

_____ offers the following
substitute to SB 202:

A BILL TO BE ENTITLED
AN ACT

1 To comprehensively revise elections and voting; to amend Chapter 2 of Title 21 of the
2 Official Code of Georgia Annotated, relating to elections and primaries generally, so as to
3 revise a definition; to provide for the establishment of a voter intimidation and illegal
4 election activities hotline; to limit the ability of the State Election Board and the Secretary
5 of State to enter into certain consent agreements, settlements, and consent orders; to provide
6 that the Secretary of State shall be a nonvoting ex officio member of the State Election
7 Board; to provide for the appointment, confirmation, term, and removal of the chairperson
8 of the State Election Board; to revise provisions relating to a quorum of such board; to
9 require the Secretary of State to support and assist the State Election Board; to provide for
10 the appointment of temporary and permanent replacement superintendents; to provide for
11 procedures; to provide for performance reviews of local election officials requested by the
12 State Election Board or local governing authorities; to provide for a definition; to provide for
13 appointment and duties of performance review boards; to provide for reports of performance
14 review boards; to provide for promulgation of rules and regulations; to provide additional
15 requirements on the State Election Board's power to adopt emergency rules and regulations;
16 to provide that no election superintendents or boards of registrars shall accept private
17 funding; to provide that the State Election Board shall develop methods for distribution of
18 donations; to provide that certain persons may serve as poll workers in other than the county

19 of their residence; to provide for the appointment of acting election superintendents in the
20 event of a vacancy or incapacitation in the office of judge of the probate court of counties
21 without a board of elections; to provide for resumption of the duties of election
22 superintendent upon the filling of such vacancy; to provide for the compensation of such
23 acting election superintendents; to provide for the reduction in size of certain precincts under
24 certain circumstances; to provide for notice when polling places are relocated; to provide for
25 certain reports; to provide limitations on the use of buses and other moveable facilities; to
26 provide for allocation of voting equipment by counties and municipalities; to provide for the
27 manner of handling the death of a candidate prior to a nonpartisan election; to provide that
28 no candidate shall take or be sworn into any elected public office unless such candidate has
29 received a majority of the votes cast for such office except as otherwise provided by law; to
30 provide for participation in a multistate voter registration system; to revise procedures and
31 standards for challenging electors; to provide for the printing of ballots on safety paper; to
32 provide for the time and manner for applying for absentee ballots; to provide for certain
33 limitations and sanctions on the distribution of absentee ballot applications; to provide for
34 the manner of processing of absentee ballot applications; to provide for absentee ballot
35 secure receptacles and the requirements therefor; to provide for the time and manner of
36 issuing absentee ballots; to provide for the manner of voting and returning absentee ballots;
37 to revise the times for advance voting; to limit changes to advance voting locations in the
38 period prior to an election; to provide notice requirements for changes of advance voting
39 locations; to provide for the processing and tabulation of absentee ballots; to provide
40 sanctions for improperly opening an absentee ballot; to provide for certain elector
41 identification for absentee balloting; to provide for monitors and observers; to provide for
42 poll watcher training; to provide for restrictions on the distribution of certain items within
43 close proximity to the polls on election days; to provide for the voting and processing of
44 provisional ballots; to provide for duplication panels for defective ballots that cannot be
45 processed by tabulating machines; to provide for ranked choice voting for military and

46 overseas voters; to revise the time for runoffs; to revise eligibility to vote in runoffs; to
47 provide for the deadline for election certification; to provide for a pilot program for the
48 scanning and publishing of ballots; to provide for the inspection and copying of original
49 ballots by certain persons following the completion of a recount; to provide for special
50 primaries and special elections to fill vacancies in certain offices; to provide for public notice
51 and observation of preparation of voting equipment; to provide for observation of elections
52 and ballot processing and counting; to provide for the filling of vacancies in certain offices;
53 to prohibit observing or attempting to observe how a voter marks or has marked his or her
54 ballot or inducing a voter to do so; to prohibit the acceptance of a ballot for return without
55 authorization; to amend Chapter 35 of Title 36 of the Official Code of Georgia Annotated,
56 relating to home rule powers, so as to provide for the delay of reapportionment of municipal
57 corporation election districts when census numbers are delayed; to amend Title 50 of the
58 Official Code of Georgia Annotated, relating to general provisions regarding state
59 government, so as to provide for the submission and suspension of emergency rules by the
60 State Election Board; to provide that scanned ballot images are public records; to provide for
61 legislative findings; to provide for related matters; to provide for effective dates; to repeal
62 conflicting laws; and for other purposes.

63 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

64 **SECTION 1.**

65 The General Assembly finds and declares that:

66 (1) Following the 2018 and 2020 elections, there was a significant lack of confidence in
67 Georgia election systems, with many electors concerned about allegations of rampant voter
68 suppression and many electors concerned about allegations of rampant voter fraud;

- 69 (2) Many Georgia election processes were challenged in court, including the subjective
70 signature-matching requirements, by Georgians on all sides of the political spectrum before
71 and after the 2020 general election;
- 72 (3) The stress of the 2020 elections, with a dramatic increase in absentee-by-mail ballots
73 and pandemic restrictions, demonstrated where there were opportunities to update existing
74 processes to reduce the burden on election officials and boost voter confidence;
- 75 (4) The changes made in this legislation in 2021 are designed to address the lack of elector
76 confidence in the election system on all sides of the political spectrum, to reduce the
77 burden on election officials, and to streamline the process of conducting elections in
78 Georgia by promoting uniformity in voting. Several examples will help explain how these
79 goals are achieved;
- 80 (5) The broad discretion allowed to local officials for advance voting dates and hours led
81 to significant variations across the state in total number of hours of advance voting,
82 depending on the county. More than 100 counties have never offered voting on Sunday,
83 while many metro Atlanta counties did so in 2020. As a result, standardized advance
84 voting hours means a dramatic increase in voting hours for some counties with slight
85 decreases in other counties, but uniformity across the state will be achieved and all voters
86 in Georgia will have access to multiple opportunities to vote in person on the weekend for
87 the first time;
- 88 (6) Some counties in 2020 received significant infusions of grant funding for election
89 operations, while other counties received no such funds. Promoting uniformity in the
90 distribution of funds to election operations will boost voter confidence and ensure that there
91 is no political advantage conferred by preferring certain counties over others in the
92 distribution of funds;
- 93 (7) Elections in Georgia are administered by counties, but that can lead to problems for
94 voters in counties with dysfunctional election systems. Counties with long-term problems
95 of lines, problems with processing of absentee ballots, and other challenges in

96 administration need accountability, but state officials are limited in what they are able to
97 do to address those problems. Ensuring there is a mechanism to address local election
98 problems will promote voter confidence and meet the goal of uniformity;

99 (8) Elections are a public process and public participation is encouraged by all involved,
100 but the enthusiasm of some outside groups in sending multiple absentee ballot applications
101 in 2020, often with incorrectly filled-in voter information, led to significant confusion by
102 electors. Clarifying the rules regarding absentee ballot applications will build elector
103 confidence while not sacrificing the opportunities for electors to participate in the process;

104 (9) The lengthy absentee ballot process also led to elector confusion, including electors
105 who were told they had already voted when they arrived to vote in person. Creating a
106 definite period of absentee voting will assist electors in understanding the election process
107 while also ensuring that opportunities to vote are not diminished, especially when many
108 absentee ballots issued in the last few days before the election were not successfully voted
109 or were returned late;

110 (10) Opportunities for delivering absentee ballots to a drop box were first created by the
111 State Election Board as a pandemic response. The drop boxes created by rule no longer
112 existed in Georgia law when the emergency rules that created them expired. The General
113 Assembly considered a variety of options and constructed a system that allows the use of
114 secured containers, while also ensuring the security of the system;

115 (11) The lengthy nine-week runoffs in 2020 were exhausting for candidates, donors, and
116 electors. By adding ranked choice voting for military and overseas voters, the run-off
117 period can be shortened to a more manageable period for all involved, easing the burden
118 on election officials and on electors;

119 (12) Counting absentee ballots in 2020 took an incredibly long time in some counties.
120 Creating processes for early processing and scanning of absentee ballots will promote voter
121 confidence by ensuring that results are reported quickly;

122 (13) The sanctity of the precinct was also brought into sharp focus in 2020, with many
123 groups approaching electors while they waited in line. Protecting electors from improper
124 interference, political pressure, or intimidation while waiting in line to vote is of paramount
125 importance to protecting the election system and ensuring elector confidence;

126 (14) Ballot duplication for provisional ballots and other purposes places a heavy burden
127 on election officials. The number of duplicated ballots has continued to rise dramatically
128 from 2016 through 2020. Reducing the number of duplicated ballots will significantly
129 reduce the burden on election officials and creating bipartisan panels to conduct duplication
130 will promote elector confidence;

131 (15) In considering the changes in 2021, the General Assembly heard hours of testimony
132 from electors, election officials, and attorneys involved in voting. The General Assembly
133 made significant modifications through the legislative process as it weighed the various
134 interests involved, including adding further weekend voting, changing parameters for
135 out-of-precinct voting, and adding transparency for ballot images; and

136 (16) While each of the changes in this legislation in 2021 stands alone and is severable
137 under Code Section 1-1-3, the changes in total reflect the General Assembly's considered
138 judgment on the changes required to Georgia's election system to make it "easy to vote and
139 hard to cheat," applying the lessons learned from conducting an election in the 2020
140 pandemic.

141 **SECTION 2.**

142 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
143 primaries generally, is amended by revising paragraph (35) of Code Section 21-2-2, relating
144 to definitions, as follows:

145 "(35) 'Superintendent' means:

- 146 (A) Either the judge of the probate court of a county or the county board of elections,
 147 the county board of elections and registration, the joint city-county board of elections,
 148 or the joint city-county board of elections and registration, if a county has such;
 149 (B) In the case of a municipal primary, the municipal executive committee of the
 150 political party holding the primary within a municipality or its agent or, if none, the
 151 county executive committee of the political party or its agent;
 152 (C) In the case of a nonpartisan municipal primary, the person appointed by the proper
 153 municipal executive committee; ~~and~~
 154 (D) In the case of a municipal election, the person appointed by the governing
 155 authority pursuant to the authority granted in Code Section 21-2-70; and
 156 (E) In the case of the State Election Board exercising its powers under subsection (f)
 157 of Code Section 21-2-33.1, the individual appointed by the State Election Board to
 158 exercise the power of election superintendent."

159 **SECTION 3.**

160 Said chapter is further amended by revising Code Section 21-2-3, which was previously
 161 reserved, as follows:

162 "21-2-3.

163 The Attorney General shall have the authority to establish and maintain a telephone hotline
 164 for the use of electors of this state to file complaints and allegations of voter intimidation
 165 and illegal election activities. Such hotline shall, in addition to complaints and reports
 166 from identified persons, also accept anonymous tips regarding voter intimidation and
 167 election fraud. The Attorney General shall have the authority to review each complaint or
 168 allegation of voter intimidation or illegal election activities within three business days or
 169 as expeditiously as possible and determine if such complaint or report should be
 170 investigated or prosecuted. ~~Reserved."~~

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SECTION 4.

Said chapter is further amended by revising Code Section 21-2-30 relating to creation, composition, terms of service, vacancies, quorum, seal, bylaws, and meetings of the State Board of Elections as follows:

"21-2-30.

(a) There is created a state board to be known as the State Election Board, to be composed of ~~the Secretary of State~~ a chairperson elected by the General Assembly, an elector to be elected by a majority vote of the Senate of the General Assembly at its regular session held in each odd-numbered year, an elector to be elected by a majority vote of the House of Representatives of the General Assembly at its regular session held in each odd-numbered year, and a member of each political party to be nominated and appointed in the manner provided in this Code section. No person while a member of the General Assembly shall serve as a member of the board.

(a.1)(1) The chairperson shall be elected by the General Assembly in the following manner: A joint resolution which shall fix a definite time for the nomination and election of the chairperson may be introduced in either branch of the General Assembly. Upon passage of the resolution by a majority vote of the membership of the Senate and House of Representatives, it shall be the duty of the Speaker of the House of Representatives to call for the nomination and election of the chairperson at the time specified in the resolution, at which time the name of the qualified person receiving a majority vote of the membership of the House of Representatives shall be transmitted to the Senate for confirmation. Upon the qualified person's receiving a majority vote of the membership of the Senate, he or she shall be declared the duly elected chairperson; and the Governor shall be notified of his or her election by the Secretary of the Senate. The Governor is directed to administer the oath of office to the chairperson and to furnish the chairperson with a properly executed commission of office certifying his or her election.

197 (2) The chairperson of the board shall be nonpartisan. At no time during his or her
198 service as chairperson shall the chairperson actively participate in a political party
199 organization or in the campaign of a candidate for public office, nor shall he or she make
200 any campaign contributions to a candidate for public office. Furthermore, to qualify for
201 appointment as chairperson, in the two years immediately preceding his or her
202 appointment, a person shall not have qualified as a partisan candidate for public office,
203 participated in a political party organization or the campaign of a partisan candidate for
204 public office, or made any campaign contributions to a partisan candidate for public
205 office.

206 (3) The term of office of the chairperson shall continue until a successor is elected as
207 provided in paragraph (1) of this subsection. In the event of a vacancy in the position of
208 chairperson at a time when the General Assembly is not in session, it shall be the duty of
209 the Governor and the Governor is empowered and directed to appoint a chairperson
210 possessing the qualifications as provided in this subsection who shall serve as chairperson
211 until the next regular session of the General Assembly, at which time the nomination and
212 election of a chairperson shall be held by the General Assembly as provided in
213 paragraph (1) of this subsection.

214 (b) A member elected by a house of the General Assembly shall take office on the day
215 following the adjournment of the regular session in which elected and shall serve for a term
216 of two years and until his or her successor is elected and qualified, unless sooner removed.
217 An elected member of the board may be removed at any time by a majority vote of the
218 house which elected him or her. In the event a vacancy should occur in the office of such
219 a member of the board at a time when the General Assembly is not in session, then the
220 President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior
221 incumbent of such office was elected by the Senate or appointed by the President of the
222 Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector
223 to fill the vacancy if the prior incumbent of such office was elected by the House of

224 Representatives or appointed by the Speaker of the House of Representatives. A member
225 appointed to fill a vacancy may be removed at any time by a majority vote of the house
226 whose presiding officer appointed him or her.

227 (c) Within 30 days after April 3, 1968, the state executive committee of each political
228 party shall nominate a member of its party to serve as a member of the State Election Board
229 and, thereupon, the Governor shall appoint such nominee as a member of the board to serve
230 for a term of two years from the date of the appointment and until his or her successor is
231 elected and qualified, unless sooner removed. Thereafter, such state executive committee
232 shall select a nominee for such office on the board within 30 days after a vacancy occurs
233 in such office and shall also select a nominee at least 30 days prior to the expiration of the
234 term of each incumbent nominated by it; and each such nominee shall be immediately
235 appointed by the Governor as a member of the board to serve for the unexpired term in the
236 case of a vacancy, and for a term of two years in the case of an expired term. Each
237 successor, other than one appointed to serve an unexpired term, shall serve for a term of
238 two years; and the terms shall run consecutively from the date of the initial gubernatorial
239 appointment. No person shall be eligible for nomination by such state executive committee
240 unless he or she is an elector and a member in good standing of the political party of the
241 committee. Such a member shall cease to serve on the board and his or her office shall be
242 abolished if and when his or her political organization shall cease to be a 'political party'
243 as defined in Code Section 21-2-2.

244 (d) The Secretary of State shall be ~~the chairperson of the board~~ an ex officio nonvoting
245 member of the board. Three voting members of the board shall constitute a quorum, and
246 no vacancy on the board shall impair the right of the quorum to exercise all the powers and
247 perform all the duties of the board. The board shall adopt a seal for its use and bylaws for
248 its own government and procedure.

249 (e) Meetings shall be held whenever necessary for the performance of the duties of the
250 board on call of the chairperson or whenever any two of its members so request. Minutes

251 shall be kept of all meetings of the board and a record kept of the vote of each member on
252 all questions coming before the board. The chairperson shall give to each member of the
253 board prior notice of the time and place of each meeting of the board.

254 (f) If any member of the board, other than the Secretary of State, shall qualify as a
255 candidate for any public office which is to be voted upon in any primary or election
256 regulated by the board, that member's position on the board shall be immediately vacated
257 and such vacancy shall be filled in the manner provided for filling other vacancies on the
258 board."

259 **SECTION 5.**

260 Said chapter is further amended in Code Section 21-2-33.1, relating to enforcement of
261 chapter, by adding new subsections to read as follows:

262 "(f) After following the procedures set forth in Code Section 21-2-33.2, the State Election
263 Board may suspend county or municipal superintendents and appoint an individual to serve
264 as the temporary superintendent in a jurisdiction. Such individual shall exercise all the
265 powers and duties of a superintendent as provided by law, including the authority to make
266 all personnel decisions related to any employees of the jurisdiction who assist with carrying
267 out the duties of the superintendent, including, but not limited to, the director of elections,
268 the election supervisor, and all poll officers.

269 (g) At no time shall the State Election Board suspend more than eight county or municipal
270 superintendents pursuant to subsection (f) of this Code section.

271 (h) The Secretary of State shall, upon the request of the State Election Board, provide any
272 and all necessary support and assistance that the State Election Board, in its sole discretion,
273 determines is necessary to enforce this chapter or to carry out or conduct any of its duties."

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SECTION 6.

Such chapter is further amended in Subpart 1 of Part 1 of Article 2, relating to the State Election Board, by adding a new Code section to read as follows:

"21-2-33.2.

