

The Senate Committee on Ethics offered the following substitute to HB 531:

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 provide for the establishment of a voter intimidation and illegal election activities hotline;  
4 to limit the ability of the State Election Board and the Secretary of State to enter into certain  
5 consent agreements; to provide for the suspension and temporary replacement of election  
6 superintendents on the basis of malfeasance, misfeasance, neglect of duty, incompetence, or  
7 inability to perform duties; to provide for participation in a multistate voter registration  
8 system; to provide for the use of portable or movable polling places only under limited  
9 conditions; to revise a definition; to provide that the name and designation of the precinct  
10 appears on every ballot; to provide for the use of overt, covert, and forensic level security  
11 elements on ballots; to provide for the storage and retention of absentee ballots by precinct  
12 with secure chain of custody; to provide for high security end to end secure supply chain for  
13 ballots using a secure print facility, restricted security inks, restricted ink markers, and  
14 verification devices for the security elements on ballots; to provide for the certification and  
15 testing of voting equipment; to provide for a turn key supply chain delivery system of ballots  
16 including secure storage, packaging, shipping, training, auditing, reports, and analytics of all  
17 processes involving ballots; to provide for the manner of handling and processing ballots  
18 requiring duplication for processing; to provide for the maintenance of certain lists of

19 absentee voters; to require identification for requesting an absentee ballot application and to  
20 submit an absentee ballot; to provide for the processing of absentee ballot applications and  
21 absentee ballots; to provide for when absentee ballots may be sent to electors; to provide for  
22 certain disclosures by nongovernmental entities who distribute absentee ballot applications;  
23 to provide for where advance voting may be conducted; to provide for certain reports  
24 regarding absentee ballots and advance voting; to provide for secure receptacles for receiving  
25 absentee ballots; to provide for certain audits; to provide that it shall be illegal to observe  
26 how an elector votes; to amend Chapter 35 of Title 36 of the Official Code of Georgia  
27 Annotated, relating to home rule powers, so as to provide for the delay of reapportionment  
28 of municipal corporation election districts when census numbers are delayed; to amend  
29 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to  
30 general provisions regarding administrative procedure, so as to provide for the submission  
31 and suspension of emergency rules by the State Election Board; to provide for severability;  
32 to provide for related matters; to repeal conflicting laws; and for other purposes.

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

34 **SECTION 1.**

35 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
36 primaries generally, is amended by revising Code Section 21-2-3, which was previously  
37 reserved, as follows:

38 "21-2-3.

39 The Attorney General shall establish and maintain a telephone hotline for the use of  
40 electors of this state to file complaints and allegations of voter intimidation and illegal  
41 election activities. Such hotline shall, in addition to complaints and reports from identified  
42 persons, also accept anonymous tips regarding voter intimidation and election fraud. The  
43 Attorney General shall review each complaint or allegation of voter intimidation or illegal

44 election activities within three business days and determine if such complaint or report  
45 should be investigated or prosecuted. Reserved."

46 **SECTION 2.**

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

49 "21-2-35.

50 The State Election Board, the members thereof, the Secretary of State, and any of their  
51 attorneys or staff shall not have any authority to enter into any consent agreement with any  
52 other person that limits, alters, or interprets any provision of this chapter without obtaining  
53 the approval of the General Assembly through a joint resolution."

54 **SECTION 3.**

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

57 "21-2-78.

58 (a) Notwithstanding any law to the contrary, the State Election Board, after due notice to  
59 the affected person or persons and the opportunity for a hearing before the State Election  
60 Board, may recommend in writing to the legislative delegation representing the jurisdiction  
61 involved that a county or municipal election superintendent be temporarily removed from  
62 exercising the duties of election superintendent on the basis of malfeasance, misfeasance,  
63 neglect of duty, incompetence, or inability to perform the duties of election superintendent  
64 for the duration of the period from the time of the removal until January 1 following the  
65 next election in such county or municipality and the conclusion of any run-off election  
66 from such election, if any.

67 (b) Within 15 days after receiving a recommendation of the superintendent's removal from  
68 office from the State Election Board in accordance with subsection (a) of this Code section,

69 the legislative delegation by majority vote may temporarily remove such election  
70 superintendent from exercising his or her duties in accordance with this Code section. The  
71 duties of such election superintendent shall be filled for the period of suspension by the  
72 legislative delegation's appointment of a temporary election superintendent. In making  
73 such appointment, the legislative delegation by majority vote shall select a person or  
74 persons who have experience or training in managing and conducting elections to serve as  
75 temporary election superintendent.

76 (c) In making the temporary appointment under subsection (b) of this Code section, the  
77 legislative delegation shall be authorized to appoint any qualified elector of this state,  
78 regardless of the county of residence of such elector."

79

#### **SECTION 4.**

80 Said chapter is further amended in Code Section 21-2-221.2, relating to voter registration  
81 application for electronic voter registration, by adding a new subsection to read as follows:

82 "(g) The Secretary of State shall maintain a master list of electors registered each week  
83 pursuant to this Code section. Such master list of elector registrations shall be made  
84 available electronically, at no cost, for public inspection on the Monday following the end  
85 of the previous week that is the subject of the master list of registrations. Such master list  
86 of registrations shall contain, at a minimum, the elector's name, residential address, mailing  
87 address, if different, race, gender, registration date, and the assigned voter identification  
88 number."

89

#### **SECTION 5.**

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

92 "(3) Once becoming a member of the nongovernmental entity described in subsection (d)  
93 of Code Section 21-2-225, the Secretary of State shall obtain regular information from

94 such entity regarding electors who may have moved to another state, died, or otherwise  
95 become ineligible to vote in Georgia. The Secretary of State shall use such information  
96 to conduct list maintenance on the list of eligible electors."

97

**SECTION 6.**

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

101 "(b) The superintendent of a county or the governing authority of a municipality shall have  
102 discretion to procure and provide portable or movable polling facilities of adequate size ~~for~~  
103 any precinct to replace any existing polling place, if needed. Portable or movable polling  
104 facilities shall only be deployed and used to replace an existing polling place when the  
105 existing polling place has been deemed to be unsafe for human occupation by a licensed  
106 commercial building inspector employed or contracted by the county or municipality or has  
107 suffered a failure of utility services that provide water or electricity. Portable or movable  
108 polling places shall be located within 2,640 feet of the existing polling place that has been  
109 deemed unsafe or suffered a loss of utility services that provide water or electricity. Any  
110 replacement of an existing polling place with a portable or movable polling place shall be  
111 presented before and approved by a superior court judge of the circuit in which the existing  
112 polling place is located prior to such replacement being used for elections. The  
113 superintendent of a county or the governing authority of a municipality shall be solely  
114 responsible for ensuring that all portable or movable polling facilities used by such county  
115 or municipality meet all safety and licensing requirements currently applicable under the  
116 law related to the operations of commercial vehicles and all applicable state, county, and  
117 municipal codes related to the accessibility and safety of portable and temporary  
118 structures."

119

**SECTION 6A.**

120 Said chapter is further amended by revising Code Section 21-2-280, relating to requirement  
121 as to conduct of primaries and elections by ballot and requirement as to use of official ballots  
122 only, as follows:

123 "21-2-280.

124 All primaries and elections in this state shall be conducted by ballot, except when voting  
125 machines are used as provided by law. A ballot ~~may be electronic or printed on paper~~ shall  
126 contain a paper component, even if produced on an electronic ballot marking device. All  
127 ballots used in any primary or election shall be provided by the superintendent or  
128 municipal governing authority in accordance with this article, and only official ballots  
129 furnished by the superintendent or governing authority shall be cast or counted in any  
130 primary or election in any precinct in which ballots are used."

131

**SECTION 7.**

132 Said chapter is further amended by revising subsection (a) of Code Section 21-2-284, relating  
133 to form of official primary ballot and attestation regarding receiving value in exchange for  
134 vote, as follows:

135 "(a) In each primary separate official ballots shall be prepared for the political party  
136 holding the primary. At the top of each ballot shall be printed in prominent type the words  
137 'OFFICIAL PRIMARY BALLOT OF \_\_\_\_\_ PARTY FOR,' followed by the  
138 name and designation of the precinct for which it is prepared and the name and date of the  
139 primary."

