



Respectfully submitted this 10th day of May, 2021.

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Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing State DYZbXUbhgŃA ch]cb hc D]ga ]gg has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/Bryan P. Tyson  
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SIXTH DISTRICT OF THE AFRICAN  
METHODIST EPISCOPAL CHURCH,  
*et al.*,

*Plaintiffs,*

v.

BRIAN KEMP, Governor of the State  
of Georgia, in his official capacity, *et*  
*al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:21-CV-01284-JPB

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Despite celebrating the 2020 election as “safe and secure” and praising the “integrity” of that election, including its high turnout, [Doc. 1, ¶¶ 15-16], Plaintiffs assail SB 202 as nothing less than part of Georgia’s “*unrelenting* . . . effort to suppress the political participation of people of color.” [Doc. 1, ¶ 8] (emphasis added). And not only that—Plaintiffs make the breathtaking charge that SB 202 is “an attack on democracy itself.” [Doc. 1, ¶ 25].

But the reality of SB 202 is nowhere near this hypercharged rhetoric.<sup>1</sup> As discussed below, SB 202 added opportunities to vote and put in place meaningful and necessary reforms to help ensure the very interests Plaintiffs praise—a “safe and secure” election with “integrity” and continued high turnout. Further, the changes it makes are well within the mainstream of other states’ laws related to elections and are more voting-friendly than laws in many states.

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<sup>1</sup> Plaintiff AME Church is also a plaintiff in *Fair Fight Action v. Raffensperger*, Case No. 1:18-cv-05391-SCJ (N.D. Ga.). While now saying that claims about the integrity of the 2020 election—including claims of “switched” votes on voting machines—are “groundless,” [Doc. 1,

Plaintiffs nevertheless ask this Court to advance their political agenda by invalidating several provisions of SB 202. But that is not the purview of the courts. As the Eleventh Circuit recently explained, “the Constitution sets out [the] sphere of [federal courts’] decisionmaking, and that sphere does not extend to second-guessing and interfering with a State’s reasonable, nondiscriminatory election rules.” *New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1284 (11th Cir. 2020); *see also Munro v. Socialist Workers Party*, 479 U.S. 189, 195-96 (1986) (“Legislatures . . . should be permitted to respond to potential deficiencies in the electoral process with foresight”).

As a threshold matter, Plaintiffs do not have Article III standing to invoke this Court’s limited jurisdiction over state election laws because they have not alleged a sufficient injury—just like the litany of post-2020 cases that were properly dismissed based on standing.

But even if this Court reaches the merits, there is no case here. SB 202<sup>2</sup> was the legislature’s reasonable update of Georgia election laws, recognizing





12(b)(6), a complaint must "state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The complaint must demonstrate "more than a sheer possibility that a defendant has acted unlawfully." *Ashcroft v. Iqbal*, 556 U.S. 662, 677 (2009). While this Court must assume the veracity of well-pleaded factual allegations, it is not required to accept legal conclusions "couched as [] factual allegation[s]." *Id.* at 678-79. This Court may consider any matters appropriate for judicial notice. *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007). Application of these settled standards requires dismissal.

One ground for dismissal is lack of standing. As the Eleventh Circuit explained recently, "Federal courts fre at+Mtutet

must allege

its own projects by forcing the organization to divert resources in response." *Arcia v. Sec'y of Fla.*, 772 F.3d 1335, 1341 (11th Cir. 2014). This requires the plaintiff to show not only what the organization is diverting resources *to*, but also "what activities [the organization] would divert resources away *from* in order to spend additional resources on combatting" the impact of the law. *Jacobson*, 974 F.3d at 1250. As another judge on this court held, this requires more than evidence of an accounting transfer: there must be an "indication" that the organization "would in fact be diverting . . . resources *away from their core activities.*" *GALEO*, 2020 U.S. Dist. LEXIS 211736,<sup>3</sup> at \*17 (emphasis added). Or, as the Seventh Circuit recently explained, organizations cannot support a claim of standing "based solely on the baseline work they are already doing." *Common Cause Ind. v. Lawson*, 937 F.3d 944, 955 (7th Cir. 2019). Further, organizations "cannot convert ordinary program costs into an injury in fact. The question is what additional or new burdens are created by

changes to their activities. *Id.*

*In GALEO*, for example, the plaintiff alleged it had standing because it was forced to divert resources "from getting out the vote and voter education to 'reach out to and educate [limited English proficiency voters] about how to navigate the mail voting process... as well as other aspects of the electoral process.'" *GALEO*, 2020 U.S. Dist. LEXIS 211736 at \*17. But *GALEO*'s mission included "organizing voter education, civic engagement, [and] voter empowerment." *Id.* The district court dismissed the case and found "there is no indication that *GALEO* would in fact be diverting any resources away from the core activities it already engages in by continuing to educate and inform Latino voters." *Id.* And allegations of ostensibly new or additional efforts were "precisely of the same nature as those that *GALEO* engaged y

members [as] a core aspect" of its work. *Id.* ¶ 27. They also host, "'Get Out The Vote' ('GOTV') efforts to increase voter turnout." *Id.* Likewise, GAMVP "holds voter registration drives, civic engagement workshops," among other voting-centric activities. *Id.* at ¶ 30. "WWA runs a robust civic engagement program that includes Voting and Civil Rights Awareness Trainings..." *Id.* at ¶ 32. Delta Sigma Theta Sorority, Inc., alleges that "[c]ivic engagement has remained a core tenet" of the organization since its inception over 100 years ago. *Id.* at ¶ 34. Finally, LCF claims a core part of its mission is "the translation of materials, civic engagement training, voter education materials regarding absentee voting, early voting, and voting by drop box." *Id.* at ¶ 37.

Therefore, the allegations contained in the Complaint of new or added efforts are "precisely of the same nature as those that [the organizational Plaintiffs] engaged in before . . ." *GALEO*, 2020 U.S. Dist. LEXIS 211796 e

to vote will be burdened by SB 202.<sup>4</sup> [Doc. 1, ¶ 36]. To the extent it makes this allegation to establish associational standing, it fails. To establish associational standing, the Supreme Court has held that—at a minimum—“plaintiff-organizations [must] make specific allegations establishing that at least one *identified* member [has] suffered or [will] suffer harm.” *Summers v. Earth Island Institute*, 555 U.S. 488, 498 (2009) (emphasis added); *Republican Party v. SEC*, 888 F.3d 1198, 1203-05 (11th Cir. 2018) (overturning past precedent allowing associational standing to be proved without identifying specific members who will be harmed). Delta Sigma Theta has not done so.

In addition, any potential injury faced by its members is too speculative to support standing here because any injury is not concrete and particularized. *See Tsao v. Captiva MVP Rest. Partners, LLC.*, 986 F.3d 1332, 1339 (11th Cir. 2021); *Muransky v. Godiva Chocolatier, Inc.*, 979 F.3d 917, 931 (11th Cir. 2020) (en banc). Any injury to a member is based solely on a “highly attenuated chain of possibilities,” *Clapper*, 568 U.S. at 410, and cannot establish standing on an associational basis because the members do not have standing to sue in their own right. *United Food & Commer. Workers Union Local 751 v. Brown Grp.*,

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<sup>4</sup> While AME Church alleges it has

517 U.S. 544, 553, 116 S. Ct. 1529, 1534 (1996); *Wood*, 981 F.3d at 1314 (no concrete injury to individual voter); *Bognet v. Sec'y Pa.*, 980 F.3d 336, 356 (3d Cir. 2020) (same). For this reason, dismissal is also required.

Even if this Court found Plaintiffs have diverted resources sufficient to establish an injury, many of Plaintiffs' claims should be dismissed anyway because they cannot establish that the alleged injuries are traceable to State Defendants. To satisfy the causation requirement of standing, a plaintiff's injury must be "fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court." *Lujan*, 504 U.S. at 560. For example, Plaintiffs challenge language in SB 202 that "codifies the right to bring unlimited challenges" to voters' registration status. [Doc. 1, ¶ 216]. But such challenges are brought and heard at the county level. *See, e.g.* O.C.G.A. § 21-2-229, *et seq.* As a result, the Governor, the Secretary of State, and the State Election Board have no discretion under the law to alter or amend such processes. And a ruling from this Court instructing them to do so will not change that fact, because "it must be *the effect of the court's judgment on the defendant*—not an absent third party—that redresses the plaintiff's injury." *Lewis v. Governor of Ala.*, 944 F.3d

1287, 1301 (11th Cir. 2019) (en banc) (cleaned up and emphasis in original). Similarly, Plaintiffs' claims relating to the "rejection rate of absentee ballots" and alleged "long lines" at polling places are outside the scope of State Defendants' authority and, thus, this Court's capacity to redress here. *See*



(emphasis in original). To make out a valid vote-denial<sup>5</sup> claim, the Eleventh Circuit requires (1) proof of disparate impact (a law results in a denial or abridgement) and (2) that the disparate impact is *caused* by racial bias. *Id.*; see also *Northeast Ohio Coal. for the Homeless v. Husted*, 837 F.3d 612, 626-27 (6th Cir. 2016); *Dem. Nat'l Comm. v. Hobbs*, 948 F.3d 989, 1012 (9th Cir. 2020); *Veasey*, 830 F.3d at 243-245; *League of Women Voters*, 769 F.3d at 240.

2. *Intentional racial discrimination (Counts II and III).*

Plaintiffs bring two intentional-discrimination counts: under the Equal Protection Clause of the Fourteenth Amendment and under the Fifteenth Amendment. [Doc. 1, ¶¶ 248-253]. Plaintiffs must allege first that “the State’s decision or act had a discriminatory purpose and effect. . . . If Plaintiffs are unable to establish both intent *and* effect, their constitutional claims fail.” *Greater Birmingham Min.*, 992 F.3d at 1321 (cleaned up and emphasis in original). Only if Plaintiffs establish that the State’s act had a discriminatory intent or effect does “the burden shift[] to the law’s defenders to demonstrate that the law would have been enacted without this [racial-discrimination] factor.” *Id.* quoting *Hunter v. Underwood*, 471 U.S. 222, 228 (1985); see also

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<sup>5</sup> Unlike vote-dilution claims that challenge district boundaries, vote-denial claims challenge specific election practices. *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 239 (4th Cir. 2014); *Veasey v. Abbott*, 830 F.3d 216, 244 (5th Cir. 2016).





"reasonable in light of the purpose served by the forum': voting." *Id.* (quoting *Cornelius v. NAACP Legal Def. & Educ. Fund*, 473 U. S. 788, 806 (1985)). Further, there is "no requirement of narrow tailoring in a nonpublic forum." *Id.* at 1888.

Georgia's compelling interests in enacting SB 202 include: (1) "deterring and detecting voter fraud"; (2) "participating in a nationwide effort to improve . . . election procedures"; (3) "safeguarding voter confidence"; (4



absentee ballot applications.<sup>7</sup> [Doc. 1, ¶¶ 177-181, 244

2. Plaintiffs apparently do not challenge this provision as intentionally discriminatory or as a violation of the First Amendment.

3. *Identification requirements for casting absentee ballots.*

Plaintiffs make the same complaints about the requirement of using identification for the return of absentee ballots. [Doc. 1, ¶¶ 182-185, 244]. Like the allegations for absentee-ballot applications, Plaintiffs' allegations do not support an "unjustified leap from *the disparate inconveniences* that voters face when voting to *the denial or abridgement of the right to vote*" for purposes of a Section 2 claim. *Greater Birmingham Min.*, 992 F.3d at 1330 (cleaned up). Plaintiffs have also not alleged any burden on the right to vote that is not justified by the state's regulatory interests, *Crawford*, 553 U.S. at 181, and do not appear to be challenging this provision as intentionally discriminatory or a violation of the First Amendment.