(a) The following elected officials may petition the State Election Board, through the Secretary of State, for extraordinary relief pursuant to this Code section:

(1) Any county commissioner;

(2) For counties represented by more than three members of the Georgia House of Representatives and more than three members of the Georgia State Senate, at least two members of the Georgia House of Representatives and two members of the Georgia State Senate who represent the county;

(3) For counties represented by fewer than four members of the Georgia House of Representatives and four members of the Georgia State Senate, at least one member of the Georgia House of Representatives and one member of the Georgia State Senate who represent the county; and

(4) The governing authority of a county or municipality, as applicable, following a recommendation based on an investigation by a performance review board pursuant to Code Section 21-2-106.

(b) In addition to the authority provided in Code Section 21-2-33.1 and notwithstanding any provisions of law to the contrary, upon receipt of a petition filed pursuant to subsection (a) of this Code section or a report under Part 5 of this article, the State Election Board may suspend a county or municipal superintendent pursuant to this Code section if at least three members of the board find, after notice and hearing, that:

(1) By a preponderance of the evidence, a county or municipal superintendent has committed at least three violations of this title or of State Election Board rules and regulations, in the last two general election cycles; and the county or municipal superintendent has not sufficiently remedied the violations; or

301 (2) By clear and convincing evidence, the county or municipal superintendent has, for
302 at least two elections within a two-year period, demonstrated nonfeasance, malfeasance,
303 or gross negligence in the administration of the elections.

304 (c) Upon receiving a petition pursuant to subsection (a) of this Code section, the State
305 Election Board shall conduct a preliminary investigation to determine if sufficient cause
306 exists to proceed to a full hearing on the petition. Such preliminary investigation shall be
307 followed by a preliminary hearing which shall take place not less than 30 days nor more
308 than 90 days after the Secretary of State receives the petition. Service of the petition shall
309 be made by hand delivery or by statutory overnight delivery to the Secretary of State's
310 office. At such preliminary hearing, the State Election Board shall determine if sufficient
311 cause exists to proceed to a full hearing on the petition or if the petition should be
312 dismissed. The State Election Board shall promulgate rules and regulations for conducting
313 such preliminary investigation and preliminary hearing.

314 (d) A majority of the members of a board of elections, board of elections and registration,
315 or county commission; a probate judge who serves as election superintendent, or, for a sole
316 commissioner form of government, a sole commissioner may petition the Secretary of State
317 to continue any hearing scheduled pursuant to this Code section. Upon a showing of good
318 cause, the State Election Board may in its sound discretion continue any such hearing.
319 Notwithstanding any other provision of law, deliberations held on such petition by the State
320 Election Board shall not be open to the public; provided, however, that testimony shall be
321 taken in an open meeting and a vote on the recommendation shall be taken in an open
322 meeting following the hearing or at the next regularly scheduled meeting.

323 (e)(1) If the State Election Board makes a finding in accordance with subsection (b) of
324 this Code section, it may suspend the superintendent or board of registrars with pay and
325 appoint an individual to serve as the temporary superintendent. The temporary
326 superintendent who is appointed shall be otherwise qualified to serve or meet the
327 necessary qualifications within three months of appointment.

328 (2) Any superintendent suspended under this Code section may petition the Secretary of
329 State for reinstatement no earlier than 30 days following suspension and no later than 60
330 days following suspension. In the event that a suspended superintendent or registrar does
331 not petition for reinstatement within the allotted time period, his or her suspension shall
332 be converted into permanent removal, and the temporary superintendent shall become a
333 permanent superintendent subject to removal by the jurisdiction not less than nine months
334 after his or her appointment.

335 (3) If, after the expiration of the nine-month period following the appointment, the
336 jurisdiction removes the permanent superintendent, any provisions of local or general law
337 governing appointment of the superintendent shall govern the appointment of the
338 superintendent.

339 (4) If, at any time after the expiration of the nine-month period following the
340 appointment, at least three members of the State Election Board find, after notice and
341 hearing, that the jurisdiction no longer requires a superintendent appointed under this
342 Code section, any provisions of local or general law governing appointment of the
343 superintendent shall govern the appointment of the superintendent.

344 (f) Upon petition for reinstatement by a superintendent suspended pursuant to a finding
345 under paragraph (1) of subsection (b) of this Code section, the State Election Board shall
346 conduct a hearing for the purpose of receiving evidence relative to whether the
347 superintendent's continued service as superintendent is more likely than not to improve the
348 ability of the jurisdiction to conduct elections in a manner that complies with this chapter.
349 The suspended superintendent shall be given at least 30 days' notice prior to such hearing
350 and such hearing shall be held no later than 90 days after the petition is filed in accordance
351 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the
352 State Election Board shall have the power to call witnesses and request documents on its
353 own initiative. If the State Election Board denies the petition, it shall be deemed a final
354 agency decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

355 and it may be appealed in a manner consistent with Code Section 50-13-19. The Attorney
 356 General or his or her designee shall represent the interests of the State Election Board in
 357 any such judicial review.

358 (g) A local government shall not expend any public funds for attorneys' fees or expenses
 359 of litigation relating to the proceedings initiated pursuant to this Code section except to the
 360 extent such fees and expenses are incurred prior to and through the recommendation of the
 361 State Election Board as provided in subsection (b) of this Code section; provided, however,
 362 that nothing in this subsection shall be construed to prohibit an insurance provider from
 363 covering attorneys' fees or expenses of litigation under an insurance policy. Any
 364 suspended superintendent who is reinstated by the State Election Board pursuant to this
 365 Code section may be reimbursed by the local government for his or her reasonable
 366 attorneys' fees and related expenses incurred in pursuing such reinstatement.

367 (h) For purposes of this Code section, where a judge of probate court serves as the
 368 superintendent, the suspension authorized by this Code section shall apply only to the judge
 369 of probate court's duties as a superintendent and not as a judge of probate court.

370 (i) When the State Election Board exercises its authority under subsection (f) of Code
 371 Section 21-2-33.1, the jurisdiction involved shall not diminish or reduce the funds already
 372 budgeted or appropriated by the jurisdiction pursuant to Code Section 21-2-71 and shall
 373 pay any necessary and reasonable funds over that amount, as determined by the temporary
 374 superintendent, to faithfully carry out their obligations under Code Section 21-2-70."

375 **SECTION 7.**

376 Said chapter is further amended in Subpart 1 of Part 1 of Article 2, relating to the State
 377 Election Board, by adding new Code sections to read as follows:

378 "21-2-35.

379 (a) Notwithstanding any other provision of this chapter, Chapter 3 of Title 38, relating to
 380 emergency management, or Chapter 13 of Title 50, the "Georgia Administrative Procedure

381 Act," to the contrary, the State Election Board may only adopt emergency rules or
382 regulations in circumstances of imminent peril to public health, safety, or welfare. To
383 adopt any such emergency rule or regulation, in addition to any other rule-making
384 requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

385 (1) Give notice to the public of its intended action;
386 (2) Immediately upon the setting of the date and time of the meeting at which such
387 emergency rule or regulation is to be considered give notice by email of its intended
388 action to:

389 (A) The Governor;

390 (B) The Lieutenant Governor;

391 (C) The Speaker of the House of Representatives;

392 (D) The chairpersons of the standing committees of each house of the General
393 Assembly tasked with election matters;

394 (E) Legislative counsel; and

395 (F) The chief executive officer of each political party registered pursuant to subsection
396 (a) of Code Section 21-2-110; and

397 (3) State in the notices required by paragraphs (1) and (2) of this subsection the nature
398 of the emergency and the manner in which such emergency represents an imminent peril
399 to public health, safety, or welfare.

400 (b) Upon adoption or promulgation of any emergency rule or regulation pursuant to this
401 Code section, a majority of the State Election Board shall certify in writing that such
402 emergency rule or regulation was made in strict and exact compliance with the provisions
403 of this chapter and subsection (e) of Code Section 50-13-4.

404 (c) In the event of any conflict between this Code section and any provision of Chapter 13
405 of Title 50, this Code section shall govern and supersede any such conflicting provision.

406 21-2-36.
407 The State Election Board, the members thereof, the Secretary of State, and any of their
408 attorneys or staff, at least five business days prior to entering into any consent agreement,
409 settlement, or consent order that limits, alters, or interprets any provision of this chapter,
410 shall notify the House of Representatives and Senate Committees on the Judiciary of such
411 proposed consent agreement, settlement, or consent order."

412 **SECTION 8.**

413 Said chapter is further amended by revising Code Section 21-2-71, relating to payment by
414 county or municipality of superintendent's expenses, as follows:

415 "21-2-71.

416 (a) The governing authority of each county or municipality shall appropriate annually and
417 from time to time, to the superintendent of such county or municipality, the funds that it
418 shall deem necessary for the conduct of primaries and elections in such county or
419 municipality and for the performance of his or her other duties under this chapter,
420 including:

421 (1) Compensation of the poll officers, custodians, and other assistants and employees
422 provided for in this chapter;

423 (2) Expenditures and contracts for expenditures by the superintendent for polling places;

424 (3) Purchase or printing, under contracts made by the superintendent, of all ballots and
425 other election supplies required by this chapter, or which the superintendent shall
426 consider necessary to carry out the provisions of this chapter;

427 (4) Maintenance of all voting equipment required by this chapter, or which the
428 superintendent shall consider necessary to carry out this chapter; and

429 (5) All other expenses arising out of the performance of his or her duties under this
430 chapter.

431 (b) No superintendent shall take or accept any funding, grants, or gifts from any source
432 other than from the governing authority of the county or municipality, the State of Georgia,
433 or the federal government.

434 (c) The State Election Board shall study and report to the General Assembly a proposed
435 method for accepting donations intended to facilitate the administration of elections and
436 a method for an equitable distribution of such donations state wide by October 1, 2021."

437 **SECTION 9.**

438 Said chapter is further amended in Part 3 of Article 2, relating to superintendents, by adding
439 a new Code section to read as follows:

440 "21-2-74.1.

441 (a) If a county does not have a board of elections and:

442 (1) There is a vacancy in the office of judge of the probate court that has not been filled
443 pursuant to Code Section 15-9-10 or 15-9-11; or

444 (2) The judge of the probate court is incapacitated and unable to perform the duties of
445 the election superintendent for a period of more than five days;

446 The chief judge of the superior court in the circuit to which the county is assigned shall
447 appoint a qualified individual to serve as the acting election superintendent during such
448 vacancy or incapacitation.

449 (b) Upon the filling of a vacancy in the office of judge of the probate court pursuant to
450 Code Section 15-9-10 or 15-9-11, the judge of the probate court shall resume the duties of
451 the election superintendent.

452 (c) The sole county commissioner or the board of county commissioners shall fix the
453 compensation of the individual who serves as acting election superintendent until the
454 vacancy is filled or the incapacitation ends. The compensation shall be paid from the
455 general funds of the county."

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SECTION 10.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-92, relating to qualifications of poll officers, service during municipal election or primary, and Student Teen Election Participant (STEP) program, as follows:

"(a)(1) Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be judicious, intelligent, and upright citizens of the United States, residents of or otherwise employed by the county in which they are appointed except as otherwise provided in paragraph (2) of this subsection or, in the case of municipal elections, residents of or otherwise employed by the municipality in which the election is to be held or of the county in which that municipality is located, 16 years of age or over, and shall be able to read, write, and speak the English language. No poll officer shall be eligible for any nomination for public office or to be voted for at a primary or election at which the poll officer shall serve. No person who is otherwise holding public office, other than a political party office, shall be eligible to be appointed as or to serve as a poll officer. A parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to serve as a poll officer in any precinct in which such candidate's name appears on the ballot in any primary or election.

(2) A poll officer may be allowed to serve in a county that adjoins the county in which such poll officer resides if, in the discretion of the election superintendent of the county in which such person resides, the waiver of such county residency or county employment requirements of paragraph (1) of this subsection do not impair the ability of the county to provide adequate staff for the performance of election duties under this chapter and if, in the discretion of the county election superintendent in which such person wishes to serve, sufficient need for more poll officers exists."

481 **SECTION 11.**

482 Said chapter is further amended in Article 2, relating to supervisory boards and officers, by
483 adding a new part to read as follows:

484 "Part 5485 21-2-105.

486 As used in this part, the term 'local election official' means:

- 487 (1) A county board of elections or a county board of elections and registration
488 established pursuant to Code Section 21-2-40;
489 (2) A judge of the probate court fulfilling the role of election superintendent; or
490 (3) A municipal election superintendent.

491 21-2-106.

492 (a) The governing authority may, upon adoption of a resolution, request that a performance
493 review of a local election official be conducted. Such resolution shall be transmitted to the
494 State Election Board, which shall request that Secretary of State appoint an independent
495 performance review board within 30 days after receiving such resolution. The State
496 Election Board may also submit a request to the Secretary of State for a performance
497 review of a local election official on its own motion. The Secretary of State shall appoint
498 three competent persons to serve as members of the performance review board, one of
499 whom shall be an employee of the elections division of the Secretary of State and two of
500 whom shall be local election officials, provided that no such appointee shall be a local
501 election official for the county or municipality, as applicable, under review.

502 (b) It shall be the duty of a performance review board to make a thorough and complete
503 investigation of the local election official with respect to all actions of the local election
504 official regarding the technical competency in the maintenance and operation of election

505 equipment, proper administration and oversight of registration and elections, and
506 compliance with state law and regulations. The performance review board shall issue a
507 written report of its findings to the Secretary of State, the State Election Board, and the
508 local governing authority which shall include such evaluations, judgments, and
509 recommendations as it deems appropriate. The local governing authority shall reimburse
510 the members of the performance review board for reasonable expenses incurred in the
511 performance of their duties, including mileage, meals, lodging, and costs of materials.

512 (c) The findings of the report of the review board under subsection (b) of this Code section
513 or of any audit or investigation performed by the State Election Board may be grounds for
514 removal of one or more local election officials pursuant to Code Section 21-2-33.2.

515 21-2-107.

516 (a) The State Election Board shall appoint, or request that the Secretary of State appoint,
517 an independent performance review board on its own motion if it determines that there is
518 evidence which calls into question the competence of a local election official regarding the
519 oversight and administration of elections, voter registration, or both, with state law and
520 regulations.

521 (b) The State Election Board or the Secretary of State shall appoint three competent
522 persons to serve as members of the performance review board, one of whom shall be an
523 employee of the elections division of the office of Secretary of State and two of whom shall
524 be local election officials, provided that none of the three appointees shall be a local
525 election official for the county or municipality under review.

526 (c) The performance review board shall issue a written report of its findings to the State
527 Election Board and the Secretary of State and the applicable local governing authority,
528 which shall include such evaluations, judgments, and recommendations as it deems
529 appropriate. The local governing authority shall reimburse the members of the

530 performance review board for reasonable expenses incurred in the performance of their
531 duties, including mileage, meals, lodging, and costs of materials.

532 (d) The findings of the report of the performance review board under subsection (c) of this
533 Code section or of any audit or investigation performed by the State Election Board may
534 be grounds for removal of a local election official pursuant to Code Section 21-2-33.2.

535 21-2-108.

536 The Secretary of State or State Election Board shall promulgate such rules and regulations
537 as may be necessary for the administration of this part."

538 **SECTION 12.**

539 Said chapter is further amended in Code Section 21-2-134, relating to withdrawal, death, or
540 disqualification of candidate for office, return of qualifying fee, and nomination certificate,
541 by adding a new subsection to read as follows:

542 "(g) In the event of the death of a candidate on the ballot in a nonpartisan election prior to
543 such nonpartisan election, such candidate's name shall remain on the ballot and all votes
544 cast for such candidate shall be counted. If the deceased candidate receives the requisite
545 number of votes to be elected, such contest shall be handled as a failure to fill the office
546 under Code Section 21-2-504. If the deceased candidate receives enough votes to be in a
547 run-off election, such run-off election shall be conducted as provided in Code
548 Section 21-2-501 and the candidates in such runoff shall be determined in accordance with
549 paragraph (2) of subsection (a) of Code Section 21-2-501."

550 **SECTION 13.**

551 Said chapter is further amended by revising subsection (f) of Code Section 21-2-212, relating
552 to county registrars, appointment, certification, term of service, vacancies, compensation and

553 expenses of chief registrar, registrars, and other officers and employees, and budget
554 estimates, as follows:

555 "(f) The board of registrars of each county shall prepare annually a budget estimate in
556 which it shall set forth an itemized list of its expenditures for the preceding two years and
557 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
558 year and shall submit the same at the time and in the manner and form other county budget
559 estimates are required to be filed. No board of registrars shall take or accept any funding,
560 grants, or gifts from any source other than from the governing authority of the county, the
561 State of Georgia, or the federal government."

562 **SECTION 14.**

563 Said chapter is further amended by revising Code Section 21-2-229, relating to challenge of
564 applicant for registration by other electors, notice and hearing, and right of appeal, as
565 follows:

566 "21-2-229.

567 (a) Any elector of a county or municipality may challenge the qualifications of any person
568 applying to register to vote in the county or municipality and may challenge the
569 qualifications of any elector of the county or municipality whose name appears on the list
570 of electors. Such challenges shall be in writing and shall specify distinctly the grounds of
571 the challenge. There shall not be a limit on the number of persons whose qualifications
572 such elector may challenge.

573 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a
574 hearing on such challenge within ten business days after serving notice of the challenge.

575 Notice of the date, time, and place of the hearing shall be served upon the person whose
576 qualifications are being challenged along with a copy of such challenge and upon the
577 elector making the challenge within ten business days following the filing of the challenge.

578 The person being challenged shall receive at least three days' notice of the date, time, and

579 place of the hearing. Such notice shall be served either by first-class mail addressed to the
580 mailing address shown on the person's voter registration records or in the manner provided
581 in subsection (c) of Code Section 21-2-228.

582 (c) The burden shall be on the elector making the challenge to prove that the person being
583 challenged is not qualified to remain on the list of electors. The board of registrars shall
584 have the authority to issue subpoenas for the attendance of witnesses and the production
585 of books, papers, and other material upon application by the person whose qualifications
586 are being challenged or the elector making the challenge. The party requesting such
587 subpoenas shall be responsible to serve such subpoenas and, if necessary, to enforce the
588 subpoenas by application to the superior court. Any witness so subpoenaed, and after
589 attending, shall be allowed and paid the same mileage and fee as allowed and paid
590 witnesses in civil actions in the superior court.