140

**SECTION 8.**

141 Said chapter is further amended by revising Code Section 21-2-284.1, relating to form of  
142 ballot in nonpartisan municipal primaries, as follows:

143 "21-2-284.1.

144 In the case of nonpartisan municipal primaries, the form of the official nonpartisan primary  
 145 ballot shall conform insofar as practicable to the form of the official primary ballot as  
 146 detailed in Code Section 21-2-284, including the printing of the name and designation of  
 147 the precinct on the top of the ballot, except that:

148 (1) The following shall be printed at the top of each ballot in prominent type:

149 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

150

\_\_\_\_\_

151 (Name of Municipality)';

152 (2) There shall be no name or designation of any political organization nor any words,  
 153 designation, or emblems descriptive of a candidate's political affiliation printed under or  
 154 after any candidate's name which is printed on the ballot; and

155 (3) The incumbency of a candidate seeking election for the public office he or she then  
 156 holds shall be indicated on the ballot."

157 **SECTION 9.**

158 Said chapter is further amended by revising subsection (a) of Code Section 21-2-285, relating  
 159 to form of official election ballot, attestation on receipt of benefit in exchange for vote, and  
 160 when an election is not required, as follows:

161 "(a) At the top of each ballot for an election shall be printed in prominent type the words  
 162 'OFFICIAL BALLOT,' followed by the name and designation of the precinct for which it  
 163 is prepared and the name and date of the election."

164 **SECTION 10.**

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

168 "21-2-285.1.  
169 The names of all candidates for offices which the General Assembly has by general law or  
170 local Act provided for election in a nonpartisan election shall be printed on each official  
171 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan  
172 election shall be separated from the names of candidates for party nomination to other  
173 offices by being listed last on each ballot, with the top of that portion of each official  
174 primary ballot relating to the nonpartisan election to have printed in prominent type the  
175 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a  
176 ballot that contains just the official nonpartisan election ballot available for electors who  
177 choose not to vote in a party primary. Such ballot shall have printed at the top the name  
178 and designation of the precinct. Directions that explain how to cast a vote, how to write  
179 in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall  
180 appear immediately under the caption, as specified by rule or regulation of the State  
181 Election Board. Immediately under the directions, the name of each such nonpartisan  
182 candidate shall be arranged alphabetically by last name under the title of the office for  
183 which they are candidates and be printed thereunder. The incumbency of a candidate  
184 seeking election for the public office he or she then holds shall be indicated on the ballot.  
185 No party designation or affiliation shall appear beside the name of any candidate for  
186 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting  
187 of write-in votes for such offices. In the event that no candidate in such nonpartisan  
188 election receives a majority of the total votes cast for such office, there shall be a  
189 nonpartisan election runoff between the candidates receiving the two highest numbers of  
190 votes; and the names of such candidates shall be placed on the official ballot at the general  
191 primary runoff in the same manner as prescribed in this Code section for the nonpartisan  
192 election and there shall be a separate official nonpartisan election runoff ballot for those  
193 electors who do not choose or are not eligible to vote in the general primary runoff. Such  
194 ballot shall have printed at the top the name and designation of the precinct. In the event



195 that only nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot  
196 shall be as prescribed by the Secretary of State or election superintendent in essentially the  
197 same format as prescribed for the nonpartisan election, including the name and designation  
198 of the precinct. The candidate having a majority of the votes cast in the nonpartisan  
199 election or the candidate receiving the highest number of votes cast in the nonpartisan  
200 election runoff shall be declared duly elected to such office."

201 **SECTION 11.**

202 Said chapter is further amended by revising paragraph (3) of subsection (b) of Code  
203 Section 21-2-286, relating to printing specifications, numbering, and binding of ballots, as  
204 follows:

205 "(3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the  
206 Secretary of State to ensure ease of reading by electors, provided that each ballot shall  
207 have the name and designation of the precinct printed at the top."

208 **SECTION 12.**

209 Said chapter is further amended by revising Code Section 21-2-287, relating to form of  
210 absentee ballot, as follows:

211 "21-2-287.

212 The form for the absentee ballot shall be in substantially the same form as the official  
213 ballots used in the precincts, except it shall be printed with only the name stub and without  
214 a number strip and ~~may~~ shall have the precinct name and designation printed or stamped  
215 thereon."

216 **SECTION 13.**

217 Said chapter is further amended in Article 8, relating to voting by ballot, by adding a new  
218 Code section to read as follows:

219 "21-2-295.  
220 Every ballot used in primaries and elections in this state, including paper ballots, ballots  
221 used in optical scanning voting systems, and ballots produced by electronic ballot markers  
222 shall have overt, covert, and forensic elements embedded in the ballots of which some of  
223 these security elements can be validated at the polling place at the time of voting. Such  
224 devices or seals shall not be capable of identifying the elector who cast the ballot but shall  
225 be designed to restore voter confidence in the ballot and to prevent fraud."

226 **SECTION 13A.**

227 Said chapter is further amended by revising Code Section 21-2-300, relating to provision of  
228 new voting equipment by state, uniform system for all elections to be conducted with use of  
229 scanning ballots marked by electronic ballot markers, pilot programs authorized, county  
230 responsibilities, education, and county and municipal contracts for equipment, as follows:

231 "21-2-300.

232 (a)(1) As used in this Code section, the term 'election system' means any voter  
233 registration, ballot marking or casting device, or election tabulation system, along with  
234 the corresponding election ballots. The State Election Board shall establish minimum  
235 standards by which any election system shall be tested prior to being certified for use in  
236 this state. The Secretary of State shall establish and manage a program to conduct the  
237 certification testing and approval of any such election systems. Once such election  
238 systems are certified by the Secretary of State, such election systems shall be authorized  
239 for use ~~The equipment used for casting and counting votes in county, state, and federal~~  
240 ~~elections shall be the same in each county in this state and shall be provided to each~~  
241 ~~county by the state, as determined by the Secretary of State.~~

242 (2) Any vendor of an election system covered by this Code section may apply to the  
243 Secretary of State to have its election system examined and certified as to its compliance  
244 with the requirements established for certification by the Secretary of State. Examination

245 shall not be required of every individual machine or device, but only of each type of  
246 election system before its adoption, use, or purchase and before its continued use after  
247 significant changes have been made in an approved election system. The examination  
248 shall include the ballot programming; electronic ballot marking, including all assistive  
249 technologies intended to be used with the system; vote counting; and vote accumulation  
250 functions of each voting system ~~As soon as possible, once such equipment is certified by~~  
251 ~~the Secretary of State as safe and practicable for use, all federal, state, and county general~~  
252 ~~primaries and general elections as well as special primaries and special elections in the~~  
253 ~~State of Georgia shall be conducted with the use of scanning ballots marked by electronic~~  
254 ~~ballot markers and tabulated by using ballot scanners for voting at the polls and for~~  
255 ~~absentee ballots cast in person, unless otherwise authorized by law; provided, however,~~  
256 ~~that such electronic ballot markers shall produce paper ballots which are marked with the~~  
257 ~~elector's choices in a format readable by the elector.~~

258 (3) Before it may be tested and certified for use in the State of Georgia, an election  
259 system shall first be ~~The state shall furnish a uniform system of electronic ballot markers~~  
260 ~~and ballot scanners for use in each county as soon as possible. Such equipment shall be~~  
261 ~~certified by the United States Election Assistance Commission prior to purchase, lease,~~  
262 ~~or acquisition. At its own expense, the governing authority of a county may purchase,~~  
263 ~~lease, or otherwise acquire additional electronic ballot markers and ballot scanners of the~~  
264 ~~type furnished by the state, if the governing authority so desires. Additionally, at its own~~  
265 ~~expense, the governing authority of a municipality may choose to acquire its own~~  
266 ~~electronic ballot markers and ballot scanners by purchase, lease, or other procurement~~  
267 ~~process.~~

268 (4) The governing authority of a county may purchase, lease, or otherwise acquire any  
269 election system that has been certified as eligible for use in this state by the State Election  
270 Board ~~Notwithstanding any provision of law to the contrary, the Secretary of State is~~

271 ~~authorized to conduct pilot programs to test and evaluate the use of electronic ballot~~  
272 ~~markers and ballot scanners in primaries and elections in this state.~~

273 (b) Each county shall, ~~prior to being provided with voting equipment by the state,~~ provide  
274 polling places that are adequate for the operation of such equipment including, if necessary,  
275 the placement within the polling places of a sufficient number of electrical outlets and  
276 telephone lines.

