

House Bill 1060

By: Representatives Scott of the 76th, Schofield of the 63rd, and Davis of the 87th

A BILL TO BE ENTITLED

AN ACT

1 To comprehensively revise elections and voting by repealing Act No. 9 (Senate Bill No. 202)
2 approved on March 25, 2021 (Ga. L. 2021, p. 14); to amend Chapter 2 of Title 21 of the
3 Official Code of Georgia Annotated, relating to elections and primaries generally, so as to
4 revise certain definitions; to remove authority of the Attorney General to establish and
5 maintain a telephone hotline; to restore the Secretary of State as the chairperson of the State
6 Election Board; to remove certain powers and authority of the State Election Board; to
7 remove certain additional requirements on the State Election Board's power to adopt
8 emergency rules and regulations; to remove limitations on election superintendents or boards
9 of registrars accepting private funding; to revise the qualifications of poll workers; to remove
10 provisions relative to local election officials; to provide for handling the death of a candidate;
11 to remove provisions relative to a state list of eligible electors; to revise the criteria and
12 methods for the reduction in size of precincts under certain circumstances; to revise the form
13 of ballots; to revise procedures and standards for challenging electors; to provide for notice
14 when polling places are relocated; to provide for the number of voting booths in precincts
15 where optical scanning voting systems are used; to provide for electronic ballot marker
16 testing; to provide for the time and manner for applying for absentee ballots; to revise the
17 manner of processing of absentee ballot applications; to revise the time and manner of
18 issuing absentee ballots; to revise for the manner of voting and returning absentee ballots;

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19 to revise the times for advance voting; to revise the manner of processing and tabulating
20 absentee ballots; to revise and repeal certain sanctions; to provide for poll watchers; to
21 remove certain restrictions on the distribution of certain items within close proximity to the
22 polls on election days; to revise the manner of voting and processing of provisional ballots;
23 to revise the time for runoffs; to revise the deadline for election certification; to provide for
24 special elections generally; to amend Chapter 35 of Title 36 of the Official Code of Georgia
25 Annotated, relating to home rule powers, so as to repeal the delay of reapportionment of
26 municipal corporation election districts when census numbers are delayed; to amend Title 50
27 of the Official Code of Georgia Annotated, relating to general provisions regarding state
28 government, so as to repeal certain limitations on the submission and suspension of
29 emergency rules by the State Election Board; to repeal certain provisions making scanned
30 ballot images public records; to provide for related matters; to provide for an effective date;
31 to repeal conflicting laws; and for other purposes.

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **SECTION 1.**

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

37 "(35) 'Superintendent' means:

38 (A) Either the judge of the probate court of a county or the county board of elections,
39 the county board of elections and registration, the joint city-county board of elections,
40 or the joint city-county board of elections and registration, if a county has such;

41 (B) In the case of a municipal primary, the municipal executive committee of the
42 political party holding the primary within a municipality or its agent or, if none, the
43 county executive committee of the political party or its agent;

- 44 (C) In the case of a nonpartisan municipal primary, the person appointed by the proper
45 municipal executive committee; and
- 46 (D) In the case of a municipal election, the person appointed by the governing
47 authority pursuant to the authority granted in Code Section 21-2-70; ~~and~~
- 48 ~~(E) In the case of the State Election Board exercising its powers under subsection (f)~~
49 ~~of Code Section 21-2-33.1, the individual appointed by the State Election Board to~~
50 ~~exercise the power of election superintendent."~~

51 **SECTION 2.**

52 Said chapter is further amended by revising Code Section 21-2-3, relating to telephone
53 hotline for electors reporting voter intimidation or illegal election activities, as follows:

54 "21-2-3.

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

63 **SECTION 3.**

64 Said chapter is further amended by revising Code Section 21-2-30, relating to creation,
65 membership, terms of service, vacancies, quorum, bylaws, meetings, and executive director,
66 as follows:

67 "21-2-30.

68 (a) There is created a state board to be known as the State Election Board; On and after
69 July 1, 2024, such board shall to be composed of ~~a chairperson elected by the General~~
70 ~~Assembly~~ the Secretary of State, an elector to be elected by a majority vote of the Senate
71 of the General Assembly at its regular session held in each odd-numbered year, an elector
72 to be elected by a majority vote of the House of Representatives of the General Assembly
73 at its regular session held in each odd-numbered year, and a member of each political party
74 to be nominated and appointed in the manner provided in this Code section. No person
75 while a member of the General Assembly shall serve as a member of the board.

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

89 (2) The chairperson of the board shall be nonpartisan. At no time during his or her
90 service as chairperson shall the chairperson actively participate in a political party
91 organization or in the campaign of a candidate for public office, nor shall he or she make
92 any campaign contributions to a candidate for public office. Furthermore, to qualify for
93 appointment as chairperson, in the two years immediately preceding his or her

94 appointment, a person shall not have qualified as a partisan candidate for public office,
95 participated in a political party organization or the campaign of a partisan candidate for
96 public office, or made any campaign contributions to a partisan candidate for public
97 office.

98 (3) The term of office of the chairperson shall continue until a successor is elected as
99 provided in paragraph (1) of this subsection. In the event of a vacancy in the position of
100 chairperson at a time when the General Assembly is not in session, it shall be the duty of
101 the Governor and the Governor is empowered and directed to appoint a chairperson
102 possessing the qualifications as provided in this subsection who shall serve as chairperson
103 until the next regular session of the General Assembly, at which time the nomination and
104 election of a chairperson shall be held by the General Assembly as provided in
105 paragraph (1) of this subsection.

106 (b) A member elected by a house of the General Assembly shall take office on the day
107 following the adjournment of the regular session in which elected and shall serve for a term
108 of two years and until his or her successor is elected and qualified, unless sooner removed.
109 An elected member of the board may be removed at any time by a majority vote of the
110 house which elected him or her. In the event a vacancy should occur in the office of such
111 a member of the board at a time when the General Assembly is not in session, then the
112 President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior
113 incumbent of such office was elected by the Senate or appointed by the President of the
114 Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector
115 to fill the vacancy if the prior incumbent of such office was elected by the House of
116 Representatives or appointed by the Speaker of the House of Representatives. A member
117 appointed to fill a vacancy may be removed at any time by a majority vote of the house
118 whose presiding officer appointed him or her.

119 (c) Within 30 days after April 3, 1968, the state executive committee of each political
120 party shall nominate a member of its party to serve as a member of the State Election Board

121 and, thereupon, the Governor shall appoint such nominee as a member of the board to serve
122 for a term of two years from the date of the appointment and until his or her successor is
123 elected and qualified, unless sooner removed. Thereafter, such state executive committee
124 shall select a nominee for such office on the board within 30 days after a vacancy occurs
125 in such office and shall also select a nominee at least 30 days prior to the expiration of the
126 term of each incumbent nominated by it; and each such nominee shall be immediately
127 appointed by the Governor as a member of the board to serve for the unexpired term in the
128 case of a vacancy, and for a term of two years in the case of an expired term. Each
129 successor, other than one appointed to serve an unexpired term, shall serve for a term of
130 two years; and the terms shall run consecutively from the date of the initial gubernatorial
131 appointment. No person shall be eligible for nomination by such state executive committee
132 unless he or she is an elector and a member in good standing of the political party of the
133 committee. Such a member shall cease to serve on the board and his or her office shall be
134 abolished if and when his or her political organization shall cease to be a 'political party'
135 as defined in Code Section 21-2-2.

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

141 (e) Meetings shall be held whenever necessary for the performance of the duties of the
142 board on call of the chairperson or whenever any two of its members so request. Minutes
143 shall be kept of all meetings of the board and a record kept of the vote of each member on
144 all questions coming before the board. The chairperson shall give to each member of the
145 board prior notice of the time and place of each meeting of the board.

146 (f) If any member of the board, other than the Secretary of State, shall qualify as a
147 candidate for any public office which is to be voted upon in any primary or election

148 regulated by the board, that member's position on the board shall be immediately vacated
149 and such vacancy shall be filled in the manner provided for filling other vacancies on the
150 board.

151 ~~(g) On and after July 1, 2023, the board shall be a separate and distinct budget unit as~~
152 ~~defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided,~~
153 ~~however, that the board shall be attached for administrative purposes only to the office of~~
154 ~~the Secretary of State as provided for in Code Section 50-4-3. The board shall neither be~~
155 ~~under the jurisdiction of the Secretary of State nor shall it be considered a division of the~~
156 ~~office of the Secretary of State.~~

157 ~~(h) The board shall have the power to appoint an executive director who shall be a~~
158 ~~full-time employee of the board. The executive director shall serve at the pleasure of the~~
159 ~~board, and the board shall in its discretion appoint and fix the compensation of the~~
160 ~~executive director. The executive director shall be charged with such duties and powers~~
161 ~~as provided in this Code section or as delegated by the board. The executive director shall~~
162 ~~serve as the secretary of the board ex officio but shall not be a voting member of the board~~
163 ~~or a member for the purposes of constituting a quorum.~~

164 ~~(i) The executive director and other employees of the board shall be reimbursed for travel~~
165 ~~and other expenses incurred in the performance of their duties in the same manner as~~
166 ~~officers and employees of the office of the Secretary of State.~~

167 ~~(j) Venue of any action involving members of the board shall be the county in which is~~
168 ~~found the primary office of the board. Any notice or legal process necessary to be served~~
169 ~~upon the board may be served upon the executive director, but the executive director shall~~
170 ~~not be considered a member of the board in determining the venue of any such action, and~~
171 ~~no court shall have jurisdiction over any such action solely by virtue of the executive~~
172 ~~director residing or maintaining a residence within its jurisdiction.~~

173 ~~(k) The executive director shall:~~

174 ~~(1) Keep all records of the board and its proceedings;~~

175 ~~(2) With the approval of the board, employ and fix the compensation of personnel as~~
176 ~~determined necessary to assist the executive director in his or her duties;~~
177 ~~(3) With the consent of the board, schedule the time and location of all meetings and~~
178 ~~hearings, as well as maintain a schedule of all meetings and hearings available for public~~
179 ~~review;~~
180 ~~(4) With the approval of the board, enter into such contracts, leases, agreements, or other~~
181 ~~transactions with any person or agency as are deemed necessary to carry out the~~
182 ~~provisions of this chapter or to provide the services required by the board; and~~
183 ~~(5) On or before the second Tuesday in January of each year, prepare and deliver a~~
184 ~~written annual report to the Governor and the chairpersons of the House and Senate~~
185 ~~Appropriations Committees describing the activities of the board for the previous~~
186 ~~calendar year. Such report shall be made available to any member of the General~~
187 ~~Assembly upon request. The report shall include a summary of all actions taken by the~~
188 ~~board and a financial report of all income and disbursements and staff personnel. The~~
189 ~~Governor may request a preliminary financial report for budgetary purposes prior to the~~
190 ~~executive director delivering the annual report."~~

191 **SECTION 4.**

192 Said chapter is further amended by repealing subsections (f), (g), and (h) of Code
193 Section 21-2-33.1, relating to enforcement of chapter, suspension of election superintendents,
194 and support and assistance from the Secretary of State, in their entirety.

195 **SECTION 5.**

196 Such chapter is further amended by repealing Code Section 21-2-33.2, relating to
197 extraordinary relief, hearings, suspension and reinstatement of superintendents, and litigation
198 expenses, in its entirety.

199 **SECTION 6.**

200 Said chapter is further amended by repealing Code Section 21-2-35, relating to emergency
201 rules and regulations, imminent peril requirement, and procedures, in its entirety.

202 **SECTION 7.**

203 Said chapter is further amended by repealing Code Section 21-2-36, relating to notification
204 of proposed consent agreement, settlement, or consent order, in its entirety.

205 **SECTION 8.**

206 Said chapter is further amended by revising Code Section 21-2-71, relating to payment by
207 county or municipality of superintendent's expenses and study and report on acceptance and
208 equitable distribution of donations, as follows:

209 "21-2-71.

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

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

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

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

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

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

225 ~~(b) No superintendent, county, or municipality shall take or accept any grants or gifts for~~
226 ~~purposes of administering this chapter from any source other than the State of Georgia or~~
227 ~~the federal government.~~

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

231 **SECTION 9.**

232 Said chapter is further amended by repealing Code Section 21-2-74.1, relating to acting
233 election superintendent during vacancy, in its entirety.

234 **SECTION 10.**

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

238 ~~"(a)(1)~~ Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be
239 judicious, intelligent, and upright citizens of the United States, residents of or otherwise
240 employed by the county in which they are appointed ~~except as otherwise provided in~~
241 ~~paragraph (2) of this subsection~~ or, in the case of municipal elections, residents of or
242 otherwise employed by the municipality in which the election is to be held or of the
243 county in which that municipality is located, 16 years of age or over, and able to read,
244 write, and speak the English language. No poll officer shall be eligible for any
245 nomination for public office or to be voted for at a primary or election at which the poll
246 officer shall serve. No person who is otherwise holding public office, other than a
247 political party office, shall be eligible to be appointed as or to serve as a poll officer. A

248 parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law,
249 daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to
250 serve as a poll officer in any precinct in which such candidate's name appears on the
251 ballot in any primary or election.

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

259 **SECTION 11.**

260 Said chapter is further amended by repealing Part 5 of Article 2, relating to local election
261 officials, in its entirety.

262 **SECTION 12.**

263 Said chapter is further amended by repealing subsection (g) of Code Section 21-2-134,
264 relating to withdrawal, death, or disqualification of candidate for office, return of qualifying
265 fee, and nomination certificate, in its entirety.

266 **SECTION 13.**

267 Said chapter is further amended by revising subsection (f) of Code Section 21-2-212, relating
268 to county registrars, appointment, certification, term of service, vacancies, compensation and
269 expenses of chief registrar, registrars, and other officers and employees, and budget
270 estimates, as follows:

271 "(f) The board of registrars of each county shall prepare annually a budget estimate in
272 which it shall set forth an itemized list of its expenditures for the preceding two years and
273 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
274 year and shall submit the same at the time and in the manner and form other county budget
275 estimates are required to be filed. ~~No board of registrars shall take or accept any grants or~~
276 ~~gifts for the purpose of administering this chapter from any source other than from the State~~
277 ~~of Georgia or the federal government."~~

278 **SECTION 14.**

279 Said chapter is further amended by revising Code Section 21-2-229, relating to challenge of
280 applicant for registration by other electors, notice and hearing, right of appeal, and sanctions
281 for board's noncompliance, as follows:

282 "21-2-229.

