

House Bill 886

By: Representatives Powell of the 32<sup>nd</sup>, Leverett of the 33<sup>rd</sup>, Jasperse of the 11<sup>th</sup>, Washburn of the 141<sup>st</sup>, Smith of the 18<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 primaries and elections generally, so as to provide for sealing of ballots and unused security  
3 paper in secure containers; to provide for chain of custody documentation and procedures;  
4 to provide for storage of unused security paper; to provide for related matters; to provide for  
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
9 elections generally, is amended by revising Code Section 21-2-372, relating to ballot  
10 description for optical scanning voting systems, as follows:

11 "21-2-372.

12 (a) Ballots shall be of suitable design, size, and stock to permit processing by a ballot  
13 scanner and shall be printed in black ink on clear, white, or colored material. Other than  
14 ballots delivered electronically to qualified electors who are entitled to vote by absentee  
15 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.  
16 Section 20301, et seq., the ballots shall be printed on security paper that incorporates

17 features which can be used to authenticate the ballot as an official ballot but which do not  
18 make the ballot identifiable to a particular elector.

19 (b) At the time the security paper is delivered to the election superintendent from the  
20 supplier of such paper, the security paper shall be placed in locked containers. Such  
21 containers shall be sealed with a numbered seal, the number of which shall be recorded on  
22 a tracking form maintained by the superintendent. Each person who takes possession of  
23 a container in which the security paper is enclosed shall provide written confirmation with  
24 date, time, and signature that the number of the seal on the container matches the number  
25 recorded on the tracking forms and that such seal has not been broken or otherwise  
26 tampered with or compromised. The tracking form shall also serve as a chain of custody  
27 document on which each person who takes possession of a container shall sign for the  
28 security paper therein. Such form shall remain with such containers until the security paper  
29 is used or destroyed in accordance with law.

30 (c) Security paper shall only be removed from a locked container for use as ballots or for  
31 necessary training or maintenance on election equipment. Any time security paper is  
32 removed from a locked container the removal, amount of paper removed, and the reason  
33 for such removal shall be noted on the tracking form."

34 **SECTION 2.**

35 Said chapter is further amended by revising Code Section 21-2-377, relating to custody and  
36 storage of optical scanning voting systems when not in use, as follows:

37 "21-2-377.

38 (a) The superintendent shall designate a person or persons who shall have custody of the  
39 ballot scanners of the county or municipality when they are not in use at a primary or  
40 election and shall provide for his or her compensation and for the safe storage and care of  
41 the ballot scanners.

42 (b) All ballot scanners and sealed containers of security paper, when not in use, shall be  
43 properly covered and stored in a suitable place or places."

44 **SECTION 3.**

45 Said chapter is further amended by revising subsection (c) of Code Section 21-2-382, relating  
46 to additional buildings as additional registrar's office or place of registration for receiving  
47 absentee ballots and for advance voting and drop boxes, as follows:

48 "(c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box  
49 as a means for absentee by mail electors to deliver their ballots to the board of registrars  
50 or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish  
51 additional drop boxes, subject to the limitations of this Code section, but may only  
52 establish additional drop boxes totaling the lesser of either one drop box for  
53 every 100,000 active registered voters in the county or the number of advance voting  
54 locations in the county. Any additional drop boxes shall be evenly geographically  
55 distributed by population in the county. Drop boxes established pursuant to this Code  
56 section shall be established at the office of the board of registrars or absentee ballot clerk  
57 or inside locations at which advance voting, as set forth in subsection (d) of Code  
58 Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be  
59 open during the hours of advance voting at that location. Such drop boxes shall be closed  
60 when advance voting is not being conducted at that location. All drop boxes shall be  
61 closed when the advance voting period ends, as set forth in subsection (d) of Code  
62 Section 21-2-385. The drop box location shall have adequate lighting and be under  
63 constant surveillance by an election official or his or her designee, law enforcement  
64 official, or licensed security guard. During an emergency declared by the Governor  
65 pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the  
66 board of registrars or absentee ballot clerk or outside of locations at which advance voting  
67 is taking place, subject to the other limitations of this Code section.