4. *Parameters on the use of drop boxes.*

Plaintiffs also challenge "restrictions" on outdoor drop boxes, [Doc. 1, ¶¶ 186-193, 244]—a voting method that did not exist in Georgia law prior to SB 202 and was only *optional* in 2020 under an emergency rule designed as a temporary public-health measure due to the risks—known and unknown—posed by COVID-19. Ex. A at 5:113-118; Ga. Comp. R. & Regs. r. 183-1-14-0.8-.14; 183-1-14-0.10-.16; 183-1-14-.08-.14; *see also* O.C.G.A. § 50-13





the state's regulatory interests. *Common Cause*, 554 F.3d at 1354; *Gwinnett Cty. NAACP*, 446 F. Supp. 3d at 1124.

The claim of intimidation may be the closest Plaintiffs get to alleging that this claimed disparate impact from this provision of SB 202 "cause[s] the denial or abridgement of the right to vote on account of race." *Greater Birmingham Min.*, 992 F.3d at 1329. But they snq0.00000912 0l

timeline. *See* Code of Ala. §§ 17-13-8.1 (instant runoff voting ballots); 17-13-18 (runoff on fourth Tuesday after election). Plaintiffs' only complaint about this change is that it shortens the early-voting period, [Doc. 1, ¶ 221], but SB 202 leaves the current early-voting period for four-week runoffs in place—it just provides for *all* runoffs to be held then. Additionally, there is no right to early voting and any changes are only minimally burdensome. *Ohio Democratic Party*, 834 F.3d at 631. As a result, the State's interests in "easing the burden on election officials and on electors," Ex. A at 5:119-6:122, more than justify the changes. *See Green v. Mortham*, 155 F.3d 1332, 1335 (11th Cir. 1998).

Further, Plaintiffs make only a passing reference to this change having any disparate impact on minority voters, [Doc. 1, ¶ 201], dooming any Section 2 claim. *Greater Birmingham Min.*, 992 F.3d at 1329. Plaintiffs apparently do not challenge this provision as intentionally discriminatory or as a violation of the First Amendment.

6. *Ban on giving anything of value inside the 150-foot zone.*

Plaintiffs spend a large portion of their Complaint focused on the prohibition on third parties giving anything of value to voters in line. [Doc. 1, ¶¶ 195-197]. The General Assembly explained that "many groups" approached voters in line during the 2020 elections and clarified the rules around electioneering within 150 feet of a polling place because of the importance of

“[p]rotecting electors from improper interference, political pressure, or intimidation while waiting in line to vote.” Ex. A at 6:126-129. Otherwise, offering or approaching voters with things of value almost certainly would be or could be seen as a pretext (or worse) for buying votes or conducting unlawful electioneering.<sup>12</sup> This is not unusual among states—New York has a similar prohibition on providing food or drink to voters, NY CLS Elec § 17-140, and the Supreme Court has recognized that campaign speech can be restricted near



voters who vote out of precinct “add to the burden on election officials and lines for other electors because of the length of time it takes to process a provisional ballot in a precinct” and that not voting in the proper precinct prevents voters from voting “in all elections for which they are eligible,” Ex. A at 6:135-138. The statutory provision also explicitly permits the counting of out-of-precinct ballots for voters who cannot get to their home precinct before 7:00 P.M. *Id.* at 75:1914-1919. The sole allegation from Plaintiffs is that moving within the county is more likely to lead to appearing at the wrong precinct, [Doc. 1, ¶ 219]—but SB 202 expressly requires the voter to be *directed* to his or her correct precinct if it is before 5:00 P.M. Ex. A at 74:1902-75:1907. Given opportunities to vote ahead of Election Day and after 5:00 P.M. out of precinct



Respectfully submitted this 10th day of May, 2021.

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Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing Brief in Support of State Defendants' Motion to Dismiss has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/Bryan P. Tyson  
Bryan P. Tyson

# EXHIBIT A

Senate Bill 202

19 of their residence; to provide for the appointment of acting election superintendents in the event of a vacancy or incapacitation in the office of judge of the proba

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

65 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

66 **SECTION 1.**

67 This Act shall be known and may be cited as the "Election Integrity Act of 2021."

68

**SECTION 2.**

69 The General Assembly finds and declares that:

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

94 is no political advantage conferred by preferring certain counties over others in the  
95 distribution of funds;

96 (7) Elections in Georgia are administered by counties, but that can lead to problems for  
97 voters in counties with dysfunctional election systems. Counties with long-term problems  
98 of lines, problems with processing of absentee ballots, and other challenges in  
99 administration need accountability, but state officials are limited in what they are able to  
100 do to address those problems. Ensuring there is a mechanism to address local election  
101 problems will promote voter confidence and meet the goal of uniformity;

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

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

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

119 (11) The lengthy nine-week runoffs in 2020 were exhausting for candidates, donors, and  
120 electors. By adding ranked choice voting for military and overseas voters, the run-off

121 period can be shortened to a more manageable period for all involved, easing the burden  
122 on election officials and on electors;

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

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

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

135 (15) Electors voting out of precinct add to the burden on election officials and lines for  
136 other electors because of the length of time it takes to process a provisional ballot in a  
137 precinct. Electors should be directed to the correct precinct on election day to ensure that  
138 they are able to vote in all elections for which they are eligible;

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

144 (17) While each of the changes in this legislation in 2021 stands alone and is severable  
145 under Code Section 1-1-3, the changes in total reflect the General Assembly's considered  
146 judgment on the changes required to Georgia's election system to make it "easy to vote and



21

SB 202/AP

147 hard to cheat," applying the lessons learned from conducting an election in the 2020  
148 pandemic.

149

**SECTION 3.**

150 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
primaries generally, is amended by revising para

171 The Attorney General shall have the authority to establish and maintain a telephone hotline  
172 for the use of electors of this state to file complaints and allegations of voter intimidation  
173 and illegal election activities. Such hotline shall, in addition to complaints and reports  
174 from identified persons, also accept anonymous tips regarding voter intimidation and  
175 election fraud. The Attorney General shall have the authority to review each complaint or  
176 allegation of voter intimidation or illegal election activities within three business days or

197 call for the nomination and election of the chairperson at the time specified in the  
198 resolution, at which time the name of the qualified person receiving a majority vote of the  
199 membership of the House of Representatives shall be transmitted to the Senate for  
200 confirmation. Upon the qualified person's receiving a majority vote of the membership  
201 of the Senate, he or she shall be declared the duly elected chairperson; and the Governor  
202 shall be notified of his or her election by the Secretary of the Senate. The Governor is  
203 directed to administer the oath of office to the chairperson and to furnish the chairperson  
204 with a properly executed commission of office certifying his or her election.

205 (2) The chairperson of the board shall be nonpartisan. At no time during his or her  
206 service as chairperson shall the chairperson actively participate in a political party  
207 organization or in the campaign of a candidate for public office, nor shall he or she make  
208 any campaign contributions to a candidate for public office. Furthermore, to qualify for  
209 appointment as chairperson, in the two years immediately preceding his or her  
210 appointment, a person shall not have qualified as a partisan candidate for public office,  
211 participated in a political party organization or the campaign of a partisan candidate for  
212 public office, or made any campaign contributions to a partisan candidate for public  
213 office.

214 (3) The term of office of the chairperson shall continue until a successor is elected as  
215 provided in paragraph (1) of this subsection. In the event of a vacancy in the position of  
216 chairperson at a time when the General Assembly is not in session, it shall be the duty of  
217 the Governor and the Governor is empowered and directed to appoint a chairperson  
218 possessing the qualifications as provided in this subsection who shall serve as chairperson  
219 until the next regular session of the General Assembly, at which time the nomination and  
220 election of a chairperson shall be held by the General Assembly as provided in  
221 paragraph (1) of this subsection.

222 (b) A member elected by a house of the General Assembly shall take office on the day  
223 following the adjournment of the regular session in which elected and shall serve for a term

224 of two years and until his or her successor is elected and qualified, unless sooner removed.  
225 An elected member of the board may be removed at any time by a majority vote of the  
226 house which elected him or her. In the event a vacancy should occur in the office of such  
227 a member of the board at a time when the General Assembly is not in session, then the  
228 President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior  
229 incumbent of such office was elected by the Senate or appointed by the President of the

- 250 abolished if and when his or her political organization shall cease to be a 'political party'
- 251 as defined in Code Section 21-2-2.
- 252 (d) The Secretary of State shall be ~~the chairperson of the board~~ an ex officio nonvoting  
member of the board. Three voting

275 out the duties of the superintendent, including, but not limited to, the director of elections,  
276 the election supervisor, and all poll officers.

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

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

282

### **SECTION 7.**

283 Such chapter is further amended in Subpart 1 of Part 1 of Article 2, relating to the State

301 or if the petition should be dismissed. The State Election Board shall promulgate rules and

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



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

380 Act," to the contrary, the State Election Board may only adopt emergency rules or

405 21-2-36.

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

411

**SECTION 9.**

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

(c) The State Election Board shall study and report to the General Assembly a proposed

455 **SECTION 11.**

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

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

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

480 **SECTION 12.**

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

483 "Part 5

484 21-2-105.

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

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

490 21-2-106.

491 (a) The following officials may request that a performance review of a local election  
492 official be conducted:

- 493 (1) The governing authority of the same jurisdiction as the local election official;  
494 (2) For counties represented by more than three members of the Georgia House of  
495 Representatives and Georgia Senate, at least two members of the Georgia House of  
496 Representatives and two members of the Georgia Senate who represent the county; and  
497 (3) For counties represented by fewer than four members of the Georgia House of  
498 Representatives and Georgia Senate, at least one member of the Georgia House of  
499 Representatives and one member of the Georgia Senate who represent the county.

500 Such request shall be transmitted to the State Election Board which shall appoint an  
501 independent performance review board within 30 days after receiving such resolution. The  
502 State Election Board shall appoint three competent persons to serve as members of the  
503 performance review board, one of whom shall be an employee of the elections division of

504 the Secretary of State and two of whom shall be local election officials, provided that no  
505 such appointee shall be a local election official for the county or municipality, as  
506 applicable, under review.

507 (b) It shall be the duty of a performance review board to make a thorough and complete  
508 investigation of the local election official with respect to all actions of the local election  
509 official regarding the technical competency in the maintenance and operation of election  
510 equipment, proper administration and oversight of registration and elections, and  
511 compliance with state law and regulations. The performance review board shall issue a  
512 written report of its findings to the Secretary of State, the State Election Board, and the  
513 local governing authority which shall include such evaluations, judgments, and  
514 recommendations as it deems appropriate. The local governing authority shall reimburse  
515 the members of the performance review board for reasonable expenses incurred in the  
516 performance of their duties, including mileage, meals, lodging, and costs of materials.

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

520 21-2-107.

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

525 (b) The State Election Board shall appoint three competent persons to serve as members  
526 of the performance review board, one of whom shall be an employee of the elections

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530 (c) The performance review board shall issue a written report of its findings to the State  
531 Election Board and the Secretary of State and the applicable local governing authority,  
532 which shall include such evaluations, judgments, and recommendations as it deems  
533 appropriate. The local governing authority shall reimburse the members of the  
534 performance review board for reasonable expenses incurred in the performance of their  
535 duties, including mileage, meals, lodging, and costs of materials.

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

539 21-2-108.

540 The State Election Board shall promulgate such rules and regulations as may be necessary  
541 for the administration of this part."

542 **SECTION 13.**

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

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



554 **SECTION 14.**

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

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

566 **SECTION 15.**

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

570 "21-2-229.

