

The House Committee on Governmental Affairs offers the following substitute to HB 17:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to revise provisions as to notice of logic and accuracy
3 testing of electronic ballot markers; to provide for the sealing of ballots in secure containers;
4 to provide for chain of custody documentation and procedures; to provide that during the
5 period of advance voting that absentee ballots are issued and mailed to qualified applicants
6 for mail-in absentee ballots; to provide for related matters; to provide for an effective date;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
11 elections generally, is amended by revising subsection (c) of Code Section 21-2-379.25,
12 relating to programming for ballot design and style, verification, appointment of custodians,
13 role of custodians, testing of electronic ballot marker, and public notice of testing, as follows:
14 "(c) On or before the third day preceding a primary or election, including special primaries,
15 special elections, and referendum elections, the superintendent shall have each electronic
16 ballot marker tested to ascertain that it will correctly record the votes cast for all offices and

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17 on all questions and produce a ballot reflecting such choices of the elector in a manner that
 18 the State Election Board shall prescribe by rule or regulation. Public notice of the time and
 19 place of the test shall be made at least five days prior thereto. The superintendent of each
 20 county or municipality shall publish such notice on the homepage of the county's or
 21 municipality's publicly accessible website associated with elections, if the county or
 22 municipality maintains a publicly accessible website, ~~and~~ or in a newspaper of general
 23 circulation in the county or municipality and by posting in a prominent location in the
 24 county or municipality. Such notice shall state the date, time, and place or places where
 25 preparation and testing of the voting system components for use in the primary or election
 26 will commence, that such preparation and testing shall continue from day to day until
 27 complete, and that representatives of political parties and bodies, news media, and the
 28 public shall be permitted to observe such tests. The superintendent of the county or
 29 municipality shall also provide such notice to the Secretary of State who shall publish on
 30 his or her website the information received from superintendents stating the dates, times,
 31 and locations for preparation and testing of voting system components. However, such
 32 representatives of political parties and bodies, news media, and the public shall not in any
 33 manner interfere with the preparation and testing of voting system components. ~~The~~
 34 ~~advertisement~~ If notice is made in the a newspaper of general circulation, such notice shall
 35 be prominently displayed, shall not be less than 30 square inches, and shall not be placed
 36 in the section of the newspaper where legal notices appear."

37 **SECTION 2.**

38 Said chapter is further amended by revising subsection (c) of Code Section 21-2-382, relating
 39 to additional buildings as additional registrar's office or place of registration for receiving
 40 absentee ballots and for advance voting and drop boxes, as follows:

41 "(c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box
 42 as a means for absentee by mail electors to deliver their ballots to the board of registrars

43 or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish
44 additional drop boxes, subject to the limitations of this Code section, but may only
45 establish additional drop boxes totaling the lesser of either one drop box for
46 every 100,000 active registered voters in the county or the number of advance voting
47 locations in the county. Any additional drop boxes shall be evenly geographically
48 distributed by population in the county. Drop boxes established pursuant to this Code
49 section shall be established at the office of the board of registrars or absentee ballot clerk
50 or inside locations at which advance voting, as set forth in subsection (d) of Code
51 Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be
52 open during the hours of advance voting at that location. Such drop boxes shall be closed
53 in a manner that prevents the insertion of ballots when advance voting is not being
54 conducted at that location. All drop boxes shall be closed in a manner that prevents the
55 insertion of ballots when the advance voting period ends, as set forth in subsection (d) of
56 Code Section 21-2-385. The drop box location shall have adequate lighting and be under
57 constant surveillance by an election official or his or her designee, law enforcement
58 official, or licensed security guard. During an emergency declared by the Governor
59 pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the
60 board of registrars or absentee ballot clerk or outside of locations at which advance voting
61 is taking place, subject to the other limitations of this Code section.

