

House Bill 531 (COMMITTEE SUBSTITUTE)

By: Representatives Fleming of the 121st, Jones of the 47th, Powell of the 32nd, Blackmon of the 146th, Smith of the 70th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to provide that the Secretary of State shall be a
3 nonvoting ex officio member of the State Election Board; to provide for the appointment,
4 confirmation, term, and removal of the chairperson of the State Election Board; to revise
5 provisions relating to a quorum of such board; to require the Secretary of State to support and
6 assist the State Election Board; to provide additional requirements on the State Election
7 Board's power to adopt emergency rules and regulations; to provide that no election
8 superintendents or boards of registrars shall accept private funding; to provide that certain
9 persons may serve as poll workers in other than the county of their residence; to provide for
10 the appointment of acting election superintendents in the event of a vacancy or incapacitation
11 in the office of judge of the probate court of counties without a board of elections; to provide
12 for resumption of the duties of election superintendent upon the filling of such vacancy; to
13 provide for the compensation of such acting election superintendents; to provide for the
14 reduction in size of certain precincts under certain circumstances; to provide for certain
15 reports; to provide limitations on the use of buses and other movable facilities; to provide for
16 allocation of voting equipment by counties and municipalities; to provide for the manner of
17 handling the death of a candidate prior to a nonpartisan election; to provide that no candidate
18 shall take or be sworn into any elected public office unless such candidate has received a

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19 majority of the votes cast for such office except as otherwise provided by law; to provide for
20 the printing of ballots on safety paper; to provide for the time and manner for applying for
21 absentee ballots; to provide for certain limitations on the distribution of absentee ballot
22 applications; to provide for the manner of processing of absentee ballot applications; to
23 provide for absentee ballot drop boxes and the requirements therefor; to provide for the time
24 and manner of issuing absentee ballots; to provide for the manner of voting and returning
25 absentee ballots; to revise the times for advance voting; to limit changes to advance voting
26 locations in the period prior to an election; to provide notice requirements for changes of
27 advance voting locations; to provide for the processing and tabulation of absentee ballots;
28 to provide sanctions for improperly opening an absentee ballot; to provide for certain elector
29 identification for absentee balloting; to provide for monitors and observers; to provide for
30 poll watcher training; to provide for restrictions on the distribution of certain items within
31 close proximity to the polls on election days; to provide for the processing of provisional
32 ballots; to provide for duplication panels for defective ballots that cannot be processed by
33 tabulating machines; to provide for ranked-choice voting for military and overseas voters;
34 to revise the time for runoffs; to revise eligibility to vote in runoffs; to provide for the
35 deadline for election certification; to provide for special primaries and special elections to
36 fill vacancies in partisan offices; to provide for public notice and observation of preparation
37 of voting equipment; to provide for observation of elections and ballot processing and
38 counting; to prohibit observing or attempting to observe how a voter marks or has marked
39 his or her ballot or inducing a voter to do so; to prohibit the acceptance of a ballot for return
40 without authorization; to amend Chapter 35 of Title 36 of the Official Code of Georgia
41 Annotated, relating to home rule powers, so as to provide for the delay of reapportionment
42 of municipal corporation election districts when census numbers are delayed; to provide for
43 related matters; to repeal conflicting laws; and for other purposes.

44 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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45

SECTION 1.

46 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
 47 primaries generally, is amended by revising Code Section 21-2-30 relating to creation,
 48 composition, terms of service, vacancies, quorum, seal, bylaws, and meetings of the State
 49 Board of Elections as follows:

50 "21-2-30.

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

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

72 (2) The chairperson of the board shall be nonpartisan. At no time during his or her
73 service as chairperson shall the chairperson actively participate in a political party
74 organization or in the campaign of a candidate for public office, nor shall he or she make
75 any campaign contributions to a candidate for public office. Furthermore, to qualify for
76 appointment as chairperson, in the two years immediately preceding his or her
77 appointment, a person shall not have qualified as a partisan candidate for public office,
78 participated in a political party organization or the campaign of a partisan candidate for
79 public office, or made any campaign contributions to a partisan candidate for public
80 office.

81 (3) The term of office of the chairperson shall continue until a successor is elected as
82 provided in paragraph (1) of this subsection. In the event of a vacancy in the position of
83 chairperson at a time when the General Assembly is not in session, it shall be the duty of
84 the Governor and the Governor is empowered and directed to appoint a chairperson
85 possessing the qualifications as provided in this subsection who shall serve as chairperson
86 until the next regular session of the General Assembly, at which time the nomination and
87 election of a chairperson shall be held by the General Assembly as provided in
88 paragraph (1) of this subsection.

