Senate Bill 114

By: Senator McKoon of the 29th

A BILL TO BE ENTITLED
AN ACT

1   To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to

2   elections and primaries generally, so as to provide for the tabulation of advance voting

3   ballots in the same manner as absentee votes under certain circumstances; to provide for

4   related matters; to repeal conflicting laws; and for other purposes.

5   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6   **SECTION 1.**

7   Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and

8   primaries generally, is amended by revising paragraphs (3), (4), (5), (6), and (7) of subsection

9   (a) of Code Section 21-2-386, relating to safekeeping, certification, and validation of

10   absentee ballots, rejection of ballot, delivery of ballots to manager, duties of managers,

11   precinct returns, and notification of challenged elector, as follows:

12   "(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on

13   the day of the primary, election, or runoff open the inner envelopes in accordance with

14   the procedures prescribed in this subsection and begin tabulating the absentee ballots and

15   may begin processing and tabulating the advance voting ballots cast on direct recording

16   electronic (DRE) voting equipment. If the county election superintendent chooses to

17   open the inner envelopes and begin tabulating such ballots prior to the close of the polls

18   on the day of the primary, election, or runoff or to begin processing and tabulating the

19   advance voting ballots cast on DRE voting equipment, the superintendent shall notify in

20   writing, at least seven days prior to the primary, election, or runoff, the Secretary of State

21   of the superintendent's intent to begin the absentee ballot or advance voting tabulation

22   prior to the close of the polls. The county executive committee or, if there is no

23   organized county executive committee, the state executive committee of each political

24   party and political body having candidates whose names appear on the ballot for such

25   election in such county shall have the right to designate two persons and each

26   independent and nonpartisan candidate whose name appears on the ballot for such

27   election in such county shall have the right to designate one person to act as monitors for

28   such process. In the event that the only issue to be voted upon in an election is a

29   referendum question, the superintendent shall also notify in writing the chief judge of the

30   superior court of the county who shall appoint two electors of the county to monitor such

31   process.

32   (4)   The county election superintendent shall publish a written notice in the

33   superintendent's office of the superintendent's intent to begin the absentee ballot

34   tabulation or advance voting tabulation prior to the close of the polls and publish such

35   notice at least one week prior to the primary, election, or runoff in the legal organ of the

36   county.

37   (5) The process for opening the inner envelopes of and tabulating absentee ballots or

38   processing and tabulating advance voting ballots cast on DRE voting equipment on the

39   day of a primary, election, or runoff as provided in this subsection shall be a confidential

40   process to maintain the secrecy of all ballots and to protect the disclosure of any balloting

41   information before 7:00 P.M. on election day. No absentee or advance voting ballots

42   shall be tabulated before 7:00 A.M. on the day of a primary, election, or runoff.

43   (6) All persons conducting the tabulation of absentee or advance voting ballots during

44   the day of a primary, election, or runoff, including the vote review panel required by

45   Code Section 21-2-483, and all monitors and observers shall be sequestered until the time

46   for the closing of the polls. All such persons shall have no contact with the news media;

47   shall have no contact with other persons not involved in monitoring, observing, or

48   conducting the tabulation; shall not use any type of communication device including

49   radios, telephones, and cellular telephones; shall not utilize computers for the purpose of

50   e-mail, instant messaging, or other forms of communication; and shall not communicate

51   any information concerning the tabulation until the time for the closing of the polls;

52   provided, however, that supervisory and technical assistance personnel shall be permitted

53   to enter and leave the area in which the tabulation is being conducted but shall not

54   communicate any information concerning the tabulation to anyone other than the county

55   election superintendent; the staff of the superintendent; those persons conducting,

56   observing, or monitoring the tabulation; and those persons whose technical assistance is

57   needed for the tabulation process to operate.

58   (7) The absentee ballots shall be tabulated in accordance with the procedures of this

59   chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be

60   placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,

61   for security. The advance voting ballots cast on DRE voting equipment shall be tabulated

62   in accordance with the procedures for tabulating DRE ballots contained in Part 5 of

63   Article 9 of this chapter; provided, however, that no results from such DRE units shall

64   be transmitted by modem or other device prior to the close of the polls. The persons

65   conducting the tabulation of the absentee <u>or advance voting</u> ballots shall not cause the

66   tabulating equipment to produce any count, partial or otherwise, of the absentee <u>or</u>

67   <u>advance</u> votes cast until the time for the closing of the polls."

68   **SECTION 2.**

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