277 (c) Each county shall, ~~prior to being provided with voting equipment by the state,~~ provide  
278 or contract for adequate technical support for the installation, set up, and operation of such  
279 ~~voting equipment~~ election system for each primary, election, and special primary and  
280 special election as the Secretary of State shall determine by rule or regulation.

281 ~~(d) The Secretary of State shall be responsible for the development, implementation, and~~  
282 ~~provision of a continuing program to educate voters, election officials, and poll workers~~  
283 ~~in the proper use of such voting equipment. Each county shall bear the costs, including~~  
284 ~~transportation, subsistence, and lodging, incurred by its election and registration officials~~  
285 ~~in attending courses taught by or arranged by the Secretary of State for instruction in the~~  
286 ~~use of the voting equipment.~~

287 ~~(e)~~(d)(1) Counties shall be authorized to contract with municipal governments for the use  
288 of such voting equipment in municipal elections under terms and conditions specified by  
289 the Secretary of State to assure that the equipment is properly used and kept secure.

290 (2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee  
291 for use of state owned voting equipment but may require municipalities to reimburse the  
292 county for the actual expenses related to the election or elections that are subject to the  
293 county and municipal contract."

294

### **SECTION 13B.**

295 Said chapter is further amended in Code Section 21-2-322, relating to general requirements  
296 as to voting machines, by striking "and" at the end of paragraph (19), striking the period at

297 the end of paragraph (20) and inserting in lieu thereof "; and", and by adding a new  
298 paragraph to read as follows:

299 "(21) It shall produce a verifiable paper trail."

300

### SECTION 13C.

301 Said chapter is further amended by revising subsections (a) and (c) of Code  
302 Section 21-2-323, relating to installation of voting machines, discontinuance of use of paper  
303 ballots, minimum number, different types, and requirements as to working order and  
304 capacity, as follows:

305 "(a) When the use of voting machines has been authorized in the manner prescribed by  
306 Code Section 21-2-320 or 21-2-321, such voting machines shall be installed, either  
307 simultaneously or gradually, within the municipality. ~~Upon the installation of voting~~  
308 ~~machines in any precinct, the use of paper ballots therein shall be discontinued, except as~~  
309 ~~otherwise provided by this chapter."~~

310 "(c) Voting machines of different kinds may be used for different precincts in the same  
311 municipality so long as all voting machines produce a verifiable paper trail."

312

### SECTION 14.

313 Said chapter is further amended by revising subsection (a) of Code Section 21-2-369, relating  
314 to printing of ballots for optical scanning voting systems and arrangement, as follows:

315 "~~(a) The ballots shall be printed in black ink upon clear, white, or colored on material; of~~  
316 ~~such size and arrangement as will suit the construction of the ballot scanner, and in plain,~~  
317 The ballot text shall be easily read in clear type with good contrast so as to be easily  
318 readable by persons with normal vision; ~~provided, however, that red material shall not be~~  
319 ~~used except that all ovals appearing on the ballot to indicate where a voter should mark to~~  
320 ~~cast a vote may be printed in red ink."~~

321 **SECTION 14A.**

322 Said chapter is further amended by repealing Code Section 21-2-379.1, relating to  
323 requirements for use of direct recording electronic voting systems, in its entirety.

324 **SECTION 15.**

325 Said chapter is further amended in Code Section 21-2-379.23, relating to requirements for  
326 ballot display for electronic ballot markers, role of Secretary of State, and printed paper  
327 ballot controls during recount, by adding a new subsection to read as follows:

328 "(e) Each ballot printed by an electronic ballot marker shall include the name and  
329 designation of the precinct at the top."

330 **SECTION 16.**

331 Said chapter is further amended by revising subparagraphs (a)(1)(C) and (a)(1)(D) of Code  
332 Section 21-2-381, relating to making of application for absentee ballot, determination of  
333 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons  
334 entitled to make application as follows:

335 "(C)(i) Any person applying for an absentee-by-mail ballot shall make application in  
336 writing on the form made available by the Secretary of State. In order to confirm the  
337 identity of the elector, such form shall require the elector to provide his or her name,  
338 date of birth, address as registered, address where the elector wishes the ballot to be  
339 mailed, and the elector's Georgia driver's license number or identification card  
340 number issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not  
341 have a Georgia driver's license or identification card issued pursuant to Article 5 of  
342 Chapter 5 of Title 40, the elector shall swear or affirm this fact in the manner  
343 prescribed in the application and the elector shall provide a copy of a form of  
344 identification listed in subsection (c) of Code Section 21-2-417. The form made  
345 available by the Secretary of State shall include a space to affix a photocopy or

346 electronic image of such identification. In addition to the web application described  
347 in this paragraph, the Secretary of State shall develop a method to allow secure  
348 electronic transmission of such application form. The application shall be in writing  
349 and shall contain sufficient information for proper identification of the elector; the  
350 permanent or temporary address of the elector to which the absentee ballot shall be  
351 mailed; also include the identity of the primary, election, or runoff in which the  
352 elector wishes to vote; and the name and relationship of the person requesting the  
353 ballot if other than the elector; and an oath for the elector or relative making  
354 application on behalf of such elector to sign swearing or affirming that the elector is  
355 a qualified elector of this state and that the facts presented in the application are true.  
356 Submitting false information on an application for an absentee ballot shall be a  
357 violation of Code Sections 21-2-560 and 21-2-571.

358 (ii) The Secretary of State shall be authorized to create a web application that allows  
359 an elector to submit an absentee ballot application via an online portal. Such  
360 application shall verify the identity of the elector by matching the elector's name, date  
361 of birth, and Georgia driver's license or identification card number issued pursuant to  
362 Article 5 of Chapter 5 of Title 40 contained in the state voter registration system with  
363 the name, date of birth, and Georgia driver's license or identification card number  
364 issued pursuant to Article 5 of Chapter 5 of Title 40 entered into the web application.  
365 Such application shall require the elector to swear or affirm that he or she is a  
366 qualified elector of this state and that the facts presented on the application are true.

367 (iii) The blank application for absentee ballot shall be made available online by the  
368 Secretary of State, but neither the Secretary of State nor any election superintendent,  
369 registrar, absentee ballot clerk, or employee or agent thereof shall send absentee ballot  
370 applications directly to any elector except upon request of such elector or relative of  
371 such elector authorized to request an absentee ballot for such elector. No person or  
372 entity other than a relative authorized to request an absentee ballot for such elector or

373 a person signing as assisting an illiterate or physically disabled elector shall send any  
 374 elector an absentee ballot application that is prefilled with the elector's personal  
 375 identifying information, in whole or in part. Any blank application for absentee ballot  
 376 sent by any person or entity shall utilize the form made available by the Secretary of  
 377 State.

378 (D) Except in the case of physically disabled electors residing in the county or  
 379 municipality or electors in custody in a jail or other detention facility in the county or  
 380 municipality, no absentee ballot shall be mailed to an address other than the permanent  
 381 mailing address of the elector as recorded on the elector's voter registration record or  
 382 a temporary out-of-county or out-of-municipality address. Upon request, electors held  
 383 in jails or other detention facilities who are eligible to vote shall be granted access to  
 384 the necessary personal effects for the purpose of applying for an absentee ballot  
 385 pursuant to this Code section."

386

#### **SECTION 17.**

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

391 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee  
 392 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk  
 393 shall verify the identity of the applicant and determine, in accordance with the provisions  
 394 of this chapter, if the applicant is eligible to vote in the primary or election involved. In  
 395 order to ~~be found eligible to vote an absentee ballot by mail~~ verify the identity of the  
 396 applicant, the registrar or absentee ballot clerk shall compare the ~~identifying information~~  
 397 applicant's name, date of birth, and Georgia driver's license number or identification card  
 398 number issued pursuant to Article 5 of Chapter 5 of Title 40 on the application with the



399 information on file in the registrar's office ~~and, if the application is signed by the elector,~~  
400 ~~compare the signature or mark of the elector on the application with the signature or mark~~  
401 ~~of the elector on the elector's voter registration card.~~ If the application does not contain  
402 a Georgia driver's license number or identification card number issued pursuant to  
403 Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall verify that  
404 the identification provided with the application identifies the applicant. In order to be  
405 found eligible to vote an absentee ballot in person at the registrar's office or absentee  
406 ballot clerk's office, such person shall show one of the forms of identification listed in  
407 Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the  
408 identifying information on the application with the information on file in the registrar's  
409 office.