591 (d) After the hearing provided for in this Code section, the registrars shall determine said
592 challenge and shall notify the parties of their decision. If the registrars uphold the
593 challenge, the person's application for registration shall be rejected or the person's name
594 removed from the list of electors, as appropriate. The elector shall be notified of such
595 decision in writing either by first-class mail addressed to the mailing address shown on the
596 person's voter registration records or in the manner provided in subsection (c) of Code
597 Section 21-2-228 for other notices.

598 (e) Either party shall have a right of appeal from the decision of the registrars to the
599 superior court by filing a petition with the clerk of the superior court within ten days after
600 the date of the decision of the registrars. A copy of such petition shall be served upon the
601 other parties and the registrars. Unless and until the decision of the registrars is reversed
602 by the court, the decision of the registrars shall stand.

603 (f) Failure to comply with the provisions of this Code section by the board of registrars
604 shall subject such board to sanctions by the State Election Board."

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SECTION 15.

Said chapter is further amended by revising Code Section 21-2-230, relating to challenge of persons on list of electors by other electors, procedure;, hearing, and right of appeal, as follows:

"21-2-230.

(a) Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector's polling place or, if such elector cast an absentee ballot, prior to 5:00 P.M. on the day before the ~~election~~ absentee ballots are to begin to be scanned and tabulated; provided, however, that challenges to persons voting by absentee ballot in person at the office of the registrars or the absentee ballot clerk shall be made prior to such person's voting. There shall not be a limit on the number of persons whose qualifications such elector may challenge.

(b) Upon the filing of such challenge, the board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.

(c) If the challenged elector appears at the polling place to vote, such elector shall be given the opportunity to appear before the registrars and answer the grounds of the challenge.

(d) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and if the challenge is based on grounds other than the qualifications

631 of the elector to remain on the list of electors, no further action by the registrars shall be
632 required.

633 (e) If the challenged elector cast an absentee ballot and it is not practical to conduct a
634 hearing prior to the close of the polls and the challenge is based upon grounds other than
635 the qualifications of the elector to remain on the list of electors, the absentee ballot shall
636 be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No
637 further action by the registrars shall be required.

638 (f) If the challenged elector does not cast an absentee ballot and does not appear at the
639 polling place to vote and the challenge is based on the grounds that the elector is not
640 qualified to remain on the list of electors, the board of registrars shall proceed to hear the
641 challenge pursuant to Code Section 21-2-229.

642 (g) If the challenged elector cast an absentee ballot and the challenge is based upon
643 grounds that the challenged elector is not qualified to remain on the list of electors, the
644 board of registrars shall proceed to conduct a hearing on the challenge on an expedited
645 basis prior to the certification of the consolidated returns of the election by the election
646 superintendent. The election superintendent shall not certify such consolidated returns
647 until such hearing is complete and the registrars have rendered their decision on the
648 challenge. If the registrars deny the challenge, the superintendent shall proceed to certify
649 the consolidated returns. If the registrars uphold the challenge, the name of the challenged
650 elector shall be removed from the list of electors and the ballot of the challenged elector
651 shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove
652 any votes cast by such elector. The elector making the challenge and the challenged elector
653 may appeal the decision of the registrars in the same manner as provided in subsection (e)
654 of Code Section 21-2-229.

655 (h) If the challenged elector appears at the polls to vote and it is practical to conduct a
656 hearing on the challenge prior to the close of the polls, the registrars shall conduct such
657 hearing and determine the merits of the challenge. If the registrars deny the challenge, the

658 elector shall be permitted to vote in the election notwithstanding the fact that the polls may
659 have closed prior to the time the registrars render their decision and the elector can actually
660 vote, provided that the elector proceeds to vote immediately after the decision of the
661 registrars. If the registrars uphold the challenge, the challenged elector shall not be
662 permitted to vote and, if the challenge is based upon the grounds that the elector is not
663 qualified to remain on the list of electors, the challenged elector's name shall be removed
664 from the list of electors.

665 (i) If the challenged elector appears at the polls to vote and it is not practical to conduct
666 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
667 find that a decision on the challenge cannot be rendered within a reasonable time, the
668 challenged elector shall be permitted to vote by casting a challenged ballot on the same
669 type of ballot that is used by the county or municipality for provisional ballots. Such
670 challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code
671 Section 21-2-419 and, after having the word 'Challenged,' the elector's name, and the
672 alleged cause of the challenge written across the back of the outer envelope, the ballot shall
673 be deposited by the person casting such ballot in a secure, sealed ballot box
674 notwithstanding the fact that the polls may have closed prior to the time the registrars make
675 such a determination, provided that the elector proceeds to vote immediately after such
676 determination of the registrars. In such cases, if the challenge is based upon the grounds
677 that the challenged elector is not qualified to remain on the list of electors, the registrars
678 shall proceed to finish the hearing prior to the certification of the consolidated returns of
679 the election by the election superintendent. If the challenge is based on other grounds, no
680 further action shall be required by the registrars. The election superintendent shall not
681 certify such consolidated returns until such hearing is complete and the registrars have
682 rendered their decision on the challenge. If the registrars deny the challenge, the
683 superintendent shall proceed to certify the consolidated returns. If the registrars uphold the
684 challenge, the name of the challenged elector shall be removed from the list of electors and

685 the ballot of the challenged elector shall be rejected and not counted and, if necessary, the
 686 returns shall be adjusted to remove any votes cast by such elector. The elector making the
 687 challenge and the challenged elector may appeal the decision of the registrars in the same
 688 manner as provided in subsection (e) of Code Section 21-2-229.

689 (j) Failure to comply with the provisions of this Code section by the board of registrars
 690 shall subject such board to sanctions by the State Election Board."

691 **SECTION 16.**

692 Said chapter is further amended in subsection (b) of Code Section 21-2-232, relating to
 693 removal of elector's name from list of electors, by adding a new paragraph to read as follows:

694 "(3) Once becoming a member of the nongovernmental entity described in subsection (d)
 695 of Code Section 21-2-225, the Secretary of State shall obtain regular information from
 696 such entity regarding electors who may have moved to another state, died, or otherwise
 697 become ineligible to vote in Georgia. The Secretary of State shall use such information
 698 to conduct list maintenance on the list of eligible electors."

699 **SECTION 17.**

700 Said chapter is further amended by revising Code Section 21-2-263, relating to reduction in
 701 size of, or provision of additional voting equipment or poll workers to, precincts containing
 702 more than 2,000 electors when voting in such precincts at previous general election not
 703 completed one hour after closing of polls, as follows:

704 "21-2-263.

705 (a) If, at the previous general election, a precinct contained more than 2,000 electors and
 706 if all those electors desiring to vote had not completed voting one hour following the
 707 closing of the polls, the superintendent shall either reduce the size of said precinct so that
 708 it shall contain not more than 2,000 electors in accordance with the procedures prescribed
 709 by this chapter for the division, alteration, and consolidation of precincts no later than 60

710 days before the next general election or provide additional voting equipment or poll
711 workers, or both, before the next general election. For administering this Code section, the
712 chief manager of a precinct which contained more than 2,000 electors at the previous
713 general election shall submit a report thereof, under oath, to the superintendent as to the
714 time required for completion of voting by all persons in line at the time the polls were
715 closed. Any such change in the boundaries of a precinct shall conform with the
716 requirements of subsection (a) of Code Section 21-2-261.1.

717 (b) If, at the previous general election, a precinct contained more than 2,000 electors and
718 if electors desiring to vote on the day of the election had to wait in line for more than one
719 hour before checking in to vote, the superintendent shall either reduce the size of such
720 precinct so that it shall contain not more than 2,000 electors in accordance with the
721 procedures prescribed by this chapter for the division, alteration, and consolidation of
722 precincts no later than 60 days before the next general election or provide additional voting
723 equipment or poll workers, or both, before the next general election. For administering this
724 Code section, the chief manager of a precinct which contained more than 2,000 electors at
725 the previous general election shall submit a report thereof to the superintendent of the
726 reported time from entering the line to checking in to vote. Such wait time shall be
727 measured no fewer than three different times throughout the day (in the morning, at
728 mid-day, and prior to the close of polls) and such results shall be recorded on a form
729 provided by the Secretary of State. Any such change in the boundaries of a precinct shall
730 conform with the requirements of subsection (a) of Code Section 21-2-261.1."

731 **SECTION 18.**

732 Said chapter is further amended by revising subsection (a) of Code Section 21-2-265, relating
733 to duty of superintendent to select polling places, change, petition objecting to proposed
734 change, space for political parties holding primaries, facilities for disabled voters, selection

735 of polling place outside precinct to better serve voters, and restriction on changing polling
736 place on or near date of election, as follows:

737 "(a) The superintendent of a county or the governing authority of a municipality shall
738 select and fix the polling place within each precinct and may, either on his, her, or its own
739 motion or on petition of ten electors of a precinct, change the polling place within any
740 precinct. Except in case of an emergency or unavoidable event occurring within ten days
741 of a primary or election, which emergency or event renders any polling place unavailable
742 for use at such primary or election, the superintendent of a county or the governing
743 authority of a municipality shall not change any polling place until notice of the proposed
744 change shall have been published for once a week for two consecutive weeks in the legal
745 organ for the county or municipality in which the polling place is located. Additionally,
746 ~~on the first election~~ during the seven days before and on the day of the first election
747 following such change, a notice of such change shall be posted on the previous polling
748 place and at three other places in the immediate vicinity thereof. Each notice posted shall
749 state the location to which the polling place has been moved and shall direct electors to the
750 new location. At least one notice at the previous polling place shall be a minimum of four
751 feet by four feet in size. The occupant or owner of the previous polling place, or his or her
752 agent, shall be notified in writing of such change at the time notice is published in the legal
753 organ."

754 SECTION 19.

755 Said chapter is further amended by revising subsections (a) and (b) of Code
756 Section 21-2-266, relating to use of public buildings as polling places, use of portable or
757 movable facilities, and unrestricted access to residential communities, as follows:

758 "(a) In selecting polling places and advance voting locations, the superintendent of a
759 county or the governing authority of a municipality shall select, wherever practicable and
760 consistent with subsection (d) of Code Section 21-2-265, schoolhouses, municipal

761 buildings or rooms, or other public buildings for that purpose. In selecting polling places
 762 and advance voting locations, the superintendent of a county or the governing authority of
 763 a municipality shall give consideration to the comfort and convenience those places to be
 764 selected will provide to both electors and poll officers. School, county, municipal, or other
 765 governmental authorities, upon request of the superintendent of a county or the governing
 766 authority of a municipality, shall make arrangements for the use of their property for
 767 polling places or advance voting locations; provided, however, that such use shall not
 768 substantially interfere with the use of such property for the purposes for which it is
 769 primarily intended.

770 (b) The superintendent of a county or the governing authority of a municipality shall have
 771 discretion to procure and provide portable or movable polling facilities of adequate size for
 772 any precinct; provided, however, that buses and other readily movable facilities shall only
 773 be used in emergencies declared by the Governor pursuant to Code Section 38-3-51 to
 774 supplement the capacity of the polling place where the emergency circumstance occurred."

775 **SECTION 20.**

776 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of
 777 ballot, run-off election, and declaration of prevailing candidate in nonpartisan elections, as
 778 follows:

779 "21-2-285.1.

780 The names of all candidates for offices which the General Assembly has by general law or
 781 local Act provided for election in a nonpartisan election shall be printed on each official
 782 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan
 783 election shall be separated from the names of candidates for party nomination to other
 784 offices by being listed last on each ballot, with the top of that portion of each official
 785 primary ballot relating to the nonpartisan election to have printed in prominent type the
 786 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a

787 ballot that contains just the official nonpartisan election ballot available for electors who
 788 choose not to vote in a party primary. Directions that explain how to cast a vote, how to
 789 write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot
 790 shall appear immediately under the caption, as specified by rule or regulation of the State
 791 Election Board. Immediately under the directions, the name of each such nonpartisan
 792 candidate shall be arranged alphabetically by last name under the title of the office for
 793 which they are candidates and be printed thereunder. The incumbency of a candidate
 794 seeking election for the public office he or she then holds shall be indicated on the ballot.
 795 No party designation or affiliation shall appear beside the name of any candidate for
 796 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting
 797 of write-in votes for such offices. In the event that no candidate in such nonpartisan
 798 election receives a majority of the total votes cast for such office, there shall be a
 799 nonpartisan election runoff between the candidates receiving the two highest numbers of
 800 votes; and the names of such candidates shall be placed on the official ballot at the general
 801 primary runoff in the same manner as prescribed in this Code section for the nonpartisan
 802 election and there shall be a separate official nonpartisan election ~~runoff~~ run-off ballot for
 803 those electors who do not choose or are not eligible to vote in the general primary runoff.
 804 In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form
 805 of the ballot shall be as prescribed by the Secretary of State or election superintendent in
 806 essentially the same format as prescribed for the nonpartisan election. Except as provided
 807 in subsection (g) of Code Section 21-2-134, the ~~The~~ candidate having a majority of the
 808 votes cast in the nonpartisan election or the candidate receiving the highest number of votes
 809 cast in the nonpartisan election runoff shall be declared duly elected to such office."

810 **SECTION 21.**

811 Said chapter is further amended by revising subsection (b) of Code Section 21-2-367, relating
 812 to installation of systems, number of systems, and good working order, as follows:

813 "(b)(1) In each precinct in which optical scanning voting systems are used in a state-wide
814 general election, the county ~~or municipal governing authority~~, as appropriate, election
815 superintendent shall provide at least one voting booth or enclosure for each 250 electors
816 therein, or fraction thereof.

817 (2) For any other primary, election, or runoff, the county or municipal election
818 superintendent may provide a greater or lesser number of voting booths or enclosures if,
819 after a thorough consideration of the type of election, expected turnout, the number of
820 electors who have already voted by advance voting or absentee ballot, and other relevant
821 factors that inform the appropriate amount of equipment needed, such superintendent
822 determines that a different amount of equipment is needed or sufficient. Such
823 determination shall be subject to the provisions of Code Section 21-2-263."

824 **SECTION 22.**

825 Said chapter is further amended by revising Code Section 21-2-372, relating to ballot
826 description, as follows:

827 "21-2-372.

828 Ballots shall be of suitable design, size, and stock to permit processing by a ballot scanner
829 and shall be printed in black ink on clear, white, or colored material. Other than ballots
830 delivered electronically to qualified electors who are entitled to vote by absentee ballot
831 under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.
832 Section 20301, et seq., the ballots shall be printed on security paper that incorporates
833 features which can be used to authenticate the ballot as an official ballot but which do not
834 make the ballot identifiable to a particular elector."

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SECTION 23.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-379.25, relating to programming for ballot design and style, verification, appointment of custodians, and role of custodians, as follows:

"(c) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have each electronic ballot marker tested to ascertain that it will correctly record the votes cast for all offices and on all questions and produce a ballot reflecting such choices of the elector in a manner that the State Election Board shall prescribe by rule or regulation. Public notice of the time and place of the test shall be made at least five days prior thereto; ~~provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto.~~ The superintendent of each county or municipality shall publish such notice on the homepage of the county's or municipality's publicly accessible website associated with elections and in a newspaper of general circulation in the county or municipality and by posting in a prominent location in the county or municipality. Such notice shall state the date, time, and place or places where preparation and testing of the voting system components for use in the primary or election will commence, that such preparation and testing shall continue from day to day until complete, and that representatives ~~Representatives~~ of political parties and bodies, news media, and the public shall be permitted to observe such tests. The superintendent of the county or municipality shall also provide such notice to the Secretary of State who shall publish on his or her website the information received from superintendents stating the dates, times, and locations for preparation and testing of voting system components. However, such representatives of political parties and bodies, news media, and the public shall not in any manner interfere with the preparation and testing of voting system components. The advertisement in the newspaper of general circulation shall be prominently displayed, shall not be less than 30 square inches, and shall not be placed in the section of the newspaper where legal notices appear."

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SECTION 24.

Said chapter is further amended by revising Code Section 21-2-381, relating to making of application for absentee ballot, determination of eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons entitled to make application, as follows:

"21-2-381.

(a)(1)(A) Except as otherwise provided in Code Section 21-2-219 or for advance voting described in subsection (d) of Code Section 21-2-385, ~~not more earlier than 180~~ 78 days or less than 11 days prior to the date of the primary or election, or runoff of either, in which the elector desires to vote, any absentee elector may make, either by mail, by facsimile transmission, by electronic transmission, or in person in the registrar's or absentee ballot clerk's office, an application for an official ballot of the elector's precinct to be voted at such primary, election, or runoff. To be timely received, an application for an absentee-by-mail ballot shall be received by the board of registrars or absentee ballot clerk no later than 11 days prior to the primary, election, or runoff. For advance voting in person, the application shall be made within the time period set forth in subsection (d) of Code Section 21-2-385.

(B) In the case of an elector residing temporarily out of the county or municipality or a physically disabled elector residing within the county or municipality, the application for the elector's absentee ballot may, upon satisfactory proof of relationship, be made by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

(C)(i) Any person applying for an absentee-by-mail ballot shall make application in writing on the form made available by the Secretary of State. In order to confirm the identity of the voter, such form shall require the elector to provide his or her name, date of birth, address as registered, address where the elector wishes the ballot to be mailed, and the number of his or her Georgia driver's license or identification card

889 issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a
890 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5
891 of Title 40, the elector shall affirm this fact in the manner prescribed in the application
892 and the elector shall provide a copy of a form of identification listed in subsection (c)
893 of Code Section 21-2-417. The form made available by the Secretary of State shall
894 include a space to affix a photocopy or electronic image of such identification. The
895 Secretary of State shall develop a method to allow secure electronic transmission of
896 such form. The application shall be in writing and shall contain sufficient information
897 for proper identification of the elector; the permanent or temporary address of the
898 elector to which the absentee ballot shall be mailed; also include the identity of the
899 primary, election, or runoff in which the elector wishes to vote; and the name and
900 relationship of the person requesting the ballot if other than the elector; and an oath
901 for the elector or relative to write his or her usual signature with a pen and ink
902 affirming that the elector is a qualified Georgia elector and the facts presented on the
903 application are true. Submitting false information on an application for an absentee
904 ballot shall be a violation of Code Sections 21-2-560 and 21-2-571.

