

The Senate Committee on Ethics offered the following substitute to SB 225:

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:

SECTION 1.

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
7 primaries generally, is amended by revising paragraphs (3), (4), (5), (6), and (7) of subsection
8 (a) of Code Section 21-2-386, relating to safekeeping, certification, and validation of
9 absentee ballots, rejection of ballot, delivery of ballots to manager, duties of managers,
10 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 after 6:00 P.M. on the date of the primary, election,
17 or runoff. If the county election superintendent chooses to open the inner envelopes and
18 begin tabulating such ballots prior to the close of the polls on the day of the primary,
19 election, or runoff or to begin processing and tabulating the advance voting ballots cast
20 on DRE voting equipment, the superintendent shall notify in writing, at least seven days
21 prior to the primary, election, or runoff, the Secretary of State of the superintendent's
22 intent to begin the absentee ballot or advance voting tabulation prior to the close of the
23 polls. The county executive committee or, if there is no organized county executive
24 committee, the state executive committee of each political party and political body having
25 candidates whose names appear on the ballot for such election in such county shall have
26 the right to designate two persons and each independent and nonpartisan candidate whose

27 name appears on the ballot for such election in such county shall have the right to
28 designate one person to act as monitors for such process. In the event that the only issue
29 to be voted upon in an election is a referendum question, the superintendent shall also
30 notify in writing the chief judge of the superior court of the county who shall appoint two
31 electors of the county to monitor such 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 ballots shall be tabulated
42 before 7:00 A.M. on the day of a primary, election, or runoff and no advance voting
43 tabulation shall be permitted before 6:00 P.M. on the day of the primary, election, or
44 runoff.

45 (6) All persons conducting the tabulation of absentee or advance voting ballots during
46 the day of a primary, election, or runoff, including the vote review panel required by
47 Code Section 21-2-483, and all monitors and observers shall be sequestered until the time
48 for the closing of the polls. All such persons shall have no contact with the news media;
49 shall have no contact with other persons not involved in monitoring, observing, or
50 conducting the tabulation; shall not use any type of communication device including
51 radios, telephones, and cellular telephones; shall not utilize computers for the purpose of
52 e-mail, instant messaging, or other forms of communication; and shall not communicate
53 any information concerning the tabulation until the time for the closing of the polls;
54 provided, however, that supervisory and technical assistance personnel shall be permitted
55 to enter and leave the area in which the tabulation is being conducted but shall not
56 communicate any information concerning the tabulation to anyone other than the county
57 election superintendent; the staff of the superintendent; those persons conducting,
58 observing, or monitoring the tabulation; and those persons whose technical assistance is
59 needed for the tabulation process to operate.

60 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
61 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
62 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
63 for security. The advance voting ballots cast on DRE voting equipment shall be tabulated

64 in accordance with the procedures for tabulating DRE ballots contained in Part 5 of
65 Article 9 of this chapter; provided, however, that no results from such DRE units shall
66 be transmitted by modem or other device prior to the close of the polls. The persons
67 conducting the tabulation of the absentee or advance voting ballots shall not cause the
68 tabulating equipment to produce any count, partial or otherwise, of the absentee or
69 advance votes cast until the time for the closing of the polls."

70

SECTION 2.

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