

Senate Bill 141

By: Senators Anavitarte of the 31st, McNeill of the 3rd, Thompson of the 14th, Robertson of the 29th, Hickman of the 4th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 elections and primaries generally, so as to provide for immediate counting and tabulation of  
3 ballots after the close of the polls until such counting and tabulation is completed; to provide  
4 notice of number of ballots cast; to provide for related matters; to repeal conflicting laws; and  
5 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 elections and  
9 primaries generally, is amended in Code Section 21-2-386, relating to safekeeping,  
10 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to  
11 manager, duties of managers, precinct returns, and notification of challenged elector, by  
12 adding a new subsection to read as follows:

13 "(g) After the close of the polls on the day of a primary, election, or runoff, the board of  
14 registrars shall notify the election superintendent of the total number of absentee ballots  
15 received by the close of the polls that were certified by the board of registrars, and the  
16 election superintendent shall post such information publicly.

(h) After the polls close, the certified absentee ballots that were received by the time for the closing of the polls shall be counted and tabulated, and such count and tabulation shall not cease until all such ballots have been tabulated. If the election superintendent has exercised the option under paragraph (3) of subsection (a) of this Code section to begin the count and tabulation of absentee ballots earlier than the close of the polls, then such count shall proceed until all certified absentee ballots that were received by the close of the polls have been counted and tabulated."

## **SECTION 2.**

Said chapter is further amended in Part 1 of Article 11, relating to general provisions regarding preparation for and conduct of primaries and elections, by adding a new Code section to read as follows:

"21-2-420.

(a) After the time for the closing of the polls and the last elector voting, the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast. In precincts using precinct-based counting or tabulation, the poll officials shall proceed to count and tabulate the ballots cast. Such poll officials shall not cease such count until all ballots have been counted or tabulated and vote totals obtained with the exception of provisional ballots. The chief manager and at least one assistant manager shall post a copy of the tabulated results for the precinct on the door of the precinct and then immediately deliver all required documentation and election materials to the election superintendent. In precincts using central counting or tabulation, the chief manager and at least one assistant manager shall, after completing the required accounting and related documentation for such precinct, immediately deliver all ballots and required documentation and election materials to the election superintendent or the counting and tabulating center designated by the election

superintendent for processing, counting, and tabulation. The election superintendent shall then ensure that such ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated.  
(b) The election superintendent shall ensure that each precinct notifies the election superintendent of the number of ballots cast and number of provisional ballots cast as soon as possible after the time for the closing of the polls and the last elector votes. The election superintendent shall post such information publicly."

### SECTION 3.

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

"(a) After the polls close and as soon as all the ballots have been properly accounted for and those outside the ballot box as well as the voter's certificates, numbered list of voters, and electors list have been sealed, the poll officers shall open the ballot box and take therefrom all ballots contained therein. In primaries in which more than one ballot box is used, any ballots or stubs belonging to another party holding its primary in the same polling place shall be returned to the ballot box for the party for which they were issued. In primaries, separate tally and return sheets shall be prepared for each party, and separate poll officers shall be designated by the chief manager to count and tally each party's ballot. Where the same ballot box is being used by one or more parties, the ballots and stubs shall first be divided by party before being tallied and counted. The ballots shall then be counted one by one and a record made of the total number. Then the chief manager, together with such assistant managers and other poll officers as the chief manager may designate, under the scrutiny of one of the assistant managers and in the presence of the other poll officers, shall read aloud the names of the candidates marked or written upon each ballot, together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any; and the other assistant manager and clerks

shall carefully enter each vote as read and keep account of the same in ink on a sufficient number of tally papers, all of which shall be made at the same time. All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person, while handling the ballots, shall have in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot. The poll officers shall immediately proceed to canvass and compute the votes cast and shall not adjourn or postpone the canvass or computation until it shall have been fully completed, ~~except that, in the discretion of the superintendent, the poll officers may stop the counting after all contested races and questions are counted, provided that the results of these contested races and questions are posted for the information of the public outside the polling place and the ballots are returned to the ballot box and deposited with the superintendent until counting is resumed on the following day."~~

#### SECTION 4.

Said chapter is further amended in Code Section 21-2-483, relating to counting of ballots, public accessibility to tabulating center and precincts, execution of ballot recap forms, and preparation of duplicate ballots, by adding new subsections to read as follows:

"(i) After the time for the closing of the polls and the last elector voting, the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast. In precincts using precinct-based counting or tabulation, the poll officials shall proceed to count and tabulate the ballots cast. Such poll officials shall not cease such count until all ballots have been counted or tabulated and vote totals obtained, with the exception of provisional ballots. The chief manager and at least one assistant manager shall post a copy of the tabulated results for the precinct on the door of the precinct and then immediately deliver all required documentation and election materials to the election superintendent. In precincts using

central counting or tabulation, the chief manager and at least one assistant manager shall, after completing the required accounting and related documentation for such precinct, immediately deliver all ballots and required documentation and election materials to the election superintendent or to the counting and tabulating center designated by the election superintendent for processing, counting, and tabulation. The election superintendent shall then ensure that such ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated.

(j) The election superintendent shall ensure that each precinct notifies the election superintendent of the number of ballots cast and number of provisional ballots cast as soon as possible after the time for the closing of the polls and the last elector votes. The election superintendent shall post such information publicly."

## **SECTION 5.**

Said chapter is further amended by revising Code Section 21-2-492, relating to computation and canvassing of returns, notice of when and where returns will be computed and canvassed, blank forms for making statements of returns, and swearing of assistants, as follows:

"21-2-492.

The superintendent shall arrange for the computation and canvassing of the returns of votes cast at each primary and election at his or her office or at some other convenient public place at the county seat or municipality following the close of the polls on the day of such primary or election with accommodations for those present insofar as space permits. An interested candidate or his or her representative shall be permitted to keep or check his or her own computation of the votes cast in the several precincts as the returns from the same are read, as directed in this article. The superintendent shall give at least one week's notice prior to the primary or election by publishing same in a conspicuous place in the superintendent's office, of the ~~time and place when and~~ where he or she will commence and hold his or her sessions for the computation and canvassing of the returns; and he or she

shall keep copies of such notice posted in his or her office during such period. The superintendent shall procure a sufficient number of blank forms of returns made out in the proper manner and headed as the nature of the primary or election may require, for making out full and fair statements of all votes which shall have been cast within the county or any precinct therein, according to the returns from the several precincts thereof, for any person voted for therein, or upon any question voted upon therein. The assistants of the superintendent in the computation and canvassing of the votes shall be first sworn by the superintendent to perform their duties impartially and not to read, write, count, or certify any return or vote in a false or fraudulent manner."

#### SECTION 6.

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

"(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the day ~~following the~~ of a primary or election, at his or her office or at some other convenient public place at the county seat or in the municipality, of which due notice shall have been given as provided by Code Section 21-2-492, publicly commence the computation and canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the close of the polls, including those cast by advance voting, and all ballots cast on the day of the primary or election have been counted and tabulated and the results of such tabulation released to the public and, then, continuing with provisional ballots as provided in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For this purpose the superintendent may organize his or her assistants into sections, each of ~~which~~ whom may simultaneously proceed with the computation and canvassing of the returns from various precincts of the county or municipality in the manner provided by this

147 Code section. Upon the completion of such computation and canvassing, the  
148 superintendent shall tabulate the figures for the entire county or municipality and sign,  
149 announce, and attest the same, as required by this Code section."

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**SECTION 7.**

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