89 (b) A member elected by a house of the General Assembly shall take office on the day
90 following the adjournment of the regular session in which elected and shall serve for a term
91 of two years and until his or her successor is elected and qualified, unless sooner removed.
92 An elected member of the board may be removed at any time by a majority vote of the
93 house which elected him or her. In the event a vacancy should occur in the office of such
94 a member of the board at a time when the General Assembly is not in session, then the
95 President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior
96 incumbent of such office was elected by the Senate or appointed by the President of the
97 Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector
98 to fill the vacancy if the prior incumbent of such office was elected by the House of

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

102 (c) Within 30 days after April 3, 1968, the state executive committee of each political
103 party shall nominate a member of its party to serve as a member of the State Election Board
104 and, thereupon, the Governor shall appoint such nominee as a member of the board to serve
105 for a term of two years from the date of the appointment and until his or her successor is
106 elected and qualified, unless sooner removed. Thereafter, such state executive committee
107 shall select a nominee for such office on the board within 30 days after a vacancy occurs
108 in such office and shall also select a nominee at least 30 days prior to the expiration of the
109 term of each incumbent nominated by it; and each such nominee shall be immediately
110 appointed by the Governor as a member of the board to serve for the unexpired term in the
111 case of a vacancy, and for a term of two years in the case of an expired term. Each
112 successor, other than one appointed to serve an unexpired term, shall serve for a term of
113 two years; and the terms shall run consecutively from the date of the initial gubernatorial
114 appointment. No person shall be eligible for nomination by such state executive committee
115 unless he or she is an elector and a member in good standing of the political party of the
116 committee. Such a member shall cease to serve on the board and his or her office shall be
117 abolished if and when his or her political organization shall cease to be a 'political party'
118 as defined in Code Section 21-2-2.

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

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

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

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

134 **SECTION 2.**

135 Said chapter is further amended in Code Section 21-2-33.1 relating to enforcement of the
136 chapter, by adding a new subsection to read as follows:

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

140 **SECTION 3.**

141 Said chapter is further amended by adding a new Code section to read as follows:

142 "21-2-35.

143 (a) Notwithstanding any other provision of this chapter, Chapter 3 of Title 38, relating to
144 emergency management, or Chapter 13 of Title 50, the "Georgia Administrative Procedure
145 Act," to the contrary, the State Election Board may only adopt emergency rules or
146 regulations in circumstances of imminent peril to public health, safety, or welfare. To
147 adopt any such emergency rule or regulation, in addition to any other rule-making
148 requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

149 (1) Give notice to the public of its intended action;

150 (2) Immediately upon the setting of the date and time of the meeting at which such
 151 emergency rule or regulation is to be considered give notice by email of its intended
 152 action to:

153 (A) The Governor;

154 (B) The Lieutenant Governor;

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

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

158 (E) Legislative counsel; and

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

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

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

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

170 **SECTION 4.**

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

173 "21-2-71.

174 (a) The governing authority of each county or municipality shall appropriate annually and
 175 from time to time, to the superintendent of such county or municipality, the funds that it

176 shall deem necessary for the conduct of primaries and elections in such county or
177 municipality and for the performance of his or her other duties under this chapter,
178 including:

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

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

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

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

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

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

192 **SECTION 5.**

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

195 "21-2-74.1.

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

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

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

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

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

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

211 **SECTION 6.**

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

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

227 serve as a poll officer in any precinct in which such candidate's name appears on the
228 ballot in any primary or election.

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

236

SECTION 7.

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

240 "(g) In the event of the death of a candidate on the ballot in a nonpartisan election prior to
241 such nonpartisan election, such candidate's name shall remain on the ballot and all votes
242 cast for such candidate shall be counted. If the deceased candidate receives the requisite
243 number of votes to be elected, such contest shall be handled as a failure to fill the office
244 under Code Section 21-2-504. If the deceased candidate receives enough votes to be in a
245 run-off election, such run-off election shall be conducted as provided in Code Section
246 21-2-501 and the candidates in such runoff shall be determined in accordance with
247 paragraph (7) of subsection (a) of Code Section 21-2-501."

248

SECTION 8.

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

251 expenses of chief registrar, registrars, and other officers and employees, and budget
252 estimates, as follows:

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

260

SECTION 9.

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

265 "21-2-263.

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

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

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

292 **SECTION 10.**

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

296 "(a) In selecting polling places and advance voting locations, the superintendent of a
297 county or the governing authority of a municipality shall select, wherever practicable and
298 consistent with subsection (d) of Code Section 21-2-265, schoolhouses, municipal
299 buildings or rooms, or other public buildings for that purpose. In selecting polling places
300 and advance voting locations, the superintendent of a county or the governing authority of
301 a municipality shall give consideration to the comfort and convenience those places to be

302 selected will provide to both electors and poll officers. School, county, municipal, or other
303 governmental authorities, upon request of the superintendent of a county or the governing
304 authority of a municipality, shall make arrangements for the use of their property for
305 polling places or advance voting locations; provided, however, that such use shall not
306 substantially interfere with the use of such property for the purposes for which it is
307 primarily intended.

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

313

SECTION 11.