283 (a) Any elector of a county or municipality may challenge the qualifications of any person
284 applying to register to vote in the county or municipality and may challenge the
285 qualifications of any elector of the county or municipality whose name appears on the list
286 of electors. Such challenges shall be in writing and shall specify distinctly the grounds of
287 the challenge. ~~There shall not be a limit on the number of persons whose qualifications~~
288 ~~such elector may challenge.~~

289 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a
290 hearing on such challenge ~~within ten business days after serving notice of the challenge.~~
291 Notice of the date, time, and place of the hearing shall be served upon the person whose
292 qualifications are being challenged along with a copy of such challenge and upon the
293 elector making the challenge ~~within ten business days following the filing of the challenge.~~
294 The person being challenged shall receive at least three days' notice of the date, time, and
295 place of the hearing. Such notice shall be served either by first-class mail addressed to the

296 mailing address shown on the person's voter registration records or in the manner provided
297 in subsection (c) of Code Section 21-2-228.

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

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

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

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

321 **SECTION 15.**

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

325 "21-2-230.

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

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

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

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

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

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

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

358 (g) If the challenged elector cast an absentee ballot and the challenge is based upon
359 grounds that the challenged elector is not qualified to remain on the list of electors, the
360 board of registrars shall proceed to conduct a hearing on the challenge on an expedited
361 basis prior to the certification of the consolidated returns of the election by the election
362 superintendent. The election superintendent shall not certify such consolidated returns
363 until such hearing is complete and the registrars have rendered their decision on the
364 challenge. If the registrars deny the challenge, the superintendent shall proceed to certify
365 the consolidated returns. If the registrars uphold the challenge, the name of the challenged
366 elector shall be removed from the list of electors and the ballot of the challenged elector
367 shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove
368 any votes cast by such elector. The elector making the challenge and the challenged elector
369 may appeal the decision of the registrars in the same manner as provided in subsection (e)
370 of Code Section 21-2-229.

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

374 elector shall be permitted to vote in the election notwithstanding the fact that the polls may
375 have closed prior to the time the registrars render their decision and the elector can actually
376 vote, provided that the elector proceeds to vote immediately after the decision of the
377 registrars. If the registrars uphold the challenge, the challenged elector shall not be
378 permitted to vote and, if the challenge is based upon the grounds that the elector is not
379 qualified to remain on the list of electors, the challenged elector's name shall be removed
380 from the list of electors.

381 (i) If the challenged elector appears at the polls to vote and it is not practical to conduct
382 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
383 find that a decision on the challenge cannot be rendered within a reasonable time, the
384 challenged elector shall be permitted to vote by casting a challenged ballot on the same
385 type of ballot that is used by the county or municipality for provisional ballots. Such
386 challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code
387 Section 21-2-419 and, after having the word 'Challenged,' the elector's name, and the
388 alleged cause of the challenge written across the back of the outer envelope, the ballot shall
389 be deposited by the person casting such ballot in a secure, sealed ballot box
390 notwithstanding the fact that the polls may have closed prior to the time the registrars make
391 such a determination, provided that the elector proceeds to vote immediately after such
392 determination of the registrars. In such cases, if the challenge is based upon the grounds
393 that the challenged elector is not qualified to remain on the list of electors, the registrars
394 shall proceed to finish the hearing prior to the certification of the consolidated returns of
395 the election by the election superintendent. If the challenge is based on other grounds, no
396 further action shall be required by the registrars. The election superintendent shall not
397 certify such consolidated returns until such hearing is complete and the registrars have
398 rendered their decision on the challenge. If the registrars deny the challenge, the
399 superintendent shall proceed to certify the consolidated returns. If the registrars uphold the
400 challenge, the name of the challenged elector shall be removed from the list of electors and

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

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

407 **SECTION 16.**

408 Said chapter is further amended by repealing paragraph (3) of subsection (b) of Code
409 Section 21-2-232, relating to removal of elector's name from list of electors, in its entirety.

410 **SECTION 17.**

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

415 "21-2-263.

416 ~~(a)~~ If, at the previous general election, a precinct contained more than 2,000 electors and
417 if all those electors desiring to vote had not completed voting one hour following the
418 closing of the polls, the superintendent shall either reduce the size of said precinct so that
419 it shall contain not more than 2,000 electors in accordance with the procedures prescribed
420 by this chapter for the division, alteration, and consolidation of precincts no later than 60
421 days before the next general election or provide additional voting equipment or poll
422 workers, or both, before the next general election. For administering this Code section, the
423 chief manager of a precinct which contained more than 2,000 electors at the previous
424 general election shall submit a report thereof, under oath, to the superintendent as to the
425 time required for completion of voting by all persons in line at the time the polls were

426 closed. Any such change in the boundaries of a precinct shall conform with the
427 requirements of subsection (a) of Code Section 21-2-261.1.

428 ~~(b) If, at the previous general election, a precinct contained more than 2,000 electors and
429 if electors desiring to vote on the day of the election had to wait in line for more than one
430 hour before checking in to vote, the superintendent shall either reduce the size of such
431 precinct so that it shall contain not more than 2,000 electors in accordance with the
432 procedures prescribed by this chapter for the division, alteration, and consolidation of
433 precincts no later than 60 days before the next general election or provide additional voting
434 equipment or poll workers, or both, before the next general election. For administering this
435 Code section, the chief manager of a precinct which contained more than 2,000 electors at
436 the previous general election shall submit a report thereof to the superintendent of the
437 reported time from entering the line to checking in to vote. Such wait time shall be
438 measured no fewer than three different times throughout the day (in the morning, at
439 midday, and prior to the close of polls) and such results shall be recorded on a form
440 provided by the Secretary of State. Any such change in the boundaries of a precinct shall
441 conform with the requirements of subsection (a) of Code Section 21-2-261.1."~~

442

SECTION 18.

443 Said chapter is further amended by revising subsection (a) of Code Section 21-2-265, relating
444 to selection of polling places, change, notice, objection, facilities for disabled voters,
445 selection of polling place outside precinct and restriction on changing polling place, as
446 follows:

447 "(a) The superintendent of a county or the governing authority of a municipality shall
448 select and fix the polling place within each precinct and may, either on his, her, or its own
449 motion or on petition of ten electors of a precinct, change the polling place within any
450 precinct. Except in case of an emergency or unavoidable event occurring within ten days
451 of a primary or election, which emergency or event renders any polling place unavailable

452 for use at such primary or election, the superintendent of a county or the governing
 453 authority of a municipality shall not change any polling place until notice of the proposed
 454 change shall have been published for once a week for two consecutive weeks in the legal
 455 organ for the county or municipality in which the polling place is located. Additionally,
 456 ~~during the seven days before and on the first election day of the first election~~ following
 457 such change, a notice of such change shall be posted on the previous polling place and at
 458 three other places in the immediate vicinity thereof. ~~Each notice posted shall state the~~
 459 ~~location to which the polling place has been moved and shall direct electors to the new~~
 460 ~~location. At least one notice at the previous polling place shall be a minimum of four feet~~
 461 ~~by four feet in size.~~ The occupant or owner of the previous polling place, or his or her
 462 agent, shall be notified in writing of such change at the time notice is published in the legal
 463 organ."

464

SECTION 19.

465 Said chapter is further amended by revising subsections (a) and (b) of Code
 466 Section 21-2-266, relating to polling places and advance voting locations – use of portable
 467 or movable facilities, and unrestricted access to residential communities, as follows:

468 "(a) In selecting polling places ~~and advance voting locations~~, the superintendent of a
 469 county or the governing authority of a municipality shall select, wherever practicable and
 470 consistent with subsection (d) of Code Section 21-2-265, schoolhouses, municipal
 471 buildings or rooms, or other public buildings for that purpose. In selecting polling places
 472 ~~and advance voting locations~~, the superintendent of a county or the governing authority of
 473 a municipality shall give consideration to the comfort and convenience those places to be
 474 selected will provide to both electors and poll officers. School, county, municipal, or other
 475 governmental authorities, upon request of the superintendent of a county or the governing
 476 authority of a municipality, shall make arrangements for the use of their property for
 477 polling places ~~or advance voting locations~~; provided, however, that such use shall not

478 substantially interfere with the use of such property for the purposes for which it is
479 primarily intended.

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

485 **SECTION 20.**

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

489 "(a) In each primary separate official ballots shall be prepared for the political party
490 holding the primary. At the top of each ballot shall be printed in prominent type the words
491 'OFFICIAL PRIMARY BALLOT OF _____ PARTY FOR,' followed by the
492 ~~name and~~ designation of the precinct for which it is prepared and the name and date of the
493 primary."

494 **SECTION 21.**

495 Said chapter is further amended by revising Code Section 21-2-284.1, relating to nonpartisan
496 municipal primary ballot form, as follows:

497 "21-2-284.1.

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

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

503 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

504

505 _____
(Name of Municipality)';

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

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

511 **SECTION 22.**

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

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

518 **SECTION 23.**

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

522 "21-2-285.1.

523 The names of all candidates for offices which the General Assembly has by general law or
524 local Act provided for election in a nonpartisan election shall be printed on each official
525 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan
526 election shall be separated from the names of candidates for party nomination to other
527 offices by being listed last on each ballot, with the top of that portion of each official

528 primary ballot relating to the nonpartisan election to have printed in prominent type the
529 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a
530 ballot that contains just the official nonpartisan election ballot available for electors who
531 choose not to vote in a party primary. ~~Such ballot shall have printed at the top the name~~
532 ~~and designation of the precinct.~~ Directions that explain how to cast a vote, how to write
533 in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall
534 appear immediately under the caption, as specified by rule or regulation of the State
535 Election Board. Immediately under the directions, the name of each such nonpartisan
536 candidate shall be arranged alphabetically by last name under the title of the office for
537 which they are candidates and be printed thereunder. The incumbency of a candidate
538 seeking election for the public office he or she then holds shall be indicated on the ballot.
539 No party designation or affiliation shall appear beside the name of any candidate for
540 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting
541 of write-in votes for such offices. In the event that no candidate in such nonpartisan
542 election receives a majority of the total votes cast for such office, there shall be a
543 nonpartisan election runoff between the candidates receiving the two highest numbers of
544 votes; and the names of such candidates shall be placed on the official ballot at the general
545 primary runoff in the same manner as prescribed in this Code section for the nonpartisan
546 election and there shall be a separate official nonpartisan election run-off ballot for those
547 electors who do not choose or are not eligible to vote in the general primary runoff. In the
548 event that only nonpartisan candidates are to be placed on a run-off ballot, the form of the
549 ballot shall be as prescribed by the Secretary of State or election superintendent in
550 essentially the same format as prescribed for the nonpartisan election. ~~Except as provided~~
551 ~~in subsection (g) of Code Section 21-2-134, the~~ The candidate having a majority of the
552 votes cast in the nonpartisan election or the candidate receiving the highest number of votes
553 cast in the nonpartisan election runoff shall be declared duly elected to such office."

554 **SECTION 24.**

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

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

561 **SECTION 25.**

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

564 "21-2-287.

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

569 **SECTION 26.**

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

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

576 (~~2~~) ~~For any other primary, election, or runoff, the county or municipal election~~
577 ~~superintendent may provide a greater or lesser number of voting booths or enclosures if,~~
578 ~~after a thorough consideration of the type of election, expected turnout, the number of~~

579 ~~electors who have already voted by advance voting or absentee ballot, and other relevant~~
580 ~~factors that inform the appropriate amount of equipment needed, such superintendent~~
581 ~~determines that a different amount of equipment is needed or sufficient. Such~~
582 ~~determination shall be subject to the provisions of Code Section 21-2-263."~~

583 **SECTION 27.**

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

586 "21-2-372.

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

594 **SECTION 28.**

595 Said chapter is further amended by repealing subsection (e) of Code Section 21-2-379.23,
596 relating to requirements for ballot display, role of Secretary of State, printed paper ballot
597 controls during recount, and name and designation of precinct on ballot, in its entirety.

598 **SECTION 29.**

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

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

626

SECTION 30.

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

630 "21-2-381.

631 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219 ~~or for advance~~
632 ~~voting described in subsection (d) of Code Section 21-2-385~~, not earlier more than 78
633 180 days ~~or less than 11 days~~ prior to the date of the primary or election, or runoff of
634 either, in which the elector desires to vote, any absentee elector may make, either by
635 mail, by facsimile transmission, by electronic transmission, or in person in the
636 registrar's or absentee ballot clerk's office, an application for an official ballot of the
637 elector's precinct to be voted at such primary, election, or runoff. ~~To be timely~~
638 ~~received, an application for an absentee-by-mail ballot shall be received by the board~~
639 ~~of registrars or absentee ballot clerk no later than 11 days prior to the primary, election,~~
640 ~~or runoff. For advance voting in person, the application shall be made within the time~~
641 ~~period set forth in subsection (d) of Code Section 21-2-385.~~

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

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

653 ~~issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a~~
654 ~~Georgia driver's license or identification card issued pursuant to Article 5 of Chapter~~
655 ~~5 of Title 40, the elector shall affirm this fact in the manner prescribed in the~~
656 ~~application and the elector shall provide a copy of a form of identification listed in~~
657 ~~subsection (c) of Code Section 21-2-417. The form made available by the Secretary~~
658 ~~of State shall include a space to affix a photocopy or electronic image of such~~
659 ~~identification. The Secretary of State shall develop a method to allow secure~~
660 ~~electronic transmission of such form. The application shall also include be in writing~~
661 ~~and shall contain sufficient information for proper identification of the elector; the~~
662 ~~permanent or temporary address of the elector to which the absentee ballot shall be~~
663 ~~mailed; the identity of the primary, election, or runoff in which the elector wishes to~~
664 ~~vote; and the name and relationship of the person requesting the ballot if other than~~
665 ~~the elector; and an oath for the elector or relative to write his or her usual signature~~
666 ~~with a pen and ink affirming that the elector is a qualified Georgia elector and the~~
667 ~~facts presented on the application are true. Submitting false information on an~~
668 ~~application for an absentee ballot shall be a violation of Code Sections 21-2-560~~
669 ~~and 21-2-571.~~

670 ~~(ii) A blank application for an absentee ballot shall be made available online by the~~
671 ~~Secretary of State and each election superintendent and registrar, but neither the~~
672 ~~Secretary of State, election superintendent, board of registrars, other governmental~~
673 ~~entity, nor employee or agent thereof shall send absentee ballot applications directly~~
674 ~~to any elector except upon request of such elector or a relative authorized to request~~
675 ~~an absentee ballot for such elector. No person or entity other than a relative~~
676 ~~authorized to request an absentee ballot for such elector or a person signing as~~
677 ~~assisting an illiterate or physically disabled elector shall send any elector an absentee~~
678 ~~ballot application that is prefilled with the elector's required information set forth in~~
679 ~~this subparagraph. No person or entity other than the elector, a relative authorized to~~