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

577 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a  
578 hearing on such challenge within ten business days after serving notice of the challenge.  
579 Notice of the date, time, and place of the hearing shall be served upon the person whose

qualifications are being challenged along with a copy of such challenge and upon the

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

609 **SECTION 16.**

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

613 "21-2-230.

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

624 (b) Upon the filing of such challenge, the board of registrars shall immediately consider  
625 such challenge and determine whether probable cause exists to sustain such challenge. If  
625



659 (h) If the challenged elector appears at the polls to vote and it is practical to conduct a  
660 hearing on the challenge prior to the close of the polls, the registrars shall conduct such  
661 hearing and determine the merits of the challenge. If the registrars deny the challenge, the  
662 elector shall be permitted to vote in the election notwithstanding the fact that the polls may  
663 have closed prior to the time the registrars render their decision and the elector can actually  
664 vote, provided that the elector proceeds to vote immediately after the decision of the  
665 registrars. If the registrars uphold the challenge, the challenged elector shall not be  
666 permitted to vote and, if the challenge is based upon the grounds that the elector is not  
667 qualified to remain on the list of electors, the challenged elector's name shall be removed  
668 from the list of electors.

669 (i) If the challenged elector appears at the polls to vote and it is not practical to conduct  
670 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently  
671 find that a decision on the challenge cannot be rendered within a reasonable time, the  
672 challenged elector shall be permitted to vote by casting a challenged ballot on the same  
673 type of ballot that is used by the county or municipality for provisional ballots. Such  
674 challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code  
675 Section 21-2-419 and, after having the word 'Challenged,' the elector's name, and the  
676 alleged cause of the challenge written across the back of the outer envelope, the ballot shall  
677 be deposited by the person casting such ballot in a secure, sealed ballot box





735

**SECTION 19.**

736 Said chapter is further amended by revising subsection (a) of Code Section 21-2-265, relating  
737 to duty of superintendent to select polling places, change, petition objecting to proposed  
738 change, space for political parties holding primaries, facilities for disabled voters, selection  
739 of polling place outside precinct to better serve voters, and restriction on changing polling  
740 place on or near date of election, as follows:

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



758

**SECTION 20.**

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

762 "(a) In selecting polling places and advance voting locations, the superintendent of a  
763 county or the governing authority of a municipality shall select, wherever practicable and  
764 consistent with subsection (d) of Code Section 21-2-265, schoolhouses, municipal  
765 buildings or rooms, or other public buildings for that purpose. In selecting polling places  
766 and advance voting locations, the superintendent of a county or the governing authority of  
767 a municipality shall give consideration to the comfort and convenience those places to be  
768 selected will provide to both electors and poll officers. School, county, municipal, or other  
769 governmental authorities, upon request of the superintendent of a county or the governing  
770 authority of a municipality, shall make arrangements for the use of their property for  
771 polling places or advance voting locations; provided, however, that such use shall not  
772 substantially interfere with the use of such property for the purposes for which it is  
primarily intended.

"

805 **SECTION 20C.**

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

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

812 **SECTION 21.**

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

816 "21-2-285.1.

817 The names of all candidates for offices which the General Assembly has by general law or  
818 local Act provided for election in a nonpartisan election shall be printed on each official  
819 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan  
820 election shall be separated from the names of candidates for party nomination to other  
821 offices by being listed last on each ballot, with the top of that portion of each official  
822 primary ballot relating to the nonpartisan election to have printed in prominent type the  
823 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a  
824 ballot that contains just the official nonpartisan election ballot available for electors who  
825 choose not to vote in a party primary. Such ballot shall have printed at the top the name and  
826 designation of the precinct. Directions that explain how to cast a vote, how to write in a  
827 candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall  
828 appear immediately under the caption, as specified by rule or regulation of the State  
829 Election Board. Immediately under the directions, the name of each such nonpartisan  
830 candidate shall be arranged alphabetically by last name under the title of the office for

831 which they are candidates and be printed thereunder. The incumbency of a candidate  
832 seeking election for the public office he or she then holds shall be indicated on the ballot.  
833 No party designation or affiliation shall appear beside the name of any candidate for  
834 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting  
835 of write-in votes for such offices. In the event that no candidate in such nonpartisan  
836 election receives a majority of the total votes cast for such office, there shall be a  
837 nonpartisan election runoff between the candidates receiving the two highest numbers of  
838 votes; and the names of such candidates shall be placed on the official ballot at the general  
839 primary runoff in the same manner as prescribed in this Code section for the nonpartisan  
840 election and there shall be a separate official nonpartisan election ~~runoff~~ run-off ballot for  
841 those electors who do not choose or are not eligible to vote in the general primary runoff.  
842 In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form  
843 of the ballot shall be as prescribed by the Secretary of State or election superintendent in  
844 essentially the same format as prescribed for the nonpartisan election. Except as provided  
845 in subsection (g) of Code Section 21-2-134, the ~~The~~ candidate having a majority of the  
846 votes cast in the nonpartisan election or the candidate receiving the highest number of votes  
847 cast in the nonpartisan election runoff shall be declared duly elected to such office."

848

**SECTION 21A.**

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

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

855

**SECTION 21B.**

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

858 "21-2-287.

859 The form for the absentee ballot shall be in substantially the same form as the official  
860 ballots used in the precincts, except it shall be printed with only the name stub and without

877

**SECTION 23.**

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

880 "21-2-372.

881 Ballots shall be of suitable design, size, and stock to permit processing by a ballot scanner  
and shall be printed in black ink on clear, white, or colored material. Other than ballots

902 the State Election Board shall prescribe by rule or regulation. Public notice of the time and  
903 place of the test shall be made at least five days prior thereto; ~~provided, however, that, in~~  
904 ~~the case of a runoff, the public notice shall be made at least three days prior thereto. The~~  
905 superintendent of each county or municipality shall publish such notice on the homepage  
906 of the county's or municipality's publicly accessible website associated with elections, if  
907 the county or municipality maintains a publicly accessible website, and in a newspaper of  
908 general circulation in the county or municipality and by posting in a prominent location in  
909 the county or municipality. Such notice shall state the date, time, and place or places where  
910 preparation and testing of the voting system components for use in the primary or election  
911 will commence, that such preparation and testing shall continue from day to day until  
912 complete, and that representatives ~~Representatives~~ of political parties and bodies, news  
913 media, and the public shall be permitted to observe such tests. The superintendent of the  
914 county or municipality shall also provide such notice to the Secretary of State who shall  
915 publish on his or her website the information received from superintendents stating the  
916 dates, times, and locations for preparation and testing of voting system components.  
917 However, such representatives of political parties and bodies, news media, and the public  
918 shall not in any manner interfere with the preparation and testing of voting system  
919 components. The advertisement in the newspaper of general circulation shall be  
920 prominently displayed, shall not be less than 30 square inches, and shall not be placed in  
921 the section of the newspaper where legal notices appear."

922

**SECTION 25.**

923 Said chapter is further amended by revising Code Section 21-2-381, relating to making of  
924 application for absentee ballot, determination of eligibility by ballot clerk, furnishing of  
925 applications to colleges and universities, and persons entitled to make application, as follows:  
926 "21-2-381.

927 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219 or for advance  
928 voting described in subsection (d) of Code Section 21-2-385, not more earlier than 180  
929 78 days or less than 11 days prior to the date of the primary or election, or runoff of  
930 either, in which the elector desires to vote, any absentee elector may make, either by  
931 mail, by facsimile transmission, by electronic transmission, or in person in the  
932 registrar's or absentee ballot clerk's office, an application for an official ballot of the  
933 elector's precinct to be voted at such primary, election, or runoff. To be timely  
934 received, an application for an absentee-by-mail ballot shall be received by the board  
935 of registrars or absentee ballot clerk no later than 11 days prior to the primary, election,  
936 or runoff. For advance voting in person, the application shall be made within the time  
937 period set forth in subsection (d) of Code Section 21-2-385.

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

944 (C)(i) Any person applying for an absentee-by-mail ballot shall make application in  
945 writing on the form made available by the Secretary of State. In order to confirm the  
946 identity of the voter, such form shall require the elector to provide his or her name,  
947 date of birth, address as registered, address where the elector wishes the ballot to be  
948 mailed, and the number of his or her Georgia driver's license or identification card  
issued pursuant to Article 5 of Chap8 2n4ET940001 5Gor identificator identiem



954 include a space to affix a photocopy or electronic image of such identification. The  
955 Secretary of State shall develop a method to allow secure electronic transmission of  
956 such form. The application shall be in writing and shall contain sufficient information  
957 for proper identification of the elector; the permanent or temporary address of the  
958 elector to which the absentee ballot shall be mailed; also include the identity of the  
959 primary, election, or runoff in which the elector wishes to vote; and the name and  
960 relationship of the person requesting the ballot if other than the elector; and an oath  
961 for the elector or relative to write his or her usual signature with a pen and ink  
962 affirming that the elector is a qualified Georgia elector and the facts presented on the  
963 application are true. Submitting false information on an application for an absentee  
964 ballot shall be a violation of Code Sections 21-2-560 and 21-2-571.

965 (ii) A blank application for an absentee ballot shall be made available online by the  
966 Secretary of State and each election superintendent and registrar, but neither the  
967 Secretary of State, election superintendent, board of registrars, other governmental  
968 entity, nor employee or agent thereof shall send absentee ballot applications directly  
969 to any elector except upon request of such elector or a relative authorized to request  
970 an absentee ballot for such elector. No person or entity other than a relative  
971 authorized to request an absentee ballot for such elector or a person signing as  
972 assisting an illiterate or physically disabled elector shall send any elector an absentee  
973 ballot application that is prefilled with the elector's required information set forth in  
974 this subparagraph. No person or entity other than the elector, a relative authorized to  
975 request an absentee ballot for such elector, a person signing as assisting an illiterate  
976 or physically disabled elector with his or her application, a common carrier charged  
977 with returning the ballot application, an absentee ballot clerk, a registrar, or a law  
978 enforcement officer in the course of an investigation shall handle or return an elector's

981 a misdemeanor. Any application for an absentee ballot sent to any elector by any  
982 person or entity shall utilize the form of the application made available by the  
983 Secretary of State and shall clearly and prominently disclose on the face of the form:  
984 'This is NOT an official government publication and was NOT provided to you  
985 by any governmental entity and this is NOT a ballot. It is being distributed by  
986 [insert name and address of person, organization, or other entity distributing such

1007 person filling in the rest of the application shall sign such person's name below it as a  
1008 witness.

1009 (G) Any elector meeting criteria of advance age or disability specified by rule or  
1010 regulation of the State Election Board or any elector who is entitled to vote by absentee  
1011 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42  
1012 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application  
1013 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter  
1014 and for a primary as well as for any runoffs resulting therefrom and for the election for  
1015 which such primary shall nominate candidates as well as any runoffs resulting  
1016 therefrom. If not so requested by such person, a separate and distinct application shall  
1017 be required for each primary, run-off primary, election, and run-off election. Except  
1018 as otherwise provided in this subparagraph, a separate and distinct application for an  
1019 absentee ballot shall always be required for any special election or special primary.

1020 (2) A properly executed registration card submitted under the provisions of  
subsection go7r

1034 subparagraph if such person or entity relied upon information made available by the  
1035 Secretary of State within five business days prior to the date such applications are  
1036 mailed.

1037 (B) A person or entity in violation of subparagraph (A) of this paragraph shall be  
1038 subject to sanctions by the State Election Board which, in addition to all other possible  
1039 sanctions, may include requiring such person or entity to pay restitution to each affected  
1040 county or municipality in an amount up to \$100.00 per duplicate absentee ballot  
1041 application that is processed by the county or municipality due to such violation or the  
1042 actual cost incurred by each affected county or municipality for the processing of such  
1043 duplicate absentee ballot applications. Reserved.