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

317 "21-2-285.1.

318 The names of all candidates for offices which the General Assembly has by general law or
319 local Act provided for election in a nonpartisan election shall be printed on each official
320 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan
321 election shall be separated from the names of candidates for party nomination to other
322 offices by being listed last on each ballot, with the top of that portion of each official
323 primary ballot relating to the nonpartisan election to have printed in prominent type the
324 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a
325 ballot that contains just the official nonpartisan election ballot available for electors who
326 choose not to vote in a party primary. Directions that explain how to cast a vote, how to
327 write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot

328 shall appear immediately under the caption, as specified by rule or regulation of the State
 329 Election Board. Immediately under the directions, the name of each such nonpartisan
 330 candidate shall be arranged alphabetically by last name under the title of the office for
 331 which they are candidates and be printed thereunder. The incumbency of a candidate
 332 seeking election for the public office he or she then holds shall be indicated on the ballot.
 333 No party designation or affiliation shall appear beside the name of any candidate for
 334 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting
 335 of write-in votes for such offices. In the event that no candidate in such nonpartisan
 336 election receives a majority of the total votes cast for such office, there shall be a
 337 nonpartisan election runoff between the candidates receiving the two highest numbers of
 338 votes; and the names of such candidates shall be placed on the official ballot at the general
 339 primary runoff in the same manner as prescribed in this Code section for the nonpartisan
 340 election and there shall be a separate official nonpartisan election ~~runoff~~ run-off ballot for
 341 those electors who do not choose or are not eligible to vote in the general primary runoff.
 342 In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form
 343 of the ballot shall be as prescribed by the Secretary of State or election superintendent in
 344 essentially the same format as prescribed for the nonpartisan election. Except as provided
 345 in subsection (g) of Code Section 21-2-134, the ~~The~~ candidate having a majority of the
 346 votes cast in the nonpartisan election or the candidate receiving the highest number of votes
 347 cast in the nonpartisan election runoff shall be declared duly elected to such office."

348 **SECTION 12.**

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

351 "(b)(1) In each precinct in which optical scanning voting systems are used in a state-wide
 352 general election, the county ~~or municipal governing authority, as appropriate,~~ election

353 superintendent shall provide at least one voting booth or enclosure for each 250 electors
354 therein, or fraction thereof.

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

362 **SECTION 13.**

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

365 "21-2-372.

366 Ballots shall be of suitable design, size, and stock to permit processing by a ballot scanner
367 and shall be printed in black ink on clear, white, or colored material. The ballots shall be
368 printed on security paper that incorporates features which can be used to authenticate the
369 ballot as an official ballot but which do not make the ballot identifiable to a particular
370 elector."

371 **SECTION 14.**

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

375 "(c) On or before the third day preceding a primary or election, including special primaries,
376 special elections, and referendum elections, the superintendent shall have each electronic
377 ballot marker tested to ascertain that it will correctly record the votes cast for all offices and

378 on all questions and produce a ballot reflecting such choices of the elector in a manner that
379 the State Election Board shall prescribe by rule or regulation. Public notice of the time and
380 place of the test shall be made at least five days prior thereto; ~~provided, however, that, in~~
381 ~~the case of a runoff, the public notice shall be made at least three days prior thereto.~~ The
382 superintendent of each county or municipality shall publish such notice on the homepage
383 of the county's or municipality's publicly accessible website associated with elections and
384 in a newspaper of general circulation in the county or municipality and by posting in a
385 prominent location in the county or municipality. Such notice shall state the date, time, and
386 place or places where preparation and testing of the voting system components for use in
387 the primary or election will commence, that such preparation and testing shall continue
388 from day to day until complete, and that representatives ~~Representatives~~ of political parties
389 and bodies, news media, and the public shall be permitted to observe such tests. The
390 superintendent of the county or municipality shall also provide such notice to the Secretary
391 of State who shall publish on his or her website the information received from
392 superintendents stating the dates, times, and locations for preparation and testing of voting
393 system components. However, such representatives of political parties and bodies, news
394 media, and the public shall not in any manner interfere with the preparation and testing of
395 voting system components. The advertisement in the newspaper of general circulation
396 shall be prominently displayed, shall not be less than 30 square inches, and shall not be
397 placed in the section of the newspaper where legal notices appear."

398

SECTION 15.

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

402 "21-2-381.

403 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219 or for advance
404 voting described in subsection (d) of Code Section 21-2-385, not more earlier than 180
405 78 days or less than 11 days prior to the date of the primary or election, or runoff of
406 either, in which the elector desires to vote, any absentee elector may make, either by
407 mail, by facsimile transmission, by electronic transmission, or in person in the
408 registrar's or absentee ballot clerk's office, an application for an official ballot of the
409 elector's precinct to be voted at such primary, election, or runoff. To be timely
410 received, an application for an absentee-by-mail ballot shall be received by the board
411 of registrars or absentee ballot clerk no later than 11 days prior to the primary, election,
412 or runoff. For advance voting in person, the application shall be made within the time
413 period set forth in subsection (d) of Code Section 21-2-385.