680 ~~request an absentee ballot for such elector, a person signing as assisting an illiterate~~
 681 ~~or physically disabled elector with his or her application, a common carrier charged~~
 682 ~~with returning the ballot application, an absentee ballot clerk, a registrar, or a law~~
 683 ~~enforcement officer in the course of an investigation shall handle or return an elector's~~
 684 ~~completed absentee ballot application. Handling a completed absentee ballot~~
 685 ~~application by any person or entity other than as allowed in this subsection shall be~~
 686 ~~a misdemeanor. Any application for an absentee ballot sent to any elector by any~~
 687 ~~person or entity shall utilize the form of the application made available by the~~
 688 ~~Secretary of State and shall clearly and prominently disclose on the face of the form:~~
 689 ~~'This application is being distributed by [insert name and address of person,~~
 690 ~~organization, or other entity distributing such document or material], not by any~~
 691 ~~government agency or any state or local election office. THIS IS NOT A BALLOT.'~~
 692 ~~(iii) The disclaimer required by division (ii) of this subparagraph shall be:~~
 693 ~~(I) Of sufficient font size to be clearly readable by the recipient of the~~
 694 ~~communication;~~
 695 ~~(II) Contained in a printed box set apart from the other contents of the~~
 696 ~~communication; and~~
 697 ~~(III) Printed with a reasonable degree of color contrast between the background and~~
 698 ~~the printed disclaimer.~~
 699 (D) Except in the case of physically disabled electors residing in the county or
 700 municipality or electors in custody in a jail or other detention facility in the county or
 701 municipality, no absentee ballot shall be mailed to an address other than the permanent
 702 mailing address of the elector as recorded on the elector's voter registration record or
 703 a temporary out-of-county or out-of-municipality address. Upon request, electors held
 704 ~~in jails or other detention facilities who are eligible to vote shall be granted access to~~
 705 ~~the necessary personal effects for the purpose of applying for and voting an absentee~~
 706 ~~ballot pursuant to this chapter.~~

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

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

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

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

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

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

741 ~~(B) A person or entity in violation of subparagraph (A) of this paragraph shall be~~
742 ~~subject to sanctions by the State Election Board which, in addition to all other possible~~
743 ~~sanctions, may include requiring such person or entity to pay restitution to each affected~~
744 ~~county or municipality in an amount up to \$100.00 per duplicate absentee ballot~~
745 ~~application that is processed by the county or municipality due to such violation or the~~
746 ~~actual cost incurred by each affected county or municipality for the processing of such~~
747 ~~duplicate absentee ballot applications.~~

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

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

761 shall ~~verify the identity of the applicant and~~ determine, in accordance with the provisions
762 of this chapter, if the applicant is eligible to vote in the primary or election involved. In
763 order to ~~verify the identity of the applicant~~ be found eligible to vote an absentee ballot by
764 mail, the registrar or absentee ballot clerk shall compare the ~~applicant's name, date of~~
765 ~~birth, and number of his or her Georgia driver's license or identification card issued~~
766 ~~pursuant to Article 5 of Chapter 5 of Title 40~~ identifying information on the application
767 with the information on file in the registrar's office and, if the application is signed by the
768 elector, compare the signature or mark of the elector on the application with the signature
769 or mark of the elector on the elector's voter registration card. ~~If the application does not~~
770 ~~contain the number of the applicant's Georgia driver's license or identification card issued~~
771 ~~pursuant to Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall~~
772 ~~verify that the identification provided with the application identifies the applicant.~~ In
773 order to be found eligible to vote an absentee ballot in person at the registrar's office or
774 absentee ballot clerk's office, such person shall show one of the forms of identification
775 listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare
776 the identifying information on the application with the information on file in the
777 registrar's office.

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

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

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

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

787 (3) If found ineligible ~~or if the application is not timely received~~, the clerk or the board
788 of registrars shall deny the application by writing the reason for rejection in the proper
789 space on the application and shall promptly notify the applicant in writing of the ground
790 of ineligibility, a copy of which notification should be retained on file in the office of the
791 board of registrars or absentee ballot clerk for at least one year. However, an absentee
792 ballot application shall not be rejected ~~solely~~ due to a an apparent mismatch between the
793 ~~identifying information~~ signature of the elector on the application and the identifying
794 information of the elector on file with the board of registrars. In such cases, the board of
795 registrars or absentee ballot clerk shall send the elector a provisional absentee ballot with
796 the designation 'Provisional Ballot' on the outer oath envelope and information prepared
797 by the Secretary of State as to the process to be followed to cure the signature
798 discrepancy. If such ballot is returned to the board of registrars or absentee ballot clerk
799 prior to the closing of the polls on the day of the primary or election, the elector may cure
800 the signature discrepancy by submitting an affidavit to the board of registrars or absentee
801 ballot clerk along with a copy of one of the forms of identification enumerated in
802 subsection (c) of Code Section 21-2-417 before the close of the period for verifying
803 provisional ballots contained in subsection (c) of Code Section 21-2-419. If the board of
804 registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the
805 absentee ballot shall be counted as other absentee ballots. If the board of registrars or
806 absentee ballot clerk finds the affidavit and identification to be insufficient, then the
807 procedure contained in Code Section 21-2-386 shall be followed for rejected absentee
808 ballots.

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

814 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
815 or the board shall immediately mail a blank registration card as provided by Code
816 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to
817 vote by absentee ballot in such primary or election, if the registration card, properly
818 completed, is returned to the clerk or the board on or before the last day for registering
819 to vote in such primary or election. If the closing date for registration in the primary or
820 election concerned has not passed, the clerk or registrar shall also mail a ballot to the
821 applicant, as soon as it is prepared and available; and the ballot shall be cast in such
822 primary or election if returned to the clerk or board not later than the close of the polls
823 on the day of the primary or election concerned.

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

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

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

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

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

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

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

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

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

856 **SECTION 31.**

857 Said chapter is further amended by revising Code Section 21-2-382, relating to additional
858 buildings as additional registrar's office or place of registration for receiving absentee ballots
859 and for advance voting, as follows:

860 "21-2-382.

861 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
862 registrars may establish additional sites as additional registrar's offices or places of
863 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
864 for the purpose of ~~advance~~ voting absentee ballots under Code Section 21-2-385, provided
865 that any such site ~~is a building that~~ is a branch of the county courthouse, a courthouse

866 annex, a government service center providing general government services, another
867 government building generally accessible to the public, or a building location that is used
868 as an election day polling place, notwithstanding that such building location is not a
869 government building.

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

877 ~~(c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box~~
878 ~~as a means for absentee by mail electors to deliver their ballots to the board of registrars~~
879 ~~or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish~~
880 ~~additional drop boxes, subject to the limitations of this Code section, but may only~~
881 ~~establish additional drop boxes totaling the lesser of either one drop box for~~
882 ~~every 100,000 active registered voters in the county or the number of advance voting~~
883 ~~locations in the county. Any additional drop boxes shall be evenly geographically~~
884 ~~distributed by population in the county. Drop boxes established pursuant to this Code~~
885 ~~section shall be established at the office of the board of registrars or absentee ballot clerk~~
886 ~~or inside locations at which advance voting, as set forth in subsection (d) of Code~~
887 ~~Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be~~
888 ~~open during the hours of advance voting at that location. Such drop boxes shall be closed~~
889 ~~when advance voting is not being conducted at that location. All drop boxes shall be~~
890 ~~closed when the advance voting period ends, as set forth in subsection (d) of Code~~
891 ~~Section 21-2-385. The drop box location shall have adequate lighting and be under~~
892 ~~constant surveillance by an election official or his or her designee, law enforcement~~

893 ~~official, or licensed security guard. During an emergency declared by the Governor~~
894 ~~pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the~~
895 ~~board of registrars or absentee ballot clerk or outside of locations at which advance voting~~
896 ~~is taking place, subject to the other limitations of this Code section.~~

897 ~~(2) The opening slot of a drop box shall not allow ballots to be tampered with or~~
898 ~~removed and shall be designed to minimize the ability for liquid or other substances that~~
899 ~~may damage ballots to be poured into the drop box. A drop box shall be labeled~~
900 ~~"OFFICIAL ABSENTEE BALLOT DROP BOX" and shall clearly display the signage~~
901 ~~developed by the Secretary of State pertaining to Georgia law with regard to who is~~
902 ~~allowed to return absentee ballots and destroying, defacing, or delaying delivery of~~
903 ~~ballots.~~

904 ~~(3) The board of registrars or absentee ballot clerk shall arrange for the collecting and~~
905 ~~return of ballots deposited at each drop box at the conclusion of each day where advance~~
906 ~~voting takes place. Collection of ballots from a drop box shall be made by a team of at~~
907 ~~least two people. Any person collecting ballots from a drop box shall have sworn an oath~~
908 ~~in the same form as the oath for poll officers set forth in Code Section 21-2-95. The~~
909 ~~collection team shall complete and sign a ballot transfer form upon removing the ballots~~
910 ~~from the drop box which shall include the date, time, location, number of ballots,~~
911 ~~confirmation that the drop box was locked after the removal of the ballots, and the~~
912 ~~identity of each person collecting the ballots. The collection team shall then immediately~~
913 ~~transfer the ballots to the board of registrars or absentee ballot clerk, who shall process~~
914 ~~and store the ballots in the same manner as absentee ballots returned by mail are~~
915 ~~processed and stored. The board of registrars, absentee ballot clerk, or a designee of the~~
916 ~~board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt~~
917 ~~of the ballots from the collection team. Such form shall be considered a public record~~
918 ~~pursuant to Code Section 50-18-70.~~

919 ~~(4) At the beginning of voting at each advance location where a drop box is present, the~~
 920 ~~manager of the advance voting location shall open the drop box and confirm on the~~
 921 ~~reconciliation form for that advance voting location that the drop box is empty. If the~~
 922 ~~drop box is not empty, the manager shall secure the contents of the drop box and~~
 923 ~~immediately inform the election superintendent, board of registrars, or absentee ballot~~
 924 ~~clerk, who shall inform the Secretary of State."~~

925 **SECTION 32.**

926 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation
 927 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting
 928 absentee electors, master list of ballots sent, challenges, special absentee run-off ballots, and
 929 electronic transmission of ballots, as follows:

930 "21-2-384.

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

938 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
 939 ballots to all eligible applicants not more than ~~29~~ 49 days but not less than ~~25~~ 45 days
 940 prior to any presidential preference primary, general primary other than a municipal
 941 general primary, general election other than a municipal general election, or special
 942 primary or special election in which there is a candidate for a federal office on the ballot;
 943 22 days prior to any municipal general primary or municipal general election; and as soon
 944 as possible prior to any runoff. In the case of all other special primaries or special

945 elections, the board of registrars or absentee ballot clerk shall mail or issue official
946 absentee ballots to all eligible applicants within three days after the receipt of such ballots
947 and supplies, but no earlier than 22 days prior to the election; provided, however, that
948 ~~official absentee ballots shall be issued to~~ should any elector of the jurisdiction ~~who is~~
949 ~~entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizen~~
950 ~~Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended;~~ be permitted to vote
951 by absentee ballot beginning 49 days prior to a federal primary or election, all eligible
952 applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49
953 days prior to such primary or election and not later than 45 days prior to a federal primary
954 ~~or election.~~ As additional applicants ~~who submitted timely applications for an absentee~~
955 ~~ballot~~ are determined to be eligible, the board or clerk shall mail or issue official absentee
956 ballots to such additional applicants immediately upon determining their eligibility;
957 provided, however, that no absentee ballot shall be mailed by the registrars or absentee
958 ballot clerk on the day prior to a primary or election and provided, further, that no
959 absentee ballot shall be issued on the day prior to a primary or election. For all timely
960 ~~received applications for absentee ballots, the board of registrars or absentee ballot clerk~~
961 ~~shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection~~
962 ~~as soon as possible upon determining their eligibility within the time periods set forth in~~
963 ~~this subsection. During the period for advance voting set forth in Code Section 21-2-385,~~
964 ~~the board of registrars or absentee ballot clerk shall make such determinations and mail~~
965 ~~or issue absentee ballots, provisional absentee ballots, and notices of rejection of~~
966 ~~application within three days after receiving a timely application for an absentee ballot.~~
967 The board of registrars ~~or absentee ballot clerk~~ shall, within the same time periods
968 specified in this subsection, electronically transmit official absentee ballots to all electors
969 who have requested to receive their official absentee ballot electronically and are entitled
970 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee
971 Voting Act, 52 U.S.C. Section 20301, et seq., as amended.

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

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

982 (5) In the event an absentee ballot which has been mailed by the board of registrars or
983 absentee ballot clerk is not received by the applicant, the applicant may notify the board
984 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
985 has not been received. The board of registrars or absentee ballot clerk shall then issue a
986 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
987 shall be attached to the original application. A second application for an absentee ballot
988 shall not be required.

989 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
990 office, in addition to the mailing envelope addressed to the elector, the superintendent,
991 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
992 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
993 order to permit the placing of one within the other and both within the mailing envelope.
994 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
995 the words 'Official Absentee Ballot' and nothing else. ~~The~~ On the back of the larger of the
996 two envelopes to be enclosed within the mailing envelope shall ~~contain~~ be printed the form
997 of oath of the elector and the oath for persons assisting electors, as provided for in Code
998 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,

999 21-2-579, and 21-2-599 for violations of oaths; ~~a place for the elector to print his or her~~
1000 ~~name; a signature line; a space for the elector to print the number of his or her Georgia~~
1001 ~~driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40;~~
1002 ~~a space for the elector to mark to affirm that he or she does not have a Georgia driver's~~
1003 ~~license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40; a space~~
1004 ~~for the elector to print his or her date of birth; and a space for the elector to print the last~~
1005 ~~four digits of his or her social security number, if the elector does not have a Georgia~~
1006 ~~driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title~~
1007 ~~40. The envelope shall be designed so that the number of the elector's Georgia driver's~~
1008 ~~license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the last~~
1009 ~~four digits of the elector's social security number, and the elector's date of birth shall be~~
1010 ~~hidden from view when the envelope is correctly sealed. Any person other than the elector~~
1011 ~~who requested the ballot, an authorized person who is assisting the elector entitled to~~
1012 ~~assistance in voting pursuant to Code Section 21-2-409, an absentee ballot clerk, registrar,~~
1013 ~~or law enforcement officer in the course of an investigation who knowingly unseals a~~
1014 ~~sealed absentee ballot envelope shall be guilty of a felony. On and on the face of such~~
1015 ~~envelope shall be printed the name and address of the board of registrars or absentee ballot~~
1016 ~~clerk. The larger of the two envelopes shall also display the elector's name and voter~~
1017 ~~registration number. The mailing envelope addressed to the elector shall contain the two~~
1018 ~~envelopes, the official absentee ballot, the uniform instructions for the manner of preparing~~
1019 ~~and returning the ballot, in form and substance as provided by the Secretary of State,~~
1020 ~~provisional absentee ballot information, if necessary, and a notice in the form provided by~~
1021 ~~the Secretary of State of all withdrawn, deceased, and disqualified candidates and any~~
1022 ~~substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155 and nothing else.~~
1023 ~~The uniform instructions shall include information specific to the voting system used for~~
1024 ~~absentee voting concerning the effect of overvoting or voting for more candidates than one~~
1025 ~~is authorized to vote for a particular office and information concerning how the elector may~~