1044 (4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar  
1045 or absentee ballot clerk shall determine if the applicants are eligible to vote under this  
1046 Code section and shall either mail or issue the absentee ballots for the election for  
1047 representative in the United States Congress to an individual entitled to make application  
1048 for absentee ballot under subsection (d) of this Code section the same day any such  
1049 application is received, so long as the application is received by 3:00 P.M., otherwise no  
1050 later than the next business day following receipt of the application. Any valid absentee  
1051 ballot shall be accepted and processed so long as the ballot is received by the registrar or  
1052 absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent  
1053 uniformed services voter or overseas voter, but in no event later than 11 days following  
1054 the date of the election.

1055 (b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee  
1056 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk  
1057 shall verify the identity of the applicant and determine, in accordance with the provisions  
1058 of this chapter, if the applicant is eligible to vote in the primary or election involved. In  
1059 order to ~~be found eligible to vote an absentee ballot by mail~~ verify the identity of the  
1060 applicant, the registrar or absentee ballot clerk shall compare the ~~identifying information~~



1088 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the  
1089 ~~signature~~ identifying information of the elector on the application and the ~~signature~~  
1090 identifying information of the elector on file with the board of registrars. In such cases,  
1091 the board of registrars or absentee ballot clerk shall send the elector a provisional  
1092 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and  
1093 information prepared by the Secretary of State as to the process to be followed to cure the  
1094 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee  
1095 ballot clerk prior to the closing of the polls on the day of the primary or election, the  
1096 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of  
1097 registrars or absentee ballot clerk along with a copy of one of the forms of identification  
1098 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for  
1099 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the  
1100 board of registrars or absentee ballot clerk finds the affidavit and identification to be  
1101 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of  
1102 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,  
1103 then the procedure contained in Code Section 21-2-386 shall be followed for rejected  
1104 absentee ballots.

1105 (4) If the registrar or clerk is unable to determine the identity of the elector from  
1106 information given on the application or if the application is not complete or if the oath on  
1107 the application is not signed, the registrar or clerk should promptly ~~write~~ contact the  
elector in writing

1115 to vote in such primary or election. ~~If the closing date for registration in the primary or~~  
1116 ~~election concerned has not passed, the clerk or registrar shall also mail a ballot to the~~  
1117 ~~applicant, as soon as it is prepared and available, and the ballot shall be cast in such~~  
1118 ~~primary or election if returned to the clerk or board not later than the close of the polls~~  
1119 ~~on the day of the primary or election concerned.~~

1120 (c) In those counties or municipalities in which the absentee ballot clerk or board of  
1121 registrars provides application forms for absentee ballots, the clerk or board shall provide  
1122 such quantity of the application form to the dean of each college or university located in  
1123 that county as said dean determines necessary for the students of such college or university.

1124 (d)(1) A citizen of the United States permanently residing outside the United States is  
1125 entitled to make application for an absentee ballot from Georgia and to vote by absentee  
1126 ballot in any election for presidential electors and United States senator or representative  
1127 in Congress:

1128 (A) If such citizen was last domiciled in Georgia immediately before his or her  
1129 departure from the United States; and

1130 (B) If such citizen could have met all qualifications, except any qualification relating  
1131 to minimum voting age, to vote in federal elections even though, while residing outside  
1132 the United States, he or she does not have a place of abode or other address in Georgia.

1133 (2) An individual is entitled to make application for an absentee ballot under paragraph  
1134 (1) of this subsection even if such individual's intent to return to Georgia may be  
1135 uncertain, as long as:

1136 (A) He or she has complied with all applicable Georgia qualifications and requirements  
1137 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for  
1138 and voting by absentee ballots;

1139 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting  
1140 in any other state or election district of a state or territory or in any territory or  
1141 possession of the United States; and





1168 courthouse or courthouse annex established within any such county shall be an additional  
1169 registrar's or absentee ballot clerk's office or place of registration for the purpose of  
1170 receiving absentee ballots under Code Section 21-2-381 and for the purpose of ~~voting~~  
1171 ~~absentee ballots~~ advance voting under Code Section 21-2-385.

1172 (c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box  
1173 as a means for absentee by mail electors to deliver their ballots to the board of registrars  
1174 or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish  
1175 additional drop boxes, subject to the limitations of this Code section, but may only  
1176 establish additional drop boxes totaling the lesser of either one drop box for every  
1177 100,000 active registered voters in the county or the number of advance voting locations  
1178 in the county. Any additional drop boxes shall be evenly geographically distributed by  
1179 population in the county. Drop boxes established pursuant to this Code section shall be  
1180 established at the office of the board of registrars or absentee ballot clerk or inside  
1181 locations at which advance voting, as set forth in subsection (d) of Code  
1182 Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be  
1183 open during the hours of advance voting at that location. Such drop boxes shall be closed  
1184 when advance voting is not being conducted at that location. All drop boxes shall be  
1185 closed when the advance voting period ends, as set forth in subsection (d) of Code  
1186 Section 21-2-385. The drop box location shall have adequate lighting and be under  
1187 constant surveillance by an election official or his or her designee, law enforcement  
1188 official, or licensed security guard. During an emergency declared by the Governor  
1189 pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the  
1190 board of registrars or absentee ballot clerk or outside of locations at which advance voting  
1191 is taking place, subject to the other limitations of this Code section.

1192 (2) The opening slot of a drop box shall not allow ballots to be tampered with or  
1193 removed and shall be designed to minimize the ability for liquid or other substances that  
1194 may damage ballots to be poured into the drop box. A drop box shall be labeled

1195 "OFFICIAL ABSENTEE BALLOT DROP BOX" and shall clearly display the signage  
1196 developed by the Secretary of State pertaining to Georgia law with regard to who is  
1197 allowed to return absentee ballots and destroying, defacing, or delaying delivery of  
1198 ballots.

1199 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and  
1200 return of ballots deposited at each drop box at the conclusion of each day where advance  
1201 voting takes place. Collection of ballots from a drop box shall be made by a team of at  
1202 least two people. Any person collecting ballots from a drop box shall have sworn an oath  
1203 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The  
1204 collection team shall complete and sign a ballot transfer form upon removing the ballots  
1205 from the drop box which shall include the date, time, location, number of ballots,  
1206 confirmation that the drop box was locked after the removal of the ballots, and the  
1207 identity of each person collecting the ballots. The collection team shall then immediately  
1208 transfer the ballots to the board of registrars or absentee ballot clerk, who shall process  
1209 and store the ballots in the same manner as absentee ballots returned by mail are  
1210 processed and stored. The board of registrars, absentee ballot clerk, or a designee of the  
1211 board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt  
1212 of the ballots from the collection team. Such form shall be considered a public record  
1213 pursuant to Code Section 50-18-70.

1214 (4) At the beginning of voting at each advance location where a drop box is present, the  
1215 manager of the advance voting location shall open the drop box and confirm on the  
1216 reconciliation form for that advance voting location that the drop box is empty. If the  
1217 drop box is not empty, the manager shall secure the contents of the drop box and  
1218 immediately inform the election superintendent, board of registrars, or absentee ballot  
1219 clerk, who shall inform the Secretary of State."



1247 ~~applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49~~  
1248 ~~days prior to such primary or election and not later than 45 days prior to a federal primary~~  
1249 ~~or election.~~ As additional applicants who submitted timely applications for an absentee  
1250 ballot are determined to be eligible, the board or clerk shall mail or issue official absentee  
1251 ballots to such additional applicants immediately upon determining their eligibility;  
1252 ~~provided, however, that no absentee ballot shall be mailed by the registrars or absentee~~  
1253 ~~ballot clerk on the day prior to a primary or election and provided, further, that no~~  
1254 ~~absentee ballot shall be issued on the day prior to a primary or election.~~ For all timely  
1255 received applications for absentee ballots, the board of registrars or absentee ballot clerk  
1256 shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection  
1257 as soon as possible upon determining their eligibility within the time periods set forth in  
1258 this subsection. During the period for advance voting set forth in Code Section 21-2-385,  
1259 the board of registrars or absentee ballot clerk shall make such determinations and mail  
1260 or issue absentee ballots, provisional absentee ballots, and notices of rejection of  
1261 application within three days after receiving a timely application for an absentee ballot.  
1262 The board of registrars or absentee ballot clerk shall, within the ~~same~~ time periods  
1263 specified in this subsection, electronically transmit official absentee ballots to all electors  
1264 who have requested to receive their official absentee ballot electronically and are entitled  
1265 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
1266 Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as amended.

1267 (3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date  
1268 a ballot is mailed or issued to an elector and the date it is returned shall be entered on the  
1269 application record therefor.

1270 (4) Notwithstanding any other provision of this chapter, an elector confined in a hospital  
1271 may make application for an absentee ballot ~~The delivery of an absentee ballot to a~~  
1272 ~~person confined in a hospital may be made by the registrar or clerk on the day of a~~  
1273 ~~primary or election or during a five-day~~ ten-day period immediately preceding the day

1274 of such primary or election. Such application shall immediately be processed and, if such  
1275 applicant is determined to be eligible, the board of registrars or absentee ballot clerk may  
1276 deliver the absentee ballot to such elector.

1277 (5) In the event an absentee ballot which has been mailed by the board of registrars or  
1278 absentee ballot clerk is not received by the applicant, the applicant may notify the board  
1279 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot  
1280 has not been received. The board of registrars or absentee ballot clerk shall then issue a  
1281 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit  
1282 shall be attached to the original application. A second application for an absentee ballot  
1283 shall not be required.

1284 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's  
1285 office, in addition to the mailing envelope addressed to the elector, the superintendent,  
1286 board of registrars, or absentee ballot clerk shall provide two envelopes for each official  
1287 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in  
1288 order to permit the placing of one within the other and both within the mailing envelope.  
1289 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed  
1290 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the  
1291 two envelopes to be enclosed within the mailing envelope shall ~~be printed~~ contain the form  
1292 of oath of the elector and the oath for persons assisting electors, as provided for in Code  
1293 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,  
1294 21-2-579, and 21-2-599 for violations of oaths; ~~and on a place for the elector to print his~~  
1295 or her name; a signature line; a space for the elector to print the number of his or her

1301 Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5  
1302 of Title 40. The envelope shall be designed so that the number of the elector's Georgia  
1303 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40,  
1304 the last four digits of the elector's social security number, and the elector's date of birth  
1305 shall be hidden from view when the envelope is correctly sealed. Any person other than  
1306 the elector who requested the ballot, an authorized person who is assisting the elector

1328 of age, or any child under 12 years of age and that the elector will not permit any  
1329 unauthorized person to deliver or return the voted ballot to the board of registrars. The  
1330 uniform instructions shall include a list of authorized persons who may deliver or return  
1331 the voted ballot to the board of registrars on behalf of the elector as provided in subsection  
1332 (a) of Code Section 21-2-385. The uniform instructions shall include the contact  
1333 information of the Secretary of State which may be used by the elector to report any  
1334 unauthorized person requesting to observe the elector voting his or her ballot or the  
1335 elector's voted ballot or any unauthorized person offering to deliver or return the voted  
1336 ballot to the board of registrars.