905 (ii) A blank application for an absentee ballot shall be made available online by the
906 Secretary of State and each election superintendent and registrar, but neither the
907 Secretary of State, election superintendent, board of registrars, other governmental
908 entity, nor employee or agent thereof shall send absentee ballot applications directly
909 to any elector except upon request of such elector or a relative authorized to request
910 an absentee ballot for such elector. No person or entity other than a relative
911 authorized to request an absentee ballot for such elector or a person signing as
912 assisting an illiterate or physically disabled elector shall send any elector an absentee
913 ballot application that is pre-filled with the elector's required information set forth in
914 this subparagraph. No person or entity other than the elector, a relative authorized to
915 request an absentee ballot for such elector, a person signing as assisting an illiterate

916 or physically disabled elector with his or her application, a common carrier charged
917 with returning the ballot application, an absentee ballot clerk, a registrar, or a law
918 enforcement officer in the course of an investigation shall handle or return an elector's
919 completed absentee ballot application. Handling a completed absentee ballot
920 application by any person or entity other than as allowed in this subsection shall be
921 a misdemeanor. Any application for an absentee ballot sent to any elector by any
922 person or entity shall utilize the form of the application made available by the
923 Secretary of State and shall clearly and prominently disclose on the face of the form:
924 'This is NOT an official government publication and was NOT provided to you
925 by any governmental entity. It is being distributed by [insert name and address
926 of person, organization, or other entity distributing such document or material].'
927 (iii) The disclaimer required by division (ii) of this subparagraph shall be:
928 (I) Of sufficient font size to be clearly readable by the recipient of the
929 communication;
930 (II) Be contained in a printed box set apart from the other contents of the
931 communication; and
932 (III) Be printed with a reasonable degree of color contrast between the background
933 and the printed disclaimer.
934 (D) Except in the case of physically disabled electors residing in the county or
935 municipality or electors in custody in a jail or other detention facility in the county or
936 municipality, no absentee ballot shall be mailed to an address other than the permanent
937 mailing address of the elector as recorded on the elector's voter registration record or
938 a temporary out-of-county or out-of-municipality address. Upon request, electors held
939 in jails or other detention facilities who are eligible to vote shall be granted access to
940 the necessary personal effects for the purpose of applying for and voting an absentee
941 ballot pursuant to this chapter.

942 (E) Relatives applying for absentee ballots for electors must also sign an oath stating
943 that facts in the application are true.

944 (F) If the elector is unable to fill out or sign such elector's own application because of
945 illiteracy or physical disability, the elector shall make such elector's mark, and the
946 person filling in the rest of the application shall sign such person's name below it as a
947 witness.

948 (G) Any elector meeting criteria of advance age or disability specified by rule or
949 regulation of the State Election Board or any elector who is entitled to vote by absentee
950 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
951 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application
952 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
953 and for a primary as well as for any runoffs resulting therefrom and for the election for
954 which such primary shall nominate candidates as well as any runoffs resulting
955 therefrom. If not so requested by such person, a separate and distinct application shall
956 be required for each primary, run-off primary, election, and run-off election. Except
957 as otherwise provided in this subparagraph, a separate and distinct application for an
958 absentee ballot shall always be required for any special election or special primary.

959 (2) A properly executed registration card submitted under the provisions of
960 subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or
961 election in which the registrant is entitled to vote, shall be considered to be an application
962 for an absentee ballot under this Code section, or for a special absentee ballot under Code
963 Section 21-2-381.1, as appropriate.

964 (3)(A) All persons or entities, other than the Secretary of State, election
965 superintendents, boards of registrars, and absentee ballot clerks, that send applications
966 for absentee ballots to electors in a primary, election, or runoff shall mail such
967 applications only to individuals who have not already requested, received, or voted an
968 absentee ballot in the primary, election, or runoff. Any such person or entity shall

969 compare its mail distribution list with the most recent information available about
970 which electors have requested, been issued, or voted an absentee ballot in the primary,
971 election, or runoff and shall remove the names of such electors from its mail
972 distribution list. A person or entity shall not be liable for any violation of this
973 subparagraph if such person or entity relied upon information made available by the
974 Secretary of State within five business days prior to the date such applications are
975 mailed.

976 (B) A person or entity in violation of subparagraph (A) of this paragraph shall be
977 subject to sanctions by the State Election Board which, in addition to all other possible
978 sanctions, may include requiring such person or entity to pay restitution to each affected
979 county or municipality in an amount up to \$100.00 per duplicate absentee ballot
980 application that is processed by the county or municipality due to such violation or the
981 actual cost incurred by each affected county or municipality for the processing of such
982 duplicate absentee ballot applications. Reserved.

983 (4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar
984 or absentee ballot clerk shall determine if the applicants are eligible to vote under this
985 Code section and shall either mail or issue the absentee ballots for the election for
986 representative in the United States Congress to an individual entitled to make application
987 for absentee ballot under subsection (d) of this Code section the same day any such
988 application is received, so long as the application is received by 3:00 P.M., otherwise no
989 later than the next business day following receipt of the application. Any valid absentee
990 ballot shall be accepted and processed so long as the ballot is received by the registrar or
991 absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent
992 uniformed services voter or overseas voter, but in no event later than 11 days following
993 the date of the election.

994 (b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
995 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk

996 shall verify the identity of the applicant and determine, in accordance with the provisions
997 of this chapter, if the applicant is eligible to vote in the primary or election involved. In
998 order to ~~be found eligible to vote an absentee ballot by mail~~ verify the identity of the
999 applicant, the registrar or absentee ballot clerk shall compare the ~~identifying information~~
1000 applicant's name, date of birth, and number of his or her Georgia driver's license or
1001 identification card issued pursuant to Article 5 of Chapter 5 of Title 40 on the application
1002 with the information on file in the registrar's office ~~and, if the application is signed by the~~
1003 ~~elector, compare the signature or mark of the elector on the application with the signature~~
1004 ~~or mark of the elector on the elector's voter registration card.~~ If the application does not
1005 contain the number of the applicant's Georgia driver's license or identification card issued
1006 pursuant to Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall
1007 verify that the identification provided with the application identifies the applicant. In
1008 order to be found eligible to vote an absentee ballot in person at the registrar's office or
1009 absentee ballot clerk's office, such person shall show one of the forms of identification
1010 listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare
1011 the identifying information on the application with the information on file in the
1012 registrar's office.

1013 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
1014 proper place on the application and then:

1015 (A) Shall mail the ballot as provided in this Code section;

1016 (B) If the application is made in person, shall issue the ballot to the elector within the
1017 confines of the registrar's or absentee ballot clerk's office as required by Code
1018 Section 21-2-383 if the ballot is issued during the advance voting period established
1019 pursuant to subsection (d) of Code Section 21-2-385; or

1020 (C) May deliver the ballot in person to the elector if such elector is confined to a
1021 hospital.

1022 (3) If found ineligible or if the application is not timely received, the clerk or the board
1023 of registrars shall deny the application by writing the reason for rejection in the proper
1024 space on the application and shall promptly notify the applicant in writing of the ground
1025 of ineligibility, a copy of which notification should be retained on file in the office of the
1026 board of registrars or absentee ballot clerk for at least one year. However, an absentee
1027 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the
1028 ~~signature~~ identifying information of the elector on the application and the ~~signature~~
1029 identifying information of the elector on file with the board of registrars. In such cases,
1030 the board of registrars or absentee ballot clerk shall send the elector a provisional
1031 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and
1032 information prepared by the Secretary of State as to the process to be followed to cure the
1033 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee
1034 ballot clerk prior to the closing of the polls on the day of the primary or election, the
1035 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of
1036 registrars or absentee ballot clerk along with a copy of one of the forms of identification
1037 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for
1038 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the
1039 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1040 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of
1041 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,
1042 then the procedure contained in Code Section 21-2-386 shall be followed for rejected
1043 absentee ballots.

1044 (4) If the registrar or clerk is unable to determine the identity of the elector from
1045 information given on the application or if the application is not complete or if the oath on
1046 the application is not signed, the registrar or clerk should promptly ~~write~~ contact the
1047 elector in writing to request the necessary additional information and a signed copy of the
1048 oath.

1049 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
1050 or the board shall immediately mail a blank registration card as provided by Code
1051 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to
1052 vote by absentee ballot in such primary or election, if the registration card, properly
1053 completed, is returned to the clerk or the board on or before the last day for registering
1054 to vote in such primary or election. ~~If the closing date for registration in the primary or
1055 election concerned has not passed, the clerk or registrar shall also mail a ballot to the
1056 applicant, as soon as it is prepared and available; and the ballot shall be cast in such
1057 primary or election if returned to the clerk or board not later than the close of the polls
1058 on the day of the primary or election concerned.~~

1059 (c) In those counties or municipalities in which the absentee ballot clerk or board of
1060 registrars provides application forms for absentee ballots, the clerk or board shall provide
1061 such quantity of the application form to the dean of each college or university located in
1062 that county as said dean determines necessary for the students of such college or university.

1063 (d)(1) A citizen of the United States permanently residing outside the United States is
1064 entitled to make application for an absentee ballot from Georgia and to vote by absentee
1065 ballot in any election for presidential electors and United States senator or representative
1066 in Congress:

1067 (A) If such citizen was last domiciled in Georgia immediately before his or her
1068 departure from the United States; and

1069 (B) If such citizen could have met all qualifications, except any qualification relating
1070 to minimum voting age, to vote in federal elections even though, while residing outside
1071 the United States, he or she does not have a place of abode or other address in Georgia.

1072 (2) An individual is entitled to make application for an absentee ballot under paragraph
1073 (1) of this subsection even if such individual's intent to return to Georgia may be
1074 uncertain, as long as:

1075 (A) He or she has complied with all applicable Georgia qualifications and requirements
 1076 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for
 1077 and voting by absentee ballots;

1078 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting
 1079 in any other state or election district of a state or territory or in any territory or
 1080 possession of the United States; and

1081 (C) He or she has a valid passport or card of identity and registration issued under the
 1082 authority of the Secretary of State of the United States or, in lieu thereof, an alternative
 1083 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state
 1084 requirements, if a citizen does not possess a valid passport or card of identity and
 1085 registration.

1086 (e) The State Election Board is authorized to promulgate reasonable rules and regulations
 1087 for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules
 1088 and regulations may include provisions for the limitation of opportunities for fraudulent
 1089 application, including, but not limited to, comparison of voter registration records with
 1090 death certificates."

1091 SECTION 25.

1092 Said chapter is further amended by revising Code Section 21-2-382, relating to additional
 1093 sites as additional registrar's office or place of registration for absentee ballots, as follows:

1094 "21-2-382.

1095 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
 1096 registrars may establish ~~additional sites~~ as additional registrar's offices or places of
 1097 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
 1098 for the purpose of ~~voting absentee ballots~~ advance voting under Code Section 21-2-385,
 1099 provided that any such site is a building that is a branch of the county courthouse, a
 1100 courthouse annex, a government service center providing general government services,

1101 another government building generally accessible to the public, or a ~~location~~ building that
1102 is used as an election day polling place, notwithstanding that such ~~location~~ building is not
1103 a government building.

1104 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of
1105 this state having a population of 550,000 or more according to the United States decennial
1106 census of 1990 or any future such census, any building that is a branch of the county
1107 courthouse or courthouse annex established within any such county shall be an additional
1108 registrar's or absentee ballot clerk's office or place of registration for the purpose of
1109 receiving absentee ballots under Code Section 21-2-381 and for the purpose of ~~voting~~
1110 ~~absentee ballots~~ advance voting under Code Section 21-2-385.

1111 (c)(1) Absentee ballots voted by an elector shall be kept safely, unopened, and stored in
1112 a manner that will prevent tampering and unauthorized access as required by Code
1113 Section 21-2-386. In the event that a secured receptacle is utilized to collect or store
1114 absentee ballots which have been voted by electors, such receptacle shall be placed inside
1115 an advance voting location as described in Code Section 21-2-385, shall be open during
1116 the hours of advance voting at that location, shall be closed when advance voting is not
1117 taking place at that location, and shall at all times be under the constant surveillance of
1118 law enforcement, a licensed security guard, or an election official or his or her designee.
1119 Any such person shall have sworn an oath for poll officers set forth in Code
1120 Section 21-2-95.

1121 (2) The board of registrars or absentee ballot clerk shall arrange for the collecting and
1122 return of ballots deposited at each secure receptacle at the conclusion of each day where
1123 advance voting takes place. Collection of ballots from a secure receptacle shall be made
1124 by a team of at least two people. Any person collecting ballots from a secure receptacle
1125 shall have sworn an oath in the same form as the oath for poll officers set forth in Code
1126 Section 21-2-95. The collection team shall complete and sign a ballot transfer form upon
1127 removing the ballots from the secure receptacle which shall include the date, time,

1128 location, number of ballots, confirmation that the secure receptacle was locked after the
1129 removal of the ballots, and the identity of each person collecting the ballots. The
1130 collection team shall then immediately transfer the ballots to the board of registrars or
1131 absentee ballot clerk, who shall process and store the ballots in the same manner as
1132 absentee ballots returned by mail are processed and stored. The board of registrars,
1133 absentee ballot clerk, or a designee of the board of registrars or absentee ballot clerk shall
1134 sign the ballot transfer form upon receipt of the ballots from the collection team. Such
1135 form shall be considered a public record pursuant to Code Section 50-18-70.

1136 (3) At the beginning of voting at each advance location where a secure receptacle is
1137 present, the manager of the advance voting location shall open the secure receptacle and
1138 confirm on the reconciliation form for that advance voting location that the secure
1139 receptacle is empty. If the secure receptacle is not empty, the manager shall secure the
1140 contents of the secure receptacle and immediately inform the election superintendent,
1141 board of registrars, or absentee ballot clerk, who shall inform the Secretary of State."

1142 **SECTION 26.**

1143 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation
1144 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting
1145 absentee electors, master list of ballots sent, challenges, and electronic transmission of
1146 ballots, as follows:

1147 "21-2-384.

1148 (a)(1) The superintendent shall, in consultation with the board of registrars or absentee
1149 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this
1150 subsection an adequate supply of official absentee ballots to the board of registrars or
1151 absentee ballot clerk for use in the primary or election or as soon as possible prior to a
1152 runoff. Envelopes and other supplies as required by this article may be ordered by the

1153 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary
1154 or election.

1155 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
1156 ballots to all eligible applicants not more than ~~49~~ 29 days but not less than ~~45~~ 25 days
1157 prior to any presidential preference primary, general primary other than a municipal
1158 general primary, general election other than a municipal general election, or special
1159 primary or special election in which there is a candidate for a federal office on the ballot;
1160 22 days prior to any municipal general primary or municipal general election; and as soon
1161 as possible prior to any runoff. In the case of all other special primaries or special
1162 elections, the board of registrars or absentee ballot clerk shall mail or issue official
1163 absentee ballots to all eligible applicants within three days after the receipt of such ballots
1164 and supplies, but no earlier than 22 days prior to the election; provided, however, that
1165 ~~should~~ official absentee ballots shall be issued to any elector of the jurisdiction ~~be~~
1166 ~~permitted to vote by absentee ballot~~ who is entitled to vote by absentee ballot under the
1167 federal Uniformed and Overseas Citizen Absentee Voting Act, 52 U.S.C. Section 20301,
1168 et seq., as amended, beginning 49 days prior to a federal primary or election, all eligible
1169 ~~applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49~~
1170 ~~days prior to such primary or election~~ and not later than 45 days prior to a federal primary
1171 or election. As additional applicants who submitted timely applications for an absentee
1172 ballot are determined to be eligible, the board or clerk shall mail or issue official absentee
1173 ballots to such additional applicants immediately upon determining their eligibility;
1174 ~~provided, however, that no absentee ballot shall be mailed by the registrars or absentee~~
1175 ~~ballot clerk on the day prior to a primary or election and provided, further, that no~~
1176 ~~absentee ballot shall be issued on the day prior to a primary or election.~~ For all timely
1177 received applications for absentee ballots, the board of registrars or absentee ballot clerk
1178 shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection
1179 as soon as possible upon determining their eligibility within the time periods set forth in

1180 this subsection. During the period for advance voting set forth in Code Section 21-2-385,
1181 the board of registrars or absentee ballot clerk shall make such determinations and mail
1182 or issue absentee ballots, provisional absentee ballots, and notices of rejection of
1183 application within three days after receiving a timely application for an absentee ballot.
1184 The board of registrars or absentee ballot clerk shall, within the ~~same~~ time periods
1185 specified in this subsection, electronically transmit official absentee ballots to all electors
1186 who have requested to receive their official absentee ballot electronically and are entitled
1187 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee
1188 Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as amended.

1189 (3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date
1190 a ballot is mailed or issued to an elector and the date it is returned shall be entered on the
1191 application record therefor.

1192 (4) Notwithstanding any other provision of this chapter, an elector confined in a hospital
1193 may make application for an absentee ballot ~~The delivery of an absentee ballot to a~~
1194 ~~person confined in a hospital may be made by the registrar or clerk on the day of a~~
1195 ~~primary or election or during a five-day~~ ten-day period immediately preceding the day
1196 of such primary or election. Such application shall immediately be processed and, if such
1197 applicant is determined to be eligible, the board of registrars or absentee ballot clerk may
1198 deliver the absentee ballot to such elector.