1026 correct errors in voting the ballot before it is cast including information on how to obtain
1027 a replacement ballot if the elector is unable to change the ballot or correct the error. The
1028 ~~uniform instructions shall prominently include specific instructions stating that the elector~~
1029 ~~shall mark his or her ballot in private and sign the oath by writing his or her usual signature~~
1030 ~~with a pen and ink under penalty of false swearing that the elector has not allowed any~~
1031 ~~person to observe the marking of his or her ballot other than an authorized person lawfully~~
1032 ~~assisting the elector if the elector is entitled to assistance, the elector's child under 18 years~~
1033 ~~of age, or any child under 12 years of age and that the elector will not permit any~~
1034 ~~unauthorized person to deliver or return the voted ballot to the board of registrars. The~~
1035 ~~uniform instructions shall include a list of authorized persons who may deliver or return~~
1036 ~~the voted ballot to the board of registrars on behalf of the elector as provided in subsection~~
1037 ~~(a) of Code Section 21-2-385. The uniform instructions shall include the contact~~
1038 ~~information of the Secretary of State which may be used by the elector to report any~~
1039 ~~unauthorized person requesting to observe the elector voting his or her ballot or the~~
1040 ~~elector's voted ballot or any unauthorized person offering to deliver or return the voted~~
1041 ~~ballot to the board of registrars.~~

1042 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially
1043 the following form:

1044 I, the undersigned, do swear (or affirm) ~~under penalty of false swearing~~ that I am a
1045 citizen of the United States and of the State of Georgia; that I possess the qualifications
1046 of an elector required by the laws of the State of Georgia; that I am entitled to vote in
1047 the precinct containing my residence in the primary or election in which this ballot is
1048 to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed
1049 any other absentee ballot, nor will I mark or mail another absentee ballot for voting in
1050 such primary or election; nor shall I vote therein in person; and that I have read and
1051 understand the instructions accompanying this ballot; and that I have carefully complied
1052 with such instructions in completing this ballot; ~~that I have marked and sealed this~~

1053 ~~ballot in private and have not allowed any unauthorized person to observe the voting~~
 1054 ~~of this ballot or how this ballot was voted except those authorized under state and~~
 1055 ~~federal law, and that I will not give or transfer this ballot to any person not authorized~~
 1056 ~~by law to deliver or return absentee ballots.~~ I understand that the offer or acceptance
 1057 of money or any other object of value to vote for any particular candidate, list of
 1058 candidates, issue, or list of issues included in this election constitutes an act of voter
 1059 fraud and is a felony under Georgia law.

1060 _____
 1061 Signature or Mark of Elector

1062 _____
 1063 Printed Name of Elector'

1064 Oath of Person Assisting Elector (if any):

1065 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 1066 marking such elector's absentee ballot as such elector personally communicated such
 1067 elector's preference to me; and that such elector is entitled to receive assistance in
 1068 voting under provisions of subsection (a) of Code Section 21-2-409 (b) of Code
 1069 Section 21-2-385.

1070 This, the _____ day of _____, _____.

1071 _____
 1072 Signature of Person Assisting
 1073 Elector

1074 _____
 1075 Printed Name of Person
 1076 Assisting Elector

1077 Reason for assistance (Check appropriate square):

1078 Elector is unable to read the English language.

1079 Elector requires assistance due to physical disability.!

1080 The forms upon which such oaths are printed shall contain the following information:

1081 'Georgia law provides that any person who knowingly falsifies information so as to
1082 vote illegally by absentee ballot or who illegally gives or receives assistance in voting,
1083 as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.!

1084 (2) In the case of absent uniformed services or overseas voters, if the presidential
1085 designee under Section 705(b) of the federal Help America Vote Act promulgates a
1086 standard oath for use by such voters, the Secretary of State shall be required to use such
1087 oath on absentee ballot materials for such voters and such oath shall be accepted in lieu
1088 of the oath set forth in paragraph (1) of this subsection.

1089 (d) Each board of registrars or absentee ballot clerk shall maintain for public inspection
1090 a master list, arranged by precincts, setting forth the name and residence of every elector
1091 to whom an official absentee ballot has been sent. Absentee electors whose names appear
1092 on the master list may be challenged by any elector prior to 5:00 P.M. on the day before
1093 ~~absentee ballots are to begin being scanned and tabulated~~ the primary or election.

1094 ~~(e)(1) The election superintendent shall prepare special absentee run-off ballots for~~
1095 ~~general primaries and general elections for use by qualified electors who are entitled to~~
1096 ~~vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee~~
1097 ~~Voting Act, 52 U.S.C. Section 20301, et seq.~~

1098 ~~(2) Such special absentee run-off ballots for the general primary shall list the titles of all~~
1099 ~~offices being contested at the general primary and the candidates qualifying for such~~
1100 ~~general primary for each office and shall permit the elector to vote in the general primary~~
1101 ~~runoff by indicating his or her order of preference for each candidate for each office. A~~
1102 ~~separate ballot shall be prepared for each political party, but a qualified elector under this~~
1103 ~~subsection shall be mailed only the ballot of the political party in whose primary such~~

1104 ~~elector requests to vote. The Secretary of State shall prepare instructions for use with~~
1105 ~~such special absentee run-off ballots, including instructions for voting by mail using an~~
1106 ~~electronically transmitted ballot. Such ballot shall be returned by the elector in the same~~
1107 ~~manner as other absentee ballots by such electors who are entitled to vote by absentee~~
1108 ~~ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52~~
1109 ~~U.S.C. Section 20301, et seq.~~

1110 ~~(3) Such special absentee run-off ballots for the general election shall list the titles of all~~
1111 ~~offices being contested at the general election and the candidates qualifying for such~~
1112 ~~general election for each office and shall permit the elector to vote in the general election~~
1113 ~~runoff by indicating his or her order of preference for each candidate for each office.~~

1114 ~~(4) To indicate order of preference for each candidate for each office to be voted on, an~~
1115 ~~elector shall put the numeral '1' next to the name of the candidate who is the elector's first~~
1116 ~~choice for such office, the numeral '2' for the elector's second choice, and so forth, in~~
1117 ~~consecutive numerical order, such that a numeral indicating the elector's preference is~~
1118 ~~written by the elector next to each candidate's name on the ballot. An elector shall not~~
1119 ~~be required to indicate preference for more than one candidate for an office if the elector~~
1120 ~~so chooses.~~

1121 ~~(5) A special absentee run-off ballot shall be enclosed with each general primary~~
1122 ~~absentee ballot sent to an elector who is entitled to vote by absentee ballot under the~~
1123 ~~federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301,~~
1124 ~~et seq., along with instructions on how to cast the special absentee run-off ballot and the~~
1125 ~~two envelopes to be used in returning such ballot as provided in subsection (b) of this~~
1126 ~~Code section, provided that the envelopes bear the notation of 'Official Overseas/Military~~
1127 ~~General Primary Run-off Ballot.'~~ An elector shall be sent only the ballot containing the
1128 ~~candidates of the political party in whose primary such elector desires to vote.~~

1129 ~~(6) A special absentee run-off ballot shall be enclosed with each general election~~
1130 ~~absentee ballot sent to an elector entitled to vote by absentee ballot under the federal~~

1131 ~~Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.,~~
1132 ~~along with instructions on how to cast the special absentee run-off ballot and the two~~
1133 ~~envelopes to be used in returning such ballot as provided in subsection (b) of this Code~~
1134 ~~section, provided that the envelopes bear the notation of 'Official Overseas/Military~~
1135 ~~General Election Run-off Ballot.'~~ The State Election Board shall by rule or regulation
1136 establish procedures for the transmission of blank absentee ballots by mail and by
1137 electronic transmission for all electors who are entitled to vote by absentee ballot under
1138 the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.
1139 Section 20301, et seq., as amended, and by which such electors may designate whether
1140 the elector prefers the transmission of such ballots by mail or electronically, for use in
1141 county, state, and federal primaries, elections, and runoffs in this state and, if the
1142 Secretary of State finds it to be feasible, for use in municipal primaries, elections, and
1143 runoffs. If no preference is stated, the ballot shall be transmitted by mail. The State
1144 Election Board shall by rule or regulation establish procedures to ensure to the extent
1145 practicable that the procedures for transmitting such ballots shall protect the security and
1146 integrity of such ballots and shall ensure that the privacy of the identity and other
1147 personal data of such electors who are entitled to vote by absentee ballot under the federal
1148 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et
1149 seq., as amended, to whom a blank absentee ballot is transmitted under this Code section
1150 is protected throughout the process of such transmission."

1151 **SECTION 33.**

1152 Said chapter is further amended by revising subsections (a) and (d) of Code
1153 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as
1154 follows:

1155 "(a) At any time after receiving an official absentee ballot, but before the day of the
1156 primary or election, except electors who are confined to a hospital on the day of the

1157 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
1158 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
1159 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
1160 of the oath of the elector; the name and oath of the person assisting, if any; and other
1161 required identifying information. The elector shall then fill out, subscribe, and swear to the
1162 oath printed on such envelope. ~~In order to verify that the absentee ballot was voted by the~~
1163 ~~elector who requested the ballot, the elector shall print the number of his or her Georgia~~
1164 ~~driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of~~
1165 ~~Title 40 in the space provided on the outer oath envelope. The elector shall also print his~~
1166 ~~or her date of birth in the space provided in the outer oath envelope. If the elector does not~~
1167 ~~have a Georgia driver's license or state identification card issued pursuant to Article 5 of~~
1168 ~~Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath~~
1169 ~~envelope and print the last four digits of his or her social security number in the space~~
1170 ~~provided on the outer oath envelope. If the elector does not have a Georgia driver's license,~~
1171 ~~identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security~~
1172 ~~number, the elector shall so affirm in the space provided on the outer oath envelope and~~
1173 ~~place a copy of one of the forms of identification set forth in subsection (c) of Code~~
1174 ~~Section 21-2-417 in the outer envelope. Such envelope shall then be securely sealed and~~
1175 the elector shall then personally mail or personally deliver same to the board of registrars
1176 or absentee ballot clerk, provided that mailing or delivery may be made by the elector's
1177 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,
1178 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
1179 brother-in-law, sister-in-law, or an individual residing in the household of such elector.
1180 The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of
1181 such disabled elector, regardless of whether such caregiver resides in such disabled
1182 elector's household. The absentee ballot of an elector who is in custody in a jail or other
1183 detention facility may be mailed or delivered by any employee of such jail or facility

1184 having custody of such elector. An elector who is confined to a hospital on a primary or
 1185 election day to whom an absentee ballot is delivered by the registrar or absentee ballot
 1186 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or
 1187 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail
 1188 and has not previously provided the identification required by Code Section 21-2-220 and
 1189 votes for the first time by absentee ballot and fails to provide the identification required by
 1190 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as
 1191 a provisional ballot and shall be counted only if the registrars are able to verify the
 1192 identification and registration of the elector during the time provided pursuant to Code
 1193 Section 21-2-419."

1194 "(d)(1) There shall be a period of advance voting that shall commence:

1195 (A) On the fourth Monday immediately prior to each primary or election; ~~and~~

1196 (B) On the fourth Monday immediately prior to a runoff from a general primary;

1197 (C) On the fourth Monday immediately prior to a runoff from a general election in
 1198 which there are candidates for a federal office on the ballot in the runoff; and

1199 (D) As soon as possible prior to a runoff from any ~~other~~ general primary or election in
 1200 which there are only state or county candidates on the ballot in the runoff but no later
 1201 than the second Monday immediately prior to such runoff

1202 and shall end on the Friday immediately prior to each primary, election, or runoff.

1203 Voting shall be conducted ~~beginning at 9:00 A.M. and ending at 5:00 P.M. during normal~~

1204 business hours on weekdays, ~~other than observed state holidays~~, during such period and

1205 shall be conducted on the second ~~and third Saturdays~~ during the hours of 9:00 A.M.

1206 through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second

1207 Sunday, the third Sunday, or both the second and third Sundays Saturday prior to a

1208 primary or election during the hours determined by the registrar or absentee ballot clerk,

1209 ~~but no longer than 7:00 A.M. through 7:00 P.M.~~ of 9:00 A.M. through 4:00 P.M.;

1210 provided, however, that in primaries and elections in which there are no federal or state

1211 candidates on the ballot, no Saturday voting hours shall be required; and provided,
1212 further, that, if such second Saturday is a public and legal holiday pursuant to Code
1213 Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on
1214 the Thursday or Friday immediately preceding such second Saturday, or if such second
1215 Saturday immediately precedes a public and legal holiday occurring on the following
1216 Sunday or Monday, such advance voting shall not be held on such second Saturday but
1217 shall be held on the third Saturday prior to such primary or election ~~beginning at 9:00~~
1218 ~~A.M. and ending at 5:00 P.M.~~ Except as otherwise provided in this paragraph, the
1219 registrars counties and municipalities may extend the hours for voting to permit advance
1220 ~~voting from 7:00 A.M. until 7:00 P.M. beyond regular business hours~~ and may provide
1221 for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the
1222 electors of the jurisdiction at their option; ~~provided, however, that voting shall occur only~~
1223 ~~on the days specified in this paragraph and counties and municipalities shall not be~~
1224 ~~authorized to conduct advance voting on any other days.~~

1225 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
1226 to the electors of their jurisdiction of the availability of advance voting as well as the
1227 times, dates, and locations at which advance voting will be conducted. In addition, the
1228 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
1229 prescribed by the Secretary of State of the times, dates, and locations at which advance
1230 voting will be conducted.

1231 ~~(3) The board of registrars shall publish the dates, times, and locations of the availability~~
1232 ~~of advance voting in its jurisdiction on the homepage of the county's publicly accessible~~
1233 ~~website associated with elections or registrations, or if the county does not have such a~~
1234 ~~website, in a newspaper of general circulation, and by posting in a prominent location in~~
1235 ~~the county, no later than 14 days prior to the beginning of the advance voting period for~~
1236 ~~a general primary, special primary, general election, or special election and no later than~~
1237 ~~seven days prior to the beginning of the advance voting period for any run-off election.~~

1238 ~~Any new advance voting locations added after that deadline shall be published in the~~
 1239 ~~same manner as soon as possible. The board of registrars shall not remove any advance~~
 1240 ~~voting location after the notice of such location is published, except in the case of an~~
 1241 ~~emergency or unavoidable event that renders a location unavailable for use. Any changes~~
 1242 ~~that are made due to an emergency or unavoidable event after a notice of a location has~~
 1243 ~~been published shall be published as soon as possible in the same manner set forth in this~~
 1244 ~~paragraph."~~

1245 **SECTION 34.**

1246 Said chapter is further amended by repealing subsection (e) of Code Section 21-2-385,
 1247 relating to procedure for voting by absentee ballot and advance voting, in its entirety.