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

75 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and  
76 return of ballots deposited at each drop box at the conclusion of each day where advance  
77 voting takes place. Collection of ballots from a drop box shall be made by a team of at  
78 least two people. Any person collecting ballots from a drop box shall have sworn an oath  
79 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The  
80 collection team shall complete and sign a ballot transfer form as specified by the  
81 Secretary of State upon removing the ballots from the drop box which shall include the  
82 date, time, location, number of ballots, confirmation that the drop box was locked after  
83 the removal of the ballots, and the identity of each person collecting the ballots. The  
84 ballot transfer form shall also serve as an initial chain of custody document on which  
85 each person who takes possession of the ballots shall sign for such ballots. The ballots  
86 shall be placed in a locked transfer case upon being removed from the drop box. Such  
87 transfer case shall be sealed with a numbered seal, the number of which shall be recorded  
88 on the ballot transfer form. Each person who takes possession of the transfer case in  
89 which the ballots are enclosed shall provide written confirmation with date, time, and  
90 signature that the number of the seal on the ballot transfer case matches the number  
91 recorded on the ballot transfer forms and that such seal has not been broken or otherwise  
92 tampered with or compromised. The collection team shall then immediately transfer the  
93 ballots to the board of registrars or absentee ballot clerk, who shall process and store the  
94 ballots in the same manner as absentee ballots returned by mail are processed and stored.

95 The board of registrars, absentee ballot clerk, or a designee of the board of registrars or  
96 absentee ballot clerk shall verify that the number of the seal matches the number recorded  
97 on the ballot transfer form, verify that such seal has not been broken or otherwise  
98 tampered with or compromised, and sign the ballot transfer form upon receipt of the  
99 ballots from the collection team and include the date and time of signing and verification  
100 under this provision. Such form shall be considered a public record pursuant to Code  
101 Section 50-18-70.

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

#### 108 **SECTION 4.**

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

115 "21-2-386.

116 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,  
117 and stored under numbered seal in a manner that will prevent tampering and  
118 unauthorized access to and document the chain of custody, including the number of the  
119 seal, of all official absentee ballots received from absentee electors prior to the closing

120 of the polls on the day of the primary or election except as otherwise provided in this  
121 subsection.

122 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
123 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
124 number of the elector's Georgia driver's license number or state identification card  
125 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the  
126 absentee ballot envelope with the same information contained in the elector's voter  
127 registration records. If the elector has affirmed on the envelope that he or she does not  
128 have a Georgia driver's license or state identification card issued pursuant to Article 5  
129 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the  
130 elector's social security number and date of birth entered on the envelope with the same  
131 information contained in the elector's voter registration records. The registrar or clerk  
132 shall also confirm that the elector signed the oath and the person assisting the elector,  
133 if any, signed the required oath. If the elector has signed the elector's oath, the person  
134 assisting has signed the required oath, if applicable, and the identifying information  
135 entered on the absentee ballot envelope matches the same information contained in the  
136 elector's voter registration record, the registrar or clerk shall so certify by signing or  
137 initialing his or her name below the voter's oath. Each elector's name so certified shall  
138 be listed by the registrar or clerk on the numbered list of absentee voters prepared for  
139 his or her precinct.

140 (C) If the elector has failed to sign the oath, or if the identifying information entered  
141 on the absentee ballot envelope does not match the same information appearing in the  
142 elector's voter registration record, or if the elector has failed to furnish required  
143 information or information so furnished does not conform with that on file in the  
144 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the  
145 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason  
146 therefor. The board of registrars or absentee ballot clerk shall promptly notify the

147 elector of such rejection, a copy of which notification shall be retained in the files of  
148 the board of registrars or absentee ballot clerk for at least two years. Such elector shall  
149 have until the end of the period for verifying provisional ballots contained in  
150 subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection  
151 of the ballot. The elector may cure a failure to sign the oath, nonmatching identifying  
152 information, or missing information by submitting an affidavit to the board of registrars  
153 or absentee ballot clerk along with a copy of one of the forms of identification  
154 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.  
155 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's  
156 ballot, and that the elector is registered and qualified to vote in the primary, election,  
157 or runoff in question. If the board of registrars or absentee ballot clerk finds the  
158 affidavit and identification to be sufficient, the absentee ballot shall be counted.