1199 (5) In the event an absentee ballot which has been mailed by the board of registrars or
1200 absentee ballot clerk is not received by the applicant, the applicant may notify the board
1201 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
1202 has not been received. The board of registrars or absentee ballot clerk shall then issue a
1203 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
1204 shall be attached to the original application. A second application for an absentee ballot
1205 shall not be required.

1206 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
1207 office, in addition to the mailing envelope addressed to the elector, the superintendent,
1208 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
1209 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
1210 order to permit the placing of one within the other and both within the mailing envelope.
1211 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
1212 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the
1213 two envelopes to be enclosed within the mailing envelope shall ~~be printed~~ contain the form
1214 of oath of the elector and the oath for persons assisting electors, as provided for in Code
1215 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,
1216 21-2-579, and 21-2-599 for violations of oaths; ~~and on~~ a place for the elector to print his
1217 or her name; a signature line; a space for the elector to print the number of his or her
1218 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of
1219 Title 40; a space for the elector to mark to affirm that he or she does not have a Georgia
1220 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40;
1221 a space for the elector to print his or her date of birth; and a space for the elector to print
1222 the last four digits of his or her social security number, if the elector does not have a
1223 Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5
1224 of Title 40. The envelope shall be designed so that the number of the elector's Georgia
1225 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40,
1226 the last four digits of the elector's social security number, and the elector's date of birth
1227 shall be hidden from view when the envelope is correctly sealed. Any person other than
1228 the elector who requested the ballot, an authorized person who is assisting the elector
1229 entitled to assistance in voting pursuant to Code Section 21-2-409, an absentee ballot clerk,
1230 registrar, or law enforcement officer in the course of an investigation who knowingly
1231 unseals a sealed absentee ballot envelope shall be guilty of a felony. On the face of such
1232 envelope shall be printed the name and address of the board of registrars or absentee ballot

1233 clerk. The larger of the two envelopes shall also display the elector's name and voter
1234 registration number. The mailing envelope addressed to the elector shall contain the two
1235 envelopes, the official absentee ballot, the uniform instructions for the manner of preparing
1236 and returning the ballot, in form and substance as provided by the Secretary of State,
1237 provisional absentee ballot information, if necessary, and a notice in the form provided by
1238 the Secretary of State of all withdrawn, deceased, and disqualified candidates and any
1239 substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155 and nothing else.
1240 The uniform instructions shall include information specific to the voting system used for
1241 absentee voting concerning the effect of overvoting or voting for more candidates than one
1242 is authorized to vote for a particular office and information concerning how the elector may
1243 correct errors in voting the ballot before it is cast including information on how to obtain
1244 a replacement ballot if the elector is unable to change the ballot or correct the error. The
1245 uniform instructions shall prominently include specific instructions stating that the elector
1246 shall mark his or her ballot in private and sign the oath by writing his or her usual signature
1247 with a pen and ink under penalty of false swearing that the elector has not allowed any
1248 person to observe the marking of his or her ballot other than those persons authorized by
1249 law to assist electors in voting and that the elector will not permit any unauthorized person
1250 to deliver or return the voted ballot to the board of registrars. The uniform instructions
1251 shall include a list of authorized persons who may deliver or return the voted ballot to the
1252 board of registrars on behalf of the elector as provided in subsection (a) of Code
1253 Section 21-2-385. The uniform instructions shall include the contact information of the
1254 State Election Board which may be used by the elector to report any person requesting to
1255 observe the elector voting his or her ballot or the elector's voted ballot or any unauthorized
1256 person offering to deliver or return the voted ballot to the board of registrars.

1257 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially
1258 the following form:

1259 I, the undersigned, do swear (or affirm) under penalty of false swearing that I am a
1260 citizen of the United States and of the State of Georgia; that I possess the qualifications
1261 of an elector required by the laws of the State of Georgia; that I am entitled to vote in
1262 the precinct containing my residence in the primary or election in which this ballot is
1263 to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed
1264 any other absentee ballot, nor will I mark or mail another absentee ballot for voting in
1265 such primary or election; nor shall I vote therein in person; and that I have read and
1266 understand the instructions accompanying this ballot; ~~and~~ that I have carefully complied
1267 with such instructions in completing this ballot; that I have marked and sealed this
1268 ballot in private and have not allowed any person to observe the voting of this ballot or
1269 how this ballot was voted except those authorized to assist electors under state and
1270 federal law; and that I will not give or transfer this ballot to any person not authorized
1271 by law to deliver or return absentee ballots. I understand that the offer or acceptance
1272 of money or any other object of value to vote for any particular candidate, list of
1273 candidates, issue, or list of issues included in this election constitutes an act of voter
1274 fraud and is a felony under Georgia law.

1275 _____
1276 Signature or Mark of Elector
1277 _____
1278 Printed Name of Elector

1279 Oath of Person Assisting Elector (if any):
1280 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
1281 marking such elector's absentee ballot as such elector personally communicated such
1282 elector's preference to me; and that such elector is entitled to receive assistance in
1283 voting under provisions of subsection (a) of Code Section 21-2-409.

This, the _____ day of _____, _____.

Signature of Person Assisting
Elector

Printed Name of Person
Assisting Elector

Reason for assistance (Check appropriate square):

- Elector is unable to read the English language.
- Elector requires assistance due to physical disability.

The forms upon which such oaths are printed shall contain the following information:

Georgia law provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.

(2) In the case of absent uniformed services or overseas voters, if the presidential designee under Section 705(b) of the federal Help America Vote Act promulgates a standard oath for use by such voters, the Secretary of State shall be required to use such oath on absentee ballot materials for such voters and such oath shall be accepted in lieu of the oath set forth in paragraph (1) of this subsection.

(d) Each board of registrars or absentee ballot clerk shall maintain for public inspection a master list, arranged by precincts, setting forth the name and residence of every elector to whom an official absentee ballot has been sent. Absentee electors whose names appear on the master list may be challenged by any elector prior to 5:00 P.M. on the day before the primary or election.

1308 (e)(1) The election superintendent shall prepare special absentee run-off ballots for
1309 general primaries and general elections for use by qualified electors who are entitled to
1310 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee
1311 Voting Act, 52 U.S.C. Section 20301, et seq.

1312 (2) Such special absentee run-off ballots for the general primary shall list the titles of all
1313 offices being contested at the general primary and the candidates qualifying for such
1314 general primary for each office and shall permit the elector to vote in the general primary
1315 runoff by indicating his or her order of preference for each candidate for each office. A
1316 separate ballot shall be prepared for each political party, but a qualified elector under this
1317 subsection shall be mailed only the ballot of the political party in whose primary such
1318 elector requests to vote. The Secretary of State shall prepare instructions for use with
1319 such special absentee run-off ballots, including instructions for voting by mail using an
1320 electronically transmitted ballot. Such ballot shall be returned by the elector in the same
1321 manner as other absentee ballots by such electors who are entitled to vote by absentee
1322 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52
1323 U.S.C. Section 20301, et seq.

1324 (3) Such special absentee run-off ballots for the general election shall list the titles of all
1325 offices being contested at the general election and the candidates qualifying for such
1326 general election for each office and shall permit the elector to vote in the general election
1327 runoff by indicating his or her order of preference for each candidate for each office.

1328 (4) To indicate order of preference for each candidate for each office to be voted on, an
1329 elector shall put the numeral '1' next to the name of the candidate who is the elector's first
1330 choice for such office, the numeral '2' for the elector's second choice, and so forth, in
1331 consecutive numerical order, such that a numeral indicating the elector's preference is
1332 written by the elector next to each candidate's name on the ballot. An elector shall not
1333 be required to indicate preference for more than one candidate for an office if the elector
1334 so chooses.

1335 (5) A special absentee run-off ballot shall be enclosed with each general primary
1336 absentee ballot sent to an elector who is entitled to vote by absentee ballot under the
1337 federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301,
1338 et seq., along with instructions on how to cast the special absentee run-off ballot and the
1339 two envelopes to be used in returning such ballot as provided in subsection (b) of this
1340 Code section, provided that the envelopes bear the notation of 'Official Special General
1341 Primary Run-off Ballot.' An elector shall be sent only the ballot containing the
1342 candidates of the political party in whose primary such elector desires to vote.

1343 (6) A special absentee run-off ballot shall be enclosed with each general election
1344 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal
1345 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.,
1346 along with instructions on how to cast the special absentee run-off ballot and the two
1347 envelopes to be used in returning such ballot as provided in subsection (b) of this Code
1348 section, provided that the envelopes bear the notation of 'Official Special General
1349 Election Run-off Ballot.' The State Election Board shall by rule or regulation establish
1350 procedures for the transmission of blank absentee ballots by mail and by electronic
1351 transmission for all electors who are entitled to vote by absentee ballot under the federal
1352 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section ~~20302~~ 20301,
1353 et seq., as amended, and by which such electors may designate whether the elector prefers
1354 the transmission of such ballots by mail or electronically, for use in county, state, and
1355 federal primaries, elections, and runoffs in this state and, if the Secretary of State finds
1356 it to be feasible, for use in municipal primaries, elections, and runoffs. If no preference
1357 is stated, the ballot shall be transmitted by mail. The State Election Board shall by rule
1358 or regulation establish procedures to ensure to the extent practicable that the procedures
1359 for transmitting such ballots shall protect the security and integrity of such ballots and
1360 shall ensure that the privacy of the identity and other personal data of such electors who
1361 are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens

1362 Absentee Voting Act, 52 U.S.C. Section ~~20302~~ 20301, et seq., as amended, to whom a
1363 blank absentee ballot is transmitted under this Code section is protected throughout the
1364 process of such transmission."

1365 **SECTION 27.**

1366 Said chapter is further amended by revising subsections (a) and (d) of and adding a new
1367 subsection to Code Section 21-2-385, relating to procedure for voting by absentee ballot and
1368 advance voting, to read as follows:

1369 "(a) At any time after receiving an official absentee ballot, but before the day of the
1370 primary or election, except electors who are confined to a hospital on the day of the
1371 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
1372 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
1373 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
1374 of the oath of the elector; the name and oath of the person assisting, if any; and other
1375 required identifying information. The elector shall then fill out, subscribe, and swear to the
1376 oath printed on such envelope. In order to verify that the absentee ballot was voted by the
1377 elector who requested the ballot, the elector shall print the number of his or her Georgia
1378 driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of
1379 Title 40 in the space provided on the outer oath envelope. The elector shall also print his
1380 or her date of birth in the space provided in the outer oath envelope. If the elector does not
1381 have a Georgia driver's license or state identification card issued pursuant to Article 5 of
1382 Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath
1383 envelope and print the last four digits of his or her social security number in the space
1384 provided on the outer oath envelope. If the elector does not have a Georgia driver's license,
1385 identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security
1386 number, the elector shall so affirm in the space provided on the outer oath envelope and
1387 place a copy of one of the forms of identification set forth in subsection (c) of Code

1388 Section 21-2-417. Such envelope shall then be securely sealed and the elector shall then
 1389 personally mail or personally deliver same to the board of registrars or absentee ballot
 1390 clerk, provided that mailing or delivery may be made by the elector's mother, father,
 1391 grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild,
 1392 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or
 1393 an individual residing in the household of such elector. The absentee ballot of a disabled
 1394 elector may be mailed or delivered by the caregiver of such disabled elector, regardless of
 1395 whether such caregiver resides in such disabled elector's household. The absentee ballot
 1396 of an elector who is in custody in a jail or other detention facility may be mailed or
 1397 delivered by any employee of such jail or facility having custody of such elector. An
 1398 elector who is confined to a hospital on a primary or election day to whom an absentee
 1399 ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the
 1400 ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector
 1401 registered to vote for the first time in this state by mail and has not previously provided the
 1402 identification required by Code Section 21-2-220 and votes for the first time by absentee
 1403 ballot and fails to provide the identification required by Code Section 21-2-220 with such
 1404 absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be
 1405 counted only if the registrars are able to verify the identification and registration of the
 1406 elector during the time provided pursuant to Code Section 21-2-419."

1407 "(d)(1) There shall be a period of advance voting that shall commence:

1408 (A) On the fourth Monday immediately prior to each primary or election; and

1409 ~~(B) On the fourth Monday immediately prior to a runoff from a general primary;~~

1410 ~~(C) On the fourth Monday immediately prior to a runoff from a general election in
 1411 which there are candidates for a federal office on the ballot in the runoff; and~~

1412 ~~(D)~~(B) As soon as possible prior to a runoff from any other general primary or election
 1413 ~~in which there are only state or county candidates on the ballot in the runoff~~ but no later
 1414 than the second Monday immediately prior to such runoff

1415 and shall end on the Friday immediately prior to each primary, election, or runoff.
1416 Voting shall be conducted ~~during normal business hours~~ beginning at 9:00 A.M. and
1417 ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period
1418 and shall be conducted on the second Saturday and, at the registrar's or absentee ballot
1419 clerk's choosing, either the third Saturday or third Sunday prior to a primary or election
1420 ~~during the hours of 9:00 A.M. through 4:00 P.M.~~ beginning at 9:00 A.M. and ending at
1421 5:00 P.M.; provided, however, ~~that in primaries and elections in which there are no~~
1422 ~~federal or state candidates on the ballot, no Saturday voting hours shall be required; and~~
1423 ~~provided, further,~~ that, if such second Saturday is a public and legal holiday pursuant to
1424 Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring
1425 on the Thursday or Friday immediately preceding such second Saturday, or if such
1426 second Saturday immediately precedes a public and legal holiday occurring on the
1427 following Sunday or Monday, such advance voting shall not be held on such second
1428 Saturday but shall be held on the third Saturday prior to such primary or election
1429 beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this
1430 paragraph, ~~counties and municipalities~~ the registrars may extend the hours for voting
1431 ~~beyond regular business hours~~ to permit advance voting from 7:00 A.M. until 7:00 P.M.
1432 and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit
1433 the needs of the electors of the jurisdiction at their option; provided, however, that voting
1434 shall occur only on the days specified in this paragraph and counties and municipalities
1435 shall not be authorized to conduct advance voting on any other days.

1436 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
1437 to the electors of their jurisdiction of the availability of advance voting as well as the
1438 times, dates, and locations at which advance voting will be conducted. In addition, the
1439 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
1440 prescribed by the Secretary of State of the times, dates, and locations at which advance
1441 voting will be conducted.

1442 (3) The board of registrars shall publish the dates, times, and locations of the availability
1443 of advance voting in its jurisdiction on the homepage of the county's publicly accessible
1444 website associated with elections or registrations, or if the county does not have such a
1445 website, in a newspaper of general circulation, and by posting in a prominent location in
1446 the county, no later than 14 days prior to the beginning of the advance voting period for
1447 a general primary, special primary, general election, or special election and no later than
1448 seven days prior to the beginning of the advance voting period for any run-off election.
1449 Any new advance voting locations added after that deadline shall be published in the
1450 same manner as soon as possible. The board of registrars shall not remove any advance
1451 voting location after the notice of such location is published, except in the case of an
1452 emergency or unavoidable event that renders a location unavailable for use. Any changes
1453 that are made due to an emergency or unavoidable event after a notice of a location has
1454 been published shall be published as soon as possible in the same manner set forth in this
1455 paragraph.

1456 (e) On each day of an absentee voting period, each county board of registrars or
1457 municipal absentee ballot clerk shall report for the county or municipality to the Secretary
1458 of State and post on the county or municipal website not later than 10:00 A.M. on each
1459 business day the number of persons to whom absentee ballots have been issued, the
1460 number of persons who have returned absentee ballots, and the number of absentee
1461 ballots that have been rejected. Additionally, on each day of an advance voting period,
1462 each county board of registrars or municipal absentee ballot clerk shall report to the
1463 Secretary of State and post on the county or municipal website not later than 10:00 A.M.
1464 on each business day the number of persons who have voted at the advance voting sites
1465 in the county or municipality. During the absentee voting period and for a period of three
1466 days following a primary, election, or runoff, each county board of registrars or municipal
1467 absentee ballot clerk shall report to the Secretary of State and post on the county or
1468 municipal website not later than 10:00 A.M. on each business day the number of persons

1469 who have voted provisional ballots, the number of provisional ballots that have verified
1470 or cured and accepted for counting, and the number of provisional ballots that have been
1471 rejected."

1472 **SECTION 28.**

1473 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,
1474 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
1475 manager, duties of managers, precinct returns, and notification of challenged elector, as
1476 follows:

1477 "21-2-386.

1478 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
1479 and stored in a manner that will prevent tampering and unauthorized access all official
1480 absentee ballots received from absentee electors prior to the closing of the polls on the
1481 day of the primary or election except as otherwise provided in this subsection.

1482 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
1483 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
1484 number of the elector's Georgia driver's license number or state identification card
1485 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the
1486 absentee ballot envelope identifying information on the oath with the same information
1487 on file in his or her office, shall compare the signature or mark on the oath with the
1488 signature or mark on the absentee elector's voter registration card or the most recent
1489 update to such absentee elector's voter registration card and application for absentee
1490 ballot or a facsimile of said signature or mark taken from said card or application, and
1491 shall, if the information and signature appear to be valid and other identifying
1492 information appears to be correct, contained in the elector's voter registration records.
1493 If the elector has affirmed on the envelope that he or she does not have a Georgia
1494 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of

1495 Title 40, the registrar or clerk shall compare the last four digits of the elector's social
1496 security number and date of birth entered on the envelope with the same information
1497 contained in the elector's voter registration records. The registrar or clerk shall also
1498 confirm that the elector signed the oath and the person assisting the elector, if any,
1499 signed the required oath. If the elector has signed the elector's oath, the person assisting
1500 has signed the required oath, if applicable, and the identifying information entered on
1501 the absentee ballot envelope matches the same information contained in the elector's
1502 voter registration record, the registrar or clerk shall so certify by signing or initialing
1503 his or her name below the voter's oath. Each elector's name so certified shall be listed
1504 by the registrar or clerk on the numbered list of absentee voters prepared for his or her
1505 precinct.