1248 **SECTION 35.**

1249 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,
 1250 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
 1251 location designated by superintendent, duties of managers, precinct returns, report of returns
 1252 of verified and accepted absentee ballots cast as soon as possible following closing of polls,
 1253 notification of challenged elector, and unlawful disclosure of tabulation results, as follows:
 1254 "21-2-386.

1255 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
 1256 and stored in a manner that will prevent tampering and unauthorized access all official
 1257 absentee ballots received from absentee electors prior to the closing of the polls on the
 1258 day of the primary or election except as otherwise provided in this subsection.

1259 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
 1260 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
 1261 ~~number of the elector's Georgia driver's license number or state identification card~~
 1262 ~~issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the~~

1263 ~~absentee ballot envelope~~ identifying information on the oath with the same information
1264 contained in the elector's voter registration records. If the elector has affirmed on the
1265 envelope that he or she does not have a Georgia driver's license or state identification
1266 card issued pursuant to Article 5 of Chapter 5 of Title 40, the registrar or clerk shall
1267 compare the last four digits of the elector's social security number and date of birth
1268 entered on the envelope with the same information contained in the elector's voter
1269 registration records. The registrar or clerk shall also confirm that the elector signed the
1270 oath and the person assisting the elector, if any, signed the required oath. If the elector
1271 has signed the elector's oath, the person assisting has signed the required oath, if
1272 applicable, and the identifying information entered on the absentee ballot envelope
1273 matches the same information contained in the elector's voter registration record, the
1274 registrar or clerk shall on file in his or her office, shall compare the signature or mark
1275 on the oath with the signature or mark on the absentee elector's voter registration card
1276 or the most recent update to such absentee elector's voter registration card and
1277 application for absentee ballot or a facsimile of said signature or mark taken from said
1278 card or application, and shall, if the information and signature appear to be valid and
1279 other identifying information appears to be correct, so certify by signing or initialing
1280 his or her name below the voter's oath. Each elector's name so certified shall be listed
1281 by the registrar or clerk on the numbered list of absentee voters prepared for his or her
1282 precinct.

1283 (C) If the elector has failed to sign the oath, or if the ~~identifying information entered~~
1284 ~~on the absentee ballot envelope~~ signature does not ~~match the same information~~
1285 ~~appearing in the elector's voter registration record~~ appear to be valid, or if the elector
1286 has failed to furnish required information or information so furnished does not conform
1287 with that on file in the registrar's or clerk's office, or if the elector is otherwise found
1288 disqualified to vote, the registrar or clerk shall write across the face of the envelope
1289 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk

1290 shall promptly notify the elector of such rejection, a copy of which notification shall be
1291 retained in the files of the board of registrars or absentee ballot clerk for at least two
1292 years. Such elector shall have until the end of the period for verifying provisional
1293 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem
1294 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,
1295 ~~nonmatching identifying information~~ an invalid signature, or missing information by
1296 submitting an affidavit to the board of registrars or absentee ballot clerk along with a
1297 copy of one of the forms of identification enumerated in subsection (c) of Code
1298 Section 21-2-417 before the close of such period. The affidavit shall affirm that the
1299 ballot was submitted by the elector, is the elector's ballot, and that the elector is
1300 registered and qualified to vote in the primary, election, or runoff in question. If the
1301 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1302 sufficient, the absentee ballot shall be counted.

1303 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
1304 of Code Section 21-2-220, and who votes for the first time in this state by absentee
1305 ballot shall include with his or her application for an absentee ballot or in the outer oath
1306 envelope of his or her absentee ballot either one of the forms of identification listed in
1307 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
1308 statement, government check, paycheck, or other government document that shows the
1309 name and address of such elector. If such elector does not provide any of the forms of
1310 identification listed in this subparagraph with his or her application for an absentee
1311 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
1312 provisional ballot and such ballot shall only be counted if the registrars are able to
1313 verify current and valid identification of the elector as provided in this subparagraph
1314 within the time period for verifying provisional ballots pursuant to Code
1315 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
1316 the elector that such ballot is deemed a provisional ballot and shall provide information

1317 on the types of identification needed and how and when such identification is to be
1318 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

1319 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
1320 absentee electors, giving the name of the elector and the reason for the rejection in each
1321 case. Three copies of the numbered list of certified absentee voters and three copies of
1322 the numbered list of rejected absentee voters for each precinct shall be turned over to
1323 the poll manager in charge of counting the absentee ballots and shall be distributed as
1324 required by law for numbered lists of voters.

1325 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
1326 of the polls on the day of the primary or election shall be safely kept unopened by the
1327 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
1328 for the period of time required for the preservation of ballots used at the primary or
1329 election and shall then, without being opened, be destroyed in like manner as the used
1330 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
1331 promptly notify the elector by first-class mail that the elector's ballot was returned too
1332 late to be counted and that the elector will not receive credit for voting in the primary
1333 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
1334 stored as provided in Code Section 21-2-390.

1335 (G) Notwithstanding any provision of this chapter to the contrary, until the United
1336 States Department of Defense notifies the Secretary of State that the Department of
1337 Defense has implemented a system of expedited absentee voting for those electors
1338 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
1339 eligible absentee electors who reside outside the county or municipality in which the
1340 primary, election, or runoff is held and are members of the armed forces of the United
1341 States, members of the merchant marine of the United States, spouses or dependents of
1342 members of the armed forces or merchant marine residing with or accompanying such
1343 members, or overseas citizens that are postmarked by the date of such primary, election,

1344 or runoff and are received within the three-day period following such primary, election,
1345 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and
1346 included in the certified election results.

1347 ~~(2)(A) Beginning at 8:00 A.M. on the third Monday prior to~~ After the opening of the
1348 polls on the day of the primary, election, or runoff, the ~~election superintendent~~
1349 ~~registrars or absentee ballot clerks~~ shall be authorized to open the outer ~~oath~~ envelope
1350 ~~of absentee ballots that have been verified and accepted pursuant to~~
1351 ~~subparagraph (a)(1)(B) of this Code section, on which is printed the oath of the elector~~
1352 ~~in such a manner as not to destroy the oath printed thereon; provided, however, that the~~
1353 ~~registrars or absentee ballot clerk shall not be authorized to~~ remove the contents of such
1354 outer envelope; or to open the inner envelope marked 'Official Absentee Ballot,' ~~and~~
1355 ~~scan the absentee ballot using one or more ballot scanners~~ except as otherwise provided
1356 in this Code section. At least three persons who are registrars, deputy registrars, poll
1357 workers, or absentee ballot clerks must be present before commencing; and three
1358 persons who are registrars, deputy registrars, or absentee ballot clerks shall be present
1359 at all times while the ~~absentee ballot~~ outer envelopes are being opened ~~and the absentee~~
1360 ~~ballots are being scanned. However, no person shall tally, tabulate, estimate, or attempt~~
1361 ~~to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to~~
1362 ~~produce any tally or tabulate, partial or otherwise, of the absentee ballots cast until the~~
1363 ~~time for the closing of the polls on the day of the primary, election, or runoff except as~~
1364 ~~provided in this Code section. Prior to beginning the process set forth in this paragraph,~~
1365 ~~the superintendent shall provide written notice to the Secretary of State in writing at~~
1366 ~~least seven days prior to processing and scanning absentee ballots. Such notice shall~~
1367 ~~contain the dates, start and end times, and location or locations where absentee ballots~~
1368 ~~will be processed and scanned. The superintendent shall also post such notice publicly~~
1369 ~~in a prominent location in the superintendent's office and on the home page of the~~
1370 ~~county election superintendent's website, if the county election superintendent~~

1371 ~~maintains such a website. The Secretary of State shall publish on his or her website the~~
1372 ~~information he or she receives from superintendents stating the dates, times, and~~
1373 ~~locations where absentee ballots will be processed. After opening the outer envelopes,~~
1374 ~~the ballots shall be safely and securely stored until the time for tabulating such ballots.~~
1375 ~~(B) The proceedings set forth in this paragraph shall be open to the view of the public,~~
1376 ~~but no person except one employed and designated by the superintendent shall touch~~
1377 ~~any ballot or ballot container. Any person involved in processing and scanning~~
1378 ~~absentee ballots shall swear an oath, in the same form as the oath for poll officers~~
1379 ~~provided in Code Section 21-2-95, prior to beginning the processing and scanning of~~
1380 ~~absentee ballots. The county executive committee or, if there is no organized county~~
1381 ~~executive committee, the state executive committee of each political party and political~~
1382 ~~body having candidates whose names appear on the ballot for such election shall have~~
1383 ~~the right to designate two persons and each independent and nonpartisan candidate~~
1384 ~~whose name appears on the ballot for such election shall have the right to designate one~~
1385 ~~person to act as monitors for such process. In the event that the only issue to be voted~~
1386 ~~upon in an election is a referendum question, the superintendent shall also notify in~~
1387 ~~writing the chief judge of the superior court of the county who shall appoint two~~
1388 ~~electors of the county to monitor such process. While viewing or monitoring the~~
1389 ~~process set forth in this paragraph, monitors and observers shall be prohibited from:~~
1390 ~~(i) In any way interfering with the processing or scanning of absentee ballots or the~~
1391 ~~conduct of the election;~~
1392 ~~(ii) Using or bringing into the room any photographic or other electronic monitoring~~
1393 ~~or recording devices, cellular telephones, or computers;~~
1394 ~~(iii) Engaging in any form of campaigning or campaign activity;~~
1395 ~~(iv) Taking any action that endangers the secrecy and security of the ballots;~~
1396 ~~(v) Touching any ballot or ballot container;~~

1397 ~~(vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,~~
1398 ~~whether partial or otherwise, any of the votes on the absentee ballots cast; and~~
1399 ~~(vii) Communicating any information that they see while monitoring the processing~~
1400 ~~and scanning of the absentee ballots, whether intentionally or inadvertently, about any~~
1401 ~~ballot, vote, or selection to anyone other than an election official who needs such~~
1402 ~~information to lawfully carry out his or her official duties.~~

1403 ~~(C) The State Election Board shall promulgate rules requiring reconciliation~~
1404 ~~procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes~~
1405 ~~are opened; secrecy of election results prior to the closing of the polls on the day of a~~
1406 ~~primary, election, or runoff; and other protections to protect the integrity of the process~~
1407 ~~set forth in this paragraph.~~

1408 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
1409 day of the primary, election, or runoff open the inner envelopes in accordance with the
1410 procedures prescribed in this subsection and begin tabulating the absentee ballots. If the
1411 county election superintendent chooses to open the inner envelopes and begin tabulating
1412 such ballots prior to the close of the polls on the day of the primary, election, or runoff,
1413 the superintendent shall notify in writing, at least seven days prior to the primary,
1414 election, or runoff, the Secretary of State of the superintendent's intent to begin the
1415 absentee ballot tabulation prior to the close of the polls. The county executive committee
1416 or, if there is no organized county executive committee, the state executive committee of
1417 each political party and political body having candidates whose names appear on the
1418 ballot for such election in such county shall have the right to designate two persons and
1419 each independent and nonpartisan candidate whose name appears on the ballot for such
1420 election in such county shall have the right to designate one person to act as monitors for
1421 such process. In the event that the only issue to be voted upon in an election is a
1422 referendum question, the superintendent shall also notify in writing the chief judge of the

1423 superior court of the county who shall appoint two electors of the county to monitor such
1424 process.

1425 (4) The county election superintendent shall publish a written notice in the
1426 superintendent's office of the superintendent's intent to begin the absentee ballot
1427 tabulation prior to the close of the polls and publish such notice at least one week prior
1428 to the primary, election, or runoff in the legal organ of the county.

1429 (5) The process for opening ~~absentee ballot~~ the inner envelopes, ~~scanning absentee~~
1430 ~~ballots~~, of and tabulating absentee ballots on the day of a primary, election, or runoff as
1431 provided in this subsection shall be ~~conducted in a manner~~ a confidential process to
1432 maintain the secrecy of all ballots and to protect the disclosure of any balloting
1433 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated
1434 before 7:00 A.M. on the day of a primary, election, or runoff.

1435 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
1436 election, or runoff, including the vote review panel required by Code Section 21-2-483,
1437 and all monitors and observers shall be sequestered until the time for the closing of the
1438 polls. All such persons shall have no contact with the news media; shall have no contact
1439 with other persons not involved in monitoring, observing, or conducting the tabulation;
1440 shall not use any type of communication device including radios, telephones, and cellular
1441 telephones; shall not utilize computers for the purpose of email, instant messaging, or
1442 other forms of communication; and shall not communicate any information concerning
1443 the tabulation until the time for the closing of the polls; provided, however, that
1444 supervisory and technical assistance personnel shall be permitted to enter and leave the
1445 area in which the tabulation is being conducted but shall not communicate any
1446 information concerning the tabulation to anyone other than the county election
1447 superintendent; the staff of the superintendent; those persons conducting, observing, or
1448 monitoring the tabulation; and those persons whose technical assistance is needed for the
1449 tabulation process to operate.

1450 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
1451 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
1452 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
1453 for security. The persons conducting the tabulation of the absentee ballots shall not cause
1454 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes
1455 cast until the time for the closing of the polls ~~except as otherwise provided in this Code~~
1456 ~~section.~~

1457 (b) ~~When requested by the superintendent, but not earlier than the third Monday prior to~~
1458 ~~a primary, election, or runoff~~ As soon as practicable after 7:00 A.M. on the day of the
1459 primary, election, or runoff, in precincts other than those in which optical scanning
1460 tabulators are used, a registrar or absentee ballot clerk shall deliver the official absentee
1461 ballot of each certified absentee elector, each rejected absentee ballot, applications for such
1462 ballots, and copies of the numbered lists of certified and rejected absentee electors to the
1463 location manager in charge of the absentee ballot precinct of the county or municipality,
1464 which shall be located in the precincts containing the county courthouse or polling place
1465 designated by the municipal superintendent. In those precincts in which optical scanning
1466 tabulators are used, such absentee ballots shall be taken to the tabulation center or other
1467 place designated by the superintendent, and the superintendent or official receiving such
1468 absentee ballots shall issue his or her receipt therefor. Except as otherwise provided in this
1469 Code section, in no event shall the counting of the ballots begin before the polls close.

1470 (c) ~~The superintendent shall cause the verified and accepted absentee ballots to be opened~~
1471 ~~and tabulated as provided in this Code section. A~~ Except as otherwise provided in this
1472 Code section, after the close of the polls on the day of the primary, election, or runoff, a
1473 manager shall then open the outer envelope in such manner as not to destroy the oath
1474 printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in
1475 a ballot box reserved for absentee ballots. In the event that an outer envelope is found to
1476 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an

1477 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited
1478 in the ballot box and counted in the same manner as other absentee ballots, provided that
1479 such ballot is otherwise proper. Such manager with two assistant managers, appointed by
1480 the superintendent, with such clerks as the manager deems necessary shall count the
1481 absentee ballots following the procedures prescribed by this chapter for other ballots,
1482 insofar as practicable, and prepare an election return for the county or municipality
1483 showing the results of the absentee ballots cast in such county or municipality.