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

69 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and
70 return of ballots deposited at each drop box at the conclusion of each day where advance
71 voting takes place. Collection of ballots from a drop box shall be made by a team of at
72 least two people. Any person collecting ballots from a drop box shall have sworn an oath
73 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The
74 collection team shall complete and sign a ballot transfer form as specified by the
75 Secretary of State upon removing the ballots from the drop box which shall include the
76 date, time, location, number of ballots, confirmation that the drop box was locked after
77 the removal of the ballots, and the identity of each person collecting the ballots. The
78 ballot transfer form shall also serve as an initial chain of custody document on which
79 each person who takes possession of the ballots shall sign for such ballots. The ballots
80 shall be placed in a locked transfer case upon being removed from the drop box. Such
81 cases shall be sealed with a numbered seal, the number of which shall be recorded on a
82 ballot transfer form which shall be signed by the collection team. The collection team
83 shall then immediately transfer the ballots to the board of registrars or absentee ballot
84 clerk, who shall process and store the ballots in the same manner as absentee ballots
85 returned by mail are processed and stored. The board of registrars, absentee ballot clerk,
86 or a designee of the board of registrars or absentee ballot clerk shall verify that the seal
87 on the transfer case has not been broken or otherwise tampered with or compromised, and
88 shall sign the ballot transfer form upon receipt of the ballots from the collection team and
89 shall include the date and time of signature and verification as provided for under this
90 provision. Such form shall be considered a public record pursuant to Code
91 Section 50-18-70.

92 (4) At the beginning of voting at each advance location where a drop box is present, the
93 manager of the advance voting location shall open the drop box and confirm on the
94 reconciliation form for that advance voting location that the drop box is empty. If the
95 drop box is not empty, the manager shall secure the contents of the drop box and

96 immediately inform the election superintendent, board of registrars, or absentee ballot
97 clerk, who shall inform the Secretary of State."

98 **SECTION 3.**

99 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code
100 Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath
101 of absentee electors and persons assisting absentee electors, master list of ballots sent,
102 challenges, special absentee run-off ballots, and electronic transmission of ballots, as follows:

103 "(2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
104 ballots to all eligible applicants not more than 29 days but not less than 25 days prior to
105 any presidential preference primary, general primary other than a municipal general
106 primary, general election other than a municipal general election, or special primary or
107 special election in which there is a candidate for a federal office on the ballot; 22 days
108 prior to any municipal general primary or municipal general election; and as soon as
109 possible prior to any runoff. In the case of all other special primaries or special elections,
110 the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots
111 to all eligible applicants within three days after the receipt of such ballots and supplies,
112 but no earlier than 22 days prior to the election; provided, however, that official absentee
113 ballots shall be issued to any elector of the jurisdiction who is entitled to vote by absentee
114 ballot under the federal Uniformed and Overseas Citizen Absentee Voting Act, 52 U.S.C.
115 Section 20301, et seq., as amended, beginning 49 days prior to a federal primary or
116 election and not later than 45 days prior to a federal primary or election. As additional
117 applicants who submitted timely applications for an absentee ballot are determined to be
118 eligible, the board or clerk shall mail or issue official absentee ballots to such additional
119 applicants immediately upon determining their eligibility. For all timely received
120 applications for absentee ballots, the board of registrars or absentee ballot clerk shall mail
121 or issue absentee ballots, provisional absentee ballots, and notices of rejection as soon as

122 possible upon determining their eligibility within the time periods set forth in this
123 subsection. During the period for advance voting set forth in Code Section 21-2-385, the
124 board of registrars or absentee ballot clerk shall make such determinations and mail or
125 issue absentee ballots, provisional absentee ballots, and notices of rejection of application
126 within three days after receiving a timely application for an absentee ballot; provided,
127 however, that for mail-in absentee ballot requests, absentee ballots shall be issued and
128 mailed to qualified applicant within such time period. The board of registrars or absentee
129 ballot clerk shall, within the time periods specified in this subsection, electronically
130 transmit official absentee ballots to all electors who have requested to receive their
131 official absentee ballot electronically and are entitled to vote such absentee ballot under
132 the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.
133 Section 20301, et seq., as amended."