1506 (C) If the elector has failed to sign the oath, or if the ~~signature~~ identifying information
1507 entered on the absentee ballot envelope does not ~~appear to be valid~~ match the same
1508 information appearing in the elector's voter registration record, or if the elector has
1509 failed to furnish required information or information so furnished does not conform
1510 with that on file in the registrar's or clerk's office, or if the elector is otherwise found
1511 disqualified to vote, the registrar or clerk shall write across the face of the envelope
1512 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk
1513 shall promptly notify the elector of such rejection, a copy of which notification shall be
1514 retained in the files of the board of registrars or absentee ballot clerk for at least two
1515 years. Such elector shall have until the end of the period for verifying provisional
1516 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem
1517 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,
1518 ~~an invalid signature~~ nonmatching identifying information, or missing information by
1519 submitting an affidavit to the board of registrars or absentee ballot clerk along with a
1520 copy of one of the forms of identification enumerated in subsection (c) of Code
1521 Section 21-2-417 before the close of such period. The affidavit shall affirm that the

1522 ballot was submitted by the elector, is the elector's ballot, and that the elector is
1523 registered and qualified to vote in the primary, election, or runoff in question. If the
1524 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1525 sufficient, the absentee ballot shall be counted.

1526 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
1527 of Code Section 21-2-220, and who votes for the first time in this state by absentee
1528 ballot shall include with his or her application for an absentee ballot or in the outer oath
1529 envelope of his or her absentee ballot either one of the forms of identification listed in
1530 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
1531 statement, government check, paycheck, or other government document that shows the
1532 name and address of such elector. If such elector does not provide any of the forms of
1533 identification listed in this subparagraph with his or her application for an absentee
1534 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
1535 provisional ballot and such ballot shall only be counted if the registrars are able to
1536 verify current and valid identification of the elector as provided in this subparagraph
1537 within the time period for verifying provisional ballots pursuant to Code
1538 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
1539 the elector that such ballot is deemed a provisional ballot and shall provide information
1540 on the types of identification needed and how and when such identification is to be
1541 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

1542 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
1543 absentee electors, giving the name of the elector and the reason for the rejection in each
1544 case. Three copies of the numbered list of certified absentee voters and three copies of
1545 the numbered list of rejected absentee voters for each precinct shall be turned over to
1546 the poll manager in charge of counting the absentee ballots and shall be distributed as
1547 required by law for numbered lists of voters.

1548 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
1549 of the polls on the day of the primary or election shall be safely kept unopened by the
1550 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
1551 for the period of time required for the preservation of ballots used at the primary or
1552 election and shall then, without being opened, be destroyed in like manner as the used
1553 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
1554 promptly notify the elector by first-class mail that the elector's ballot was returned too
1555 late to be counted and that the elector will not receive credit for voting in the primary
1556 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
1557 stored as provided in Code Section 21-2-390.

1558 (G) Notwithstanding any provision of this chapter to the contrary, until the United
1559 States Department of Defense notifies the Secretary of State that the Department of
1560 Defense has implemented a system of expedited absentee voting for those electors
1561 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
1562 eligible absentee electors who reside outside the county or municipality in which the
1563 primary, election, or runoff is held and are members of the armed forces of the United
1564 States, members of the merchant marine of the United States, spouses or dependents of
1565 members of the armed forces or merchant marine residing with or accompanying such
1566 members, or overseas citizens that are postmarked by the date of such primary, election,
1567 or runoff and are received within the three-day period following such primary, election,
1568 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and
1569 included in the certified election results.

1570 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to ~~After the opening of the~~
1571 ~~polls on the day of the primary, election, or runoff, the registrars or absentee ballot~~
1572 ~~clerk~~ election superintendent shall be authorized to open the outer oath envelope on
1573 which is printed the oath of the elector of absentee ballots that have been verified and
1574 accepted pursuant to subparagraph (a)(1)(B) of this Code section, in such a manner as

1575 ~~not to destroy the oath printed thereon; provided, however, that the registrars or~~
1576 ~~absentee ballot clerk shall not be authorized to remove the contents of such outer~~
1577 ~~envelope, or to open the inner envelope marked 'Official Absentee Ballot,' except as~~
1578 ~~otherwise provided in this Code section and scan the absentee ballot using one or more~~
1579 ballot scanners. At least three persons who are registrars, deputy registrars, poll
1580 workers, or absentee ballot clerks must be present before commencing; and three
1581 persons who are registrars, deputy registrars, or absentee ballot clerks shall be present
1582 at all times while the ~~outer~~ absentee ballot envelopes are being opened and the absentee
1583 ballots are being scanned. ~~After opening the outer envelopes, the ballots shall be safely~~
1584 ~~and securely stored until the time for tabulating such ballots. However, no person shall~~
1585 ~~tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot~~
1586 ~~scanner or any other equipment to produce any tally or tabulate, partial or otherwise,~~
1587 ~~of the absentee ballots cast until the time for the closing of the polls on the day of the~~
1588 ~~primary, election, or runoff except as provided in this Code section. Prior to beginning~~
1589 ~~the process set forth in this paragraph, the superintendent shall provide written notice~~
1590 ~~to the Secretary of State in writing at least seven days prior to processing and scanning~~
1591 ~~absentee ballots. Such notice shall contain the dates, start and end times, and location~~
1592 ~~or locations where absentee ballots will be processed and scanned. The superintendent~~
1593 ~~shall also post such notice publicly in a prominent location in the superintendent's office~~
1594 ~~and on the home page of the county election superintendent's website. The Secretary~~
1595 ~~of State shall publish on his or her website the information he or she receives from~~
1596 ~~superintendents stating the dates, times, and locations where absentee ballots will be~~
1597 ~~processed.~~

1598 (B) The proceedings set forth in this paragraph shall be open to the view of the public,
1599 but no person except one employed and designated by the superintendent shall touch
1600 any ballot or ballot container. Any person involved in processing and scanning
1601 absentee ballots shall swear an oath, in the same form as the oath for poll officers

1602 provided in Code Section 21-2-95, prior to beginning the processing and scanning of
1603 absentee ballots. The county executive committee or, if there is no organized county
1604 executive committee, the state executive committee of each political party and political
1605 body having candidates whose names appear on the ballot for such election shall have
1606 the right to designate two persons and each independent and nonpartisan candidate
1607 whose name appears on the ballot for such election shall have the right to designate one
1608 person to act as monitors for such process. In the event that the only issue to be voted
1609 upon in an election is a referendum question, the superintendent shall also notify in
1610 writing the chief judge of the superior court of the county who shall appoint two
1611 electors of the county to monitor such process. While viewing or monitoring the
1612 process set forth in this paragraph, monitors and observers shall be prohibited from:

1613 (i) In any way interfering with the processing or scanning of absentee ballots or the
1614 conduct of the election;

1615 (ii) Using or bringing into the room any photographic or other electronic monitoring
1616 or recording devices, cellular telephones, or computers;

1617 (iii) Engaging in any form of campaigning or campaign activity;

1618 (iv) Taking any action that endangers the secrecy and security of the ballots;

1619 (v) Touching any ballot or ballot container;

1620 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,
1621 whether partial or otherwise, any of the votes on the absentee ballots cast; and

1622 (vii) Communicating any information that they see while monitoring the processing
1623 and scanning of the absentee ballots, whether intentionally or inadvertently, about any
1624 ballot, vote, or selection to anyone other than an election official who needs such
1625 information to lawfully carry out his or her official duties.

1626 (C) The State Election Board shall promulgate rules requiring reconciliation
1627 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes
1628 are opened; secrecy of election results prior to the closing of the polls on the day of a

1629 primary, election, or runoff; and other protections to protect the integrity of the process
1630 set forth in this paragraph.

1631 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
1632 day of the primary, election, or runoff ~~open the inner envelopes in accordance with the~~
1633 ~~procedures prescribed in this subsection and~~ begin tabulating the absentee ballots. If the
1634 county election superintendent chooses to open the inner envelopes and begin tabulating
1635 such ballots prior to the close of the polls on the day of the primary, election, or runoff,
1636 the superintendent shall notify in writing, at least seven days prior to the primary,
1637 election, or runoff, the Secretary of State of the superintendent's intent to begin the
1638 absentee ballot tabulation prior to the close of the polls. The county executive committee
1639 or, if there is no organized county executive committee, the state executive committee of
1640 each political party and political body having candidates whose names appear on the
1641 ballot for such election in such county shall have the right to designate two persons and
1642 each independent and nonpartisan candidate whose name appears on the ballot for such
1643 election in such county shall have the right to designate one person to act as monitors for
1644 such process. In the event that the only issue to be voted upon in an election is a
1645 referendum question, the superintendent shall also notify in writing the chief judge of the
1646 superior court of the county who shall appoint two electors of the county to monitor such
1647 process.

1648 (4) The county election superintendent shall publish a written notice in the
1649 superintendent's office of the superintendent's intent to begin the absentee ballot
1650 tabulation prior to the close of the polls and publish such notice at least one week prior
1651 to the primary, election, or runoff in the legal organ of the county.

1652 (5) The process for opening ~~the inner~~ absentee ballot envelopes, scanning absentee
1653 ballots, ~~of~~ and tabulating absentee ballots on the day of a primary, election, or runoff as
1654 provided in this subsection shall be ~~a confidential process~~ conducted in a manner to
1655 maintain the secrecy of all ballots and to protect the disclosure of any balloting

1656 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated
1657 before 7:00 A.M. on the day of a primary, election, or runoff.

1658 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
1659 election, or runoff, including the vote review panel required by Code Section 21-2-483,
1660 and all monitors and observers shall be sequestered until the time for the closing of the
1661 polls. All such persons shall have no contact with the news media; shall have no contact
1662 with other persons not involved in monitoring, observing, or conducting the tabulation;
1663 shall not use any type of communication device including radios, telephones, and cellular
1664 telephones; shall not utilize computers for the purpose of e-mail, instant messaging, or
1665 other forms of communication; and shall not communicate any information concerning
1666 the tabulation until the time for the closing of the polls; provided, however, that
1667 supervisory and technical assistance personnel shall be permitted to enter and leave the
1668 area in which the tabulation is being conducted but shall not communicate any
1669 information concerning the tabulation to anyone other than the county election
1670 superintendent; the staff of the superintendent; those persons conducting, observing, or
1671 monitoring the tabulation; and those persons whose technical assistance is needed for the
1672 tabulation process to operate.

1673 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
1674 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
1675 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
1676 for security. The persons conducting the tabulation of the absentee ballots shall not cause
1677 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes
1678 cast until the time for the closing of the polls except as otherwise provided in this Code
1679 section.

1680 (b) When requested by the superintendent, but not earlier than the third Monday prior to
1681 a primary, election, or runoff ~~As soon as practicable after 7:00 A.M. on the day of the~~
1682 ~~primary, election, or runoff, in precincts other than those in which optical scanning~~

1683 ~~tabulators are used~~, a registrar or absentee ballot clerk shall deliver the official absentee
1684 ballot of each certified absentee elector, each rejected absentee ballot, applications for such
1685 ballots, and copies of the numbered lists of certified and rejected absentee electors to the
1686 ~~manager in charge of the absentee ballot precinct of the county or municipality, which shall~~
1687 ~~be located in the precincts containing the county courthouse or polling place designated by~~
1688 ~~the municipal superintendent. In those precincts in which optical scanning tabulators are~~
1689 ~~used, such absentee ballots shall be taken to the tabulation center or other place~~ location
1690 designated by the superintendent, and the superintendent or official receiving such absentee
1691 ballots shall issue his or her receipt therefor. ~~Except as otherwise provided in this Code~~
1692 ~~section, in no event shall the counting of the ballots begin before the polls close.~~

1693 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened
1694 and tabulated as provided in this Code section. ~~A~~ ~~Except as otherwise provided in this~~
1695 ~~Code section, after the close of the polls on the day of the primary, election, or runoff, a~~
1696 manager shall then open the outer envelope in such manner as not to destroy the oath
1697 printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in
1698 a ballot box reserved for absentee ballots. In the event that an outer envelope is found to
1699 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an
1700 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited
1701 in the ballot box and counted in the same manner as other absentee ballots, provided that
1702 such ballot is otherwise proper. Such manager with two assistant managers, appointed by
1703 the superintendent, with such clerks as the manager deems necessary shall count the
1704 absentee ballots following the procedures prescribed by this chapter for other ballots,
1705 insofar as practicable, ~~and prepare an election return for the county or municipality~~
1706 ~~showing the results of the absentee ballots cast in such county or municipality.~~

1707 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
1708 be reported by precinct; and separate returns shall be made for each precinct in which
1709 absentee ballots were cast showing the results by each precinct in which the electors reside.

1710 The superintendent shall utilize the procedures set forth in this Code section to ensure that
1711 the returns of verified and accepted absentee ballots cast are reported to the public as soon
1712 as possible following the closing of the polls on the day of the primary, election, or runoff.
1713 Failure to utilize these procedures to ensure that the returns of verified and accepted
1714 absentee ballots are reported as soon as possible following the close of polls shall subject
1715 the superintendent to sanctions by the State Election Board. If a superintendent fails to
1716 report the returns of verified and accepted absentee ballots by the day following the
1717 election at 5:00 P.M., the State Election Board shall convene an independent performance
1718 review board pursuant to Code Section 21-2-107.

1719 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
1720 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
1721 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted
1722 as other challenged ballots are counted. Where direct recording electronic voting systems
1723 are used for absentee balloting and a challenge to an elector's right to vote is made prior to
1724 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot
1725 and such ballot shall be handled as provided in this subsection. The board of registrars or
1726 absentee ballot clerk shall promptly notify the elector of such challenge.

1727 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose
1728 or for any person to receive any information regarding the results of the tabulation of
1729 absentee ballots except as expressly provided by law."

1730 **SECTION 29.**

1731 Said chapter is further amended in Code Section 21-2-390, relating to delivery of election
1732 materials to clerk of superior court or city clerk after primary or election and accounting for
1733 ballots by registrars or municipal absentee ballot clerks, by designating the existing text as
1734 subsection (a) and adding a new subsection to read as follows:

1735 "(b) The Secretary of State shall be authorized to inspect and audit the information
 1736 contained in the absentee ballot applications or envelopes at his or her discretion at any
 1737 time during the 24 month retention period. Such audit may be conducted state wide or in
 1738 selected counties or cities and may include the auditing of a statistically significant sample
 1739 of the envelopes or a full audit of all of such envelopes. For this purpose, the Secretary of
 1740 State or his or her authorized agents shall have access to such envelopes in the custody of
 1741 the clerk of superior court or city clerk."

1742 **SECTION 30.**

1743 Said chapter is further amended in Code Section 21-2-403, relating to time for opening and
 1744 closing of polls, by redesignating the existing text as subsection (a) and adding a new
 1745 subsection to read as follows:

1746 "(b) Poll hours at a precinct may be extended only by order of a judge of the superior court
 1747 of the county in which the precinct is located upon good cause shown by clear and
 1748 convincing evidence that persons were unable to vote at that precinct during a specific
 1749 period or periods of time. Poll hours shall not be extended longer than the total amount of
 1750 time during which persons were unable to vote at such precinct. Any order extending poll
 1751 hours at a precinct beyond 9:00 P.M. shall be by written order with specific findings of fact
 1752 supporting such extension."

1753 **SECTION 31.**

1754 Said chapter is further amended by revising subsections (c) and (e) of Code
 1755 Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with
 1756 election, reports by poll watchers of infractions or irregularities, and ineligibility of
 1757 candidates to serve as poll watchers, as follows:

1758 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems
 1759 or optical scanning voting systems, each political party may appoint two poll watchers in

1760 each primary or election, each political body may appoint two poll watchers in each
1761 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan
1762 election, and each independent candidate may appoint one poll watcher in each election to
1763 serve in the locations designated by the superintendent within the tabulating center. Such
1764 designated locations shall include the check-in area, the computer room, the duplication
1765 area, and such other areas as the superintendent may deem necessary to the assurance of
1766 fair and honest procedures in the tabulating center. The locations designated by the
1767 superintendent shall ensure that each poll watcher can fairly observe the procedures set
1768 forth in this Code section. The poll watchers provided for in this subsection shall be
1769 appointed and serve in the same manner as other poll watchers."

1770 "(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary
1771 or election in which such person is a candidate. No person shall be eligible to serve as a
1772 poll watcher unless he or she has completed training provided by the political party,
1773 political body, or candidate designating the poll watcher. Upon request, the Secretary of
1774 State shall make available material to each political party, political body, or candidate that
1775 can be utilized in such training but it shall be the responsibility of the political party,
1776 political body, or candidate designating the poll watcher to instruct poll watchers in their
1777 duties and in applicable laws and rules and regulations. Each political party, political body,
1778 or candidate shall, in their written designation of poll watchers, certify under oath that the
1779 named poll watchers have completed the training required by this Code section."

1780 SECTION 32.

1781 Said chapter is further amended by revising subsections (a) and (e) of Code
1782 Section 21-2-414, relating to restrictions on campaign activities and public opinion polling
1783 within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates
1784 from entering certain polling places, and penalty, as follows:

1785 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
 1786 person distribute or display any campaign material, nor shall any person give, offer to give,
 1787 or participate in the giving of any money or gifts, including, but not limited to, food and
 1788 drink, to an elector, nor shall any person solicit signatures for any petition, nor shall any
 1789 person, other than election officials discharging their duties, establish or set up any tables
 1790 or booths on any day in which ballots are being cast:

1791 (1) Within 150 feet of the outer edge of any building within which a polling place is
 1792 established;

1793 (2) Within any polling place; or

1794 (3) Within 25 feet of any voter standing in line to vote at any polling place.

1795 These restrictions shall not apply to conduct occurring in private offices or areas which
 1796 cannot be seen or heard by such electors."

1797 "(e) This Code section shall not be construed to prohibit a poll officer from distributing
 1798 materials, as required by law, which are necessary for the purpose of instructing electors
 1799 or from distributing materials prepared by the Secretary of State which are designed solely
 1800 for the purpose of encouraging voter participation in the election being conducted or from
 1801 making available self-service water from an unattended receptacle to an elector waiting in
 1802 line to vote."