1484 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
1485 be reported by precinct; and separate returns shall be made for each precinct in which
1486 absentee ballots were cast showing the results by each precinct in which the electors reside.
1487 ~~The superintendent shall utilize the procedures set forth in this Code section to ensure that~~
1488 ~~the returns of verified and accepted absentee ballots cast are reported to the public as soon~~
1489 ~~as possible following the closing of the polls on the day of the primary, election, or runoff.~~
1490 ~~Failure to utilize these procedures to ensure that the returns of verified and accepted~~
1491 ~~absentee ballots are reported as soon as possible following the close of polls shall subject~~
1492 ~~the superintendent to sanctions by the State Election Board. If a superintendent fails to~~
1493 ~~report the returns of verified and accepted absentee ballots by the day following the~~
1494 ~~election at 5:00 P.M., the State Election Board may convene an independent performance~~
1495 ~~review board pursuant to Code Section 21-2-107.~~

1496 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
1497 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
1498 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted
1499 as other challenged ballots are counted. Where direct recording electronic voting systems
1500 are used for absentee balloting and a challenge to an elector's right to vote is made prior to
1501 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot
1502 and such ballot shall be handled as provided in this subsection. The board of registrars or
1503 absentee ballot clerk shall promptly notify the elector of such challenge.

1504 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose
1505 or for any person to receive any information regarding the results of the tabulation of
1506 absentee ballots except as expressly provided by law."

1507

SECTION 36.

1508 Said chapter is further amended by revising Code Section 21-2-390, relating to delivery of
1509 election materials to clerk of superior court or city clerk, accounting for ballots, and
1510 inspection and audit of information contained in absentee ballot applications or envelopes,
1511 as follows:

1512 "21-2-390.

1513 (a) All official absentee ballots and envelopes on which the forms of affidavits and jurats
1514 appear shall be delivered to the clerk of the superior court or the city clerk upon the
1515 conclusion of the primary or election and shall be safely kept by him or her for the period
1516 required by law and then shall be destroyed. The applications for such ballots shall be
1517 retained by the board of registrars or the municipal absentee ballot clerk for at least 24
1518 months and then may be destroyed. On the day following the primary or election, the
1519 board of registrars or the municipal absentee ballot clerk shall transmit all canceled,
1520 spoiled, and rejected absentee ballots and copies of requests for cancellation of absentee
1521 ballots to the clerk of the superior court or the city clerk to be held with other election
1522 materials as provided in Code Section 21-2-500. The registrars or the municipal absentee
1523 ballot clerk shall also transmit an accounting of all absentee ballots, including the number
1524 furnished by the registrars or the municipal absentee ballot clerk, the number issued to
1525 electors, the number spoiled, and the number rejected.

1526 ~~(b) The Secretary of State shall be authorized to inspect and audit the information~~
1527 ~~contained in the absentee ballot applications or envelopes at his or her discretion at any~~
1528 ~~time during the 24 month retention period. Such audit may be conducted state wide or in~~
1529 ~~selected counties or cities and may include the auditing of a statistically significant sample~~

1530 ~~of the envelopes or a full audit of all of such envelopes. For this purpose, the Secretary of~~
1531 ~~State or his or her authorized agents shall have access to such envelopes in the custody of~~
1532 ~~the clerk of superior court or city clerk."~~

1533 **SECTION 37.**

1534 Said chapter is further amended by revising Code Section 21-2-403, relating to time for
1535 opening and closing of polls and extended poll hours, as follows:

1536 "21-2-403.

1537 (a) At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard
1538 time or eastern daylight time, whichever is applicable, and shall remain open continuously
1539 until 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at
1540 which time they shall be closed; provided, however, that, in all cities having a population
1541 of 300,000 or more according to the United States decennial census of 1970 or any future
1542 such census, the polls shall remain open continuously until 8:00 P.M. eastern standard time
1543 or eastern daylight time, whichever is applicable, during the cities' general elections, at
1544 which time they shall be closed and provided, further, that, in a special election held to fill
1545 a vacancy in an office in which the district represented by such office lies wholly within
1546 the boundaries of a city, the polls shall close at the same time as for a municipal general
1547 election in such city.

1548 ~~(b) Poll hours at a precinct may be extended only by order of a judge of the superior court~~
1549 ~~of the county in which the precinct is located upon good cause shown by clear and~~
1550 ~~convincing evidence that persons were unable to vote at that precinct during a specific~~
1551 ~~period or periods of time. Poll hours shall not be extended longer than the total amount of~~
1552 ~~time during which persons were unable to vote at such precinct. Any order extending poll~~
1553 ~~hours at a precinct beyond 9:00 P.M. shall be by written order with specific findings of fact~~
1554 ~~supporting such extension."~~

1555 **SECTION 38.**

1556 Said chapter is further amended by revising subsections (c) and (e) of Code
1557 Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with
1558 election, reports of infractions or irregularities, ineligibility of candidates to serve, and
1559 training, as follows:

1560 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems
1561 or optical scanning voting systems, each political party may appoint two poll watchers in
1562 each primary or election, each political body may appoint two poll watchers in each
1563 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan
1564 election, and each independent candidate may appoint one poll watcher in each election to
1565 serve in the locations designated by the superintendent within the tabulating center. Such
1566 designated locations shall include the check-in area, the computer room, the duplication
1567 area, and such other areas as the superintendent may deem necessary to the assurance of
1568 fair and honest procedures in the tabulating center. ~~The locations designated by the~~
1569 ~~superintendent shall ensure that each poll watcher can fairly observe the procedures set~~
1570 ~~forth in this Code section.~~ The poll watchers provided for in this subsection shall be
1571 appointed and serve in the same manner as other poll watchers."

1572 "(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary
1573 or election in which such person is a candidate. ~~No person shall be eligible to serve as a~~
1574 ~~poll watcher unless he or she has completed training provided by the political party,~~
1575 ~~political body, or candidate designating the poll watcher. Upon request, the Secretary of~~
1576 ~~State shall make available material to each political party, political body, or candidate that~~
1577 ~~can be utilized in such training but it shall be the responsibility of the political party,~~
1578 ~~political body, or candidate designating the poll watcher to instruct poll watchers in their~~
1579 ~~duties and in applicable laws and rules and regulations. Each political party, political body,~~
1580 ~~or candidate shall, in their written designation of poll watchers, certify under oath that the~~
1581 ~~named poll watchers have completed the training required by this Code section."~~

1582 **SECTION 39.**

1583 Said chapter is further amended by revising subsections (a) and (e) of Code
 1584 Section 21-2-414, relating to restrictions on campaign activities, giving of food or water, and
 1585 public opinion polling within the vicinity of a polling place, cellular phone use prohibited,
 1586 prohibition of candidates from entering certain polling places, as follows:

1587 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
 1588 person distribute or display any campaign material, ~~nor shall any person give, offer to give,~~
 1589 ~~or participate in the giving of any money or gifts, including, but not limited to, food and~~
 1590 ~~drink, to an elector,~~ nor shall any person solicit signatures for any petition, nor shall any
 1591 person, other than election officials discharging their duties, establish or set up any tables
 1592 or booths on any day in which ballots are being cast:

1593 (1) Within 150 feet of the outer edge of any building within which a polling place is
 1594 established;

1595 (2) Within any polling place; or

1596 (3) Within 25 feet of any voter standing in line to vote at any polling place.

1597 These restrictions shall not apply to conduct occurring in private offices or areas which
 1598 cannot be seen or heard by such electors."

1599 "(e) This Code section shall not be construed to prohibit a poll officer from distributing
 1600 materials, as required by law, which are necessary for the purpose of instructing electors
 1601 or from distributing materials prepared by the Secretary of State which are designed solely
 1602 for the purpose of encouraging voter participation in the election being conducted ~~or from~~
 1603 ~~making available self-service water from an unattended receptacle to an elector waiting in~~
 1604 ~~line to vote."~~

1605 **SECTION 40.**

1606 Said chapter is further amended by revising subsections (a) and (b) of Code
 1607 Section 21-2-418, relating to provisional ballots, as follows:

1608 "(a) If a person presents himself or herself at a polling place, absentee polling place, or
1609 registration office in his or her county of residence in this state for the purpose of casting
1610 a ballot in a primary or election stating a good faith belief that he or she has timely
1611 registered to vote in such county of residence in such primary or election and the person's
1612 name does not appear on the list of registered electors, the person shall be entitled to cast
1613 a provisional ballot in his or her county of residence in this state as provided in this Code
1614 section. ~~If the person presents himself or herself at a polling place in the county in which
1615 he or she is registered to vote, but not at the precinct at which he or she is registered to
1616 vote, the poll officials shall inform the person of the polling location for the precinct where
1617 such person is registered to vote. The poll officials shall also inform such person that any
1618 votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast
1619 after 5:00 P.M. and before the regular time for the closing of the polls on the day of the
1620 primary, election, or runoff and unless the person executes a sworn statement, witnessed
1621 by the poll official, stating that he or she is unable to vote at his or her correct polling place
1622 prior to the closing of the polls and giving the reason therefor.~~

1623 (b) Such person voting a provisional ballot shall complete an official voter registration
1624 form and a provisional ballot voting certificate which shall include information about the
1625 place, manner, and approximate date on which the person registered to vote. The person
1626 shall swear or affirm in writing that he or she previously registered to vote in such primary
1627 or election, is eligible to vote in such primary or election, has not voted previously in such
1628 primary or election, and meets the criteria for registering to vote in such primary or
1629 election. ~~If the person is voting a provisional ballot in the county in which he or she is
1630 registered to vote but not at the precinct in which he or she is registered to vote during the
1631 period from 5:00 P.M. to the regular time for the closing of the polls on the day of the
1632 primary, election, or runoff, the person shall execute a sworn statement, witnessed by the
1633 poll official, stating that he or she is unable to vote at his or her correct polling place prior
1634 to the closing of the polls and giving the reason therefor. The form of the provisional ballot~~

1635 voting certificate shall be prescribed by the Secretary of State. The person shall also
1636 present the identification required by Code Section 21-2-417."

1637 **SECTION 41.**

1638 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
1639 provisional ballots and reporting to Secretary of State, as follows:

1640 "21-2-419.

1641 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
1642 county or municipality. Such provisional ballot shall be sealed in double envelopes as
1643 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot
1644 in a secure, sealed ballot box.

1645 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
1646 the day after the primary or election in which such provisional ballot was cast, the board
1647 of registrars of the county or municipality, as the case may be, shall be notified by the
1648 election superintendent that provisional ballots were cast in the primary or election and the
1649 registrars shall be provided with the documents completed by the person casting the
1650 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
1651 securely maintained by the election superintendent until a determination has been made
1652 concerning their status. The board of registrars shall immediately examine the information
1653 contained on such documents and make a good faith effort to determine whether the person
1654 casting the provisional ballot was entitled to vote in the primary or election. Such good
1655 faith effort shall include a review of all available voter registration documentation,
1656 including registration information made available by the electors themselves and
1657 documentation of modifications or alterations of registration data showing changes to an
1658 elector's registration status. Additional sources of information may include, but are not
1659 limited to, information from the Department of Driver Services, Department of Family and

1660 Children Services, Department of Natural Resources, public libraries, or any other agency
1661 of government including, but not limited to, other county election and registration offices.

1662 (c)(1) If the registrars determine after the polls close, but not later than three days
1663 following the primary or election, that the person casting the provisional ballot timely
1664 registered to vote and was eligible and entitled to vote ~~in the precinct in which he or she~~
1665 ~~voted~~ in such primary or election, the registrars shall notify the election superintendent
1666 and the provisional ballot shall be counted and included in the county's or municipality's
1667 certified election results.

1668 (2) If the registrars determine after the polls close, but not later than three days following
1669 the primary or election, that the person voting the provisional ballot timely registered and
1670 was eligible and entitled to vote in the primary or election but voted in the wrong
1671 precinct, then the board of registrars shall notify the election superintendent ~~only if such~~
1672 ~~person voted between the hours of 5:00 P.M. and the regular time for the closing of the~~
1673 ~~polls on the day of the primary, election, or runoff and provided the sworn statement~~
1674 ~~required by subsection (b) of Code Section 21-2-418.~~ The superintendent shall count
1675 such person's votes which were cast for candidates in those races for which the person
1676 was entitled to vote but shall not count the votes cast for candidates in those races in
1677 which such person was not entitled to vote. The superintendent shall order the proper
1678 election official at the tabulating center or precinct to prepare an accurate duplicate ballot
1679 containing only those votes cast by such person in those races in which such person was
1680 entitled to vote for processing at the tabulating center or precinct, which shall be verified
1681 in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word
1682 'Duplicate,' shall bear the designation of the polling place, and shall be given the same
1683 serial number as the original ballot. The original ballot shall be retained ~~and the sworn~~
1684 ~~statement required by subsection (b) of Code Section 21-2-418 shall be transmitted to the~~
1685 ~~Secretary of State with the certification documents required by paragraph (4) of~~

1686 ~~subsection (a) of Code Section 21-2-497 and such statement shall be reviewed by the~~
1687 ~~State Election Board.~~

1688 (3) If the registrars determine that the person casting the provisional ballot did not timely
1689 register to vote or was not eligible or entitled to vote ~~in the precinct in which he or she~~
1690 ~~voted~~ in such primary or election or shall be unable to determine within three days
1691 following such primary or election whether such person timely registered to vote and was
1692 eligible and entitled to vote in such primary or election, the registrars shall so notify the
1693 election superintendent and such ballot shall not be counted. The election superintendent
1694 shall mark or otherwise document that such ballot was not counted and shall deliver and
1695 store such ballots with all other ballots and election materials as provided in Code
1696 Section 21-2-500.

1697 (d)(1) At the earliest time possible after a determination is made regarding a provisional
1698 ballot, the board of registrars shall notify in writing those persons whose provisional
1699 ballots were not counted that their ballots were not counted because of the inability of the
1700 registrars to verify that the persons timely registered to vote or other proper reason. The
1701 registrars shall process the official voter registration form completed by such persons
1702 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found
1703 qualified.

1704 (2) At the earliest time possible after a determination is made regarding a provisional
1705 ballot, the board of registrars shall notify in writing those electors who voted in the wrong
1706 precinct and whose votes were partially counted of their correct precinct.

1707 (e) The board of registrars shall complete a report in a form designated by the Secretary
1708 of State indicating the number of provisional ballots cast and counted in the primary or
1709 election."