1337 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially  
1338 the following form:

1339 I, the undersigned, do swear (or affirm) under penalty of false swearing that I am a  
1340 citizen of the United States and of the State of Georgia; that I possess the qualifications  
1341 of an elector required by the laws of the State of Georgia; that I am entitled to vote in  
1342 the precinct containing my residence in the primary or election in which this ballot is  
1343 to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed  
1344 any other absentee ballot, nor will I mark or mail another absentee ballot for voting in  
1345 such primary or election; nor shall I vote therein in person; and that I have read and  
1346 understand the instructions accompanying this ballot; ~~and~~ that I have carefully complied  
1347 with such instructions in completing this ballot; that I have marked and sealed this  
1348 ballot in private and have not allowed any unauthorized person to observe the voting  
1349 of this ballot or how this ballot was voted except those authorized under state and  
1350 federal law; and that I will not give or transfer this ballot to any person not authorized  
1351 by law to deliver or return absentee ballots. I understand that the offer or acceptance  
1352 of money or any other object of value to vote for any particular candidate, list of  
1353 candidates, issue, or list of issues included in this election constitutes an act of voter  
1354 fraud and is a felony under Georgia law.

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Signature or Mark of Elector

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1378 (2) In the case of absent uniformed services or overseas voters, if the presidential  
1379 designee under Section 705(b) of the federal Help America Vote Act promulgates a  
1380 standard oath for use by such voters, the Secretary of State shall be required to use such

- 1404 (3) Such special absentee run-off ballots for the general election shall list the titles of all  
1405 offices being contested at the general election and the candidates qualifying for such  
1406 general election for each office and shall permit the elector to vote in the general election  
1407 runoff by indicating his or her order of preference for each candidate for each office.  
1408 (4) To indicate order of preference for each candidate for each office to be voted on, an  
elector shall put the nmiit the ectio'03t order of preference for each

1431 electronic transmission for all electors who are entitled to vote by absentee ballot under  
1432 the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.  
1433 Section ~~20302~~ 20301, et seq., as amended, and by which such electors may designate  
1434 whether the elector prefers the transmission of such ballots by mail or electronically, for

1457 elector who requested the ballot, the elector shall print the number of his or her Georgia  
1458 driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of  
1459 Title 40 in the space provided on the outer oath envelope. The elector shall also print his  
1460 or her date of birth in the space provided in the outer oath envelope. If the elector does not  
1461 have a Georgia driver's license or state identification card issued pursuant to Article 5 of  
1462 Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath  
1463 envelope and print the last four digits of his or her social security number in the space  
1464 provided on the outer oath envelope. If the elector does not have a Georgia driver's license,  
1465 identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security  
1466 number, the elector shall so affirm in the space provided on the outer oath envelope and  
1467 place a copy of one of the forms of identification set forth in subsection (c) of Code  
1468 Section 21-2-417 in the outer envelope. Such envelope shall then be securely sealed and  
1469 the elector shall then personally mail or personally deliver same to the board of registrars  
1470 or absentee ballot clerk, provided that mailing or delivery may be made by the elector's  
1471 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,  
1472 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,  
1473 brother-in-law, sister-in-law, or an individual residing in the household of such elector.  
1474 The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of  
1475 such disabled elector, regardless of whether such caregiver resides in such disabled  
1476 elector's household. The absentee ballot of an elector who is in custody in a jail or other  
1477 detention facility may be mailed or delivered by any employee of such jail or facility  
1478 having custody of such elector. An elector who is confined to a hospital on a primary or  
1479 election day to whom an absentee ballot is delivered by the registrar or absentee ballot  
1480 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or  
1481 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail  
1482 and has not previously provided the identification required by Code Section 21-2-220 and  
1483 votes for the first time by absentee ballot and fails to provide the identification required by

1484 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as  
 1485 a provisional ballot and shall be counted only if the registrars are able to verify the  
 1486 identification and registration of the elector during the time provided pursuant to Code  
 1487 Section 21-2-419."

1488 "(d)(1) There shall be a period of advance voting that shall commence:

1489 (A) On the fourth Monday immediately prior to each primary or election; and

1490 ~~(B) On the fourth Monday immediately prior to a runoff from a general primary;~~

1491 ~~(C) On the fourth Monday immediately prior to a runoff from a general election in~~  
 1492 ~~which there are candidates for a federal office on the ballot in the runoff; and~~

1493 ~~(D)~~(B) As soon as possible prior to a runoff from any other general primary or election  
 1494 ~~in which there are only state or county candidates on the ballot in the runoff~~ but no later  
 1495 than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election,97.4ch runoff.J13.02 0 0

1511 on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending  
1512 at 5:00 P.M. Except as otherwise provided in this paragraph, ~~counties and municipalities~~  
the registrars may extend the hours for voting beyond regular business hours

1537 been published shall be published as soon as possible in the same manner set forth in this  
1538 paragraph.

1539 (e) On each day of an absentee voting period, each county board of registrars or  
1540 municipal absentee ballot clerk shall report for the county or municipality to the Secretary  
1541 of State and post on the county or municipal website, or if the county or municipality  
1542 does not maintain such a website, a place of public prominence in the county or  
1543 municipality, not later than 10:00 A.M. on each business day the number of persons to  
1544 whom absentee ballots have been issued, the number of persons who have returned  
1545 absentee ballots, and the number of absentee ballots that have been rejected.  
1546 Additionally, on each day of an advance voting period, each county board of registrars  
1547 or municipal absentee ballot clerk shall report to the Secretary of State and post on the  
1548 county or municipal website, or if the county or municipality does not maintain such a  
1549 website, a place of public prominence in the county or municipality, not later than 10:00  
1550 A.M. on each business day the number of persons who have voted at the advance voting  
1551 sites in the county or municipality. During the absentee voting period and for a period  
1552 of three days following a primary, election, or runoff, each county board of registrars or  
1553 municipal absentee ballot clerk shall report to the Secretary of State and post on the  
1554 county or municipal website, or if the county or municipality does not maintain such a  
1555 website, a place of public prominence in the county or municipality, not later than 10:00  
1556 A.M. on each business day the number of persons who have voted provisional ballots, the  
1557 number of provisional ballots that have verified or cured and accepted for counting, and  
1558 the number of provisional ballots that have been rejected."

1559 **SECTION 29.**

1560 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,  
1561 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to

1562 manager, duties of managers, precinct returns, and notification of challenged elector, as  
1563 follows:

1564 "21-2-386.

1565 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,  
1566 and stored in a manner that will prevent tampering and unauthorized access all official  
1567 absentee ballots received from absentee electors prior to the closing of the polls on the  
1568 day of the primary or election except as otherwise provided in this subsection.

1569 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
1570 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
1571 number of the elector's Georgia driver's license number or state identification card  
1572 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the  
1573 absentee ballot envelope identifying information on the oath with the same information  
1574 ~~on file in his or her office, shall compare the signature or mark on the oath with the~~  
1575 ~~signature or mark on the absentee elector's voter registration card or the most recent~~  
1576 ~~update to such absentee elector's voter registration card and application for absentee~~  
1577 ~~ballot or a facsimile of said signature or mark taken from said card or application, and~~  
1578 ~~shall, if the information and signature appear to be valid and other identifying~~  
1579 ~~information appears to be correct, contained in the elector's voter registration records.~~  
1580 If the elector has affirmed on the envelope that he or she does not have a Georgia  
1581 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of  
1582 Title 40, the registrar or clerk shall compare the last four digits of the elector's social  
1583 security number and date of birth entered on the envelope with the same information  
1584 contained in the elector's voter registration records. The registrar or clerk shall also  
1585 confirm that the elector signed the oath and the person assisting the elector, if any,  
1586 signed the required oath. If the elector has signed the elector's oath, the person assisting  
1587 has signed the required oath, if applicable, and the identifying information entered on  
1588 the absentee ballot envelope matches the same information contained in the elector's



1589 voter registration record, the registrar or clerk shall so certify by signing or initialing  
1590 his or her name below the voter's oath. Each elector's name so certified shall be listed  
1591 by the registrar or clerk on the numbered list of absentee voters prepared for his or her  
1592 precinct.

1593 (C) If the elector has failed to sign the oath, or if the ~~signature~~ identifying information  
1594 entered on the absentee ballot envelope does not ~~appear to be valid~~ match the same  
1595 information appearing in the elector's voter registration record, or if the elector has  
1596 failed to furnish required information or information so furnished does not conform  
1597 with that on file in the registrar's or clerk's office, or if the elector is otherwise found  
1598 disqualified to vote, the registrar or clerk shall write across the face of the envelope  
1599 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk  
1600 shall promptly notify the elector of such rejection, a copy of which notification shall be  
1601 retained in the files of the board of registrars or absentee ballot clerk for at least two  
1602 years. Such elector shall have until the end of the period for verifying provisional  
1603 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem  
1604 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,  
1605 ~~an invalid signature~~ nonmatching identifying information, or missing information by  
1606 submitting an affidavit to the board of registrars or absentee ballot clerk along with a  
1607 copy of one of the forms of identification enumerated in subsection (c) of Code  
1608 Section 21-2-417 before the close of such period. The affidavit shall affirm that the  
1609 ballot was submitted by the elector, is the elector's ballot, and that the elector is  
1610 registered and qualified to vote in the primary, election, or runoff in question. If the  
1611 board of registrars or absentee ballot clerk finds the affidavit and identification to be  
1612 sufficient, the absentee ballot shall be counted.

1613 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
1614 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
1615 ballot shall include with his or her application for an absentee ballot or in the outer oath

1616 envelope of his or her absentee ballot either one of the forms of identification listed in  
1617 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
1618 statement, government check, paycheck, or other government document that shows the  
1619 name and address of such elector. If such elector does not provide any of the forms of  
1620 identification listed in this subparagraph with his or her application for an absentee  
1621 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
1622 provisional ballot and such ballot shall only be counted if the registrars are able to  
1623 verify current and valid identification of the elector as provided in this subparagraph  
1624 within the time period for verifying provisional ballots pursuant to Code  
1625 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify  
1626 the elector that such ballot is deemed a provisional ballot and shall provide information  
1627 on the types of identification needed and how and when such identification is to be  
1628 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

1629 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
1630 absentee electors, giving the name of the elector and the reason for the rejection in each  
1631 case. Three copies of the numbered list of certified absentee voters and three copies of  
1632 the numbered list of rejected absentee voters for each precinct shall be turned over to  
1633 the poll manager in charge of counting the absentee ballots and shall be distributed as  
1634 required by law for numbered lists of voters.

1635 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
1636 of the polls on the day of the primary or election shall be safely kept unopened by the  
1637 board or absentee ballot clerk and then transferred to the appropriate clerk for storage  
1638 for the period of time required for the preservation of ballots used at the primary or

1643 or election. All such late absentee ballots shall be delivered to the appropriate clerk and  
1644 stored as provided in Code Section 21-2-390.

1645 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
1646 States Department of Defense notifies the Secretary of State that the Department of  
1647 Defense has implemented a system of expedited absentee voting for those electors  
1648 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
1649 eligible absentee electors who reside outside the county or municipality in which the  
1650 primary, election, or runoff is held and are members of the armed forces of the United  
1651 States, members of the merchant marine of the United States, spouses or dependents of  
1652 members of the armed forces or merchant marine residing with or accompanying such  
1653 members, or overseas citizens that are postmarked by the date of such primary, election,  
1654 or runoff and are received within the three-day period following such primary, election,  
1655 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and  
1656 included in the certified election results.