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

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

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

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

419 (3) If found ineligible or if the application is not timely received, the clerk or the board  
420 of registrars shall deny the application by writing the reason for rejection in the proper  
421 space on the application and shall promptly notify the applicant in writing of the ground  
422 of ineligibility, a copy of which notification should be retained on file in the office of the  
423 board of registrars or absentee ballot clerk for at least one year. However, an absentee  
424 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the  
425 signature identifying information of the elector on the application and the ~~signature~~

426 identifying information of the elector on file with the board of registrars. In such cases,  
427 the board of registrars or absentee ballot clerk shall send the elector a provisional  
428 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and  
429 information prepared by the Secretary of State as to the process to be followed to cure the  
430 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee  
431 ballot clerk prior to the closing of the polls on the day of the primary or election, the  
432 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of  
433 registrars or absentee ballot clerk along with a copy of one of the forms of identification  
434 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for  
435 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the  
436 board of registrars or absentee ballot clerk finds the affidavit and identification to be  
437 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of  
438 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,  
439 then the procedure contained in Code Section 21-2-386 shall be followed for rejected  
440 absentee ballots.

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

446 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk  
447 or the board shall immediately mail a blank registration card as provided by Code  
448 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to  
449 vote by absentee ballot in such primary or election, if the registration card, properly  
450 completed, is returned to the clerk or the board on or before the last day for registering  
451 to vote in such primary or election. If the closing date for registration in the primary or  
452 election concerned has not passed, the clerk or registrar shall also mail a ballot to the

453 applicant, as soon as it is prepared and available; and the ballot shall be cast in such  
 454 primary or election if returned to the clerk or board not later than the close of the polls  
 455 on the day of the primary or election concerned."

456 **SECTION 18.**

457 Said chapter is further amended in Code Section 21-2-381, relating to making of application  
 458 for absentee ballot, determination of eligibility by ballot clerk, furnishing of applications to  
 459 colleges and universities, and persons entitled to make application, by adding a new  
 460 subsection to read as follows:

461 "(f) Other than the Secretary of State or a county election or registration official, any  
 462 person, organization, or other entity which distributes or publishes any document or  
 463 material to electors that purports to be an application for an absentee ballot shall  
 464 prominently display a disclaimer thereon in at least 20 point type which occupies at least  
 465 25 percent of the area on the front and back of such document or material and which shall  
 466 state:

467 'This is NOT an official government publication and was NOT provided to you by any  
 468 governmental entity. It is being distributed by [insert name and address of person,  
 469 organization, or other entity distributing such document or material]."

470 **SECTION 19.**

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

473 "21-2-382.

474 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of  
 475 registrars may establish ~~additional sites~~ as additional registrar's offices or places of  
 476 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and  
 477 for the purpose of ~~voting absentee ballots~~ advance voting under Code Section 21-2-385,

478 provided that any such site is a building that is a branch of the county courthouse, a  
479 courthouse annex, a government service center providing general government services,  
480 another government building generally accessible to the public, or a ~~location~~ building that  
481 is used as an election day polling place, notwithstanding that such ~~location~~ building is not  
482 a government building.

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

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

500 (2) The board of registrars or absentee ballot clerk shall arrange for the collecting and  
501 return of ballots deposited at each secure receptacle at the conclusion of each day where  
502 advance voting takes place. Collection of ballots from a secure receptacle shall be made  
503 by a team of at least two people. Any person collecting ballots from a secure receptacle  
504 shall have sworn an oath in the same form as the oath for poll officers set forth in Code

505 Section 21-2-95. The collection team shall complete and sign a ballot transfer form upon  
506 removing the ballots from the secure receptacle which shall include the date, time,  
507 location, number of ballots, confirmation that the secure receptacle was locked after the  
508 removal of the ballots, and the identity of each person collecting the ballots. The  
509 collection team shall then immediately transfer the ballots to the board of registrars or  
510 absentee ballot clerk, who shall process and store the ballots in the same manner as  
511 absentee ballots returned by mail are processed and stored. The board of registrars,  
512 absentee ballot clerk, or a designee of the board of registrars or absentee ballot clerk shall  
513 sign the ballot transfer form upon receipt of the ballots from the collection team. Such  
514 form shall be considered a public record pursuant to Code Section 50-18-70.  
515 (3) At the beginning of voting at each advance location where a secure receptacle is  
516 present, the manager of the advance voting location shall open the secure receptacle and  
517 confirm on the reconciliation form for that advance voting location that the secure  
518 receptacle is empty. If the secure receptacle is not empty, the manager shall secure the  
519 contents of the secure receptacle and immediately inform the election superintendent,  
520 board of registrars, or absentee ballot clerk, who shall inform the Secretary of State."

521 **SECTION 20.**

522 Said chapter is further amended by revising subsections (b) and (d) of Code Section  
523 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath of absentee  
524 electors and persons assisting absentee electors, master list of ballots sent, challenges, and  
525 electronic transmission of ballots, as follows:

526 "(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's  
527 office, in addition to the mailing envelope addressed to the elector, the superintendent,  
528 board of registrars, or absentee ballot clerk shall provide two envelopes for each official  
529 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in  
530 order to permit the placing of one within the other and both within the mailing envelope.

531 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed  
532 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the  
533 two envelopes to be enclosed within the mailing envelope shall ~~be printed~~ contain the form  
534 of oath of the elector and the oath for persons assisting electors, as provided for in Code  
535 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,  
536 21-2-579, and 21-2-599 for violations of oaths; a place for the elector to print his or her  
537 name; a signature line; a space for the elector to print his or her Georgia driver's license or  
538 state identification card number issued pursuant to Article 5 of Chapter 5 of Title 40; a  
539 space for the elector to mark to affirm that he or she does not have a Georgia driver's  
540 license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40; a space  
541 for the elector to print his or her date of birth; and a space for the elector to print the last  
542 four digits of his or her social security number, if the elector does not have a Georgia  
543 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of  
544 Title 40. The envelope shall be designed so that the elector's Georgia driver's license or  
545 identification card number issued pursuant to Article 5 of Chapter 5 of Title 40, last four  
546 digits of social security number, and date of birth shall be hidden from view when the  
547 envelope is correctly sealed. Any person other than the elector who requested the ballot,  
548 an authorized person who is assisting an elector entitled to assistance under Code  
549 Section 21-2-381, absentee ballot clerk, registrar, or law enforcement officer in the course  
550 of an investigation who knowingly unseals a sealed absentee ballot envelope shall be guilty  
551 of a felony. On and on the face of such envelope shall be printed the name and address of  
552 the board of registrars or absentee ballot clerk. The larger of the two envelopes shall also  
553 display the elector's name and voter registration number. The mailing envelope addressed  
554 to the elector shall contain the two envelopes, the official absentee ballot, the uniform  
555 instructions for the manner of preparing and returning the ballot, in form and substance as  
556 provided by the Secretary of State, provisional absentee ballot information, if necessary,  
557 and a notice in the form provided by the Secretary of State of all withdrawn, deceased, and

558 disqualified candidates and any substitute candidates pursuant to Code Sections 21-2-134  
559 and 21-2-155 and nothing else. The uniform instructions shall include information specific  
560 to the voting system used for absentee voting concerning the effect of overvoting or voting  
561 for more candidates than one is authorized to vote for a particular office and information  
562 concerning how the elector may correct errors in voting the ballot before it is cast including  
563 information on how to obtain a replacement ballot if the elector is unable to change the  
564 ballot or correct the error."

565 "(d) Each board of registrars or absentee ballot clerk shall maintain for public inspection  
566 a an up-to-date master list, arranged by precincts, setting forth the name and residence of  
567 every elector to whom an official absentee ballot has been sent or issued, the date sent,  
568 whether such ballot has been returned, whether such ballot has been accepted, and the  
569 current status of such ballot. Absentee electors whose names appear on the master list may  
570 be challenged by any elector prior to 5:00 P.M. on the day before the primary or election."