1710 **SECTION 42.**

1711 Said chapter is further amended by repealing Code Section 21-2-420, relating to procedure
1712 for counting and tabulation of ballots, and Code Section 21-2-421, relating to posting of
1713 required information after closing of polls and reporting to Secretary of State, in their
1714 entirety.

1715 **SECTION 43.**

1716 Said chapter is further amended by revising subsections (a) and (d) of Code
1717 Section 21-2-437, relating to procedure as to count and return of votes generally and void
1718 ballots, as follows:

1719 "(a) After the polls close and as soon as all the ballots have been properly accounted for
1720 and those outside the ballot box as well as the voter's certificates, numbered list of voters,
1721 and electors list have been sealed, the poll officers shall open the ballot box and take
1722 therefrom all ballots contained therein. In primaries in which more than one ballot box is
1723 used, any ballots or stubs belonging to another party holding its primary in the same polling
1724 place shall be returned to the ballot box for the party for which they were issued. In
1725 primaries, separate tally and return sheets shall be prepared for each party, and separate
1726 poll officers shall be designated by the chief manager to count and tally each party's ballot.
1727 Where the same ballot box is being used by one or more parties, the ballots and stubs shall
1728 first be divided by party before being tallied and counted. The ballots shall then be counted
1729 one by one and a record made of the total number. Then the chief manager, together with
1730 such assistant managers and other poll officers as the chief manager may designate, under
1731 the scrutiny of one of the assistant managers and in the presence of the other poll officers,
1732 shall read aloud the names of the candidates marked or written upon each ballot, together
1733 with the office for which the person named is a candidate, and the answers contained on
1734 the ballots to the questions submitted, if any; and the other assistant manager and clerks
1735 shall carefully enter each vote as read and keep account of the same in ink on a sufficient

1736 number of tally papers, all of which shall be made at the same time. All ballots, after being
1737 removed from the box, shall be kept within the unobstructed view of all persons in the
1738 voting room until replaced in the box. No person, while handling the ballots, shall have
1739 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
1740 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
1741 not adjourn or postpone the canvass or computation until it shall have been fully
1742 completed, except that, in the discretion of the superintendent, the poll officers may stop
1743 the counting after all contested races and questions are counted, provided that the results
1744 of these contested races and questions are posted for the information of the public outside
1745 the polling place and the ballots are returned to the ballot box and deposited with the
1746 superintendent until counting is resumed on the following day."

1747 "(d) Any ballot marked so as to identify the voter shall be void and not counted, except a
1748 ballot cast by a challenged elector whose name appears on the electors list; such challenged
1749 vote shall be counted as prima facie valid but may be voided in the event of an election
1750 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
1751 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
1752 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
1753 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
1754 any nomination or office than there are candidates to be voted for such nomination or
1755 office, or if, for any reason, it may be impossible to determine his or her choice for any
1756 nomination or office, his or her ballot shall not be counted for such nomination or office;
1757 but the ballot shall be counted for all nominations or offices for which it is properly
1758 marked. Unmarked ballots or ballots improperly or defectively marked so that the whole
1759 ballot is void shall be set aside and shall be preserved with other ballots. In primaries,
1760 votes cast for candidates who have died, withdrawn, or been disqualified shall be void and
1761 shall not be counted. ~~Except as provided in subsection (g) of Code Section 21-2-134~~

1762 ~~regarding nonpartisan elections, in~~ In elections, votes for candidates who have died or been
1763 disqualified shall be void and shall not be counted."

1764 **SECTION 44.**

1765 Said chapter is further amended by revising subsection (a) of Code Section 21-2-438, relating
1766 to ballots identifying voter, not marked, or improperly marked declared void, as follows:

1767 "(a) Any ballot marked so as to identify the voter shall be void and not counted, except a
1768 ballot cast by a challenged elector whose name appears on the electors list; such challenged
1769 vote shall be counted as prima facie valid but may be voided in the event of an election
1770 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
1771 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
1772 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
1773 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
1774 any nomination or office than there are candidates to be voted for such nomination or
1775 office, or if, for any reason, it may be impossible to determine his or her choice for any
1776 nomination or office, his or her ballot shall not be counted for such nomination or office;
1777 but the ballot shall be counted for all nominations or offices for which it is properly
1778 marked. Ballots not marked or improperly or defectively marked so that the whole ballot
1779 is void shall be set aside and shall be preserved with the other ballots. In primaries, votes
1780 cast for candidates who have died, withdrawn, or been disqualified shall be void and shall
1781 not be counted. ~~Except as provided in subsection (g) of Code Section 21-2-134 regarding~~
1782 ~~nonpartisan elections, in~~ In elections, votes for candidates who have died or been
1783 disqualified shall be void and shall not be counted."

1784 **SECTION 45.**

1785 Said chapter is further amended by revising subsection (a) of Code Section 21-2-480, relating
1786 to caption for ballots, party designations, and form and arrangement, as follows:

1787 "(a) At the top of each ballot for an election in a precinct using optical scanning voting
1788 equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed
1789 by the ~~name~~ and designation of the precinct for which it is prepared and the name and date
1790 of the election."

1791 SECTION 46.

1792 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee
1793 ballots for precincts using optical scanning voting equipment, as follows:

1794 "21-2-482.

1795 Ballots in a precinct using optical scanning voting equipment for voting by absentee
1796 electors shall be prepared sufficiently in advance by the superintendent and shall be
1797 delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots
1798 shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots
1799 required by Article 8 of this chapter, except that in counties or municipalities using voting
1800 machines, direct recording electronic (DRE) units, or ballot scanners, the ballots may be
1801 in substantially the form for the ballot labels required by Article 9 of this chapter or in such
1802 form as will allow the ballot to be machine tabulated. Every such ballot shall have printed
1803 on the face thereof the following:

1804 'I understand that the offer or acceptance of money or any other object of value to vote
1805 for any particular candidate, list of candidates, issue, or list of issues included in this
1806 election constitutes an act of voter fraud and is a felony under Georgia law.'

1807 The form for either ballot shall be determined and prescribed by the Secretary of State ~~and~~
1808 ~~shall have printed at the top the name and designation of the precinct."~~

1809 SECTION 47.

1810 Said chapter is further amended by revising subsection (f) of Code Section 21-2-483, relating
1811 to counting of ballots, public accessibility to tabulating center and precincts, execution of

1812 ballot recap forms, procedure for torn, bent, or otherwise defective ballots, and preparation
1813 of duplicate ballots, as follows:

1814 "(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be
1815 processed by the tabulating machine, the superintendent, in his or her discretion, may order
1816 ~~a duplication panel~~ the proper election official at the tabulating center or precinct to prepare
1817 a true duplicate copy for processing with the ballots of the same polling place, which shall
1818 be verified in the presence of a witness. ~~In a partisan election, the duplication panel shall~~
1819 ~~be composed of the election superintendent or a designee thereof and one person appointed~~
1820 ~~by the county executive committee of each political party having candidates whose names~~
1821 ~~appear on the ballot for such election, provided that, if there is no organized county~~
1822 ~~executive committee for a political party, the person shall be appointed by the state~~
1823 ~~executive committee of the political party. In a nonpartisan election or an election~~
1824 ~~involving only the presentation of a question to the electors, the duplication panel shall be~~
1825 ~~composed of the election superintendent or a designee thereof and two electors of the~~
1826 ~~county or municipality. In the case of a nonpartisan county or municipal election or an~~
1827 ~~election involving only the presentation of a question to the electors, the two elector~~
1828 ~~members of the panel shall be appointed by the chief judge of the superior court of the~~
1829 ~~county or municipality in which the election is held. In the case of a municipality which~~
1830 ~~is located in more than one county, the two elector members of the panel shall be appointed~~
1831 ~~by the chief judge of the superior court of the county in which the city hall of the~~
1832 ~~municipality is located. The election superintendent may create multiple duplication panels~~
1833 ~~to handle the processing of such ballots more efficiently. All duplicate ballots shall be~~
1834 clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and
1835 shall contain a unique number that will allow such duplicate ballot to be linked back to the
1836 original ballot be given the same serial number as the defective ballot. The defective ballot
1837 shall be retained."

SECTION 48.

1838
1839 Said chapter is further amended by revising Code Section 21-2-492, relating to computation
1840 and canvassing of returns, notice of place where returns will be computed and canvassed,
1841 blank forms for making statements of returns, and swearing of assistants, as follows:

1842 "21-2-492.

1843 The superintendent shall arrange for the computation and canvassing of the returns of votes
1844 cast at each primary and election at his or her office or at some other convenient public
1845 place at the county seat or municipality ~~following the close of the polls on the day of such~~
1846 ~~primary or election~~ with accommodations for those present insofar as space permits. An
1847 interested candidate or his or her representative shall be permitted to keep or check his or
1848 her own computation of the votes cast in the several precincts as the returns from the same
1849 are read, as directed in this article. The superintendent shall give at least one week's notice
1850 prior to the primary or election by publishing same in a conspicuous place in the
1851 superintendent's office, of the time and place when and where he or she will commence and
1852 hold his or her sessions for the computation and canvassing of the returns; and he or she
1853 shall keep copies of such notice posted in his or her office during such period. The
1854 superintendent shall procure a sufficient number of blank forms of returns made out in the
1855 proper manner and headed as the nature of the primary or election may require, for making
1856 out full and fair statements of all votes which shall have been cast within the county or any
1857 precinct therein, according to the returns from the several precincts thereof, for any person
1858 voted for therein, or upon any question voted upon therein. The assistants of the
1859 superintendent in the computation and canvassing of the votes shall be first sworn by the
1860 superintendent to perform their duties impartially and not to read, write, count, or certify
1861 any return or vote in a false or fraudulent manner."

SECTION 49.

1862
1863 Said chapter is further amended by revising subsections (a) and (k) of Code
1864 Section 21-2-493, relating to computation, canvassing, and tabulation of returns,
1865 investigation of discrepancies in vote counts, recount procedure, pilot program for posting
1866 of digital images of scanned paper ballots, certification of returns, and change in returns, as
1867 follows:

1868 "(a) The superintendent shall, ~~after the close of the polls~~ at or before 12:00 Noon on the
1869 day ~~of a~~ following the primary or election, at his or her office or at some other convenient
1870 public place at the county seat or in the municipality, of which due notice shall have been
1871 given as provided by Code Section 21-2-492, publicly commence the computation and
1872 canvassing of the returns and continue ~~until all absentee ballots received by the close of the~~
1873 ~~polls, including those cast by advance voting, and all ballots cast on the day of the primary~~
1874 ~~or election have been counted and tabulated and the results of such tabulation released to~~
1875 ~~the public and, then, continuing with provisional ballots as provided in Code Sections~~
1876 ~~21-2-418 and 21-2-419 and those absentee ballots as provided in subparagraph (a)(1)(G)~~
1877 ~~of Code Section 21-2-386~~ the same from day to day until completed. For this purpose, the
1878 superintendent may organize his or her assistants into sections, each of ~~whom~~ which may
1879 simultaneously proceed with the computation and canvassing of the returns from various
1880 precincts of the county or municipality in the manner provided by this Code section. Upon
1881 the completion of such computation and canvassing, the superintendent shall tabulate the
1882 figures for the entire county or municipality and sign, announce, and attest the same, as
1883 required by this Code section."

1884 "(k) As the returns from each precinct are read, computed, and found to be correct or
1885 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
1886 all the returns from the various precincts which are entitled to be counted shall have been
1887 duly recorded; then they shall be added together, announced, and attested by the assistants
1888 who made and computed the entries respectively and shall be signed by the superintendent.

1889 The consolidated returns shall then be certified by the superintendent in the manner
 1890 required by this chapter. Such returns shall be certified by the superintendent not later than
 1891 5:00 P.M. on the ~~Monday~~ second Friday following the date on which such election was
 1892 held and such returns shall be immediately transmitted to the Secretary of State; provided,
 1893 however, that such certification date may be extended by the Secretary of State in his or
 1894 her discretion if necessary to complete a precertification audit as provided in Code
 1895 Section 21-2-498."

1896 **SECTION 50.**

1897 Said chapter is further amended by repealing subsection (j.1) of Code Section 21-2-493,
 1898 relating to computation, canvassing, and tabulation of returns, investigation of discrepancies
 1899 in vote counts, recount procedure, pilot program for posting of digital images of scanned
 1900 paper ballots, certification of returns, and change in returns, in its entirety.

1901 **SECTION 51.**

1902 Said chapter is further amended by revising Code Section 21-2-501, relating to number of
 1903 votes required for election and runoff, as follows:

1904 "21-2-501.

1905 (a)(1) Except as otherwise provided in this Code section, no candidate shall be
 1906 nominated for public office in any primary or special primary or elected to public office
 1907 in any election or special election ~~or shall take or be sworn into such elected public office~~
 1908 unless such candidate shall have received a majority of the votes cast to fill such
 1909 nomination or public office. In instances where no candidate receives a majority of the
 1910 votes cast, a run-off primary, special primary runoff, run-off election, or special election
 1911 runoff between the candidates receiving the two highest numbers of votes shall be held.
 1912 Unless such date is postponed by a court order, such run-off primary, special primary
 1913 runoff, run-off election, or special election runoff shall be held ~~on the twenty-eighth day~~

1914 ~~after the day of holding the preceding general or special primary or general or special~~
1915 ~~election as provided in this subsection.~~

1916 (2) In the case of a runoff from a general primary or a special primary or special election
1917 held in conjunction with a general primary, the runoff shall be held on the Tuesday of the
1918 ninth week following such general primary.

1919 (3) In the case of a runoff from a general election for a federal office or a runoff from a
1920 special primary or special election for a federal office held in conjunction with a general
1921 election, the runoff shall be held on the Tuesday of the ninth week following such general
1922 election.

1923 (4) In the case of a runoff from a general election for an office other than a federal office
1924 or a runoff from a special primary or special election for an office other than a federal
1925 office held in conjunction with a general election, the runoff shall be held on the
1926 twenty-eighth day after the day of holding the preceding general election.

1927 (5) In the case of a runoff from a special primary or special election for a federal office
1928 not held in conjunction with a general primary or general election, the runoff shall be held
1929 on the Tuesday of the ninth week following such special primary or special election.

1930 (6) In the case of a runoff from a special primary or special election for an office other
1931 than a federal office not held in conjunction with a general primary or general election,
1932 the runoff shall be held on the twenty-eighth day after the day of holding the preceding
1933 special primary or special election; provided, however, that, if such runoff is from a
1934 special primary or special election held in conjunction with a special primary or special
1935 election for a federal office and there is a runoff being conducted for such federal office,
1936 the runoff from the special primary or special election conducted for such other office
1937 may be held in conjunction with the runoff for the federal office.

1938 (7) If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible,
1939 the remaining candidates receiving the two highest numbers of votes shall be the
1940 candidates in the runoff.