134 **SECTION 4.**

135 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,
136 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
137 location designated by superintendent, duties of superintendent and managers, precinct
138 returns, report of returns of verified and accepted absentee ballots cast as soon as possible
139 following closing of polls, notification of challenged elector, and unlawful disclosure of
140 tabulation results, as follows:

141 "21-2-386.

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

147 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
148 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
149 number of the elector's Georgia driver's license number or state identification card
150 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the
151 absentee ballot envelope with the same information contained in the elector's voter
152 registration records. If the elector has affirmed on the envelope that he or she does not
153 have a Georgia driver's license or state identification card issued pursuant to Article 5
154 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the
155 elector's social security number and date of birth entered on the envelope with the same
156 information contained in the elector's voter registration records. The registrar or clerk
157 shall also confirm that the elector signed the oath and the person assisting the elector,
158 if any, signed the required oath. If the elector has signed the elector's oath, the person
159 assisting has signed the required oath, if applicable, and the identifying information
160 entered on the absentee ballot envelope matches the same information contained in the
161 elector's voter registration record, the registrar or clerk shall so certify by signing or
162 initialing his or her name below the voter's oath. Each elector's name so certified shall
163 be listed by the registrar or clerk on the numbered list of absentee voters prepared for
164 his or her precinct. All accepted absentee ballots shall be securely stored in either a
165 sealed container or appropriately secured in an access controlled room that will prevent
166 tampering or unauthorized access prior to the scanning of such ballots.

167 (C) If the elector has failed to sign the oath, or if the identifying information entered
168 on the absentee ballot envelope does not match the same information appearing in the
169 elector's voter registration record, or if the elector has failed to furnish required
170 information or information so furnished does not conform with that on file in the
171 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the
172 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason
173 therefor. The board of registrars or absentee ballot clerk shall promptly notify the

174 elector of such rejection, a copy of which notification shall be retained in the files of
175 the board of registrars or absentee ballot clerk for at least two years. Such elector shall
176 have until the end of the period for verifying provisional ballots contained in
177 subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection
178 of the ballot. The elector may cure a failure to sign the oath, nonmatching identifying
179 information, or missing information by submitting an affidavit to the board of registrars
180 or absentee ballot clerk along with a copy of one of the forms of identification
181 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.
182 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's
183 ballot, and that the elector is registered and qualified to vote in the primary, election,
184 or runoff in question. If the board of registrars or absentee ballot clerk finds the
185 affidavit and identification to be sufficient, the absentee ballot shall be counted.

186 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
187 of Code Section 21-2-220, and who votes for the first time in this state by absentee
188 ballot shall include with his or her application for an absentee ballot or in the outer oath
189 envelope of his or her absentee ballot either one of the forms of identification listed in
190 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
191 statement, government check, paycheck, or other government document that shows the
192 name and address of such elector. If such elector does not provide any of the forms of
193 identification listed in this subparagraph with his or her application for an absentee
194 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
195 provisional ballot and such ballot shall only be counted if the registrars are able to
196 verify current and valid identification of the elector as provided in this subparagraph
197 within the time period for verifying provisional ballots pursuant to Code
198 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
199 the elector that such ballot is deemed a provisional ballot and shall provide information

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

202 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
203 absentee electors, giving the name of the elector and the reason for the rejection in each
204 case. Three copies of the numbered list of certified absentee voters and three copies of
205 the numbered list of rejected absentee voters for each precinct shall be turned over to
206 the poll manager in charge of counting the absentee ballots and shall be distributed as
207 required by law for numbered lists of voters.

208 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
209 of the polls on the day of the primary or election shall be safely kept unopened by the
210 board or absentee ballot clerk and then transferred to the appropriate clerk with the
211 documentation provided for in subparagraph (a)(1)(A) of this Code section for storage
212 in a manner that will prevent tampering for the period of time required for the
213 preservation of ballots used at the primary or election and shall then, without being
214 opened, be destroyed in like manner as the used ballots of the primary or election. The
215 board of registrars or absentee ballot clerk shall promptly notify the elector by
216 first-class mail that the elector's ballot was returned too late to be counted and that the
217 elector will not receive credit for voting in the primary or election. All such late
218 absentee ballots shall be delivered to the appropriate clerk and stored as provided in
219 Code Section 21-2-390.