1657 ~~(2)(A) Beginning at 8:00 A.M. on the third Monday prior to~~ After the opening of the  
1658 ~~polls on the day of the primary, election, or runoff, the registrars or absentee ballot~~  
1659 ~~clerks~~ election superintendent shall be authorized to open the outer oath envelope ~~on~~  
1660 ~~which is printed the oath of the elector~~ of absentee ballots that have been verified and  
1661 accepted pursuant to subparagraph (a)(1)(B) of this Code section, in such a manner as  
1662 ~~not to destroy the oath printed thereon; provided, however, that the registrars or~~  
1663 ~~absentee ballot clerk shall not be authorized to~~ remove the contents of such outer  
1664 envelope, ~~or to~~ open the inner envelope marked 'Official Absentee Ballot,' ~~except as~~  
1665 ~~otherwise provided in this Code section~~ and scan the absentee ballot using one or more  
1666 ballot scanners. At least three persons who are registrars, deputy registrars, poll  
1667 workers, or absentee ballot clerks must be present before commencing; and three  
1668 persons who are registrars, deputy registrars, or absentee ballot clerks shall be present  
1669 at all times while the ~~outer~~ absentee ballot envelopes are being opened and the absentee

1670 ballots are being scanned. After opening the outer envelopes, the ballots shall be safely  
1671 and securely stored until the time for tabulating such ballots. However, no person shall  
1672 tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot  
1673 scanner or any other equipment to produce any tally or tabulate, partial or otherwise,  
1674 of the absentee ballots cast until the time for the closing of the polls on the day of the  
1675 primary, election, or runoff except as provided in this Code section. Prior to beginning  
1676 the process set forth in this paragraph, the superintendent shall provide written notice  
1677 to the Secretary of State in writing at least seven days prior to processing and scanning  
1678 absentee ballots. Such notice shall contain the dates, start and end times, and location  
1679 or locations where absentee ballots will be processed and scanned. The superintendent  
1680 shall also post such notice publicly in a prominent location in the superintendent's office  
1681 and on the home page of the county election superintendent's website, if the county  
1682 election superintendent maintains such a website. The Secretary of State shall publish  
1683 on his or her website the information he or she receives from superintendents stating  
1684 the dates, times, and locations where absentee ballots will be processed.  
1685 (B) The proceedings set forth in this paragraph shall be open to the view of the public,  
1686 but no person except one employed and designated by the superintendent shall touch  
1687 any ballot or ballot container. Any person involved in processing and scanning  
1688 absentee ballots shall swear an oath, in the same form as the oath for poll officers  
1689 provided in Code Section 21-2-95, prior to beginning the processing and scanning of  
1690 absentee ballots. The county executive committee or, if there is no organized county

1697 writing the chief judge of the superior court of the county who shall appoint two  
1698 electors of the county to monitor such process. While viewing or monitoring the  
1699 process set forth in this paragraph, monitors and observers shall be prohibited from:

1700 (i) In any way interfering with the processing or scanning of absentee ballots or the  
1701 conduct of the election;

1702 (ii) Using or bringing into the room any photographic or other electronic monitoring  
1703 or recording devices, cellular telephones, or computers;

1704 (iii) Engaging in any form of campaigning or campaign activity;

1705 (iv) Taking any action that endangers the secrecy and security of the ballots;

1706 (v) Touching any ballot or ballot container;

1707 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,  
1708 whether partial or otherwise, any of the votes on the absentee ballots cast; and

1709 (vii) Communicating any information that they see while monitoring the processing  
1710 and scanning of the absentee ballots, whether intentionally or inadvertently, about any  
1711 ballot, vote, or selection to anyone other than an election official who needs such  
1712 information to lawfully carry out his or her official duties.

1713 (C) The State Election Board shall promulgate rules requiring reconciliation  
1714 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes  
1715 are opened; secrecy of election results prior to the closing of the polls on the day of a  
1716 primary, election, or runoff; and other protections to protect the integrity of the process  
1717 set forth in this paragraph.

1718 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
1719 day of the primary, election, or runoff ~~open the inner envelopes in accordance with the~~  
1720 ~~procedures prescribed in this subsection~~ and begin tabulating the absentee ballots. If the  
1721 county election superintendent chooses to open the inner envelopes and begin tabulating  
1722 such ballots prior to the close of the polls on the day of the primary, election, or runoff,  
1723 the superintendent shall notify in writing, at least seven days prior to the primary,

1724 election, or runoff, the Secretary of State of the superintendent's intent to begin the  
1725 absentee ballot tabulation prior to the close of the polls. The county executive committee  
1726 or, if there is no organized county executive committee, the state executive committee of  
1727 each political party and political body having candidates whose names appear on the  
1728 ballot for such election in such county shall have the right to designate two persons and  
1729 each independent and nonpartisan candidate whose name appears on the ballot for such  
1730 election in such county shall have the right to designate one person to act as monitors for  
1731 such process. In the event that the only issue to be voted upon in an election is a  
1732 referendum question, the superintendent shall also notify in writing the chief judge of the  
1733 superior court of the county who shall appoint two electors of the county to monitor such  
1734 process.

1735 (4) The county election superintendent shall publish a written notice in the  
1736 superintendent's office of the superintendent's intent to begin the absentee ballot  
1737 tabulation prior to the close of the polls and publish such notice at least one week prior  
1738 to the primary, election, or runoff in the legal organ of the county.

1739 (5) The process for opening ~~the inner~~ absentee ballot envelopes, scanning absentee  
1740 ballots, ~~of~~ and tabulating absentee ballots on the day of a primary, election, or runoff as  
1741 provided in this subsection shall be ~~a confidential process~~ conducted in a manner to  
1742 maintain the secrecy of all ballots and to protect the disclosure of any balloting  
1743 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated  
1744 before 7:00 A.M. on the day of a primary, election, or runoff.

1745 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,  
1746 election, or runoff, including the vote review panel required by Code Section 21-2-483,  
1747 and all monitors and observers shall be sequestered until the time for the closing of the  
1748 polls. All such persons shall have no contact with the news media; shall have no contact  
1749 with other persons not involved in monitoring, observing, or conducting the tabulation;  
1750 shall not use any type of communication device including radios, telephones, and cellular

1751 telephones; shall not utilize computers for the purpose of ~~e-mail~~ email, instant messaging,  
 1752 or other forms of communication; and shall not communicate any information concerning  
 1753 the tabulation until the time for the closing of the polls; provided, however, that  
 1754 supervisory and technical assistance personnel shall be permitted to enter and leave the  
 1755 area in which the tabulation is being conducted but shall not communicate any  
 1756 information concerning the tabulation to anyone other than the county election  
 1757 superintendent; the staff of the superintendent; those persons conducting, observing, or  
 1758 monitoring the tabulation; and those persons whose technical assistance is needed for the  
 1759 tabulation process to operate.

1760 (7) The absentee ballots shall be tabulated in accordance with the procedures of this  
 1761 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be  
 1762 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,  
 1763 for security. The persons conducting the tabulation of the absentee ballots shall not cause  
 1764 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes  
 1765 cast until the time for the closing of the polls except as otherwise provided in this Code  
 1766 section.

1767 (b) When requested by the superintendent, but not earlier than the third Monday prior to  
 1768 a primary, election, or runoff ~~As soon as practicable after 7:00 A.M. on the day of the~~  
 1769 ~~primary, election, or runoff, in precincts other than those in which optical scanning~~  
 1770 ~~tabulators are used~~, a registrar or absentee ballot clerk shall deliver the official absentee  
 1771 ballot of each certified absentee elector, each rejected absentee ballot, applications for such  
 1772 ballots, and copies of the numbered lists of certified and rejected absentee electors to the  
 1773 ~~manager in charge of the absentee ballot precinct of the county or municipality, which shall~~  
 1774 ~~be located in the precincts containing the county courthouse or polling place designated by~~  
 1775 ~~the municipal superintendent. In those precincts in which optical scanning tabulators are~~  
 1776 ~~used, such absentee ballots shall be taken to the tabulation center or other place~~ location  
 1777 designated by the superintendent, and the superintendent or official receiving such absentee

1778 ballots shall issue his or her receipt therefor. ~~Except as otherwise provided in this Code~~  
1779 ~~section, in no event shall the counting of the ballots begin before the polls close.~~  
1780 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened  
1781 and tabulated as provided in this Code section. ~~A Except as otherwise provided in this~~



1804 election at 5:00 P.M., the State Election Board may convene an independent performance  
1805 review board pursuant to Code Section 21-2-107.

1806 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
1807 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer  
1808 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted  
1809 as other challenged ballots are counted. Where direct recording electronic voting systems  
1810 are used for absentee balloting and a challenge to an elector's right to vote is made prior to  
1811 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot  
1812 and such ballot shall be handled as provided in this subsection. The board of registrars or  
1813 absentee ballot clerk shall promptly notify the elector of such challenge.

1814 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose  
1815 or for any person to receive any information regarding the results of the tabulation of

1829 **SECTION 31.**

1830 Said chapter is further amended in Code Section 21-2-403, relating to time for opening and  
1831 closing of polls, by redesignating the existing text as subsection (a) and adding a new  
1832 subsection to read as follows:

1833 "(b) Poll hours at a precinct may be extended only by order of a judge of the superior court  
1834 of the county in which the precinct is located upon good cause shown by clear and  
1835 convincing evidence that persons were unable to vote at that precinct during a specific  
1836 period or periods of time. Poll hours shall not be extended longer than the total amount of  
1837 time during which persons were unable to vote at such precinct. Any order extending poll  
1838 hours at a precinct beyond 9:00 P.M. shall be by written order with specific findings of fact  
1839 supporting such extension."

1840 **SECTION 32.**

1841 Said chapter is further amended by revising subsections (c) and (e) of Code  
1842 Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with  
1843 election, reports by poll watchers of infractions or irregularities, and ineligibility of  
1844 candidates to serve as poll watchers, as follows:

1845 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems  
1846 or optical scanning voting systems, each political party may appoint two poll watchers in  
1847 each primary or election, each political body may appoint two poll watchers in each  
1848 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan  
1849 election, and each independent candidate may appoint one poll watcher in each election to  
1850 serve in the locations designated by the superintendent within the tabulating center. Such  
1851 designated locations shall include the check-in area, the computer room, the duplication  
1852 area, and such other areas as the superintendent may deem necessary to the assurance of  
1853 fair and honest procedures in the tabulating center. The locations designated by the  
1854 superintendent shall ensure that each poll watcher can fairly observe the procedures set



1881 (3) Within 25 feet of any voter standing in line to vote at any polling place.  
1882 These restrictions shall not apply to conduct occurring in private offices or areas which  
1883 cannot be seen or heard by such electors."  
1884 "(e) This Code section shall not be construed to prohibit a poll officer from distributing  
1885 materials, as required by law, which are necessary for the purpose of instructing electors  
1886 or from distributing materials prepared by the Secretary of State which are designed solely  
1887 for the purpose of encouraging voter participation in the election being conducted or from  
1888 making available self-service water from an unattended receptacle to an elector waiting in  
1889 line to vote."

1890 **SECTION 34.**

1891 Said chapter is further amended by revising subsections (a) and (b) of Code  
1892 Section 21-2-418, relating to provisional ballots, as follows:

1893 "(a) If a person presents himself or herself at a polling place, absentee polling place, or  
1894 registration office in his or her county of residence in this state for the purpose of casting  
1895 a ballot in a primary or election stating a good faith belief that he or she has timely  
1896 registered to vote in such county of residence in such primary or election and the person's  
1897 name does not appear on the list of registered electors, the person shall be entitled to cast  
1898 a provisional ballot in his or her county of residence in this state as provided in this Code  
1899 section. If the person presents himself or herself at a polling place in the county in which  
1900 he or she is registered to vote, but not at the precinct at which he or she is registered to  
1901 vote, the poll officials shall inform the person of the polling location for the precinct where  
1902 such person is registered to vote. The poll officials shall also inform such person that any  
votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast

1906 by the poll official, stating that he or she is unable to vote at his or her correct polling place  
1907 prior to the closing of the polls and giving the reason therefor.