1803 SECTION 33.

1804 Said chapter is further amended by revising subsections (a) and (b) of Code
 1805 Section 21-2-418, relating to provisional ballots, as follows:

1806 "(a) If a person presents himself or herself at a polling place, absentee polling place, or
 1807 registration office in his or her county of residence in this state for the purpose of casting
 1808 a ballot in a primary or election stating a good faith belief that he or she has timely
 1809 registered to vote in such county of residence in such primary or election and the person's
 1810 name does not appear on the list of registered electors, the person shall be entitled to cast

1811 a provisional ballot in his or her county of residence in this state as provided in this Code
1812 section. If the person presents himself or herself at a polling place in the county in which
1813 he or she is registered to vote, but not at the precinct at which he or she is registered to
1814 vote, the poll officials shall inform the person of the polling location for the precinct where
1815 such person is registered to vote. The poll officials shall also inform such person that any
1816 votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast
1817 after 5:00 P.M. and before the regular time for the closing of the polls on the day of the
1818 primary, election, or runoff and unless the person executes a sworn statement, witnessed
1819 by the poll official, stating that he or she is unable to vote at his or her correct polling place
1820 prior to the closing of the polls and giving the reason therefor.

1821 (b) Such person voting a provisional ballot shall complete an official voter registration
1822 form and a provisional ballot voting certificate which shall include information about the
1823 place, manner, and approximate date on which the person registered to vote. The person
1824 shall swear or affirm in writing that he or she previously registered to vote in such primary
1825 or election, is eligible to vote in such primary or election, has not voted previously in such
1826 primary or election, and meets the criteria for registering to vote in such primary or
1827 election. If the person is voting a provisional ballot in the county in which he or she is
1828 registered to vote but not at the precinct in which he or she is registered to vote during the
1829 period from 5:00 P.M. to the regular time for the closing of the polls on the day of the
1830 primary, election, or runoff, the person shall execute a sworn statement, witnessed by the
1831 poll official, stating that he or she is unable to vote at his or her correct polling place prior
1832 to the closing of the polls and giving the reason therefor. The form of the provisional ballot
1833 voting certificate shall be prescribed by the Secretary of State. The person shall also
1834 present the identification required by Code Section 21-2-417."

SECTION 34.

Said chapter is further amended by revising Code Section 21-2-419, relating to validation of provisional ballots and reporting to Secretary of State, as follows:

"21-2-419.

(a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the county or municipality. Such provisional ballot shall be sealed in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot in a secure, sealed ballot box.

(b) At the earliest time possible after the casting of a provisional ballot, but no later than the day after the primary or election in which such provisional ballot was cast, the board of registrars of the county or municipality, as the case may be, shall be notified by the election superintendent that provisional ballots were cast in the primary or election and the registrars shall be provided with the documents completed by the person casting the provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be securely maintained by the election superintendent until a determination has been made concerning their status. The board of registrars shall immediately examine the information contained on such documents and make a good faith effort to determine whether the person casting the provisional ballot was entitled to vote in the primary or election. Such good faith effort shall include a review of all available voter registration documentation, including registration information made available by the electors themselves and documentation of modifications or alterations of registration data showing changes to an elector's registration status. Additional sources of information may include, but are not limited to, information from the Department of Driver Services, Department of Family and Children Services, Department of Natural Resources, public libraries, or any other agency of government including, but not limited to, other county election and registration offices.

(c)(1) If the registrars determine after the polls close, but not later than three days following the primary or election, that the person casting the provisional ballot timely

1862 registered to vote and was eligible and entitled to vote in the precinct in which he or she
1863 voted in such primary or election, the registrars shall notify the election superintendent
1864 and the provisional ballot shall be counted and included in the county's or municipality's
1865 certified election results.

1866 (2) If the registrars determine after the polls close, but not later than three days following
1867 the primary or election, that the person voting the provisional ballot timely registered and
1868 was eligible and entitled to vote in the primary or election but voted in the wrong
1869 precinct, then the board of registrars shall notify the election superintendent only if such
1870 person voted between the hours of 5:00 P.M. and the regular time for the closing of the
1871 polls on the day of the primary, election, or runoff and provided the sworn statement
1872 required by subsection (b) of Code Section 21-2-418. The superintendent shall count
1873 such person's votes which were cast for candidates in those races for which the person
1874 was entitled to vote but shall not count the votes cast for candidates in those races in
1875 which such person was not entitled to vote. The superintendent shall order the proper
1876 election official at the tabulating center or precinct to prepare an accurate duplicate ballot
1877 containing only those votes cast by such person in those races in which such person was
1878 entitled to vote for processing at the tabulating center or precinct, which shall be verified
1879 in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word
1880 'Duplicate,' shall bear the designation of the polling place, and shall be given the same
1881 serial number as the original ballot. The original ballot shall be retained and the sworn
1882 statement required by subsection (b) of Code Section 21-2-418 shall be transmitted to the
1883 Secretary of State with the certification documents required by paragraph (4) of
1884 subsection (a) of Code Section 21-2-497 and such statement shall be reviewed by the
1885 State Election Board.

1886 (3) If the registrars determine that the person casting the provisional ballot did not timely
1887 register to vote or was not eligible or entitled to vote in the precinct in which he or she
1888 voted in such primary or election or shall be unable to determine within three days

1889 following such primary or election whether such person timely registered to vote and was
1890 eligible and entitled to vote in such primary or election, the registrars shall so notify the
1891 election superintendent and such ballot shall not be counted. The election superintendent
1892 shall mark or otherwise document that such ballot was not counted and shall deliver and
1893 store such ballots with all other ballots and election materials as provided in Code
1894 Section 21-2-500.

1895 (d)(1) At the earliest time possible after a determination is made regarding a provisional
1896 ballot, the board of registrars shall notify in writing those persons whose provisional
1897 ballots were not counted that their ballots were not counted because of the inability of the
1898 registrars to verify that the persons timely registered to vote or other proper reason. The
1899 registrars shall process the official voter registration form completed by such persons
1900 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found
1901 qualified.

1902 (2) At the earliest time possible after a determination is made regarding a provisional
1903 ballot, the board of registrars shall notify in writing those electors who voted in the wrong
1904 precinct and whose votes were partially counted of their correct precinct.

1905 (e) The board of registrars shall complete a report in a form designated by the Secretary
1906 of State indicating the number of provisional ballots cast and counted in the primary or
1907 election."

1908 **SECTION 35.**

1909 Said chapter is further amended in Part 1 of Article 11, relating to general provisions
1910 regarding preparation for and conduct of primaries and elections, by adding new Code
1911 sections to read as follows:

1912 "21-2-420.

1913 (a) After the time for the closing of the polls and the last elector voting, the poll officials
1914 in each precinct shall complete the required accounting and related documentation for the

1915 precinct and shall advise the election superintendent of the total number of ballots cast at
1916 such precinct and the total number of provisional ballots cast. The chief manager and at
1917 least one assistant manager shall post a copy of the tabulated results for the precinct on the
1918 door of the precinct and then immediately deliver all required documentation and election
1919 materials to the election superintendent. The election superintendent shall then ensure that
1920 such ballots are processed, counted, and tabulated as soon as possible and shall not cease
1921 such count and tabulation until all such ballots are counted and tabulated.

1922 (b) The election superintendent shall ensure that each precinct notifies the election
1923 superintendent of the number of ballots cast and number of provisional ballots cast as soon
1924 as possible after the time for the closing of the polls and the last elector votes. The election
1925 superintendent shall post such information publicly. The State Election Board shall
1926 promulgate rules and regulations regarding how such information shall be publicly posted
1927 to ensure transparency, accuracy, and security.

1928 21-2-421.

1929 (a) As soon as possible but not later than 10:00 P.M. following the close of the polls on
1930 the day of a general primary, general election, or runoff of a general primary or general
1931 election, the election superintendent shall report to the Secretary of State and post in a
1932 prominent public place the following information:

1933 (1) The number of ballots cast at the polls on the day of the primary, election, or runoff,
1934 including provisional ballots cast;

1935 (2) The number of ballots cast at advance voting locations during the advance voting
1936 period for the primary, election, or runoff; and

1937 (3) The total number of absentee ballots returned to the board of registrars by the
1938 deadline to receive such absentee ballots on the day of the primary, election, or runoff.

1939 (b) Upon the completion of the report provided for in subsection (a) of this Code section,
1940 the election superintendent shall compare the total number of ballots received as reported

1941 in subsection (a) of this Code section minus any rejected and uncured absentee ballots,
1942 uncounted provisional ballots, and any other uncounted ballots, with the total number of
1943 ballots cast in the primary, election, or runoff. The results of such comparison and all
1944 explanatory materials shall be reported to the Secretary of State. The reason for any
1945 discrepancy shall be fully investigated and reported to the Secretary of State."

1946 **SECTION 36.**

1947 Said chapter is further amended by revising subsections (a) and (d) of Code
1948 Section 21-2-437, relating to procedure as to count and return of votes generally and void
1949 ballots, as follows:

1950 "(a) After the polls close and as soon as all the ballots have been properly accounted for
1951 and those outside the ballot box as well as the voter's certificates, numbered list of voters,
1952 and electors list have been sealed, the poll officers shall open the ballot box and take
1953 therefrom all ballots contained therein. In primaries in which more than one ballot box is
1954 used, any ballots or stubs belonging to another party holding its primary in the same polling
1955 place shall be returned to the ballot box for the party for which they were issued. In
1956 primaries, separate tally and return sheets shall be prepared for each party, and separate
1957 poll officers shall be designated by the chief manager to count and tally each party's ballot.
1958 Where the same ballot box is being used by one or more parties, the ballots and stubs shall
1959 first be divided by party before being tallied and counted. The ballots shall then be counted
1960 one by one and a record made of the total number. Then the chief manager, together with
1961 such assistant managers and other poll officers as the chief manager may designate, under
1962 the scrutiny of one of the assistant managers and in the presence of the other poll officers,
1963 shall read aloud the names of the candidates marked or written upon each ballot, together
1964 with the office for which the person named is a candidate, and the answers contained on
1965 the ballots to the questions submitted, if any; and the other assistant manager and clerks
1966 shall carefully enter each vote as read and keep account of the same in ink on a sufficient

1967 number of tally papers, all of which shall be made at the same time. All ballots, after being
1968 removed from the box, shall be kept within the unobstructed view of all persons in the
1969 voting room until replaced in the box. No person, while handling the ballots, shall have
1970 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
1971 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
1972 not adjourn or postpone the canvass or computation until it shall have been fully
1973 completed, ~~except that, in the discretion of the superintendent, the poll officers may stop~~
1974 ~~the counting after all contested races and questions are counted, provided that the results~~
1975 ~~of these contested races and questions are posted for the information of the public outside~~
1976 ~~the polling place and the ballots are returned to the ballot box and deposited with the~~
1977 ~~superintendent until counting is resumed on the following day."~~

1978 "(d) Any ballot marked so as to identify the voter shall be void and not counted, except a
1979 ballot cast by a challenged elector whose name appears on the electors list; such challenged
1980 vote shall be counted as prima facie valid but may be voided in the event of an election
1981 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
1982 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
1983 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
1984 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
1985 any nomination or office than there are candidates to be voted for such nomination or
1986 office, or if, for any reason, it may be impossible to determine his or her choice for any
1987 nomination or office, his or her ballot shall not be counted for such nomination or office;
1988 but the ballot shall be counted for all nominations or offices for which it is properly
1989 marked. Unmarked ballots or ballots improperly or defectively marked so that the whole
1990 ballot is void shall be set aside and shall be preserved with other ballots. In primaries,
1991 votes cast for candidates who have died, withdrawn, or been disqualified shall be void and
1992 shall not be counted. Except as provided in subsection (g) of Code Section 21-2-134

1993 regarding nonpartisan elections, in ~~in~~ elections, votes for candidates who have died or been
1994 disqualified shall be void and shall not be counted."

1995 **SECTION 37.**

1996 Said chapter is further amended by revising subsection (a) of Code Section 21-2-438, relating
1997 to ballots identifying voter, not marked, or improperly marked declared void, as follows:

1998 "(a) Any ballot marked so as to identify the voter shall be void and not counted, except a
1999 ballot cast by a challenged elector whose name appears on the electors list; such challenged
2000 vote shall be counted as prima facie valid but may be voided in the event of an election
2001 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
2002 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
2003 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
2004 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
2005 any nomination or office than there are candidates to be voted for such nomination or
2006 office, or if, for any reason, it may be impossible to determine his or her choice for any
2007 nomination or office, his or her ballot shall not be counted for such nomination or office;
2008 but the ballot shall be counted for all nominations or offices for which it is properly
2009 marked. Ballots not marked or improperly or defectively marked so that the whole ballot
2010 is void; shall be set aside and shall be preserved with the other ballots. In primaries, votes
2011 cast for candidates who have died, withdrawn, or been disqualified shall be void and shall
2012 not be counted. Except as provided in subsection (g) of Code Section 21-2-134 regarding
2013 nonpartisan elections, in ~~in~~ elections, votes for candidates who have died or been
2014 disqualified shall be void and shall not be counted."

SECTION 38.

Said chapter is further amended by revising subsection (f) of 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, as follows:

"(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be processed by the tabulating machine, the superintendent, in his or her discretion, may order ~~the proper election official at the tabulating center or precinct~~ a duplication panel to prepare a true duplicate copy for processing ~~with the ballots of the same polling place, which shall be verified in the presence of a witness.~~ In a partisan election, the duplication panel shall be composed of the election superintendent or a designee thereof and one person appointed by the county executive committee of each political party having candidates whose names appear on the ballot for such election, provided that, if there is no organized county executive committee for a political party, the person shall be appointed by the state executive committee of the political party. In a nonpartisan election or an election involving only the presentation of a question to the electors, the duplication panel shall be composed of the election superintendent or a designee thereof and two electors of the county or municipality. In the case of a nonpartisan county or municipal election or an election involving only the presentation of a question to the electors, the two elector members of the panel shall be appointed by the chief judge of the superior court of the county or municipality in which the election is held. In the case of a municipality which is located in more than one county, the two elector members of the panel shall be appointed by the chief judge of the superior court of the county in which the city hall of the municipality is located. The election superintendent may create multiple duplication panels to handle the processing of such ballots more efficiently. All duplicate ballots shall be clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and ~~shall be given the same serial number as the defective ballot~~ contain a unique number that

2041 will allow such duplicate ballot to be linked back to the original ballot. The defective
2042 ballot shall be retained."

2043 **SECTION 39.**

2044 Said chapter is further amended by revising Code Section 21-2-492, relating to computation
2045 and canvassing of returns, notice of when and where returns will be computed and canvassed,
2046 blank forms for making statements of returns, and swearing of assistants, as follows:

2047 "21-2-492.

2048 The superintendent shall arrange for the computation and canvassing of the returns of votes
2049 cast at each primary and election at his or her office or at some other convenient public
2050 place at the county seat or municipality following the close of the polls on the day of such
2051 primary or election with accommodations for those present insofar as space permits. An
2052 interested candidate or his or her representative shall be permitted to keep or check his or
2053 her own computation of the votes cast in the several precincts as the returns from the same
2054 are read, as directed in this article. The superintendent shall give at least one week's notice
2055 prior to the primary or election by publishing same in a conspicuous place in the
2056 superintendent's office, of the ~~time and place when and~~ where he or she will commence and
2057 hold his or her sessions for the computation and canvassing of the returns; and he or she
2058 shall keep copies of such notice posted in his or her office during such period. The
2059 superintendent shall procure a sufficient number of blank forms of returns made out in the
2060 proper manner and headed as the nature of the primary or election may require, for making
2061 out full and fair statements of all votes which shall have been cast within the county or any
2062 precinct therein, according to the returns from the several precincts thereof, for any person
2063 voted for therein, or upon any question voted upon therein. The assistants of the
2064 superintendent in the computation and canvassing of the votes shall be first sworn by the
2065 superintendent to perform their duties impartially and not to read, write, count, or certify
2066 any return or vote in a false or fraudulent manner."

2067 **SECTION 40.**

2068 Said chapter is further amended by revising subsections (a) and (k) of Code
 2069 Section 21-2-493, relating to computation, canvassing, and tabulation of returns,
 2070 investigation of discrepancies in vote counts, recount procedure, certification of returns, and
 2071 change in returns, and adding a new subsection to read as follows:

2072 "(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the
 2073 day ~~following the~~ of a primary or election, at his or her office or at some other convenient
 2074 public place at the county seat or in the municipality, of which due notice shall have been
 2075 given as provided by Code Section 21-2-492, publicly commence the computation and
 2076 canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the
 2077 close of the polls, including those cast by advance voting, and all ballots cast on the day
 2078 of the primary or election have been counted and tabulated and the results of such
 2079 tabulation released to the public and, then, continuing with provisional ballots as provided
 2080 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in
 2081 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For
 2082 this purpose, the superintendent may organize his or her assistants into sections, each of
 2083 ~~which~~ whom may simultaneously proceed with the computation and canvassing of the
 2084 returns from various precincts of the county or municipality in the manner provided by this
 2085 Code section. Upon the completion of such computation and canvassing, the
 2086 superintendent shall tabulate the figures for the entire county or municipality and sign,
 2087 announce, and attest the same, as required by this Code section."

2088 "(j.1) The Secretary of State shall create a pilot program for the posting of digital images
 2089 of the scanned paper ballots created by the voting system.