1941 (8)(3) The candidate receiving the highest number of the votes cast in such run-off
1942 primary, special primary runoff, run-off election, or special election runoff to fill the
1943 nomination or public office sought shall be declared the winner.

1944 (9)(4) The name of a write-in candidate eligible for election in a runoff shall be printed
1945 on the election or special election run-off ballot in the independent column.

1946 (10)(5) The run-off primary, special primary runoff, run-off election, or special election
1947 runoff shall be a continuation of the primary, special primary, election, or special election
1948 for the particular office concerned. Only the electors who ~~are~~ were duly registered to
1949 vote and not subsequently deemed disqualified to vote in the ~~runoff~~ primary, special
1950 primary, election, or special election for candidates for that particular office shall be
1951 entitled to vote therein, and only those votes cast for the persons designated as candidates
1952 in such run-off primary, special primary runoff, run-off election, or special election
1953 runoff shall be counted in the tabulation and canvass of the votes cast. No elector shall
1954 vote in a run-off primary or special primary runoff in violation of Code Section 21-2-224.

1955 (b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one
1956 candidate alone of the highest number of votes cast. If the municipal charter or ordinances
1957 of a municipality as now existing or as amended subsequent to September 1, 1968, provide
1958 that a candidate may be nominated or elected by a plurality of the votes cast to fill such
1959 nomination or public office, such provision shall prevail. Otherwise, no municipal
1960 candidate shall be nominated for public office in any primary or elected to public office in
1961 any election unless such candidate shall have received a majority of the votes cast to fill
1962 such nomination or public office.

1963 (c) In instances in which no municipal candidate receives a majority of the votes cast and
1964 the municipal charter or ordinances do not provide for nomination or election by a plurality
1965 vote, a run-off primary or election shall be held between the candidates receiving the two
1966 highest numbers of votes. Such runoff shall be held on the twenty-eighth day after the day
1967 of holding the first primary or election, unless such run-off date is postponed by court

1968 order; provided, however, that, in the case of a runoff from a municipal special election that
1969 is held in conjunction with a special election for a federal office and not in conjunction
1970 with a general primary or general election, the municipality may conduct such runoff from
1971 such municipal special election on the date of the special election runoff for the federal
1972 office. Only the electors entitled to vote in the first primary or election shall be entitled to
1973 vote in any run-off primary or election resulting therefrom; provided, however, that no:
1974 ~~No~~ elector shall vote in a run-off primary in violation of Code Section 21-2-216. The
1975 run-off primary or election shall be a continuation of the first primary or election, and only
1976 those votes cast for the candidates receiving the two highest numbers of votes in the first
1977 primary or election shall be counted. No write-in votes may be cast in such a primary,
1978 run-off primary, or run-off election. If any candidate eligible to be in a runoff withdraws,
1979 dies, or is found to be ineligible, the remaining candidates receiving the two highest
1980 numbers of votes shall be the candidates in such runoff. The municipal candidate receiving
1981 the highest number of the votes cast in such run-off primary or run-off election to fill the
1982 nomination or public office sought shall be declared the winner. The municipality shall
1983 give written notice to the Secretary of State of such runoff as soon as such municipality
1984 certifies the preceding primary, special primary, election, or special election.

1985 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
1986 shall be printed on the municipal run-off election ballot in the independent column.

1987 (e) In all cities having a population in excess of 100,000 according to the United States
1988 decennial census of 1980 or any future such census, in order for a municipal candidate to
1989 be nominated for public office in any primary or elected to public office in any municipal
1990 election, he or she must receive a majority of the votes cast.

1991 (f) Except for presidential electors, to be elected to public office in a general election, a
1992 candidate must receive a majority of the votes cast in an election to fill such public office.
1993 To be elected to the office of presidential electors, no slate of candidates shall be required

1994 to receive a majority of the votes cast, but that slate of candidates shall be elected to such
 1995 office which receives the highest number of votes cast."

1996 **SECTION 52.**

1997 Said chapter is further amended by revising Code Section 21-2-540, relating to conduct of
 1998 special primaries and special elections generally, as follows:

1999 "21-2-540.

2000 (a)(1) Every special ~~primary and special~~ election shall be held and conducted in all
 2001 respects in accordance with the provisions of this chapter relating to ~~general primaries~~
 2002 ~~and~~ general elections; and the provisions of this chapter relating to ~~general primaries and~~
 2003 general elections shall apply thereto insofar as practicable and as not inconsistent with
 2004 any other provisions of this chapter. ~~All special primaries and special elections held at~~
 2005 ~~the time of a general primary, as provided by Code Section 21-2-541, shall be conducted~~
 2006 ~~by the poll officers by the use of the same equipment and facilities, insofar as practicable,~~
 2007 ~~as are used for such general primary.~~ All special primaries and special elections held at
 2008 the time of a general election, as provided by Code Section 21-2-541, shall be conducted
 2009 by the poll officers by the use of the same equipment and facilities, ~~insofar~~ so far as
 2010 practicable, as are used for such general election.

2011 (2) ~~If a vacancy occurs in a partisan office to which the Governor is authorized to~~
 2012 ~~appoint an individual to serve until the next general election, a special primary shall~~
 2013 ~~precede the special election.~~

2014 (b) At least 29 days shall intervene between the call of a special primary and the holding
 2015 of same, and at least 29 days shall intervene between the call of a special election and the
 2016 holding of same. The period during which candidates may qualify to run in a special
 2017 primary or a special election shall remain open for a minimum of two and one-half days.
 2018 ~~Special primaries and special~~ elections which are to be held in conjunction with the
 2019 presidential preference primary, a state-wide general primary, or state-wide general

2020 election shall be called at least 90 days prior to the date of such presidential preference
 2021 primary, state-wide general primary, or state-wide general election; provided, however, that
 2022 this requirement shall not apply to ~~special primaries~~ and special elections held on the same
 2023 date as such presidential preference primary, state-wide general primary, or state-wide
 2024 general election but conducted completely separate and apart from such state-wide general
 2025 primary or state-wide general election using different ballots or voting equipment,
 2026 facilities, poll workers, and paperwork.

2027 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
 2028 special election to fill a vacancy in a county or municipal office shall be held only on one
 2029 of the following dates which is at least 29 days after the date of the call for the special
 2030 election:

2031 (A) In odd-numbered years, any such special ~~primary or special~~ election shall only be
 2032 held on:

- 2033 (i) The third Tuesday in March;
- 2034 (ii) The third Tuesday in June;
- 2035 (iii) The third Tuesday in September; or
- 2036 (iv) The Tuesday after the first Monday in November; and

2037 (B) In even-numbered years, any such ~~special primary or~~ special election shall only be
 2038 held on:

- 2039 (i) The third Tuesday in March; provided, however, that in the event that a ~~special~~
 2040 ~~primary or~~ special election is to be held under this provision in a year in which a
 2041 presidential preference primary is to be held, then any such ~~special primary or~~ special
 2042 election shall be held on the date of and in conjunction with the presidential
 2043 preference primary;
- 2044 (ii) The date of the general primary; or
- 2045 (iii) The Tuesday after the first Monday in November;

2046 provided, however, that, in the event that a ~~special primary~~ or special election to fill a
 2047 federal or state office on a date other than the dates provided in this paragraph has been
 2048 scheduled and it is possible to hold a ~~special primary~~ or special election to fill a vacancy
 2049 in a county, municipal, or school board office in conjunction with such ~~special primary~~
 2050 ~~or~~ special election to fill a federal or state office, the ~~special primary~~ or special election
 2051 to fill such county, municipal, or school board office may be held on the date of and in
 2052 conjunction with such ~~special primary~~ or special election to fill such federal or state
 2053 office, provided all other provisions of law regarding such ~~primaries and~~ elections are
 2054 met.

2055 (2) Notwithstanding any other provision of law to the contrary, a special election to
 2056 present a question to the voters shall be held only on one of the following dates which is
 2057 at least 29 days after the date of the call for the special election:

2058 (A) In odd-numbered years, any such special election shall only be held on the third
 2059 Tuesday in March or on the Tuesday after the first Monday in November; and

2060 (B) In even-numbered years, any such special election shall only be held on:

2061 (i) The date of and in conjunction with the presidential preference primary if one is
 2062 held that year;

2063 (ii) ~~The third Tuesday in March, provided, however, that such special election shall~~
 2064 ~~occur prior to July 1, 2024, and present a question to the voters on sales and use taxes~~
 2065 ~~authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;~~

2066 (iii) The date of the general primary; or

2067 ~~(iv)~~(iii) The Tuesday after the first Monday in November.

2068 (3) The provisions of this subsection shall not apply to:

2069 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
 2070 to recall a public officer or to fill a vacancy in a public office caused by a recall
 2071 election; and

2072 (B) Special primaries or special elections to fill vacancies in federal or state public
2073 offices.

2074 (d) Except as otherwise provided by this chapter, the superintendent of each county or
2075 municipality shall publish the call of the ~~special primary~~ or special election.

2076 (e)(1) Candidates in special elections for partisan offices ~~that are not preceded by special~~
2077 ~~primaries~~ shall be listed alphabetically on the ballot and may choose to designate on the
2078 ballot their party affiliation. The party affiliation selected by a candidate shall not be
2079 changed following the close of qualifying.

2080 (2) ~~Candidates in special primaries shall be listed alphabetically on the ballot."~~

2081

SECTION 53.

2082 Said chapter is further amended by revising subsection (b) of Code Section 21-2-541, relating
2083 to holding of special primary or special election at time of general primary or general
2084 election, as follows:

2085 "(b) If the times specified for the closing of the registration list for a special primary or
2086 ~~special~~ election are the same as those for a general primary or ~~general~~ election, the
2087 candidates and questions in such special primary or ~~special~~ election shall be included on
2088 the ballot for such general primary or ~~general~~ election. In such an instance, the name of
2089 the office and the candidates in such ~~special primary~~ or special election shall appear on the
2090 ballot in the position where such names would ordinarily appear if such contest was a
2091 general primary or ~~general~~ election."

2092

SECTION 54.

2093 Said chapter is further amended by revising Code Section 21-2-542, relating to special
2094 primary and special election for United States senator vacancy and temporary appointment
2095 by Governor, as follows:

2096 "21-2-542.
2097 Whenever a vacancy shall occur in the representation of this state in the Senate of the
2098 United States, such vacancy shall be filled for the unexpired term by the vote of the electors
2099 of the state at a ~~special primary to be held at the time of the next general primary followed~~
2100 ~~by~~ a special election to be held at the time of the next November state-wide general
2101 election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the
2102 duty of the Governor to issue his or her proclamation for such ~~special primary and special~~
2103 election. Until such time as the vacancy shall be filled by an election as provided in this
2104 Code section, the Governor may make a temporary appointment to fill such vacancy."

2105 **SECTION 55.**

2106 Said chapter is further amended by repealing Code Section 21-2-546, relating to filling chief
2107 judge vacancies in civil and magistrate courts, in its entirety.

2108 **SECTION 56.**

2109 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating
2110 to entry into voting compartment or booth while another voting, interfering with elector,
2111 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,
2112 as follows:

2113 "(a) Any person who knowingly:

2114 (1) Goes into the voting compartment or voting machine booth while another is voting
2115 or marks the ballot or registers the vote for another, except in strict accordance with this
2116 chapter;

2117 (2) Interferes with any elector marking his or her ballot or registering his or her vote;

2118 (3) Attempts to induce any elector before depositing his or her ballot to show how he or
2119 she marks or has marked his or her ballot; or

2120 (4) Discloses to anyone how another elector voted, without said elector's consent, except
 2121 when required to do so in any legal proceeding; or
 2122 ~~(5) Accepts an absentee ballot from an elector for delivery or return to the board of~~
 2123 ~~registrars except as authorized by subsection (a) of Code Section 21-2-385~~
 2124 shall be guilty of a felony."

2125 **SECTION 57.**

2126 Said chapter is further amended by repealing Code Section 21-2-568.1, relating to intentional
 2127 observation of voting, and Code Section 21-2-568.2, relating to photographic and other
 2128 electronic monitoring of ballots prohibited, in their entirety.

2129 **SECTION 58.**

2130 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, relating to home rule
 2131 powers, is amended by revising subsection (a) of Code Section 36-35-4.1, relating to
 2132 reapportionment of election districts for municipal elections, as follows:

2133 "(a) Subject to the limitations provided by this Code section, the governing authority of
 2134 any municipal corporation is authorized to reapportion the election districts from which
 2135 members of the municipal governing authority are elected following publication of the
 2136 United States decennial census of 1980 or any future such census. Such reapportionment
 2137 of districts shall be effective for the election of members to the municipal governing
 2138 authority at the next regular general municipal election following the publication of the
 2139 decennial census; ~~provided, however, that, if the publication of the decennial census occurs~~
 2140 ~~within 120 days of the next general or special municipal election, such reapportionment of~~
 2141 ~~districts shall be effective for any subsequent special election and the subsequent general~~
 2142 ~~municipal election."~~

SECTION 59.

2143
2144 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
2145 by revising subsection (b) of Code Section 50-13-4, relating to procedural requirements for
2146 adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest
2147 rule, and legislative override, as follows:

2148 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,
2149 including but not limited to, summary processes such as quarantines, contrabands, seizures,
2150 and the like authorized by law without notice, requires adoption of a rule upon fewer than
2151 30 days' notice and states in writing its reasons for that finding, it may proceed without
2152 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable
2153 to adopt an emergency rule. Any such rule adopted relative to a public health emergency
2154 shall be submitted as promptly as reasonably practicable to the House of Representatives
2155 and Senate Committees on Judiciary, ~~provided that any such rule adopted relative to a state~~
2156 ~~of emergency by the State Election Board shall be submitted as soon as practicable but not~~
2157 ~~later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State~~
2158 ~~Election Board pursuant to the provisions of this subsection may be suspended upon the~~
2159 ~~majority vote of the House of Representatives or Senate Committees on Judiciary within~~
2160 ~~ten days of the receipt of such rule by the committees.~~ The rule may be effective for a
2161 period of not longer than 120 days but the adoption of an identical rule under
2162 paragraphs (1) and (2) of subsection (a) of this Code section is not precluded; provided,
2163 however, that such a rule adopted pursuant to discharge of responsibility under an
2164 executive order declaring a state of emergency or disaster exists as a result of a public
2165 health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of
2166 the emergency or disaster and for a period of not more than 120 days thereafter."

2167 **SECTION 60.**

2168 Said title is further amended by repealing subsection (k) of Code Section 50-18-71, relating
2169 to right of access, timing, fees, denial of requests, and impact of electronic records.

2170 **SECTION 61.**

2171 This Act shall become effective upon its approval by the Governor or upon its becoming law
2172 without such approval.

2173 **SECTION 62.**

2174 All laws and parts of laws in conflict with this Act are repealed.