571

### SECTION 21.

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

575 "(a) At any time after receiving an official absentee ballot, but before the day of the  
576 primary or election, except electors who are confined to a hospital on the day of the  
577 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and  
578 enclose and securely seal the same in the envelope on which is printed 'Official Absentee  
579 Ballot.' This envelope shall then be placed in the second one, on which is printed the form  
580 of the oath of the elector; the name and oath of the person assisting, if any; and other  
581 required identifying information. The elector shall then fill out, subscribe, and swear to the  
582 oath printed on such envelope. In order to verify that the absentee ballot was voted by the  
583 elector who requested the ballot, the elector shall print his or her Georgia driver's license

584 or identification card number issued pursuant to Article 5 of Chapter 5 of Title 40 in the  
585 space provided on the envelope. The elector shall also print his or her date of birth in the  
586 space provided in the envelope. If the elector does not have a Georgia driver's license or  
587 state identification card number issued pursuant to Article 5 of Chapter 5 of Title 40, the  
588 elector shall so swear or affirm in the space provided on the envelope and print the last four  
589 digits of his or her social security number in the space provided on the envelope. If the  
590 elector does not have a Georgia driver's license or identification card or a social security  
591 number, the elector shall so affirm in the space provided on the envelope and place a copy  
592 of identification set forth in subsection (c) of Code Section 21-2-417. Such envelope shall  
593 then be securely sealed and the elector shall then personally mail or personally deliver  
594 same to the board of registrars or absentee ballot clerk, provided that mailing or delivery  
595 may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister,  
596 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,  
597 mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the  
598 household of such elector. The absentee ballot of a disabled elector may be mailed or  
599 delivered by the caregiver of such disabled elector, regardless of whether such caregiver  
600 resides in such disabled elector's household. The absentee ballot of an elector who is in  
601 custody in a jail or other detention facility may be mailed or delivered by any employee of  
602 such jail or facility having custody of such elector. An elector who is confined to a hospital  
603 on a primary or election day to whom an absentee ballot is delivered by the registrar or  
604 absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to  
605 the registrar or absentee ballot clerk. If the elector registered to vote for the first time in  
606 this state by mail and has not previously provided the identification required by Code  
607 Section 21-2-220 and votes for the first time by absentee ballot and fails to provide the  
608 identification required by Code Section 21-2-220 with such absentee ballot, such absentee  
609 ballot shall be treated as a provisional ballot and shall be counted only if the registrars are



610 able to verify the identification and registration of the elector during the time provided  
611 pursuant to Code Section 21-2-419."

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

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

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

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

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

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

621 Voting shall be conducted ~~during normal business hours~~ beginning at 9:00 A.M. and  
622 ending at 5:00 P.M. on weekdays, ~~other than observed state holidays~~, during such period

623 and shall be conducted on the second ~~Saturday~~ and third Saturdays and, at the registrar's  
624 or absentee ballot clerk's choosing, the second Sunday, the third Sunday, or both the

625 second and third Sundays prior to a primary or election ~~during the hours of 9:00 A.M.~~

626 ~~through 4:00 P.M.~~ beginning at 9:00 A.M. and ending at 5:00 P.M.; provided, however,

627 ~~that in primaries and elections in which there are no federal or state candidates on the~~  
628 ~~ballot, no Saturday voting hours shall be required; and provided, further, that, if such~~

629 second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such

630 second Saturday follows a public and legal holiday occurring on the Thursday or Friday

631 immediately preceding such second Saturday, or if such second Saturday immediately

632 precedes a public and legal holiday occurring on the following Sunday or Monday, such

633 advance voting shall not be held on such second Saturday but shall be held on the third

634 Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00

635 P.M. Except as otherwise provided in this paragraph, ~~counties and municipalities the~~

636 registrars may extend the hours for voting ~~beyond regular business hours~~ to permit

637 advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting  
638 locations in buildings authorized pursuant to Code Section 21-2-382 to suit the needs of  
639 the electors of the jurisdiction at their option; provided, however, that voting shall occur  
640 only on the days specified in this paragraph and counties and municipalities shall not be  
641 authorized to conduct advance voting on any other days. Advance voting shall be  
642 allowed only in the main office of the board of elections and registration, the main office  
643 of the board of registrars, or a building authorized pursuant to Code Section 21-2-382.  
644 (e) On each day of an absentee voting period, each county board of registrars or municipal  
645 absentee ballot clerk shall report for the county or municipality to the Secretary of State  
646 and post on the county or municipal website not later than 10:00 A.M. on each business  
647 day the number of persons to whom absentee ballots have been issued, the number of  
648 persons who have returned absentee ballots, the number of absentee ballots that have been  
649 rejected, and the number of ballots that have been rejected. Additionally, on each day of  
650 an advance voting period, each county board of registrars or municipal absentee ballot  
651 clerk shall report to the Secretary of State and post on the county or municipal website not  
652 later than 10:00 A.M. on each business day the number of persons who have voted at the  
653 advance voting sites in the county or municipality. During the absentee voting period and  
654 for a period of three days following a primary, election, or runoff, each county board of  
655 registrars or municipal absentee ballot clerk shall report to the Secretary of State and post  
656 on the county or municipal website not later than 10:00 A.M. on each business day the  
657 number of persons who have voted provisional ballots, the number of provisional ballots  
658 that have verified or cured and accepted for counting, and the number of provisional ballots  
659 that have been rejected."

660

**SECTION 22.**

661 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,  
662 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to

663 manager, duties of managers, precinct returns, and notification of challenged elector, as  
664 follows:

665 "21-2-386.

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

670 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
671 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
672 ~~identifying information on the oath with the information on file in his or her office,~~  
673 ~~shall compare the signature or mark on the oath with the signature or mark on the~~  
674 ~~absentee elector's voter registration card or the most recent update to such absentee~~  
675 ~~elector's voter registration card and application for absentee ballot or a facsimile of said~~  
676 ~~signature or mark taken from said card or application, and shall, if the information and~~  
677 ~~signature appear to be valid and other identifying information appears to be correct,~~  
678 elector's Georgia driver's license number or state identification card issued pursuant to  
679 Article 5 of Chapter 5 of Title 40 entered on the absentee ballot envelope with the same  
680 information contained in the elector's voter registration records. If the elector has  
681 sworn or affirmed on the envelope that he or she does not have a Georgia driver's  
682 license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40,  
683 the registrar or absentee ballot clerk shall compare the last four digits of the elector's  
684 social security number and date of birth entered on the envelope with the same  
685 information contained in the elector's voter registration records. The registrar or  
686 absentee ballot clerk shall also confirm that the elector signed the oath and the person  
687 assisting the elector, if any, signed the oath of assistance. If the elector has signed the  
688 oath, the person assisting such elector, if any, has signed the oath of assistance, and the  
689 identifying information entered on the absentee ballot envelope matches the same

690 information contained in the elector's voter registration record, the registrar or absentee  
691 ballot clerk shall so certify by signing or initialing his or her name below the voter's  
692 oath. Each elector's name so certified shall be listed by the registrar or clerk on the  
693 numbered list of absentee voters prepared for his or her precinct.

694 (C) If the elector has failed to sign the oath, or if the ~~signature~~ identifying information  
695 entered on the absentee ballot envelope does not ~~appear to be valid~~ match the same  
696 information appearing in the elector's voter registration record, or if the elector has  
697 failed to furnish required information or information so furnished does not conform  
698 with that on file in the registrar's or absentee ballot clerk's office, or if the elector is  
699 otherwise found disqualified to vote, the registrar or absentee ballot clerk shall write  
700 across the face of the envelope 'Rejected,' giving the reason therefor. The board of  
701 registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a  
702 copy of which notification shall be retained in the files of the board of registrars or  
703 absentee ballot clerk for at least two years. Such elector shall have until the end of the  
704 period for verifying provisional ballots contained in subsection (c) of Code  
705 Section 21-2-419 to cure the problem resulting in the rejection of the ballot. The  
706 elector may cure a failure to sign the oath, ~~an invalid signature~~ nonmatching identifying  
707 information, or missing information by submitting an affidavit to the board of registrars  
708 or absentee ballot clerk along with a copy of one of the forms of identification  
709 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.  
710 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's  
711 ballot, and that the elector is registered and qualified to vote in the primary, election,  
712 or runoff in question. If the board of registrars or absentee ballot clerk finds the  
713 affidavit and identification to be sufficient, the absentee ballot shall be counted.