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

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

425 issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a
426 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5
427 of Title 40, the elector shall affirm this fact in the manner prescribed in the application
428 and the elector shall provide a copy of a form of identification listed in subsection (c)
429 of Code Section 21-2-417. The form made available by the Secretary of State shall
430 include a space to affix a photocopy or electronic image of such identification. The
431 Secretary of State shall develop a manner to allow secure electronic transmission of
432 such form. The application shall be in writing and shall contain sufficient information
433 for proper identification of the elector; the permanent or temporary address of the
434 elector to which the absentee ballot shall be mailed; also include the identity of the
435 primary, election, or runoff in which the elector wishes to vote; and the name and
436 relationship of the person requesting the ballot if other than the elector; and an oath
437 for the elector or relative to sign affirming that the elector is a qualified Georgia
438 elector and the facts presented on the application are true. Submitting false
439 information on an application for an absentee ballot shall be a violation of Code
440 Sections 21-2-560 and 21-2-571.

441 (ii) A blank application for an absentee ballot shall be made available online by the
442 Secretary of State and each election superintendent and registrar, but neither the
443 Secretary of State, election superintendent, board of registrars, other governmental
444 entity, nor employee or agent thereof shall send absentee ballot applications directly
445 to any elector except upon request of such elector or a relative authorized to request
446 an absentee ballot for such elector. No person or entity other than a relative
447 authorized to request an absentee ballot for such elector or a person signing as
448 assisting an illiterate or physically disabled elector shall send any elector an absentee
449 ballot application that is pre-filled with the elector's required information set forth in
450 this subparagraph. No person or entity other than the elector, a relative authorized to
451 request an absentee ballot for such elector, a person signing as assisting an illiterate

452 or physically disabled elector with his or her application, a common carrier charged
453 with returning the ballot application, an absentee ballot clerk, a registrar, or a law
454 enforcement officer in the course of an investigation shall handle or return an elector's
455 completed absentee ballot application. Handling a completed absentee ballot
456 application by any person or entity other than as allowed in this subsection shall be
457 a misdemeanor. Any application for an absentee ballot sent to any elector by any
458 person or entity shall utilize the form of the application made available by the
459 Secretary of State and shall clearly and prominently disclose on the face of the form
460 the name of the person or entity sending the form and a disclaimer that the person or
461 entity is not a governmental entity, that the application is not a ballot, and that
462 completion of the application is not required in order to vote. The disclaimer required
463 by this Code section shall be:

464 (I) Of sufficient font size to be clearly readable by the recipient of the
465 communication;

466 (II) Be contained in a printed box set apart from the other contents of the
467 communication; and

468 (III) Be printed with a reasonable degree of color contrast between the background
469 and the printed disclaimer.

470 (D) Except in the case of physically disabled electors residing in the county or
471 municipality or electors in custody in a jail or other detention facility in the county or
472 municipality, no absentee ballot shall be mailed to an address other than the permanent
473 mailing address of the elector as recorded on the elector's voter registration record or
474 a temporary out-of-county or out-of-municipality address.

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

477 (F) If the elector is unable to fill out or sign such elector's own application because of
478 illiteracy or physical disability, the elector shall make such elector's mark, and the

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

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

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

497 (3) Reserved.

498 (4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar
499 or absentee ballot clerk shall determine if the applicants are eligible to vote under this
500 Code section and shall either mail or issue the absentee ballots for the election for
501 representative in the United States Congress to an individual entitled to make application
502 for absentee ballot under subsection (d) of this Code section the same day any such
503 application is received, so long as the application is received by 3:00 P.M., otherwise no
504 later than the next business day following receipt of the application. Any valid absentee
505 ballot shall be accepted and processed so long as the ballot is received by the registrar or

506 absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent
507 uniformed services voter or overseas voter, but in no event later than 11 days following
508 the date of the election.

509 (b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
510 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
511 shall verify the identity of the applicant and determine, in accordance with the provisions
512 of this chapter, if the applicant is eligible to vote in the primary or election involved. In
513 order to ~~be found eligible to vote an absentee ballot by mail~~ verify the identity of the
514 applicant, the registrar or absentee ballot clerk shall compare the identifying information
515 applicant's name, date of birth, and number of his or her Georgia driver's license or
516 identification card issued pursuant to Article 5 of Chapter 5 of Title 40 on the application
517 with the information on file in the registrar's office ~~and, if the application is signed by the~~
518 ~~elector, compare the signature or mark of the elector on the application with the signature~~
519 ~~or mark of the elector on the elector's voter registration card.~~ If the application does not
520 contain the number of the applicant's Georgia driver's license or identification card issued
521 pursuant to Article 5 of Chapter 5 of Title 40, the registrar or absentee ballot clerk shall
522 verify that the identification provided with the application identifies the applicant. In
523 order to be found eligible to vote an absentee ballot in person at the registrar's office or
524 absentee ballot clerk's office, such person shall show one of the forms of identification
525 listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare
526 the identifying information on the application with the information on file in the
527 registrar's office.