2090 (k) As the returns from each precinct are read, computed, and found to be correct or
 2091 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
 2092 all the returns from the various precincts which are entitled to be counted shall have been
 2093 duly recorded; then they shall be added together, announced, and attested by the assistants

2094 who made and computed the entries respectively and shall be signed by the superintendent.
 2095 The consolidated returns shall then be certified by the superintendent in the manner
 2096 required by this chapter. Such returns shall be certified by the superintendent not later than
 2097 5:00 P.M. on the ~~second Friday~~ Monday following the date on which such election was
 2098 held and such returns shall be immediately transmitted to the Secretary of State; ~~provided,~~
 2099 ~~however, that such certification date may be extended by the Secretary of State in his or~~
 2100 ~~her discretion if necessary to complete a precertification audit as provided in Code Section~~
 2101 ~~21-2-498."~~

2102 SECTION 41.

2103 Said chapter is further amended by revising Code Section 21-2-501, relating to number of
 2104 votes required for election, as follows:

2105 "21-2-501.

2106 (a)(1) Except as otherwise provided in this Code section, no candidate shall be
 2107 nominated for public office in any primary or special primary or elected to public office
 2108 in any election or special election or shall take or be sworn into such elected public office
 2109 unless such candidate shall have received a majority of the votes cast to fill such
 2110 nomination or public office. In instances where no candidate receives a majority of the
 2111 votes cast, a run-off primary, special primary runoff, run-off election, or special election
 2112 runoff between the candidates receiving the two highest numbers of votes shall be held.
 2113 Unless such date is postponed by a court order, such ~~run-off primary, special primary~~
 2114 ~~runoff, run-off election, or special election~~ runoff shall be held ~~as provided in this~~
 2115 ~~subsection.~~

2116 (2) ~~In the case of a runoff from a general primary or a special primary or special election~~
 2117 ~~held in conjunction with a general primary, the runoff shall be held on the Tuesday of the~~
 2118 ~~ninth week following such general primary.~~

2119 ~~(3) In the case of a runoff from a general election for a federal office or a runoff from a~~
2120 ~~special primary or special election for a federal office held in conjunction with a general~~
2121 ~~election, the runoff shall be held on the Tuesday of the ninth week following such general~~
2122 ~~election.~~

2123 ~~(4) In the case of a runoff from a general election for an office other than a federal office~~
2124 ~~or a runoff from a special primary or special election for an office other than a federal~~
2125 ~~office held in conjunction with a general election, the runoff shall be held on the~~
2126 ~~twenty-eighth day after the day of holding the preceding general or special primary or~~
2127 ~~general or special election.~~

2128 ~~(5) In the case of a runoff from a special primary or special election for a federal office~~
2129 ~~not held in conjunction with a general primary or general election, the runoff shall be held~~
2130 ~~on the Tuesday of the ninth week following such special primary or special election.~~

2131 ~~(6) In the case of a runoff from a special primary or special election for an office other~~
2132 ~~than a federal office not held in conjunction with a general primary or general election,~~
2133 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~
2134 ~~special primary or special election; provided, however, that, if such runoff is from a~~
2135 ~~special primary or special election held in conjunction with a special primary or special~~
2136 ~~election for a federal office and there is a runoff being conducted for such federal office,~~
2137 ~~the runoff from the special primary or special election conducted for such other office~~
2138 ~~may be held in conjunction with the runoff for the federal office.~~

2139 ~~(7)~~(2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be
2140 ineligible, the remaining candidates receiving the two highest numbers of votes shall be
2141 the candidates in the runoff.

2142 ~~(8)~~(3) The candidate receiving the highest number of the votes cast in such run-off
2143 primary, special primary runoff, run-off election, or special election runoff to fill the
2144 nomination or public office sought shall be declared the winner.

2145 ~~(9)~~(4) The name of a write-in candidate eligible for election in a runoff shall be printed
2146 on the election or special election run-off ballot in the independent column.

2147 ~~(10)~~(5) The run-off primary, special primary runoff, run-off election, or special election
2148 runoff shall be a continuation of the primary, special primary, election, or special election
2149 for the particular office concerned. Only the electors who ~~were~~ are duly registered to
2150 vote and not subsequently deemed disqualified to vote in the ~~primary, special primary,~~
2151 ~~election, or special election~~ runoff for candidates for that particular office shall be entitled
2152 to vote therein, and only those votes cast for the persons designated as candidates in such
2153 run-off primary, special primary runoff, run-off election, or special election runoff shall
2154 be counted in the tabulation and canvass of the votes cast. No elector shall vote in a
2155 run-off primary or special primary runoff in violation of Code Section 21-2-224.

2156 (b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one
2157 candidate alone of the highest number of votes cast. If the municipal charter or ordinances
2158 of a municipality as now existing or as amended subsequent to September 1, 1968, provide
2159 that a candidate may be nominated or elected by a plurality of the votes cast to fill such
2160 nomination or public office, such provision shall prevail. Otherwise, no municipal
2161 candidate shall be nominated for public office in any primary or elected to public office in
2162 any election unless such candidate shall have received a majority of the votes cast to fill
2163 such nomination or public office.

2164 (c) In instances in which no municipal candidate receives a majority of the votes cast and
2165 the municipal charter or ordinances do not provide for nomination or election by a plurality
2166 vote, a run-off primary or election shall be held between the candidates receiving the two
2167 highest numbers of votes. Such runoff shall be held on the twenty-eighth day after the day
2168 of holding the first primary or election, unless such run-off date is postponed by court
2169 order; ~~provided, however, that, in the case of a runoff from a municipal special election~~
2170 ~~that is held in conjunction with a special election for a federal office and not in conjunction~~
2171 ~~with a general primary or general election, the municipality may conduct such runoff from~~

2172 ~~such municipal special election on the date of the special election runoff for the federal~~
2173 ~~office. Only the electors entitled to vote in the first primary or election shall be entitled to~~
2174 ~~vote in any run-off primary or election resulting therefrom; provided, however, that no~~ No
2175 elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off
2176 primary or election shall be a continuation of the first primary or election, and only those
2177 votes cast for the candidates receiving the two highest numbers of votes in the first primary
2178 or election shall be counted. No write-in votes may be cast in such a primary, run-off
2179 primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or
2180 is found to be ineligible, the remaining candidates receiving the two highest numbers of
2181 votes shall be the candidates in such runoff. The municipal candidate receiving the highest
2182 number of the votes cast in such run-off primary or run-off election to fill the nomination
2183 or public office sought shall be declared the winner. The municipality shall give written
2184 notice to the Secretary of State of such runoff as soon as such municipality certifies the
2185 preceding primary, special primary, election, or special election.

2186 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
2187 shall be printed on the municipal run-off election ballot in the independent column.

2188 (e) In all cities having a population in excess of 100,000 according to the United States
2189 decennial census of 1980 or any future such census, in order for a municipal candidate to
2190 be nominated for public office in any primary or elected to public office in any municipal
2191 election, he or she must receive a majority of the votes cast.

2192 (f) Except for presidential electors, to be elected to public office in a general election, a
2193 candidate must receive a majority of the votes cast in an election to fill such public office.
2194 To be elected to the office of presidential electors, no slate of candidates shall be required
2195 to receive a majority of the votes cast, but that slate of candidates shall be elected to such
2196 office which receives the highest number of votes cast."

SECTION 42.

Said chapter is further amended by revising Code Section 21-2-540, relating to conduct of special elections generally, as follows:

"21-2-540.

(a)(1) Every special primary and special election shall be held and conducted in all respects in accordance with the provisions of this chapter relating to general primaries and general elections; and the provisions of this chapter relating to general primaries and general elections shall apply thereto insofar as practicable and as not inconsistent with any other provisions of this chapter. All special primaries and special elections held at the time of a general primary, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, insofar as practicable, as are used for such general primary. All special primaries and special elections held at the time of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, ~~so far~~ insofar as practicable, as are used for such general election.

(2) If a vacancy occurs in a partisan office to which the Governor is authorized to appoint an individual to serve until the next general election, a special primary shall precede the special election.

(b) At least 29 days shall intervene between the call of a special primary and the holding of same, and at least 29 days shall intervene between the call of a special election and the holding of same. The period during which candidates may qualify to run in a special primary or a special election shall remain open for a minimum of two and one-half days. Special primaries and special elections which are to be held in conjunction with the presidential preference primary, a state-wide general primary, or state-wide general election shall be called at least 90 days prior to the date of such presidential preference primary, state-wide general primary, or state-wide general election; provided, however, that this requirement shall not apply to special primaries and special elections held on the same

2224 date as such presidential preference primary, state-wide general primary, or state-wide
 2225 general election but conducted completely separate and apart from such state-wide general
 2226 primary or state-wide general election using different ballots or voting equipment,
 2227 facilities, poll workers, and paperwork. ~~Notwithstanding any provision of this subsection~~
 2228 ~~to the contrary, special elections which are to be held in conjunction with the state-wide~~
 2229 ~~general primary or state-wide general election in 2014 shall be called at least 60 days prior~~
 2230 ~~to the date of such state-wide general primary or state-wide general election.~~

2231 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
 2232 special election to fill a vacancy in a county or municipal office shall be held only on one
 2233 of the following dates which is at least 29 days after the date of the call for the special
 2234 election:

2235 (A) In odd-numbered years, any such special primary or special election shall only be
 2236 held on:

- 2237 (i) The third Tuesday in March;
- 2238 (ii) The third Tuesday in June;
- 2239 (iii) The third Tuesday in September; or
- 2240 (iv) The Tuesday after the first Monday in November; and

2241 (B) In even-numbered years, any such special primary or special election shall only be
 2242 held on:

- 2243 (i) The third Tuesday in March; provided, however, that in the event that a special
 2244 primary or special election is to be held under this provision in a year in which a
 2245 presidential preference primary is to be held, then any such special primary or special
 2246 election shall be held on the date of and in conjunction with the presidential
 2247 preference primary;
- 2248 (ii) The date of the general primary; or
- 2249 (iii) The Tuesday after the first Monday in November;

2250 provided, however, that, in the event that a special primary or special election to fill a
2251 federal or state office on a date other than the dates provided in this paragraph has been
2252 scheduled and it is possible to hold a special primary or special election to fill a vacancy
2253 in a county, municipal, or school board office in conjunction with such special primary
2254 or special election to fill a federal or state office, the special primary or special election
2255 to fill such county, municipal, or school board office may be held on the date of and in
2256 conjunction with such special primary or special election to fill such federal or state
2257 office, provided all other provisions of law regarding such primaries and elections are
2258 met.

2259 (2) Notwithstanding any other provision of law to the contrary, a special election to
2260 present a question to the voters shall be held only on one of the following dates which is
2261 at least 29 days after the date of the call for the special election:

2262 (A) In odd-numbered years, any such special election shall only be held on the third
2263 Tuesday in March or on the Tuesday after the first Monday in November; and

2264 (B) In even-numbered years, any such special election shall only be held on:

2265 (i) The date of and in conjunction with the presidential preference primary if one is
2266 held that year;

2267 (ii) The date of the general primary; or

2268 (iii) The Tuesday after the first Monday in November.

2269 (3) The provisions of this subsection shall not apply to:

2270 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
2271 to recall a public officer or to fill a vacancy in a public office caused by a recall
2272 election; and

2273 (B) Special primaries or special elections to fill vacancies in federal or state public
2274 offices.

2275 (d) Except as otherwise provided by this chapter, the superintendent of each county or
2276 municipality shall publish the call of the special primary or special election.

2277 (e)(1) Candidates in special elections for partisan offices that are not preceded by special
 2278 primaries shall be listed alphabetically on the ballot and may choose to designate on the
 2279 ballot their party affiliation. The party affiliation selected by a candidate shall not be
 2280 changed following the close of qualifying.

2281 (2) Candidates in special primaries shall be listed alphabetically on the ballot."

2282 SECTION 43.

2283 Said chapter is further amended by revising subsection (b) of Code Section 21-2-541, relating
 2284 to holding of special primary or election at time of general primary or election and inclusion
 2285 of candidates and questions in special primary or election on ballot, as follows:

2286 "(b) If the times specified for the closing of the registration list for a special primary or
 2287 special election are the same as those for a general primary or general election, the
 2288 candidates and questions in such special primary or special election shall be included on
 2289 the ballot for such general primary or general election. In such an instance, the name of
 2290 the office and the candidates in such special primary or special election shall appear on the
 2291 ballot in the position where such names would ordinarily appear if such contest was a
 2292 general primary or general election."

2293 SECTION 44.

2294 Said chapter is further amended by revising Code Section 21-2-542, relating to special
 2295 election for United States senator vacancy and temporary appointment by Governor, as
 2296 follows:

2297 "21-2-542.

2298 Whenever a vacancy shall occur in the representation of this state in the Senate of the
 2299 United States, such vacancy shall be filled for the unexpired term by the vote of the electors
 2300 of the state at a special primary to be held at the time of the next general primary followed
 2301 by a special election to be held at the time of the next November state-wide general

2302 election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the
 2303 duty of the Governor to issue his or her proclamation for such special primary and special
 2304 election. Until such time as the vacancy shall be filled by an election as provided in this
 2305 Code section, the Governor may make a temporary appointment to fill such vacancy."

2306 **SECTION 45.**

2307 Said chapter is further amended in Article 14, relating to special elections and primaries
 2308 generally and municipal terms of office, by adding a new Code section to read as follows:

2309 "21-2-546.

2310 Notwithstanding any other law to the contrary, in each county in this state in which there
 2311 is a civil and magistrate court established by local Act of the General Assembly, vacancies
 2312 in the office of chief judge of such court caused by death, retirement, resignation, or
 2313 otherwise shall be filled by the appointment of a qualified person by the Governor to serve
 2314 until a successor is duly elected and qualified and until January 1 of the year following the
 2315 next general election which is more than six months following such person's appointment."

2316 **SECTION 46.**

2317 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating
 2318 to entry into voting compartment or booth while another voting, interfering with elector,
 2319 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,
 2320 as follows:

2321 "(a) Any person who knowingly:

2322 (1) Goes into the voting compartment or voting machine booth while another is voting
 2323 or marks the ballot or registers the vote for another, except in strict accordance with this
 2324 chapter;

2325 (2) Interferes with any elector marking his or her ballot or registering his or her vote;

2326 (3) Attempts to induce any elector ~~before depositing his or her ballot~~ to show how he or
 2327 she marks or has marked his or her ballot; ~~or~~
 2328 (4) Discloses to anyone how another elector voted, without said elector's consent, except
 2329 when required to do so in any legal proceeding; or
 2330 (5) Accepts an absentee ballot from an elector for delivery or return to the board of
 2331 registrars except as authorized by subsection (a) of Code Section 21-2-385
 2332 shall be guilty of a felony."

2333 **SECTION 47.**

2334 Said chapter is further amended in Article 15, relating to miscellaneous offenses, by adding
 2335 a new Code section to read as follows:

2336 "21-2-568.1.

2337 (a) Except while providing authorized assistance in voting under Code Section 21-2-409
 2338 and except for children authorized to be in the enclosed space under subsection (f) of Code
 2339 Section 21-2-413, no person shall intentionally observe an elector while casting a ballot in
 2340 a manner that would allow such person to see for whom or what the elector is voting.

2341 (b) Any person who violates the provisions of subsection (a) of this Code section shall be
 2342 guilty of a felony."

2343 **SECTION 48.**

2344 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, relating to home rule
 2345 powers, is amended by revising subsection (a) of Code Section 36-35-4.1, relating to
 2346 reapportionment of election districts for municipal elections, as follows:

2347 "(a) Subject to the limitations provided by this Code section, the governing authority of
 2348 any municipal corporation is authorized to reapportion the election districts from which
 2349 members of the municipal governing authority are elected following publication of the
 2350 United States decennial census of 1980 or any future such census. Such reapportionment

2351 of districts shall be effective for the election of members to the municipal governing
2352 authority at the next regular general municipal election following the publication of the
2353 decennial census; provided, however, that, if the publication of the decennial census occurs
2354 within 120 days of the next general or special municipal election, such reapportionment of
2355 districts shall be effective for any subsequent special election and the subsequent general
2356 municipal election."

2357 SECTION 49.

2358 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
2359 by revising subsection (b) of Code Section 50-13-4, relating to procedural requirements for
2360 adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest
2361 rule, and legislative override, as follows:

2362 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,
2363 including but not limited to, summary processes such as quarantines, contrabands, seizures,
2364 and the like authorized by law without notice, requires adoption of a rule upon fewer than
2365 30 days' notice and states in writing its reasons for that finding, it may proceed without
2366 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable
2367 to adopt an emergency rule. Any such rule adopted relative to a public health emergency
2368 shall be submitted as promptly as reasonably practicable to the House of Representatives
2369 and Senate Committees on Judiciary, provided that any such rule adopted relative to a state
2370 of emergency by the State Election Board shall be submitted as soon as practicable but not
2371 later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State
2372 Election Board pursuant to the provisions of this subsection may be suspended upon the
2373 majority vote of the House of Representatives or Senate Committees on Judiciary within
2374 ten days of the receipt of such rule by the committees. The rule may be effective for a
2375 period of not longer than 120 days but the adoption of an identical rule under paragraphs
2376 (1) and (2) of subsection (a) of this Code section is not precluded; provided, however, that

2377 such a rule adopted pursuant to discharge of responsibility under an executive order
2378 declaring a state of emergency or disaster exists as a result of a public health emergency,
2379 as defined in Code Section 38-3-3, shall be effective for the duration of the emergency or
2380 disaster and for a period of not more than 120 days thereafter."

2381 **SECTION 50.**

2382 Said title is further amended in Code Section 50-18-71, relating to right of access to public
2383 records, timing, fees, denial of requests, and impact of electronic records, by adding a new
2384 subsection to read as follows:

2385 "(k) Scanned ballot images created by a voting system authorized by Chapter 2 of Title 21
2386 shall be public records subject to disclosure under this article."

2387 **SECTION 51.**

- 2388 (a) Sections 20, 22, 24, 26, 27, and 28 of this Act shall become effective on July 1, 2021.
2389 (b) All other sections of this Act shall become effective upon its approval by the Governor
2390 or upon its becoming law without such approval.

2391 **SECTION 52.**

2392 All laws and parts of laws in conflict with this Act are repealed.