primary, election, or runoff.
- 1802 (i) Any elector who is in line at the voting center at 7:00 P.M. on the day of the primary,  
1803 election, or runoff shall be allowed to vote.
- 1804 (j) For each primary, election, or runoff, the county election superintendent may provide  
1805 election services at locations that are in addition to the voting center. The county election  
1806 superintendent shall have the discretion to establish additional locations and the days and  
1807 hours such locations shall be open; provided, however, that the county election  
1808 superintendent shall establish a minimum of one voting center per 15,000 registered

1809 electors in the county, or fraction thereof, and a minimum of one voting center in each city,  
 1810 town, and census designated place in the county with a post office.

1811 21-2-708.

1812 The county executive committee or, if there is no county executive committee, the state  
 1813 executive committee of each political party and political body having candidates whose  
 1814 names appear on the ballot for a primary, election, or runoff in such county shall have the  
 1815 right to designate two persons to act as election monitors; and each independent or  
 1816 nonpartisan candidate whose name appears on the ballot for a primary, election, or runoff  
 1817 in such county shall have the right to designate one person to act as an election monitor for  
 1818 the process of opening and scanning the ballots. In the event that the only issue to be voted  
 1819 upon in an election is a referendum question, the superintendent shall notify in writing the  
 1820 chief judge of the superior court of the county on or before the forty-fifth day prior to such  
 1821 election, and the chief judge shall appoint two electors of the county to monitor such  
 1822 process. The absence of monitors shall not prevent the processing of ballots."

1823 **SECTION 39.**

1824 Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and  
 1825 observances, is amended by revising subsections (a) and (b) of Code Section 1-4-1, relating  
 1826 to public and legal holidays and leave for observance of religious holidays not specifically  
 1827 provided for, as follows:

1828 "(a) The State of Georgia shall recognize and observe as public and legal holidays:

1829 (1) All days which have been designated as of January 1, 2022, as public and legal  
 1830 holidays by the federal government; ~~and~~

1831 (2) The Tuesday following the first Monday in November of each year; and

1832 ~~(2)(3)~~ All other days designated and proclaimed by the Governor as public and legal  
 1833 holidays or as days of fasting and prayer or other religious observance. In such

1834 designation, the Governor shall include at least one of the following dates: January 19,  
1835 April 26, ~~or June 3~~, or a suitable date in lieu thereof to commemorate the event or events  
1836 now observed by such dates.

1837 (b) The Governor shall close all state offices and facilities a minimum of 13 days  
1838 throughout the year and not more than 13 days in observance of the public and legal  
1839 holidays and other days set forth in subsection (a) of this Code section and shall specify the  
1840 days state offices and facilities shall be closed for such observances."

1841 **SECTION 40.**

1842 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1843 without such approval.

1844 **SECTION 41.**

1845 All laws and parts of laws in conflict with this Act are repealed.