159 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
160 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
161 ballot shall include with his or her application for an absentee ballot or in the outer oath  
162 envelope of his or her absentee ballot either one of the forms of identification listed in  
163 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
164 statement, government check, paycheck, or other government document that shows the  
165 name and address of such elector. If such elector does not provide any of the forms of  
166 identification listed in this subparagraph with his or her application for an absentee  
167 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
168 provisional ballot and such ballot shall only be counted if the registrars are able to  
169 verify current and valid identification of the elector as provided in this subparagraph  
170 within the time period for verifying provisional ballots pursuant to Code  
171 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify  
172 the elector that such ballot is deemed a provisional ballot and shall provide information

173 on the types of identification needed and how and when such identification is to be  
174 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

175 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
176 absentee electors, giving the name of the elector and the reason for the rejection in each  
177 case. Three copies of the numbered list of certified absentee voters and three copies of  
178 the numbered list of rejected absentee voters for each precinct shall be turned over to  
179 the poll manager in charge of counting the absentee ballots and shall be distributed as  
180 required by law for numbered lists of voters.

181 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
182 of the polls on the day of the primary or election shall be safely kept unopened by the  
183 board or absentee ballot clerk and then transferred to the appropriate clerk with the  
184 chain of custody documents provided for in subparagraph (a)(1)(A) of this Code section  
185 for storage in a manner that will prevent tampering with the numbered seal for the  
186 period of time required for the preservation of ballots used at the primary or election  
187 and shall then, without being opened, be destroyed in like manner as the used ballots  
188 of the primary or election. The board of registrars or absentee ballot clerk shall  
189 promptly notify the elector by first-class mail that the elector's ballot was returned too  
190 late to be counted and that the elector will not receive credit for voting in the primary  
191 or election. All such late absentee ballots shall be delivered to the appropriate clerk and  
192 stored as provided in Code Section 21-2-390.

193 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
194 States Department of Defense notifies the Secretary of State that the Department of  
195 Defense has implemented a system of expedited absentee voting for those electors  
196 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
197 eligible absentee electors who reside outside the county or municipality in which the  
198 primary, election, or runoff is held and are members of the armed forces of the United  
199 States, members of the merchant marine of the United States, spouses or dependents of

200 members of the armed forces or merchant marine residing with or accompanying such  
201 members, or overseas citizens that are postmarked by the date of such primary, election,  
202 or runoff and are received within the three-day period following such primary, election,  
203 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and  
204 included in the certified election results.

205 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary,  
206 election, or runoff, the election superintendent shall be authorized to open the outer oath  
207 envelope of absentee ballots that have been verified and accepted pursuant to  
208 subparagraph (a)(1)(B) of this Code section, remove the contents of such outer  
209 envelope, open the inner envelope marked 'Official Absentee Ballot,' and scan the  
210 absentee ballot using one or more ballot scanners. At least three persons who are  
211 registrars, deputy registrars, poll workers, or absentee ballot clerks must be present  
212 before commencing; and three persons who are registrars, deputy registrars, or absentee  
213 ballot clerks shall be present at all times while the storage containers are being unsealed  
214 and numbered seals verified with the documentation on the chain of custody forms and  
215 are being examined for integrity, while the absentee ballot envelopes are being opened,  
216 and while the absentee ballots are being scanned. However, no person shall tally,  
217 tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot scanner  
218 or any other equipment to produce any tally or tabulate, partial or otherwise, of the  
219 absentee ballots cast until the time for the closing of the polls on the day of the primary,  
220 election, or runoff except as provided in this Code section. Prior to beginning the  
221 process set forth in this paragraph, the superintendent shall provide written notice to the  
222 Secretary of State in writing at least seven days prior to processing and scanning  
223 absentee ballots. Such notice shall contain the dates, start and end times, and location  
224 or locations where absentee ballots will be processed and scanned. The superintendent  
225 shall also post such notice publicly in a prominent location in the superintendent's office  
226 and on the home page of the county election superintendent's website, if the county

227 election superintendent maintains such a website. The Secretary of State shall publish  
228 on his or her website the information he or she receives from superintendents stating  
229 the dates, times, and locations where absentee ballots will be processed.

