

The House Committee on Governmental Affairs offers 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 revise the dates for advance voting; to provide for  
3 the time for opening and closing of the polls; to provide for the tabulation of advance voting  
4 ballots in the same manner as absentee votes under certain circumstances; to provide for  
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
10 primaries generally, is amended by revising paragraph (1) of subsection (d) of Code  
11 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as  
12 follows:

13 "(d)(1) There shall be a period of advance voting that shall commence:

14 (A) On the fourth Monday immediately prior to each primary or election;

15 (B) On the fourth Monday immediately prior to a runoff from a general primary;

16 (C) On the fourth Monday immediately prior to a runoff from a general election in  
17 which there are candidates for a federal office on the ballot in the runoff; and

18 (D) As soon as possible prior to a runoff from any other general election in which there  
19 are only state or county candidates on the ballot in the runoff

20 and shall end on the Friday immediately prior to each primary, election, or runoff.

21 Voting shall be conducted during normal business hours on weekdays during such period  
22 and shall be conducted on either the ~~second~~ third Saturday or Sunday, but not both, prior  
23 to a primary or election during the hours of 9:00 A.M. through 4:00 P.M.; provided,  
24 however, that in primaries and elections in which there are no federal or state candidates  
25 on the ballot, no Saturday or Sunday voting hours shall be required; and provided,  
26 further, that, if such ~~second~~ third Saturday or Sunday is a public and legal holiday

27 pursuant to Code Section 1-4-1, if such ~~second~~ third Saturday or Sunday follows a public  
 28 and legal holiday occurring on the Thursday or Friday immediately preceding such  
 29 ~~second~~ third Saturday or Sunday, or if such ~~second~~ third Saturday or Sunday immediately  
 30 precedes a public and legal holiday occurring on the following ~~Sunday~~ or Monday, such  
 31 advance voting shall ~~not~~ be held on ~~such~~ the second Saturday ~~but shall be held on the~~  
 32 ~~third~~ Saturday or Sunday, ~~but not both~~, prior to such primary or election. Except as  
 33 otherwise provided in this paragraph, counties and municipalities may extend the hours  
 34 for weekday voting beyond regular business hours and may provide for additional voting  
 35 locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the  
 36 jurisdiction at their option."

37 **SECTION 2.**

38 Said chapter is further amended by revising paragraphs (3) through (7) of subsection (a) of  
 39 Code Section 21-2-386, relating to safekeeping, certification, and validation of absentee  
 40 ballots, rejection of ballot, delivery of ballots to manager, duties of managers, precinct  
 41 returns, and notification of challenged elector, as follows:

42 "(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on  
 43 the day of the primary, election, or runoff, open the inner envelopes in accordance with  
 44 the procedures prescribed in this subsection and begin tabulating the absentee ballots and  
 45 may begin processing and tabulating the advance voting ballots cast on direct recording  
 46 electronic (DRE) voting equipment after 6:00 P.M. on the date of such primary, election,  
 47 or runoff. If the county election superintendent chooses to open the inner envelopes and  
 48 begin tabulating such ballots prior to the close of the polls on the day of the primary,  
 49 election, or runoff or to begin processing and tabulating the advance voting ballots cast  
 50 on DRE voting equipment, the superintendent shall notify in writing, at least seven days  
 51 prior to the primary, election, or runoff, the Secretary of State of the superintendent's  
 52 intent to begin the absentee ballot or advance voting tabulation prior to the close of the  
 53 polls. The county executive committee or, if there is no organized county executive  
 54 committee, the state executive committee of each political party and political body having  
 55 candidates whose names appear on the ballot for such election in such county shall have  
 56 the right to designate two persons and each independent and nonpartisan candidate whose  
 57 name appears on the ballot for such election in such county shall have the right to  
 58 designate one person to act as monitors for such process. In the event that the only issue  
 59 to be voted upon in an election is a referendum question, the superintendent shall also  
 60 notify in writing the chief judge of the superior court of the county who shall appoint two  
 61 electors of ~~the~~ such county to monitor such process.

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

67 (5) The process for opening the inner envelopes of and tabulating absentee ballots or  
68 processing and tabulating advance voting ballots cast on DRE voting equipment on the  
69 day of a primary, election, or runoff as provided in this subsection shall be a confidential  
70 process to maintain the secrecy of all ballots and to protect the disclosure of any balloting  
71 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated  
72 before 7:00 A.M. on the day of a primary, election, or runoff and no advance voting  
73 tabulation shall be permitted before 6:00 P.M. on the day of the primary, election, or  
74 runoff.

75 (6) All persons conducting the tabulation of absentee ballots or advance voting ballots  
76 during the day of a primary, election, or runoff, including the vote review panel required  
77 by Code Section 21-2-483, and all monitors and observers shall be sequestered until the  
78 time for the closing of the polls. All such persons shall have no contact with the news  
79 media; shall have no contact with other persons not involved in monitoring, observing,  
80 or conducting the tabulation; shall not use any type of communication device including  
81 radios, telephones, and cellular telephones; shall not utilize computers for the purpose of  
82 e-mail, instant messaging, or other forms of communication; and shall not communicate  
83 any information concerning the tabulation until the time for the closing of the polls;  
84 provided, however, that supervisory and technical assistance personnel shall be permitted  
85 to enter and leave the area in which the tabulation is being conducted but shall not  
86 communicate any information concerning the tabulation to anyone other than the county  
87 election superintendent; the staff of the superintendent; those persons conducting,  
88 observing, or monitoring the tabulation; and those persons whose technical assistance is  
89 needed for the tabulation process to operate.

90 (7) The absentee ballots shall be tabulated in accordance with the procedures of this  
91 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be  
92 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,  
93 for security. The advance voting ballots cast on DRE voting equipment shall be tabulated  
94 in accordance with the procedures for tabulating DRE ballots contained in Part 5 of  
95 Article 9 of this chapter; provided, however, that no results from such DRE units shall  
96 be transmitted by modem or other device prior to the close of the polls. The persons  
97 conducting the tabulation of the absentee ballots shall not cause the tabulating equipment

98 to produce any count, partial or otherwise, of the absentee votes cast until the time for the  
99 closing of the polls."

100 **SECTION 3.**

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

103 "21-2-403.

104 At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard time  
105 or eastern daylight time, whichever is applicable, and shall remain open continuously until  
106 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at which  
107 time they shall be closed; ~~provided, however, that, in all cities having a population of~~  
108 ~~300,000 or more according to the United States decennial census of 1970 or any future~~  
109 ~~such census, the polls shall remain open continuously until 8:00 P.M. eastern standard time~~  
110 ~~or eastern daylight time, whichever is applicable, during the cities' general elections, at~~  
111 ~~which time they shall be closed and provided, further, that, in a special election held to fill~~  
112 ~~a vacancy in an office in which the district represented by such office lies wholly within~~  
113 ~~the boundaries of a city, the polls shall close at the same time as for a municipal general~~  
114 ~~election in such city."~~

115 **SECTION 4.**

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

118 **SECTION 5.**

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