714 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
715 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
716 ballot shall include with his or her application for an absentee ballot or in the outer oath

717 envelope of his or her absentee ballot either one of the forms of identification listed in  
718 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
719 statement, government check, paycheck, or other government document that shows the  
720 name and address of such elector. If such elector does not provide any of the forms of  
721 identification listed in this subparagraph with his or her application for an absentee  
722 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
723 provisional ballot and such ballot shall only be counted if the registrars are able to  
724 verify current and valid identification of the elector as provided in this subparagraph  
725 within the time period for verifying provisional ballots pursuant to Code  
726 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify  
727 the elector that such ballot is deemed a provisional ballot and shall provide information  
728 on the types of identification needed and how and when such identification is to be  
729 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

730 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
731 absentee electors, giving the name of the elector and the reason for the rejection in each  
732 case. Three copies of the numbered list of certified absentee voters and three copies of  
733 the numbered list of rejected absentee voters for each precinct shall be turned over to  
734 the poll manager in charge of counting the absentee ballots and shall be distributed as  
735 required by law for numbered lists of voters.

736 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
737 of the polls on the day of the primary or election shall be safely kept unopened by the  
738 board or absentee ballot clerk and then transferred to the appropriate clerk for storage  
739 for the period of time required for the preservation of ballots used at the primary or  
740 election and shall then, without being opened, be destroyed in like manner as the used  
741 ballots of the primary or election. The board of registrars or absentee ballot clerk shall  
742 promptly notify the elector by first-class mail that the elector's ballot was returned too  
743 late to be counted and that the elector will not receive credit for voting in the primary

744 or election. All such late absentee ballots shall be delivered to the appropriate clerk and  
745 stored as provided in Code Section 21-2-390.

746 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
747 States Department of Defense notifies the Secretary of State that the Department of  
748 Defense has implemented a system of expedited absentee voting for those electors  
749 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
750 eligible absentee electors who reside outside the county or municipality in which the  
751 primary, election, or runoff is held and are members of the armed forces of the United  
752 States, members of the merchant marine of the United States, spouses or dependents of  
753 members of the armed forces or merchant marine residing with or accompanying such  
754 members, or overseas citizens that are postmarked by the date of such primary, election,  
755 or runoff and are received within the three-day period following such primary, election,  
756 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and  
757 included in the certified election results.

758 (2)(A) Beginning at 8:00 A.M. on the second Monday prior to ~~After the opening of the~~  
759 ~~polls on the day of the primary, election, or runoff, the registrars or absentee ballot~~  
760 ~~clerks~~ superintendent shall be authorized to open the outer envelope ~~on which is printed~~  
761 ~~the oath of the elector~~ of absentee ballots that have been verified and accepted pursuant  
762 to subparagraph (a)(1)(B) of this Code section in such a manner as not to destroy the  
763 ~~oath printed thereon,~~ provided, however, that the registrars or absentee ballot clerk  
764 ~~shall not be authorized to remove the contents of such outer envelope, or to open the~~  
765 ~~inner envelope marked 'Official Absentee Ballot,' except as otherwise provided in this~~  
766 ~~Code section~~ and scan the absentee ballot using one or more ballot scanners. At least  
767 three persons who are registrars, deputy registrars, poll workers, or absentee ballot  
768 clerks must be present before commencing; and three persons who are registrars, deputy  
769 registrars, or absentee ballot clerks shall be present at all times while the outer absentee  
770 ballot envelopes are being opened and the absentee ballots are being scanned. ~~After~~

771 ~~opening the outer envelopes, the ballots shall be safely and securely stored until the~~  
772 ~~time for tabulating such ballots. However, no person shall tally, tabulate, estimate, or~~  
773 ~~attempt to tally, tabulate, or estimate or cause the ballot scanner or any other equipment~~  
774 ~~to produce any tally or tabulation, partial or otherwise, of the absentee ballots cast until~~  
775 ~~the time for the closing of the polls on the day of the primary, election, or runoff except~~  
776 ~~as provided in this Code section. Prior to beginning the process set forth in this~~  
777 ~~subsection, the superintendent shall provide written notice to the Secretary of State in~~  
778 ~~writing at least seven days prior to processing absentee ballots. Such notice shall~~  
779 ~~contain the dates, start and end times, and location or locations where absentee ballots~~  
780 ~~will be processed. The superintendent shall also post such notice publicly in a~~  
781 ~~prominent and public location in the superintendent's office and on the home page of~~  
782 ~~the county or municipal website regarding elections. The Secretary of State shall~~  
783 ~~publish on his or her website the information he or she receives from counties and~~  
784 ~~municipalities stating the dates, times, and locations where absentee ballots will be~~  
785 ~~processed.~~

786 (B) The proceedings set forth in this subsection shall be open to the view of the public,  
787 but no person except a person employed and designated by the superintendent shall  
788 touch any ballot or ballot container. Any person involved in processing absentee  
789 ballots shall swear or affirm an oath, in the same form as the oath for poll officers set  
790 forth in Code Section 21-2-95, prior to beginning the processing and scanning of the  
791 absentee ballots. The state or county executive committee of each political party and  
792 political body having candidates whose names appear on the ballot for such election in  
793 such county or municipality shall have the right to designate two persons, and each  
794 independent and nonpartisan candidate whose name appears on the ballot for such  
795 election in such county or municipality shall have the right to designate one person to  
796 act as monitors for such process. In the event that the only issue to be voted upon in an  
797 election is a referendum question, the superintendent shall also notify in writing the

798 chief judge of the superior court of the county who shall appoint two electors of the  
799 county or municipality to monitor such process. While viewing or monitoring the  
800 process set forth in this subsection, monitors and observers are prohibited from:

801 (i) In any way interfering with the processing of absentee ballots or the conduct of  
802 the primary, election, or runoff;

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

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

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

807 (v) Touching any ballot or ballot container;

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

810 (vii) Communicating any information that they see, whether intentionally or  
811 inadvertently, about any ballot, vote, or selection to anyone other than an election  
812 official who needs such information to lawfully carry out his or her official duties.

813 (C) The State Election Board shall promulgate rules and regulations requiring  
814 reconciliation procedures and other protections to protect the integrity of the process  
815 set forth in this subsection.

816 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
817 day of the primary, election, or runoff open the inner envelopes in accordance with the  
818 procedures prescribed in this subsection and begin tabulating the absentee ballots. If the  
819 county election superintendent chooses to open the inner envelopes and begin tabulating  
820 such ballots prior to the close of the polls on the day of the primary, election, or runoff,  
821 the superintendent shall notify in writing, at least seven days prior to the primary,  
822 election, or runoff, the Secretary of State of the superintendent's intent to begin the  
823 absentee ballot tabulation prior to the close of the polls. The state or county executive  
824 committee or, if there is no organized county executive committee, the state executive



825 ~~committee~~ of each political party and political body having candidates whose names  
826 appear on the ballot for such election in such county shall have the right to designate two  
827 persons and each independent and nonpartisan candidate whose name appears on the  
828 ballot for such election in such county shall have the right to designate one person to act  
829 as monitors for such process. In the event that the only issue to be voted upon in an  
830 election is a referendum question, the superintendent shall also notify in writing the chief  
831 judge of the superior court of the county who shall appoint two electors of the county to  
832 monitor such process.

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

837 (5) The process for opening ~~the inner envelopes of~~ absentee ballot envelopes, scanning  
838 absentee ballots, and tabulating absentee ballots on the day of a primary, election, or  
839 runoff as provided in this subsection shall be a confidential process to maintain the  
840 secrecy of all ballots and to protect the disclosure of any balloting information before  
841 7:00 P.M. on election day. No absentee ballots shall be tabulated before 7:00 A.M. on  
842 the day of a primary, election, or runoff.

843 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,  
844 election, or runoff, including the vote review panel required by Code Section 21-2-483,  
845 and all monitors and observers shall be sequestered until the time for the closing of the  
846 polls. All such persons shall have no contact with the news media; shall have no contact  
847 with other persons not involved in monitoring, observing, or conducting the tabulation;  
848 shall not use any type of communication device including radios, telephones, and cellular  
849 telephones; shall not utilize computers for the purpose of ~~e-mail~~ email, instant messaging,  
850 or other forms of communication; and shall not communicate any information concerning  
851 the tabulation until the time for the closing of the polls; provided, however, that

852 supervisory and technical assistance personnel shall be permitted to enter and leave the  
853 area in which the tabulation is being conducted but shall not communicate any  
854 information concerning the tabulation to anyone other than the county election  
855 superintendent; the staff of the superintendent; those persons conducting, observing, or  
856 monitoring the tabulation; and those persons whose technical assistance is needed for the  
857 tabulation process to operate.