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

- 245 (i) In any way interfering with the processing or scanning of absentee ballots or the  
246 conduct of the election;
- 247 (ii) Using or bringing into the room any photographic or other electronic monitoring  
248 or recording devices, cellular telephones, or computers;
- 249 (iii) Engaging in any form of campaigning or campaign activity;
- 250 (iv) Taking any action that endangers the secrecy and security of the ballots;
- 251 (v) Touching any ballot or ballot container;
- 252 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,  
253 whether partial or otherwise, any of the votes on the absentee ballots cast; and

254 (vii) Communicating any information that they see while monitoring the processing  
255 and scanning of the absentee ballots, whether intentionally or inadvertently, about any  
256 ballot, vote, or selection to anyone other than an election official who needs such  
257 information to lawfully carry out his or her official duties.

258 (C) The State Election Board shall promulgate rules requiring reconciliation  
259 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes  
260 are opened; secrecy of election results prior to the closing of the polls on the day of a  
261 primary, election, or runoff; and other protections to protect the integrity of the process  
262 set forth in this paragraph.

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

268 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
269 day of the primary, election, or runoff begin tabulating the absentee ballots. If the county  
270 election superintendent chooses to open the inner envelopes and begin tabulating such  
271 ballots prior to the close of the polls on the day of the primary, election, or runoff, the  
272 superintendent shall notify in writing, at least seven days prior to the primary, election,  
273 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot  
274 tabulation prior to the close of the polls. The county executive committee or, if there is  
275 no organized county executive committee, the state executive committee of each political  
276 party and political body having candidates whose names appear on the ballot for such  
277 election in such county shall have the right to designate two persons and each  
278 independent and nonpartisan candidate whose name appears on the ballot for such  
279 election in such county shall have the right to designate one person to act as monitors for  
280 such process. In the event that the only issue to be voted upon in an election is a

281 referendum question, the superintendent shall also notify in writing the chief judge of the  
282 superior court of the county who shall appoint two electors of the county to monitor such  
283 process.

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

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

294 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,  
295 election, or runoff, including the vote review panel required by Code Section 21-2-483,  
296 and all monitors and observers shall be sequestered until the time for the closing of the  
297 polls. All such persons shall have no contact with the news media; shall have no contact  
298 with other persons not involved in monitoring, observing, or conducting the tabulation;  
299 shall not use any type of communication device including radios, telephones, and cellular  
300 telephones; shall not utilize computers for the purpose of email, instant messaging, or  
301 other forms of communication; and shall not communicate any information concerning  
302 the tabulation until the time for the closing of the polls; provided, however, that  
303 supervisory and technical assistance personnel shall be permitted to enter and leave the  
304 area in which the tabulation is being conducted but shall not communicate any  
305 information concerning the tabulation to anyone other than the county election  
306 superintendent; the staff of the superintendent; those persons conducting, observing, or

307 monitoring the tabulation; and those persons whose technical assistance is needed for the  
308 tabulation process to operate.

309 (7) The absentee ballots shall be tabulated in accordance with the procedures of this  
310 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be  
311 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,  
312 for security. Such boxes or bags shall be sealed with numbered seals which shall be  
313 recorded on chain of custody documents and witnessed and verified by each person  
314 taking custody of such items by each such person's signature and date and time of taking  
315 custody. The persons conducting the tabulation of the absentee ballots shall not cause the  
316 tabulating equipment to produce any count, partial or otherwise, of the absentee votes  
317 cast until the time for the closing of the polls except as otherwise provided in this Code  
318 section.