1908 (b) Such person voting a provisional ballot shall complete an official voter registration  
1909 form and a provisional ballot voting certificate which shall include information about the  
1910 place, manner, and approximate date on which the person registered to vote. The person  
1911 shall swear or affirm in writing that he or she previously registered to vote in such primary  
1912 or election, is eligible to vote in such primary or election, has not voted previously in such  
1913 primary or election, and meets the criteria for registering to vote in such primary or  
1914 election. If the person is voting a provisional ballot in the county in which he or she is  
1915 registered to vote but not at the precinct in which he or she is registered to vote during the  
1916 period from 5:00 P.M. to the regular time for the closing of the polls on the day of the  
1917 primary, election, or runoff, the person shall execute a sworn statement, witnessed by the  
1918 poll official, stating that he or she is unable to vote at his or her correct polling place prior  
1919 to the closing of the polls and giving the reason therefor. The form of the provisional ballot  
1920 voting certificate shall be prescribed by the Secretary of State. The person shall also  
1921 present the identification required by Code Section 21-2-417."

1922

**SECTION 35.**

1923 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of  
1924 provisional ballots and reporting to Secretary of State, as follows:

1925 "21-2-419.

1926 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the  
1927 county or municipality. Such provisional ballot shall be sealed in double envelopes as  
1928 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot  
in a secure, such b7sy1 Tox419.

1932 of registrars of the county or municipality, as the case may be, shall be notified by the  
1933 election superintendent that provisional ballots were cast in the primary or election and the  
1934 registrars shall be provided with the documents completed by the person casting the  
1935 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be  
1936 securely maintained by the election superintendent until a determination has been made  
1937 concerning their status. The board of registrars shall immediately examine the information  
1938 contained on such documents and make a good faith effort to determine whether the person  
1939 casting the provisional ballot was entitled to vote in the primary or election. Such good  
1940 faith effort shall include a review of all available voter registration documentation,  
1941 including registration information made available by the electors themselves and  
1942 documentation of modifications or alterations of registration data showing changes to an  
1943 elector's registration status. Additional sources of information may include, but are not

1959 required by subsection (b) of Code Section 21-2-418. The superintendent shall count  
 1960 such person's votes which were cast for candidates in those races for which the person  
 1961 was entitled to vote but shall not count the votes cast for candidates in those races in  
 1962 which such person was not entitled to vote. The superintendent shall order the proper  
 1963 election official at the tabulating center or precinct to prepare an accurate duplicate ballot  
 1964 containing only those votes cast by such person in those races in which such person was  
 1965 entitled to vote for processing at the tabulating center or precinct, which shall be verified  
 1966 in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word  
 1967 'Duplicate,' shall bear the designation of the polling place, and shall be given the same  
 1968 serial number as the original ballot. The original ballot shall be retained and the sworn  
 1969 statement required by subsection (b) of Code Section 21-2-418 shall be transmitted to the  
 1970 Secretary of State with the certification documents required by paragraph (4) of  
 1971 subsection (a) of Code Section 21-2-497 and such statement shall be reviewed by the  
 1972 State Election Board.

1973 (3) If the registrars determine that the person casting the provisional ballot did not timely  
 1974 register to vote or was not eligible or entitled to vote in the precinct in which he or she  
 1975 voted in such primary or election or shall be unable to determine within three days

tion 5r Tol (o) l n g s T i c h ( p r i m a r y o r e l e c t i o n ) w h e n t h e r e s u l t s a r e s u b m i t t e d p e r s o n t i m e l y r e g i s t e r e d T i t l e 2 2 c v 7 . m j T 1 0 3 . 0 2 3 8 . 6 4 4 2

1986 registrars shall process the official voter registration form completed by such persons  
1987 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found  
1988 qualified.

1989 (2) At the earliest time possible after a determination is made regarding a provisional  
1990 ballot, the board of registrars shall notify in writing those electors who voted in the wrong  
1991 precinct and whose votes were partially counted of their correct precinct.

1992 (e) The board of registrars shall complete a report in a form designated by the Secretary  
1993 of State indicating the number of provisional ballots cast and counted in the primary or  
1994 election."

1995 **SECTION 36.**

1996 Said chapter is further amended in Part 1 of Article 11, relating to general provisions  
1997 regarding preparation for and conduct of primaries and elections, by adding new Code  
1998 sections to read as follows:

1999 "21-2-420.

2000 (a) After the time for the closing of the polls and the last elector voting, the poll officials  
2001 in each precinct shall complete the required accounting and related documentation for the  
2002 precinct and shall advise the election superintendent of the total number of ballots cast at  
2003 such precinct and the total number of provisional ballots cast. The chief manager and at  
2004 least one assistant manager shall post a copy of the tabulated results for the precinct on the  
2005 door of the precinct and then immediately deliver all required documentation and election







2063 ~~the polling place and the ballots are returned to the ballot box and deposited with the~~  
2064 ~~superintendent until counting is resumed on the following day."~~

2065 "(d) Any ballot marked so as to identify the voter shall be void and not counted, except a  
2066 ballot cast by a challenged elector whose name appears on the electors list; such challenged  
2067 vote shall be counted as prima facie valid but may be voided in the event of an election  
2068 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.  
2069 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote  
2070 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if  
2071 otherwise properly marked. If an elector shall mark his or her ballot for more persons for  
2072 any nomination or office than there are candidates to be voted for such nomination or  
2073 office, or if, for any reason, it may be impossible to determine his or her choice for any  
2074 nomination or office, his or her ballot shall not be counted for such nomination or office;  
2075 but the ballot shall be counted for all nominations or offices for which it is properly  
2076 marked. Unmarked ballots or ballots improperly or defectively marked so that the whole  
2077 ballot is void shall be set aside and shall be preserved with other ballots. In primaries,  
2078 votes cast for candidates who have died, withdrawn, or been disqualified shall be void and  
2079 shall not be counted. Except as provided in subsection (g) of Code Section 21-2-134  
2080 regarding nonpartisan elections, in ~~in~~ elections, votes for candidates who have died or been  
2081 disqualified shall be void and shall not be counted."

2082 **SECTION 38.**

2083 Said chapter is further amended by revising subsection (a) of Code Section 21-2-438, relating  
2084 to ballots identifying voter, not marked, or improperly marked declared void, as follows:

2085 "(a) Any ballot marked so as to identify the voter shall be void and not counted, except a  
2086 ballot cast by a challenged elector whose name appears on the electors list; such challenged  
2087 vote shall be counted as prima facie valid but may be voided in the event of an election  
2088 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.

2089 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote  
2090 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if  
2091 otherwise properly marked. If an elector shall mark his or her ballot for more persons for  
2092 any nomination or office than there are candidates to be voted for such nomination or  
2093 office, or if, for any reason, it may be impossible to determine his or her choice for any  
2094 nomination or office, his or her ballot shall not be counted for such nomination or office;  
2095 but the ballot shall be counted for all nominations or offices for which it is properly  
2096 marked. Ballots not marked or improperly or defectively marked so that the whole ballot  
2097 is void; shall be set aside and shall be preserved with the other ballots. In primaries, votes  
2098 cast for candidates who have died, withdrawn, or been disqualified shall be void and shall  
2099 not be counted. Except as provided in subsection (g) of Code Section 21-2-134 regarding  
2100 nonpartisan elections, in ~~in~~ elections, votes for candidates who have died or been  
2101 disqualified shall be void and shall not be counted."

2102 **SECTION 38A.**

2103 Said chapter is further amended by revising subsection (a) of Code Section 21-2-480, relating  
2104 to caption for ballots, party designations, and form and arrangement, as follows:

2105 "(a) At the top of each ballot for an election in a precinct using optical scanning voting  
2106 equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed  
2107 by the name and designation of the precinct for which it is prepared and the name and date  
2108 of the election."

2109 **SECTION 38B.**

2110 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee  
2111 ballots for precincts using optical scanning voting equipment, as follows:

2112 "21-2-482.



2139 executive committee for a political party, the person shall be appointed by the state  
2140 executive committee of the political party. In a nonpartisan election or an election  
2141 involving only the presentation of a question to the electors, the duplication panel shall be  
2142 composed of the election superintendent or a designee thereof and two electors of the  
2143 county or municipality. In the case of a nonpartisan county or municipal election or an  
2144 election involving only the presentation of a question to the electors, the two elector  
2145 members of the panel shall be appointed by the chief judge of the superior court of the  
2146 county or municipality in which the election is held. In the case of a municipality which  
2147 is located in more than one county, the two elector members of the panel shall be appointed  
2148 by the chief judge of the superior court of the county in which the city hall of the

2165 her own computation of the votes cast in the several precincts as the returns from the same  
 2166 are read, as directed in this article. The superintendent shall give at least one week's notice  
 2167 prior to the primary or election by publishing same in a conspicuous place in the  
 2168 superintendent's office, of the ~~time and place when and~~ where he or she will commence and  
 2169 hold his or her sessions for the computation and canvassing of the returns; and he or she  
 2170 shall keep copies of such notice posted in his or her office during such period. The  
 2171 superintendent shall procure a sufficient number of blank forms of returns made out in the  
 2172 proper manner and headed as the nature of the primary or election may require, for making  
 2173 out full and fair statements of all votes which shall have been cast within the county or any  
 2174 precinct therein, according to the returns from the several precincts thereof, for any person  
 2175 voted for therein, or upon any question voted upon therein. The assistants of the  
 2176 superintendent in the computation and canvassing of the votes shall be first sworn by the  
 2177 superintendent to perform their duties impartially and not to read, write, count, or certify  
 2178 any return or vote in a false or fraudulent manner."

2179 **SECTION 41.**

2180 Said chapter is further amended by revising subsections (a) and (k) of Code  
 2181 Section 21-2-493, relating to computation, canvassing, and tabulation of returns,  
 2182 investigation of discrepancies in vote counts, recount procedure, certification of returns, and  
 2183 change in returns, and adding a new subsection to read as follows:

2184 "(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the  
 2185 day ~~following the~~ of a primary or election, at his or her office or at some other convenient  
 2186 public place at the county seat or in the municipality, of which due notice shall have been  
 2187 given as provided by Code Section 21-2-492, publicly commence the computation and  
 2188 canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the  
 2189 close of the polls, inle0Bu0e3hose cast by advance voting, and all ballots cast on the day  
 2190 of the primary or election have been counted and tabulated and the results of such

2191 tabulation released to the public and, then, continuing with provisional ballots as provided  
 2192 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in  
 2193 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For  
 2194 this purpose, the superintendent may organize his or her assistants into sections, each of  
 2195 which ~~whom~~ may simultaneously proceed with the computation and canvassing of the  
 2196 returns from various precincts of the county or municipality in the manner provided by this  
 2197 Code section. Upon the completion of such computation and canvassing, the  
 2198 superintendent shall tabulate the figures for the entire county or municipality and sign,  
 2199 announce, and attest the same, as required by this Code section."

2200 "(j.1) The Secretary of State shall create a pilot program for the posting of digital images  
 2201 of the scanned paper ballots created by the voting system.