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

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

531 (B) If the application is made in person, shall issue the ballot to the elector within the
532 confines of the registrar's or absentee ballot clerk's office as required by Code

533 Section 21-2-383 if the ballot is issued during the advance voting period established
534 pursuant to subsection (d) of Code Section 21-2-385; or

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

537 (3) If found ineligible or if the application is not timely received, the clerk or the board
538 of registrars shall deny the application by writing the reason for rejection in the proper
539 space on the application and shall promptly notify the applicant in writing of the ground
540 of ineligibility, a copy of which notification should be retained on file in the office of the
541 board of registrars or absentee ballot clerk for at least one year. However, an absentee
542 ballot application shall not be rejected solely due to ~~an apparent~~ a mismatch between the
543 ~~signature~~ identifying information of the elector on the application and the ~~signature~~
544 identifying information of the elector on file with the board of registrars. In such cases,
545 the board of registrars or absentee ballot clerk shall send the elector a provisional
546 absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and
547 information prepared by the Secretary of State as to the process to be followed to cure the
548 ~~signature~~ discrepancy. If such ballot is returned to the board of registrars or absentee
549 ballot clerk prior to the closing of the polls on the day of the primary or election, the
550 elector may cure the ~~signature~~ discrepancy by submitting an affidavit to the board of
551 registrars or absentee ballot clerk along with a copy of one of the forms of identification
552 enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for
553 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the
554 board of registrars or absentee ballot clerk finds the affidavit and identification to be
555 sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of
556 registrars or absentee ballot clerk finds the affidavit and identification to be insufficient,
557 then the procedure contained in Code Section 21-2-386 shall be followed for rejected
558 absentee ballots.

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

564 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
565 or the board shall immediately mail a blank registration card as provided by Code
566 Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to
567 vote by absentee ballot in such primary or election, if the registration card, properly
568 completed, is returned to the clerk or the board on or before the last day for registering
569 to vote in such primary or election. If the closing date for registration in the primary or
570 election concerned has not passed, the clerk or registrar shall also mail a ballot to the
571 applicant, as soon as it is prepared and available; and the ballot shall be cast in such
572 primary or election if returned to the clerk or board not later than the close of the polls
573 on the day of the primary or election concerned.

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

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

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

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

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

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

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

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

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

606

SECTION 16.

607 Said chapter is further amended by revising Code Section 21-2-382, relating to additional
608 sites as additional registrar's office or place of registration for absentee ballots, as follows:
609 "21-2-382.

610 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
611 registrars may establish additional sites as additional registrar's offices or places of
612 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
613 for the purpose of voting absentee ballots under Code Section 21-2-385, provided that any
614 such site is a branch of the county courthouse, a courthouse annex, a government service
615 center providing general government services, another government building generally
616 accessible to the public, or a location that is used as an election day polling place,
617 notwithstanding that such location is not a government building.

618 (b)(1) A board of registrars or absentee ballot clerk shall establish at least one secure
619 drop box as a means for absentee by mail electors to deliver their ballots to the board of
620 registrars or absentee ballot clerk. A board of registrars or absentee ballot clerk may
621 establish additional secure drop boxes, subject to the limitations of this Code section, but
622 may only establish additional drop boxes totaling the lesser of either one drop box for
623 every 100,000 active registered voters in the county or the number of advance voting
624 locations in the county. Any additional drop boxes shall be evenly geographically
625 distributed in the county. Drop boxes established pursuant to this Code section shall be
626 established at the office of the board of registrars or absentee ballot clerk or inside
627 locations at which advance voting, as set forth in subsection (d) of Code
628 Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be
629 open during the hours of advance voting at that location. Such drop boxes shall be closed
630 when advance voting is not being conducted at that location. All drop boxes shall be
631 closed when the advance voting period ends, as set forth in subsection (d) of Code
632 Section 21-2-385. The drop box location shall have adequate lighting and be under

633 constant surveillance by an election official or his or her designee, law enforcement
634 official, or licensed security guard.

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

642 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and
643 return of ballots deposited at each drop box at the conclusion of each day where advance
644 voting takes place. Collection of ballots from a drop box shall be made by a team of at
645 least two people. Any person collecting ballots from a drop box shall have sworn an oath
646 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The
647 collection team shall complete and sign a ballot transfer form upon removing the ballots
648 from the drop box which shall include the date, time, location, number of ballots,
649 confirmation that the drop box was locked after the removal of the ballots, and the
650 identity of each person collecting the ballots. The collection team shall then immediately
651 transfer the ballots to the board of registrars or absentee ballot clerk, who shall process
652 and store the ballots in the same manner as absentee ballots returned by mail are
653 processed and stored. The board of registrars, absentee ballot clerk, or a designee of the
654 board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt
655 of the ballots from the collection team. Such form shall be considered a public record
656 pursuant to Code Section 50-18-70.