319 (b) When requested by the superintendent, but not earlier than the third Monday prior to  
320 a primary, election, or runoff, a registrar or absentee ballot clerk shall deliver the official  
321 absentee ballot of each certified absentee elector, each rejected absentee ballot, applications  
322 for such ballots, and copies of the numbered lists of certified and rejected absentee electors  
323 to the location designated by the superintendent in secure, sealed containers with numbered  
324 seals with the chain of custody document forms specified by the Secretary of State on  
325 which shall be entered the seal number and the signature and date and time of the person  
326 who sealed the container, and the superintendent or official receiving such absentee ballots  
327 shall issue his or her receipt therefor after verifying the seal number on each container  
328 matches the number recorded on the chain of custody document form.

329 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened  
330 and tabulated as provided in this Code section. A manager shall then open the outer  
331 envelope in such manner as not to destroy the oath printed thereon and shall deposit the  
332 inner envelope marked 'Official Absentee Ballot' in a secure, sealed ballot box reserved for  
333 absentee ballots with accompanying chain of custody documentation forms. In the event

334 that an outer envelope is found to contain an absentee ballot that is not in an inner  
335 envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person  
336 sealing the inner envelope, and deposited in the ballot box and counted in the same manner  
337 as other absentee ballots, provided that such ballot is otherwise proper. Such manager with  
338 two assistant managers, appointed by the superintendent, with such clerks as the manager  
339 deems necessary shall count the absentee ballots following the procedures prescribed by  
340 this chapter for other ballots, insofar as practicable.

341 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may  
342 be reported by precinct; and separate returns shall be made for each precinct in which  
343 absentee ballots were cast showing the results by each precinct in which the electors reside.  
344 The superintendent shall utilize the procedures set forth in this Code section to ensure that  
345 the returns of verified and accepted absentee ballots cast are reported to the public as soon  
346 as possible following the closing of the polls on the day of the primary, election, or runoff.  
347 Failure to utilize these procedures to ensure that the returns of verified and accepted  
348 absentee ballots are reported as soon as possible following the close of polls shall subject  
349 the superintendent to sanctions by the State Election Board. If a superintendent fails to  
350 report the returns of verified and accepted absentee ballots by the day following the  
351 election at 5:00 P.M., the State Election Board may convene an independent performance  
352 review board pursuant to Code Section 21-2-107.

353 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
354 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer  
355 envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be  
356 a chain of custody form as specified by the Secretary of State on which is recorded and  
357 witnessed the number of the seal or seals attached and the name and signature of each  
358 person taking custody of such ballots; and it shall be counted as other challenged ballots  
359 are counted. Where direct recording electronic voting systems are used for absentee  
360 balloting and a challenge to an elector's right to vote is made prior to the time that the

361 elector votes, the elector shall vote on a paper or optical scanning ballot and such ballot  
362 shall be handled as provided in this subsection. The board of registrars or absentee ballot  
363 clerk shall promptly notify the elector of such challenge.

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

367 **SECTION 5.**

368 Said chapter is further amended by revising subsection (a) of Code Section 21-2-419, relating  
369 to validation of provisional ballots and reporting to Secretary of State, as follows:

370 "(a) A person shall cast a provisional ballot on the same type of ballot that is utilized by  
371 the county or municipality. Such provisional ballot shall be sealed in double envelopes as  
372 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot  
373 in a secure, sealed ballot box for which the number of the seal shall be recorded and  
374 witnessed on a chain of custody form as specified by the Secretary of State and the name  
375 and signature of the person or persons having custody of such ballots shall also be  
376 documented on such form. Such form shall remain with such ballots until such ballots are  
377 destroyed in accordance with law."