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

865 (b) When requested by the superintendent, but not earlier than the second Monday prior to  
866 a primary, election, or runoff ~~As soon as practicable after 7:00 A.M. on the day of the~~  
867 ~~primary, election, or runoff, in precincts other than those in which optical scanning~~  
868 ~~tabulators are used,~~ a registrar or absentee ballot clerk shall deliver the official absentee  
869 ballot of each certified absentee elector, each rejected absentee ballot, applications for such  
870 ballots, and copies of the numbered lists of certified and rejected absentee electors to the  
871 manager in charge of the absentee ballot precinct of the county or municipality, which shall  
872 be located in the precincts containing the county courthouse or polling place designated by  
873 the municipal superintendent. In those precincts in which optical scanning tabulators are  
874 used, such absentee ballots shall be taken to the tabulation center or other place designated  
875 by the superintendent, and the official receiving such absentee ballots shall issue his or her  
876 receipt therefor. Except as otherwise provided in this Code section, in no event shall the  
877 counting of the ballots begin before the polls close.

878 (c) The superintendent shall cause the certified absentee ballots to be opened and tabulated  
879 as provided in this Code section. A ~~Except as otherwise provided in this Code section,~~  
880 ~~after the close of the polls on the day of the primary, election, or runoff,~~ a manager shall  
881 ~~then~~ open the outer envelope in such manner as not to destroy the oath printed thereon and  
882 shall deposit the inner envelope marked 'Official Absentee Ballot' in a ballot box reserved  
883 for absentee ballots. In the event that an outer envelope is found to contain an absentee  
884 ballot that is not in an inner envelope, the ballot shall be sealed in an inner envelope,  
885 initialed and dated by the person sealing the inner envelope, and deposited in the ballot box  
886 and counted in the same manner as other absentee ballots, provided that such ballot is  
887 otherwise proper. Such manager with two assistant managers, appointed by the  
888 superintendent, with such clerks as the manager deems necessary shall count the absentee  
889 ballots following the procedures prescribed by this chapter for other ballots, insofar as  
890 practicable, ~~and prepare an election return for the county or municipality showing the~~  
891 ~~results of the absentee ballots cast in such county or municipality.~~

892 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may  
893 be reported by precinct; and separate returns shall be made for each precinct in which  
894 absentee ballots were cast showing the results by each precinct in which the electors reside.  
895 The superintendent shall utilize the procedures set forth in this Code section to ensure that  
896 the returns of verified absentee ballots cast are reported to the public as soon as possible  
897 following the closing of the polls on the day of the primary, election, or runoff.

898 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
899 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer  
900 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted  
901 as other challenged ballots are counted. Where direct recording electronic voting systems  
902 are used for absentee balloting and a challenge to an elector's right to vote is made prior to  
903 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot

904 and such ballot shall be handled as provided in this subsection. The board of registrars or  
905 absentee ballot clerk shall promptly notify the elector of such challenge.

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

909 (g) The ballots shall be subject to security review at all times by authorized security  
910 auditors trained and equipped to detect ballot fraud. Upon the conclusion of the counting,  
911 the absentee ballots shall be sorted and stored by precinct in security sealed containers.  
912 Best practices of chain of custody for such containers shall be maintained and subject to  
913 authorized security auditors inspection and review until such ballots can be legally  
914 disposed of."

915

### SECTION 23.

916 Said chapter is further amended by revising Code Section 21-2-390, relating to delivery of  
917 election materials to clerk of superior court or city clerk after primary or election and  
918 accounting for ballots by registrars or municipal absentee ballot clerks, as follows:

919 "21-2-390.

920 (a) All official absentee ballots and envelopes on which the forms of affidavits and jurats  
921 appear shall be delivered to the clerk of the superior court or the city clerk upon the  
922 conclusion of the primary or election in security sealed containers maintaining a chain of  
923 custody for such documents and shall be safely kept by him or her for the period required  
924 by law and then shall be destroyed. The applications for such ballots shall be retained by  
925 the board of registrars or the municipal absentee ballot clerk for at least 24 months and then  
926 may be destroyed. On the day following the primary or election, the board of registrars or  
927 the municipal absentee ballot clerk shall transmit all canceled, spoiled, and rejected  
928 absentee ballots and copies of requests for cancellation of absentee ballots in security  
929 sealed containers maintaining a chain of custody for such documents to the clerk of the

930 superior court or the city clerk to be held with other election materials as provided in Code  
 931 Section 21-2-500. The registrars or the municipal absentee ballot clerk shall also transmit  
 932 an accounting of all absentee ballots, including the number furnished by the registrars or  
 933 the municipal absentee ballot clerk, the number issued to electors, the number spoiled, and  
 934 the number rejected.

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

942 **SECTION 24.**

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

946 "(b) Poll hours at a precinct may be extended only by order of a judge of the superior court  
 947 of the county in which the precinct is located upon good cause being shown."

948 **SECTION 25.**

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

952 "21-2-420.

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

955 precinct and shall advise the election superintendent of the total number of ballots cast at  
956 such precinct and the total number of provisional ballots cast. In precincts using  
957 precinct-based counting or tabulation, the poll officials shall proceed to count and tabulate  
958 the ballots cast. Such poll officials shall not cease such count until all ballots have been  
959 counted or tabulated and vote totals obtained, with the exception of provisional ballots.  
960 The chief manager and at least one assistant manager shall post a copy of the tabulated  
961 results for the precinct on the door of the precinct and then immediately deliver all required  
962 documentation and election materials to the election superintendent. In precincts using  
963 central counting or tabulation, the chief manager and at least one assistant manager shall,  
964 after completing the required accounting and related documentation for such precinct,  
965 immediately deliver all ballots and required documentation and election materials to the  
966 election superintendent or the counting and tabulating center designated by the election  
967 superintendent for processing, counting, and tabulation. The election superintendent shall  
968 then ensure that such ballots are processed, counted, and tabulated as soon as possible and  
969 shall not cease such count and tabulation until all such ballots are counted and tabulated.  
970 (b) The election superintendent shall ensure that each precinct notifies the election  
971 superintendent of the number of ballots cast and number of provisional ballots cast as soon  
972 as possible after the time for the closing of the polls and the last elector votes. The election  
973 superintendent shall post such information publicly."

974

**SECTION 26.**

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

977 "(a) After the polls close and as soon as all the ballots have been properly accounted for  
978 and those outside the ballot box as well as the voter's certificates, numbered list of voters,  
979 and electors list have been sealed, the poll officers shall open the ballot box and take  
980 therefrom all ballots contained therein. In primaries in which more than one ballot box is

981 used, any ballots or stubs belonging to another party holding its primary in the same polling  
982 place shall be returned to the ballot box for the party for which they were issued. In  
983 primaries, separate tally and return sheets shall be prepared for each party, and separate  
984 poll officers shall be designated by the chief manager to count and tally each party's ballot.  
985 Where the same ballot box is being used by one or more parties, the ballots and stubs shall  
986 first be divided by party before being tallied and counted. The ballots shall then be counted  
987 one by one and a record made of the total number. Then the chief manager, together with  
988 such assistant managers and other poll officers as the chief manager may designate, under  
989 the scrutiny of one of the assistant managers and in the presence of the other poll officers,  
990 shall read aloud the names of the candidates marked or written upon each ballot, together  
991 with the office for which the person named is a candidate, and the answers contained on  
992 the ballots to the questions submitted, if any; and the other assistant manager and clerks  
993 shall carefully enter each vote as read and keep account of the same in ink on a sufficient  
994 number of tally papers, all of which shall be made at the same time. All ballots, after being  
995 removed from the box, shall be kept within the unobstructed view of all persons in the  
996 voting room until replaced in the box. No person, while handling the ballots, shall have  
997 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.  
998 The poll officers shall immediately proceed to canvass and compute the votes cast and shall  
999 not adjourn or postpone the canvass or computation until it shall have been fully  
1000 completed, ~~except that, in the discretion of the superintendent, the poll officers may stop~~  
1001 ~~the counting after all contested races and questions are counted, provided that the results~~  
1002 ~~of these contested races and questions are posted for the information of the public outside~~  
1003 ~~the polling place and the ballots are returned to the ballot box and deposited with the~~  
1004 ~~superintendent until counting is resumed on the following day."~~

1005

**SECTION 27.**

1006 Said chapter is further amended by revising subsection (a) of Code Section 21-2-480, relating  
1007 to caption for ballots, party designations, and form and arrangement, as follows:

1008 "(a) At the top of each ballot for an election in a precinct using optical scanning voting  
1009 equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed  
1010 by the name and designation of the precinct for which it is prepared and the name and date  
1011 of the election."