220 (G) Notwithstanding any provision of this chapter to the contrary, until the United
221 States Department of Defense notifies the Secretary of State that the Department of
222 Defense has implemented a system of expedited absentee voting for those electors
223 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
224 eligible absentee electors who reside outside the county or municipality in which the
225 primary, election, or runoff is held and are members of the armed forces of the United
226 States, members of the merchant marine of the United States, spouses or dependents of

227 members of the armed forces or merchant marine residing with or accompanying such
228 members, or overseas citizens that are postmarked by the date of such primary, election,
229 or runoff and are received within the three-day period following such primary, election,
230 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and
231 included in the certified election results.

232 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary,
233 election, or runoff, the election superintendent shall be authorized to open the outer oath
234 envelope of absentee ballots that have been verified and accepted pursuant to
235 subparagraph (a)(1)(B) of this Code section, remove the contents of such outer
236 envelope, open the inner envelope marked 'Official Absentee Ballot,' and scan the
237 absentee ballot using one or more ballot scanners. At least three persons who are
238 registrars, deputy registrars, poll workers, or absentee ballot clerks ~~must~~ shall be present
239 before commencing; and three persons who are registrars, deputy registrars, or absentee
240 ballot clerks shall be present at all times while the sealed containers containing verified
241 and accepted absentee ballots are unsealed and verified for integrity, while the absentee
242 ballot envelopes are ~~being~~ opened, and while the absentee ballots are ~~being~~ scanned.
243 However, no person shall tally, tabulate, estimate, or attempt to tally, tabulate, or
244 estimate or cause the ballot scanner or any other equipment to produce any tally or
245 tabulate, partial or otherwise, of the absentee ballots cast until the time for the closing
246 of the polls on the day of the primary, election, or runoff except as provided in this
247 Code section. Prior to beginning the process set forth in this paragraph, the
248 superintendent shall provide written notice to the Secretary of State in writing at least
249 seven days prior to processing and scanning absentee ballots. Such notice shall contain
250 the dates, start and end times, and location or locations where absentee ballots will be
251 processed and scanned. The superintendent shall also post such notice publicly in a
252 prominent location in the superintendent's office and on the home page of the county
253 election superintendent's website, if the county election superintendent maintains such

254 a website. The Secretary of State shall publish on his or her website the information
255 he or she receives from superintendents stating the dates, times, and locations where
256 absentee ballots will be processed.

257 (B) The proceedings set forth in this paragraph shall be open to the view of the public,
258 but no person except one employed and designated by the superintendent shall touch
259 any ballot or ballot container. Any person involved in processing and scanning
260 absentee ballots shall swear an oath, in the same form as the oath for poll officers
261 provided in Code Section 21-2-95, prior to beginning the processing and scanning of
262 absentee ballots. The county executive committee or, if there is no organized county
263 executive committee, the state executive committee of each political party and political
264 body having candidates whose names appear on the ballot for such election shall have
265 the right to designate two persons and each independent and nonpartisan candidate
266 whose name appears on the ballot for such election shall have the right to designate one
267 person to act as monitors for such process. In the event that the only issue to be voted
268 upon in an election is a referendum question, the superintendent shall also notify in
269 writing the chief judge of the superior court of the county who shall appoint two
270 electors of the county to monitor such process. While viewing or monitoring the
271 process set forth in this paragraph, monitors and observers shall be prohibited from:

- 272 (i) In any way interfering with the processing or scanning of absentee ballots or the
273 conduct of the election;
- 274 (ii) Using or bringing into the room any photographic or other electronic monitoring
275 or recording devices, cellular telephones, or computers;
- 276 (iii) Engaging in any form of campaigning or campaign activity;
- 277 (iv) Taking any action that endangers the secrecy and security of the ballots;
- 278 (v) Touching any ballot or ballot container;
- 279 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,
280 whether partial or otherwise, any of the votes on the absentee ballots cast; and

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

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

290 (D) At the conclusion of the scanning of ballots, such scanned ballots shall be stored
291 in tamper-resistant containers sealed with numbered seals, the number of which shall
292 be recorded on the chain of custody document specified by the Secretary of State, and
293 such forms shall be signed by the person storing the ballots and the date and time of
294 storage shall be entered on such forms.