657 (4) At the beginning of voting at each advance location where a drop box is present, the
658 manager of the advance voting location shall open the drop box and confirm on the
659 reconciliation form for that advance voting location that the drop box is empty. If the

660 drop box is not empty, the manager shall secure the contents of the drop box and
 661 immediately inform the election superintendent, board of registrars, or absentee ballot
 662 clerk, who shall inform the Secretary of State.

663 (b)(c) Any other provisions of this chapter to the contrary notwithstanding, in all counties
 664 of this state having a population of 550,000 or more according to the United States
 665 decennial census of 1990 or any future such census, any branch of the county courthouse
 666 or courthouse annex established within any such county shall be an additional registrar's
 667 or absentee ballot clerk's office or place of registration for the purpose of receiving
 668 absentee ballots under Code Section 21-2-381 and for the purpose of voting absentee
 669 ballots under Code Section 21-2-385."

670 **SECTION 17.**

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

675 "21-2-384.

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

683 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
 684 ballots to all eligible applicants not more than ~~49~~ 29 days but not less than ~~45~~ 25 days
 685 prior to any presidential preference primary, general primary other than a municipal

686 general primary, general election other than a municipal general election, or special
687 primary or special election in which there is a candidate for a federal office on the ballot;
688 22 days prior to any municipal general primary or municipal general election; and as soon
689 as possible prior to any runoff. In the case of all other special primaries or special
690 elections, the board of registrars or absentee ballot clerk shall mail or issue official
691 absentee ballots to all eligible applicants within three days after the receipt of such ballots
692 and supplies, but no earlier than 22 days prior to the election; provided, however, that
693 ~~should~~ official absentee ballots shall be issued to any elector of the jurisdiction ~~be~~
694 ~~permitted to vote by absentee ballot~~ who is entitled to vote by absentee ballot under the
695 federal Uniformed and Overseas Citizen Absentee Voting Act, 52 U.S.C. Section 20301,
696 et seq., as amended, beginning 49 days prior to a federal primary or election, ~~all eligible~~
697 ~~applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49~~
698 ~~days prior to such primary or election and not later than 45 days prior to a federal primary~~
699 ~~or election.~~ As additional applicants who submitted timely applications for an absentee
700 ballot are determined to be eligible, the board or clerk shall mail or issue official absentee
701 ballots to such additional applicants immediately upon determining their eligibility;
702 ~~provided, however, that no absentee ballot shall be mailed by the registrars or absentee~~
703 ~~ballot clerk on the day prior to a primary or election and provided, further, that no~~
704 ~~absentee ballot shall be issued on the day prior to a primary or election.~~ For all timely
705 received applications for absentee ballots, the board of registrars or absentee ballot clerk
706 shall mail or issue absentee ballots, provisional absentee ballots, and notices of rejection
707 as soon as possible upon determining their eligibility within the time periods set forth in
708 this subsection. During the period for advance voting set forth in Code Section 21-2-385,
709 the board of registrars or absentee ballot clerk shall make such determinations and mail
710 or issue absentee ballots, provisional absentee ballots, and notices of rejection of
711 application within three days after receiving a timely application for an absentee ballot.
712 The board of registrars or absentee ballot clerk shall, within the ~~same~~ time periods

713 specified in this subsection, electronically transmit official absentee ballots to all electors
714 who have requested to receive their official absentee ballot electronically and are entitled
715 to vote such absentee ballot under the federal Uniformed and Overseas Citizens Absentee
716 Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as amended.

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

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

727 (5) In the event an absentee ballot which has been mailed by the board of registrars or
728 absentee ballot clerk is not received by the applicant, the applicant may notify the board
729 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
730 has not been received. The board of registrars or absentee ballot clerk shall then issue a
731 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
732 shall be attached to the original application. A second application for an absentee ballot
733 shall not be required.

734 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
735 office, in addition to the mailing envelope addressed to the elector, the superintendent,
736 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
737 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
738 order to permit the placing of one within the other and both within the mailing envelope.
739 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed

740 the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the
741 two envelopes to be enclosed within the mailing envelope shall be printed contain the form
742 of oath of the elector and the oath for persons assisting electors, as provided for in Code
743 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,
744 21-2-579, and 21-2-599 for violations of oaths; ~~and on a place for the elector to print his~~
745 or her name; a signature line; a space for the elector to print the number of his or her
746 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of
747 Title 40; a space for the elector to mark to affirm that he or she does not have a Georgia
748 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40;
749 a space for the elector to print his or her date of birth; and a space for the elector to print
750 the last four digits of his or her social security number, if the elector does not have a
751 Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5
752 of Title 40. The envelope shall be designed so that the number of the elector's Georgia
753 driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40,
754 the last four digits of the elector's social security number, and the elector's date of birth
755 shall be hidden from view when the envelope is correctly sealed. Any person other than
756 an absentee ballot clerk, registrar, or law enforcement officer in the course of an
757 investigation who knowingly unseals a sealed absentee ballot envelope shall be guilty of
758 a felony. On the face of such envelope shall be printed the name and address of the board
759 of registrars or absentee ballot clerk. The larger of the two envelopes shall also display the
760 elector's name and voter registration number. The mailing envelope addressed to the
761 elector shall contain the two envelopes, the official absentee ballot, the uniform instructions
762 for the manner of preparing and returning the ballot, in form and substance as provided by
763 the Secretary of State, provisional absentee ballot information, if necessary, and a notice
764 in the form provided by the Secretary of State of all withdrawn, deceased, and disqualified
765 candidates and any substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155
766 and nothing else. The uniform instructions shall include information specific to the voting

767 system used for absentee voting concerning the effect of overvoting or voting for more
768 candidates than one is authorized to vote for a particular office and information concerning
769 how the elector may correct errors in voting the ballot before it is cast including
770 information on how to obtain a replacement ballot if the elector is unable to change the
771 ballot or correct the error. The uniform instructions shall prominently include specific
772 instructions stating that the elector shall mark his or her ballot in private and sign the oath
773 under penalty of false swearing that the elector has not allowed any person to observe the
774 marking of his or her ballot other than those persons authorized by law to assist electors in
775 voting and that the elector will not permit any unauthorized person to deliver or return the
776 voted ballot to the board of registrars. The uniform instructions shall include a list of
777 authorized persons who may deliver or return the voted ballot to the board of registrars on
778 behalf of the elector as provided in subsection (a) of Code Section 21-2-385. The uniform
779 instructions shall include the contact information of the State Election Board which may
780 be used by the elector to report any person requesting to observe the elector voting his or
781 her ballot or the elector's voted ballot or any unauthorized person offering to deliver or
782 return the voted ballot to the board of registrars.

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

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

794 ballot in private and have not allowed any person to observe the voting of this ballot or
 795 how this ballot was voted except those authorized to assist electors under state and
 796 federal law; and that I will not give or transfer this ballot to any person not authorized
 797 by law to deliver or return absentee ballots. I understand that the offer or acceptance
 798 of money or any other object of value to vote for any particular candidate, list of
 799 candidates, issue, or list of issues included in this election constitutes an act of voter
 800 fraud and is a felony under Georgia law.

801 _____
 802 Signature or Mark of Elector

803 _____
 804 Printed Name of Elector

805 Oath of Person Assisting Elector (if any):

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

810 This, the _____ day of _____, _____.

811 _____
 812 Signature of Person Assisting
 813 Elector

814 _____
 815 Printed Name of Person
 816 Assisting Elector

817 Reason for assistance (Check appropriate square):

818 Elector is unable to read the English language.

819 Elector requires assistance due to physical disability.

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

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

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

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

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

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

844 elector requests to vote. Such ballots shall be of a distinctive color that is different from
845 that of the ballots used in the general primary and general election. The Secretary of
846 State shall prepare instructions for use with such special absentee run-off ballots,
847 including instructions for voting by mail using an electronically transmitted ballot. Such
848 ballot shall be returned by the elector in the same manner as other absentee ballots by
849 such electors who are entitled to vote by absentee ballot under the federal Uniformed and
850 Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.

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

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

862 (5) A special absentee run-off ballot shall be enclosed with each general primary
863 absentee ballot sent to an elector who is entitled to vote by absentee ballot under the
864 federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301,
865 et seq., along with instructions on how to cast the special absentee run-off ballot and the
866 two envelopes to be used in returning such ballot as provided in subsection (b) of this
867 Code section, provided that the envelopes bear the notation of 'Official Special General
868 Primary Run-off Ballot' and shall be a different color from that of the regular absentee
869 ballot envelopes. An elector shall be sent only the ballot containing the candidates of the
870 political party in whose primary such elector desires to vote.

871 (6) A special absentee run-off ballot shall be enclosed with each general election
 872 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal
 873 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq.,
 874 along with instructions on how to cast the special absentee run-off ballot and the two
 875 envelopes to be used in returning such ballot as provided in subsection (b) of this Code
 876 section, provided that the envelopes bear the notation of 'Official Special General
 877 Election Run-off Ballot' and shall be a different color from that of the regular absentee
 878 ballot envelopes. The State Election Board shall by rule or regulation establish
 879 procedures for the transmission of blank absentee ballots by mail and by electronic
 880 transmission for all electors who are entitled to vote by absentee ballot under the federal
 881 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20302, et seq.,
 882 as amended, and by which such electors may designate whether the elector prefers the
 883 transmission of such ballots by mail or electronically, for use in county, state, and federal
 884 primaries, elections, and runoffs in this state and, if the Secretary of State finds it to be
 885 feasible, for use in municipal primaries, elections, and runoffs. If no preference is stated,
 886 the ballot shall be transmitted by mail. The State Election Board shall by rule or
 887 regulation establish procedures to ensure to the extent practicable that the procedures for
 888 transmitting such ballots shall protect the security and integrity of such ballots and shall
 889 ensure that the privacy of the identity and other personal data of such electors who are
 890 entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens
 891 Absentee Voting Act, 52 U.S.C. Section 20302, et seq., as amended, to whom a blank
 892 absentee ballot is transmitted under this Code section is protected throughout the process
 893 of such transmission."