1012

**SECTION 28.**

1013 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee  
1014 ballots for precincts using optical scanning voting equipment, as follows:

1015 "21-2-482.

1016 Ballots in a precinct using optical scanning voting equipment for voting by absentee  
1017 electors shall be prepared sufficiently in advance by the superintendent and shall be  
1018 delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots  
1019 shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots  
1020 required by Article 8 of this chapter, except that in counties or municipalities using voting  
1021 machines, direct recording electronic (DRE) units, or ballot scanners, the ballots may be  
1022 in substantially the form for the ballot labels required by Article 9 of this chapter or in such  
1023 form as will allow the ballot to be machine tabulated. Every such ballot shall have printed  
1024 on the face thereof the following:

1025 'I understand that the offer or acceptance of money or any other object of value to vote  
1026 for any particular candidate, list of candidates, issue, or list of issues included in this  
1027 election constitutes an act of voter fraud and is a felony under Georgia law.'

1028 The form for either ballot shall be determined and prescribed by the Secretary of State and  
1029 shall have printed at the top the name and designation of the precinct."



1030

**SECTION 29.**

1031 Said chapter is further amended in Code Section 21-2-483, relating to counting of ballots,  
1032 public accessibility to tabulating center and precincts, execution of ballot recap forms, and  
1033 preparation of duplicate ballots, by adding a new subsection to read as follows:

1034 "(g.1) When counting ballots and it becomes necessary for processing purposes to prepare  
1035 a duplicate of the ballot, the original ballot shall be given a unique serial number which  
1036 shall also be entered on the duplicate ballot and, other than when such duplicate ballot is  
1037 being processed, such ballots shall be kept together and retained as with other official  
1038 ballots."

1039

**SECTION 30.**

1040 Said chapter is further amended by revising Code Section 21-2-492, relating to computation  
1041 and canvassing of returns, notice of when and where returns will be computed and canvassed,  
1042 blank forms for making statements of returns, and swearing of assistants, as follows:

1043 "21-2-492.

1044 The superintendent shall arrange for the computation and canvassing of the returns of votes  
1045 cast at each primary and election at his or her office or at some other convenient public  
1046 place at the county seat or municipality following the close of the polls on the day of such  
1047 primary or election with accommodations for those present insofar as space permits. An  
1048 interested candidate or his or her representative shall be permitted to keep or check his or  
1049 her own computation of the votes cast in the several precincts as the returns from the same  
1050 are read, as directed in this article. The superintendent shall give at least one week's notice  
1051 prior to the primary or election by publishing same in a conspicuous place in the  
1052 superintendent's office, of the ~~time and place when and~~ where he or she will commence and  
1053 hold his or her sessions for the computation and canvassing of the returns; and he or she  
1054 shall keep copies of such notice posted in his or her office during such period. The  
1055 superintendent shall procure a sufficient number of blank forms of returns made out in the

1056 proper manner and headed as the nature of the primary or election may require, for making  
1057 out full and fair statements of all votes which shall have been cast within the county or any  
1058 precinct therein, according to the returns from the several precincts thereof, for any person  
1059 voted for therein, or upon any question voted upon therein. The assistants of the  
1060 superintendent in the computation and canvassing of the votes shall be first sworn by the  
1061 superintendent to perform their duties impartially and not to read, write, count, or certify  
1062 any return or vote in a false or fraudulent manner."

1063 **SECTION 31.**

1064 Said chapter is further amended by revising subsection (a) of Code Section 21-2-493, relating  
1065 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote  
1066 counts, recount procedure, certification of returns, and change in returns, as follows:

1067 "(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the  
1068 day ~~following the~~ of a primary or election, at his or her office or at some other convenient  
1069 public place at the county seat or in the municipality, of which due notice shall have been  
1070 given as provided by Code Section 21-2-492, publicly commence the computation and  
1071 canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the  
1072 close of the polls, including those cast by advance voting, and all ballots cast on the day  
1073 of the primary or election have been counted and tabulated and the results of such  
1074 tabulation released to the public and, then, continuing with provisional ballots as provided  
1075 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in  
1076 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For  
1077 this purpose, the superintendent may organize his or her assistants into sections, each of  
1078 ~~which~~ whom may simultaneously proceed with the computation and canvassing of the  
1079 returns from various precincts of the county or municipality in the manner provided by this  
1080 Code section. Upon the completion of such computation and canvassing, the

1081 superintendent shall tabulate the figures for the entire county or municipality and sign,  
1082 announce, and attest the same, as required by this Code section."

1083 **SECTION 32.**

1084 Said chapter is further amended in Article 15, relating to miscellaneous offenses, by adding  
1085 a new Code section to read as follows:

1086 "21-2-568.1.

1087 (a) Except while providing authorized assistance in voting under Code Section 21-2-409,  
1088 no person shall intentionally observe an elector while casting a ballot in a manner that  
1089 would allow such person to see for whom or what the elector is voting.

1090 (b) Any person who violates the provisions of subsection (a) of this Code section shall be  
1091 guilty of a felony."

1092 **SECTION 32A.**

1093 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, relating to home rule  
1094 powers, is amended by revising subsection (a) of Code Section 36-35-4.1, relating to  
1095 reapportionment of election districts for municipal elections, as follows:

1096 "(a) Subject to the limitations provided by this Code section, the governing authority of  
1097 any municipal corporation is authorized to reapportion the election districts from which  
1098 members of the municipal governing authority are elected following publication of the  
1099 United States decennial census of 1980 or any future such census. Such reapportionment  
1100 of districts shall be effective for the election of members to the municipal governing  
1101 authority at the next regular general municipal election following the publication of the  
1102 decennial census; provided, however, that, if the publication of the decennial census occurs  
1103 within 120 days of the next general or special municipal election, such reapportionment of  
1104 districts shall be effective for any subsequent special election and the subsequent general  
1105 municipal election."

1106

**SECTION 33.**

1107 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to  
1108 general provisions regarding administrative procedure, is amended by revising subsection (b)  
1109 of Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or  
1110 repeal of rules, emergency rules, limitation on action to contest rule, and legislative override,  
1111 as follows:

1112 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,  
1113 including but not limited to, summary processes such as quarantines, contrabands, seizures,  
1114 and the like authorized by law without notice, requires adoption of a rule upon fewer than  
1115 30 days' notice and states in writing its reasons for that finding, it may proceed without  
1116 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable  
1117 to adopt an emergency rule. Any such rule adopted relative to a public health emergency  
1118 shall be submitted as promptly as reasonably practicable to the House of Representatives  
1119 and Senate Committees on Judiciary, provided that any such rule adopted relative to a  
1120 public health emergency by the State Election Board shall be submitted as soon as  
1121 practicable but not later than 20 days prior to the rule taking effect. Any emergency rule  
1122 adopted by the State Election Board pursuant to the provisions of this subsection may be  
1123 suspended upon the majority vote of the House of Representatives or Senate Committees  
1124 on Judiciary within ten days of the receipt of such rule by the committees. The rule may  
1125 be effective for a period of not longer than 120 days but the adoption of an identical rule  
1126 under paragraphs (1) and (2) of subsection (a) of this Code section is not precluded;  
1127 provided, however, that such a rule adopted pursuant to discharge of responsibility under  
1128 an executive order declaring a state of emergency or disaster exists as a result of a public  
1129 health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of  
1130 the emergency or disaster and for a period of not more than 120 days thereafter."

1131

**SECTION 34.**

1132 This Act shall be severable in accordance with Code Section 1-1-3.

1133

**SECTION 35.**

1134 All laws and parts of laws in conflict with this Act are repealed.