295 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
296 day of the primary, election, or runoff begin tabulating the absentee ballots. If the county
297 election superintendent chooses to open the inner envelopes and begin tabulating such
298 ballots prior to the close of the polls on the day of the primary, election, or runoff, the
299 superintendent shall notify in writing, at least seven days prior to the primary, election,
300 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot
301 tabulation prior to the close of the polls. The county executive committee or, if there is
302 no organized county executive committee, the state executive committee of each political
303 party and political body having candidates whose names appear on the ballot for such
304 election in such county shall have the right to designate two persons and each
305 independent and nonpartisan candidate whose name appears on the ballot for such
306 election in such county shall have the right to designate one person to act as monitors for
307 such process. In the event that the only issue to be voted upon in an election is a

308 referendum question, the superintendent shall also notify in writing the chief judge of the
309 superior court of the county who shall appoint two electors of the county to monitor such
310 process.

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

315 (5) The process for opening absentee ballot envelopes, scanning absentee ballots, and
316 tabulating absentee ballots on the day of a primary, election, or runoff as provided in this
317 subsection shall be conducted in a manner to maintain the secrecy of all ballots and to
318 protect the disclosure of any balloting information before 7:00 P.M. on election day. No
319 absentee ballots shall be tabulated before 7:00 A.M. on the day of a primary, election, or
320 runoff.

321 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
322 election, or runoff, including the vote review panel required by Code Section 21-2-483,
323 and all monitors and observers shall be sequestered until the time for the closing of the
324 polls. All such persons shall have no contact with the news media; shall have no contact
325 with other persons not involved in monitoring, observing, or conducting the tabulation;
326 shall not use any type of communication device including radios, telephones, and cellular
327 telephones; shall not utilize computers for the purpose of email, instant messaging, or
328 other forms of communication; and shall not communicate any information concerning
329 the tabulation until the time for the closing of the polls; provided, however, that
330 supervisory and technical assistance personnel shall be permitted to enter and leave the
331 area in which the tabulation is being conducted but shall not communicate any
332 information concerning the tabulation to anyone other than the county election
333 superintendent; the staff of the superintendent; those persons conducting, observing, or

334 monitoring the tabulation; and those persons whose technical assistance is needed for the
335 tabulation process to operate.

336 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
337 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
338 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
339 for security. Such boxes or bags shall be sealed and witnessed and verified by each
340 person taking custody of such items by each such person's signature and date and time
341 of taking custody. The persons conducting the tabulation of the absentee ballots shall not
342 cause the tabulating equipment to produce any count, partial or otherwise, of the absentee
343 votes cast until the time for the closing of the polls except as otherwise provided in this
344 Code section.

345 (b) When requested by the superintendent, but not earlier than the third Monday prior to
346 a primary, election, or runoff, a registrar or absentee ballot clerk shall deliver the official
347 absentee ballot of each certified absentee elector, each rejected absentee ballot, applications
348 for such ballots, and copies of the numbered lists of certified and rejected absentee electors
349 to the location designated by the superintendent in secure, sealed containers with the chain
350 of custody documents as specified by the Secretary of State and the signature and date and
351 time of the person taking custody, and the superintendent or official receiving such
352 absentee ballots shall issue his or her receipt therefor.

353 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened
354 and tabulated as provided in this Code section. A manager shall then open the outer
355 envelope in such manner as not to destroy the oath printed thereon and shall deposit the
356 inner envelope marked 'Official Absentee Ballot' in a ballot box reserved for absentee
357 ballots with an accompanying chain of custody documentation. Such ballot box shall be
358 securely sealed if it is not in the direct control of the poll officers or if it is transferred to
359 a different room or facility for tabulation. In the event that an outer envelope is found to
360 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an

361 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited
362 in the ballot box and counted in the same manner as other absentee ballots, provided that
363 such ballot is otherwise proper. Such manager with two assistant managers, appointed by
364 the superintendent, with such clerks as the manager deems necessary shall count the
365 absentee ballots following the procedures prescribed by this chapter for other ballots,
366 insofar as practicable.