378 **SECTION 6.**

379 Said chapter is further amended by revising subsection (a) of Code Section 21-2-420, relating  
380 to procedure for counting and tabulation of votes, and by adding a new subsection to read as  
381 follows:

382 "(a) After the time for the closing of the polls and the last elector voting, the poll officials  
383 in each precinct shall complete the required accounting and related documentation for the  
384 precinct and shall advise the election superintendent of the total number of ballots cast at  
385 such precinct and the total number of provisional ballots cast. The chief manager and at

386 least one assistant manager shall post a copy of the tabulated results for the precinct on the  
387 door of the precinct and then immediately deliver all required documentation and election  
388 materials to the election superintendent in sealed containers accompanied by chain of  
389 custody forms on which are recorded and witnessed the number of the seal and the names  
390 and signatures of each person having custody of such ballots. The Upon receipt of such  
391 ballots, the election superintendent shall verify that the seal number on each container  
392 matches the number recorded on the chain of custody documentation forms and the election  
393 superintendent shall then ensure that such ballots are processed, counted, and tabulated as  
394 soon as possible and shall not cease such count and tabulation until all such ballots are  
395 counted and tabulated."

396 "(c) No ballots shall be handled without a poll watcher from each political party being  
397 present and without documentation on the chain of custody documentation forms of who  
398 is handling such ballots and when and why such ballots are being handled. After the  
399 activity requiring the handling of ballots is completed, such ballots shall be resealed in  
400 ballot boxes or other secure containers with numbered seals, the numbers of which shall  
401 be recorded and witnessed on chain of custody documentation forms as specified by the  
402 Secretary of State and shall be signed by the persons having custody of such ballots. Such  
403 chain of custody documentation forms shall remain with the ballots until such ballots are  
404 destroyed in accordance with law."

405 **SECTION 7.**

406 Said chapter is further amended by revising subsection (a) of Code Section 21-2-437, relating  
407 to procedure as to count and return of votes generally and void ballots, as follows:

408 "(a) After the polls close and as soon as all the ballots have been properly accounted for  
409 and those outside the ballot box as well as the voter's certificates, numbered list of voters,  
410 and electors list have been sealed with numbered seals, the poll officers shall confirm the  
411 seal number for the ballot box, open the ballot box, and take therefrom all ballots contained

412 therein. In primaries in which more than one ballot box is used, any ballots or stubs  
413 belonging to another party holding its primary in the same polling place shall be returned  
414 to the ballot box for the party for which they were issued, sealed with a numbered seal, and  
415 a chain of custody documentation form shall be completed with the number of the seal  
416 recorded on such form, and signed and witnessed. In primaries, separate tally and return  
417 sheets shall be prepared for each party, and separate poll officers shall be designated by the  
418 chief manager to count and tally each party's ballot. Where the same ballot box is being  
419 used by one or more parties, the ballots and stubs shall first be divided by party before  
420 being tallied and counted. The ballots shall then be counted one by one and a record made  
421 of the total number. Then the chief manager, together with such assistant managers and  
422 other poll officers as the chief manager may designate, under the scrutiny of one of the  
423 assistant managers and in the presence of the other poll officers, shall read aloud the names  
424 of the candidates marked or written upon each ballot, together with the office for which the  
425 person named is a candidate, and the answers contained on the ballots to the questions  
426 submitted, if any; and the other assistant manager and clerks shall carefully enter each vote  
427 as read and keep account of the same in ink on a sufficient number of tally papers, all of  
428 which shall be made at the same time. All ballots, after being removed from the box, shall  
429 be kept within the unobstructed view of all persons in the voting room until replaced in the  
430 box. No person, while handling the ballots, shall have in his or her hand any pencil, pen,  
431 stamp, or other means of marking or spoiling any ballot. The poll officers shall  
432 immediately proceed to canvass and compute the votes cast and shall not adjourn or  
433 postpone the canvass or computation until it shall have been fully completed. After  
434 completing the count of the ballots, such ballots shall be returned to the ballot boxes or  
435 other secure containers, sealed with numbered seals, and the numbers of such seals  
436 recorded on the accompanying chain of custody documentation form along with the names  
437 and signatures of the persons having custody of such ballots. Such form shall accompany  
438 the ballots until such ballots are destroyed in accordance with law."

439

**SECTION 8.**

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

442

**SECTION 9.**

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