2202 (k) As the returns from each precinct are read, computed, and found to be correct or  
 2203 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until  
 2204 all the returns from the various precincts which are entitled to be counted shall have been  
 2205 duly recorded; then they shall be added together, announced, and attested by the assistants  
 2206 who made and computed the entries respectively and shall be signed by the superintendent.  
 2207 The consolidated returns shall then be certified by the superintendent in the manner  
 2208 required by this chapter. Such returns shall be certified by the superintendent not later than  
 2209 5:00 P.M. on the ~~second Friday~~ Monday following the date on which such election was  
 2210 held and such returns shall be immediately transmitted to the Secretary of State; ~~provided,~~  
 2211 ~~however, that such certification date may be extended by the Secretary of State in his or~~  
 2212 ~~her discretion if necessary to complete a precertification audit as provided in Code Section~~  
 2213 ~~21-2-498."~~

2214

## SECTION 42.

2215 Said chapter is further amended by revising Code Section 21-2-501, relating to number of





2243 ~~(6) In the case of a runoff from a special primary or special election for an office other~~  
2244 ~~than a federal office not held in conjunction with a general primary or general election,~~  
2245 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~  
2246 ~~special primary or special election; provided, however, that, if such runoff is from a~~  
2247 ~~special primary or special election held in conjunction with a special primary or special~~  
2248 ~~election for a federal office and there is a runoff being conducted for such federal office,~~  
2249 ~~the runoff from the special primary or special election conducted for such other office~~  
2250 ~~may be held in conjunction with the runoff for the federal office.~~

2251 ~~(7)~~(2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be  
2252 ineligible, the remaining candidates receiving the two highest numbers of votes shall be  
2253 the candidates in the runoff.

2254 ~~(8)~~(3) The candidate receiving the highest number of the votes cast in such run-off  
2255 primary, special primary runoff, run-off election, or special election runoff to fill the  
2256 nomination or public office sought shall be declared the winner.

2257 ~~(9)~~(4) The name of a write-in candidate eligible for election in a runoff shall be printed  
2258 on the election or special election run-off ballot in the independent column.

2259 ~~(10)~~(5) The run-off primary, special primary runoff, run-off election, or special election  
2260 runoff shall be a continuation of the primary, special primary, election, or special election  
2261 for the particular office concerned. Only the electors who ~~were~~ are duly registered to  
2262 vote and not subsequently deemed disqualified to vote in the ~~primary, special primary,~~  
2263 ~~election, or special election~~ runoff for candidates for that particular office shall be entitled  
2264 to vote therein, and only those votes cast for the persons designated as candidates in such  
2265 run-off primary, special primary runoff, run-off election, or special election runoff shall  
2266 be counted in the tabulation and canvass of the votes cast. No elector shall vote in a  
2267 run-off primary or special primary runoff in violation of Code Section 21-2-224.

2268 (b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one  
2269 candidate alone of the highest number of votes cast. If the municipal charter or ordinances





2322 by the poll officers by the use of the same equipment and facilities, ~~so far~~ insofar as  
2323 practicable, as are used for such general election.

2324 (2) If a vacancy occurs in a partisan office to which the Governor is authorized to  
2325 appoint an individual to serve until the next general election, a special primary shall  
2326 precede the special election.

2327 (b) At least 29 days shall intervene between the call of a special primary and the holding  
2328 of same, and at least 29 days shall intervene between the call of a special election and the  
2329 holding of same. The period during which candidates may qualify to run in a special  
2330 primary or a special election shall remain open for a minimum of two and one-half days.  
2331 Special primaries and special elections which are to be held in conjunction with the  
2332 presidential preference primary, a state-wide general primary, or state-wide general  
2333 election shall be called at least 90 days prior to the date of such presidential preference  
2334 primary, state-wide general primary, or state-wide general election; provided, however, that  
2335 this requirement shall not apply to special primaries and special elections held on the same  
2336 date as such presidential preference primary, state-wide general primary, or state-wide  
2337 general election but conducted completely separate and apart from such state-wide general  
2338 primary or state-wide general election using different ballots or voting equipment,  
2339 facilities, poll workers, and paperwork. ~~Notwithstanding any provision of this subsection~~  
2340 ~~to the contrary, special elections which are to be held in conjunction with the state-wide~~  
2341 ~~general primary or state-wide general election in 2014 shall be called at least 60 days prior~~  
2342 ~~to the date of such state-wide general primary or state-wide general election.~~

2343 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or  
2344 special election to fill a vacancy in a county or municipal office shall be held only on one  
2345 of the following dates which is at least 29 days after the date of the call for the special  
2346 election:

2347 (A) In odd-numbered years, any such special primary or special election shall only be  
2348 held on:

- 2349 (i) The third Tuesday in March;
- 2350 (ii) The third Tuesday in June;
- 2351 (iii) The third Tuesday in September; or
- 2352 (iv) The Tuesday after the first Monday in November; and
- 2353 (B) In even-numbered years, any such special primary or special election shall only be
- 2354 held on:
- 2355 (i) The third Tuesday in March; provided, however, that in the event that a special
- 2356 primary or special election is to be held under this provision in a year in which a
- 2357 presidential preference primary is to be held, then any such special primary or special
- 2358 election shall be held on the date of and in conjunction with the presidential
- 2359 preference primary;
- 2360 (ii) The date of the general primary; or
- 2361 (iii) The Tuesday after the first Monday in November;
- 2362 provided, however, that, in the event that a special primary or special election to fill a
- 2363 federal or state office on a date other than the dates provided in this paragraph has been
- 2364 scheduled and it is possible to hold a special primary or special election to fill a vacancy
- 2365 in a county, municipal, or school board office in conjunction with such special primary
- 2366 or special election to fill a federal or state office, the special primary or special election
- 2367 to fill such county, municipal, or school board office may be held on the date of and in
- 2368 conjunction with such special primary or special election to fill such federal or state
- 2369 office, provided all other provisions of law regarding such primaries and elections are
- 2370 met.
- 2371 (2) Notwithstanding any other provision of law to the contrary, a special election to
- 2372 present a question to the voters shall be held only on one of the following dates which is
- 2373 at least 29 days after the date of the call for the special election:
- 2374 (A) In odd-numbered years, any such special election shall only be held on the third
- 2375 Tuesday in March or on the Tuesday after the first Monday in November; and

- 2376 (B) In even-numbered years, any such special election shall only be held on:
- 2377 (i) The date of and in conjunction with the presidential preference primary if one is
- 2378 held that year;
- 2379 (ii) The date of the general primary; or
- 2380 (iii) The Tuesday after the first Monday in November.
- 2381 (3) The provisions of this subsection shall not apply to:
- 2382 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
- 2383 to recall a public officer or to fill a vacancy in a public office caused by a recall
- 2384 election; and
- 2385 (B) Special primaries or special elections to fill vacancies in federal or state public
- 2386 offices.
- 2387 (d) Except as otherwise provided by this chapter, the superintendent of each county or
- 2388 municipality shall publish the call of the special primary or special election.
- 2389 (e)(1) Candidates in special elections for partisan offices that are not preceded by special
- 2390 primaries shall be listed alphabetically on the ballot and may choose to designate on the
- 2391 ballot their party affiliation. The party affiliation selected by a candidate shall not be
- 2392 changed following the close of qualifying.
- 2393 (2) Candidates in special primaries shall be listed alphabetically on the ballot."

2394

**SECTION 44.**

2395 Said chapter is further amended by revising subsection (b) of Code Section 21-2-541, relating

2396 to holding of special primary or election at time of general primary or election and inclusion

2397 of candidates and questions in special primary or election on ballot, as follows:

2398 "(b) If the times specified for the closing of the registration list for a special primary or

2399 special election are the same as those for a general primary or general election, the

2400 candidates and questions in such special primary or special election shall be included on

2401 the ballot for such general primary or general election. In such an instance, the name of

2402 the office and the candidates in such special primary or special election shall appear on the  
2403 ballot in the position where such names would ordinarily appear if such contest was a  
2404 general primary or general election."

2405 **SECTION 45.**

2406 Said chapter is further amended by revising Code Section 21-2-542, relating to special  
2407 election for United States senator vacancy and temporary appointment by Governor, as  
2408 follows:

2409 "21-2-542.

2410 Whenever a vacancy shall occur in the representation of this state in the Senate of the  
2411 United States, such vacancy shall be filled for the unexpired term by the vote of the electors  
2412 of the state at a special primary to be held at the time of the next general primary followed  
2413 by a special election to be held at the time of the next November state-wide general  
2414 election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the  
2415 duty of the Governor to issue his or her proclamation for such special primary and special  
2416 election. Until such time as the vacancy shall be filled by an election as provided in this  
2417 Code section, the Governor may make a temporary appointment to fill such vacancy."

2418 **SECTION 46.**

2419 Said chapter is further amended in Article 14, relating to special elections and primaries  
2420 generally and municipal terms of office, by adding a new Code section to read as follows:

2421 "21-2-546.

2422 Notwithstanding any other law to the contrary, in each county in this state in which there  
2423 is a civil and magistrate court established by local Act of the General Assembly, vacancies  
2424 in the office of chief judge of such court caused by death, retirement, resignation, or  
2425 otherwise shall be filled by the appointment of a qualified person by the Governor to serve



2426 until a successor is duly elected and qualified and until January 1 of the year following the  
2427 next general election which is more than six months following such person's appointment."

2428 **SECTION 47.**

2429 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating  
2430 to entry into voting compartment or booth while another voting, interfering with elector,  
2431 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,  
2432 as follows:

2433 "(a) Any person who knowingly:

2434 (1) Goes into the voting compartment or voting machine booth while another is voting  
2435 or marks the ballot or registers the vote for another, except in strict accordance with this  
2436 chapter;

2451 Section 21-2-413, no person shall intentionally observe an elector while casting a ballot in  
2452 a manner that would allow such person to see for whom or what the elector is voting.

2453 (b) Any person who violates the provisions of subsection (a) of this Code section shall be  
2454 guilty of a felony.

2455 21-2-568.2.

2456 (a) It shall be illegal for any person to use photographic or other electronic monitoring or  
2457 recording devices, cameras, or cellular telephones, except as authorized by law, to:

2458 (1) Photograph or record the face of an electronic ballot marker while a ballot is being  
2459 voted or while an elector's votes are displayed on such electronic ballot marker; or

2460 (2) Photograph or record a voted ballot.

2461 (b) Any person who violates subsection (a) of this Code section shall be guilty of a  
2462 misdemeanor."

2463

#### **SECTION 49.**

2464 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, relating to home rule  
2465 powers, is amended by revising subsection (a) of Code Section 36-35-4.1, relating to  
2466 reapportionment of election districts for municipal elections, as follows:

2467 "(a) Subject to the limitations provided by this Code section, the governing authority of  
2468 any municipal corporation is authorized to reapportion the election districts from which  
2469 members of the municipal governing authority are elected following publication of the  
2470 United States decennial census of 1980 or any future such census. Such reapportionment  
2471 of districts shall be effective for the election of members to the municipal governing  
2472 authority at the next regular general municipal election following the publication of the  
2473 decennial census; provided, however, that, if the publication of the decennial census occurs  
2474 within 120 days of the next general or special municipal election, such reapportionment of

2475 districts shall be effective for any subsequent special election and the subsequent general  
2476 municipal election."

2477

**SECTION 50.**

2478 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
2479 by revising subsection (b) of Code Section 50-13-4, relating to procedural requirements for  
2480 adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest  
2481 rule, and legislative override, as follows:

2501 **SECTION 51.**

2502 Said title is further amended in Code Section 50-18-71, relating to right of access to public  
2503 records, timing, fees, denial of requests, and impact of electronic records, by adding a new  
2504 subsection to read as follows:

2505 "(k) Scanned ballot images created by a voting system authorized by Chapter 2 of Title 21  
2506 shall be public records subject to disclosure under this article."

2507 **SECTION 52.**

2508 (a) Sections 21, 23, 25, 27, 28, and 29 of this Act shall become effective on July 1, 2021.  
2509 (b) All other sections of this Act shall become effective upon its approval by the Governor  
2510 or upon its becoming law without such approval.

2511 **SECTION 53.**

2512 All laws and parts of laws in conflict with this Act are repealed.