367 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
368 be reported by precinct; and separate returns shall be made for each precinct in which
369 absentee ballots were cast showing the results by each precinct in which the electors reside.
370 The superintendent shall utilize the procedures set forth in this Code section to ensure that
371 the returns of verified and accepted absentee ballots cast are reported to the public as soon
372 as possible following the closing of the polls on the day of the primary, election, or runoff.
373 Failure to utilize these procedures to ensure that the returns of verified and accepted
374 absentee ballots are reported as soon as possible following the close of polls shall subject
375 the superintendent to sanctions by the State Election Board. If a superintendent fails to
376 report the returns of verified and accepted absentee ballots by the day following the
377 election at 5:00 P.M., the State Election Board may convene an independent performance
378 review board pursuant to Code Section 21-2-107.

379 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
380 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
381 envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be
382 a chain of custody document as specified by the Secretary of State on which is recorded
383 and witnessed the name and signature of each person taking custody of such ballots; and
384 it shall be counted as other challenged ballots are counted. Where direct recording
385 electronic voting systems are used for absentee balloting and a challenge to an elector's
386 right to vote is made prior to the time that the elector votes, the elector shall vote on a paper
387 or optical scanning ballot and such ballot shall be handled as provided in this subsection.

388 The board of registrars or absentee ballot clerk shall promptly notify the elector of such
389 challenge.

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

393 **SECTION 5.**

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

396 "(a) A person shall cast a provisional ballot on the same type of ballot that is utilized by
397 the county or municipality. Such provisional ballot shall be sealed in double envelopes as
398 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot
399 in a secure, sealed ballot box for which the number of the seal shall be recorded and
400 witnessed on a chain of custody document as specified by the Secretary of State and the
401 name and signature of the person or persons having custody of such ballots shall also be
402 documented on such form. Such form shall remain with such ballots until such ballots are
403 destroyed in accordance with law."

404 **SECTION 6.**

405 Said chapter is further amended by revising subsection (a) of Code Section 21-2-420, relating
406 to procedure for counting and tabulation of votes, and by adding a new subsection to read as
407 follows:

408 "(a) After the time for the closing of the polls and the last elector voting, the poll officials
409 in each precinct shall complete the required accounting and related documentation for the
410 precinct and shall advise the election superintendent of the total number of ballots cast at
411 such precinct and the total number of provisional ballots cast. The chief manager and at
412 least one assistant manager shall post a copy of the tabulated results for the precinct on the

413 door of the precinct and then immediately deliver all required documentation and election
414 materials to the election superintendent in sealed containers accompanied by chain of
415 custody documentation on which are recorded and witnessed the names and signatures of
416 each person having custody of such ballots. ~~The~~ Upon receipt of such ballots, the election
417 superintendent shall verify that the containers are sealed and contain the appropriate chain
418 of custody documentation. The election superintendent shall then ensure that such ballots
419 are processed, counted, and tabulated as soon as possible and shall not cease such count
420 and tabulation until all such ballots are counted and tabulated."

421 "(c) No voted ballots shall be handled without a poll official being present and without
422 documentation on the chain of custody documentation of who is handling such ballots and
423 when and why such ballots are being handled. After the activity requiring the handling of
424 ballots is completed, such ballots shall be resealed in ballot boxes or other secure
425 containers with numbered seals, the numbers of which shall be recorded and witnessed on
426 chain of custody documentation as specified by the Secretary of State and shall be signed
427 by the persons having custody of such ballots. Such chain of custody documentation shall
428 remain with the ballots until such ballots are destroyed in accordance with law."

429 **SECTION 7.**

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

432 **SECTION 8.**

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