

The Senate Committee on Ethics offered the following substitute to
SB 363:

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 time for opening and closing of the
3 polls; to provide for the tabulation of advance voting ballots in the same manner as absentee
4 votes under certain circumstances; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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
9 subsection (a) of Code Section 21-2-386, relating to safekeeping, certification, and validation
10 of absentee ballots, rejection of ballot, delivery of ballots to manager, duties of managers,
11 precinct returns, and notification of challenged elector, as follows:

13 "(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on
14 the day of the primary, election, or runoff, open the inner envelopes in accordance with
15 the procedures prescribed in this subsection and begin tabulating the absentee ballots and
16 may begin processing and tabulating the advance voting ballots cast on direct recording
17 electronic (DRE) voting equipment after 6:00 P.M. on the date of such primary, election,
18 or runoff. If the county election superintendent chooses to open the inner envelopes and
19 begin tabulating such ballots prior to the close of the polls on the day of the primary,
20 election, or runoff or to begin processing and tabulating the advance voting ballots cast
21 on DRE voting equipment, the superintendent shall notify in writing, at least seven days
22 prior to the primary, election, or runoff, the Secretary of State of the superintendent's
23 intent to begin the absentee ballot or advance voting tabulation prior to the close of the
24 polls. The county executive committee or, if there is no organized county executive
25 committee, the state executive committee of each political party and political body having
26 candidates whose names appear on the ballot for such election in such county shall have

27 the right to designate two persons and each independent and nonpartisan candidate whose
28 name appears on the ballot for such election in such county shall have the right to
29 designate one person to act as monitors for such process. In the event that the only issue
30 to be voted upon in an election is a referendum question, the superintendent shall also
31 notify in writing the chief judge of the superior court of the county who shall appoint two
32 electors of ~~the~~ such county to monitor such process.

33 (4) The county election superintendent shall publish a written notice in the
34 superintendent's office of the superintendent's intent to begin the absentee ballot
35 tabulation or advance voting tabulation prior to the close of the polls and publish such
36 notice at least one week prior to the primary, election, or runoff in the legal organ of the
37 county.

38 (5) The process for opening the inner envelopes of and tabulating absentee ballots or
39 processing and tabulating advance voting ballots cast on DRE voting equipment on the
40 day of a primary, election, or runoff as provided in this subsection shall be a confidential
41 process to maintain the secrecy of all ballots and to protect the disclosure of any balloting
42 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated
43 before 7:00 A.M. on the day of a primary, election, or runoff and no advance voting
44 tabulation shall be permitted before 6:00 P.M. on the day of the primary, election, or
45 runoff.

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

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

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

71 **SECTION 2.**

72 Said chapter is further amended by revising Code Section 21-2-403, relating to time for
 73 opening and closing of polls, as follows:

74 "21-2-403.

75 At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard time
 76 or eastern daylight time, whichever is applicable, and shall remain open continuously until
 77 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at which
 78 time they shall be closed; ~~provided, however, that, in all cities having a population of~~
 79 ~~300,000 or more according to the United States decennial census of 1970 or any future~~
 80 ~~such census, the polls shall remain open continuously until 8:00 P.M. eastern standard time~~
 81 ~~or eastern daylight time, whichever is applicable, during the cities' general elections, at~~
 82 ~~which time they shall be closed and provided, further, that, in a special election held to fill~~
 83 ~~a vacancy in an office in which the district represented by such office lies wholly within~~
 84 ~~the boundaries of a city, the polls shall close at the same time as for a municipal general~~
 85 ~~election in such city."~~

86 **SECTION 3.**

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