894

SECTION 18.

895 Said chapter is further amended by revising subsections (a) and (d) of Code Section
 896 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as follows:

H. B. 531 (SUB)

897 "(a) At any time after receiving an official absentee ballot, but before the day of the
898 primary or election, except electors who are confined to a hospital on the day of the
899 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
900 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
901 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
902 of the oath of the elector; the name and oath of the person assisting, if any; and other
903 required identifying information. The elector shall then fill out, subscribe, and swear to the
904 oath printed on such envelope. In order to verify that the absentee ballot was voted by the
905 elector who requested the ballot, the elector shall print the number of his or her Georgia
906 driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of
907 Title 40 in the space provided on the outer oath envelope. The elector shall also print his
908 or her date of birth in the space provided in the outer oath envelope. If the elector does not
909 have a Georgia driver's license or state identification card issued pursuant to Article 5 of
910 Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath
911 envelope and print the last four digits of his or her social security number in the space
912 provided on the outer oath envelope. If the elector does not have a Georgia driver's license,
913 identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security
914 number, the elector shall so affirm in the space provided on the outer oath envelope and
915 place a copy of one of the forms of identification set forth in subsection (c) of Code
916 Section 21-2-417. Such envelope shall then be securely sealed and the elector shall then
917 personally mail or personally deliver same to the board of registrars or absentee ballot
918 clerk, provided that mailing or delivery may be made by the elector's mother, father,
919 grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild,
920 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or
921 an individual residing in the household of such elector. The absentee ballot of a disabled
922 elector may be mailed or delivered by the caregiver of such disabled elector, regardless of
923 whether such caregiver resides in such disabled elector's household. The absentee ballot

924 of an elector who is in custody in a jail or other detention facility may be mailed or
 925 delivered by any employee of such jail or facility having custody of such elector. An
 926 elector who is confined to a hospital on a primary or election day to whom an absentee
 927 ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the
 928 ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector
 929 registered to vote for the first time in this state by mail and has not previously provided the
 930 identification required by Code Section 21-2-220 and votes for the first time by absentee
 931 ballot and fails to provide the identification required by Code Section 21-2-220 with such
 932 absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be
 933 counted only if the registrars are able to verify the identification and registration of the
 934 elector during the time provided pursuant to Code Section 21-2-419."

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

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

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

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

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

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

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

946 and shall be conducted on the second Saturday and the registrar shall choose either the
 947 third Saturday or third Sunday prior to a primary or election ~~during the hours of 9:00~~

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

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

951 such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if
952 such second Saturday follows a public and legal holiday occurring on the Thursday or
953 Friday immediately preceding such second Saturday, or if such second Saturday
954 immediately precedes a public and legal holiday occurring on the following Sunday or
955 Monday, such advance voting shall not be held on such second Saturday but shall be held
956 on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending
957 at 5:00 P.M. Except as otherwise provided in this paragraph, ~~counties and municipalities~~
958 the registrars may extend the hours for voting ~~beyond regular business hours~~ to permit
959 advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting
960 locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the
961 jurisdiction at their option; provided, however, that voting shall occur only on the days
962 specified in this paragraph and counties and municipalities shall not be authorized to
963 conduct advance voting on any other days.

964 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
965 to the electors of their jurisdiction of the availability of advance voting as well as the
966 times, dates, and locations at which advance voting will be conducted. In addition, the
967 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
968 prescribed by the Secretary of State of the times, dates, and locations at which advance
969 voting will be conducted.

970 (3) The board of registrars shall publish the dates, times, and locations of the availability
971 of advance voting in its jurisdiction on the homepage of the county's publicly accessible
972 website associated with elections or registrations, or if the county does not have such a
973 website, in a newspaper of general circulation, and by posting in a prominent location in
974 the county, no later than 14 days prior to the beginning of the advance voting period for
975 a general primary, special primary, general election, or special election and no later than
976 seven days prior to the beginning of the advance voting period for any run-off election.
977 Any new advance voting locations added after that deadline shall be published in the

978 same manner as soon as possible. The board of registrars shall not remove any advance
 979 voting location after the notice of such location is published, except in the case of an
 980 emergency or unavoidable event that renders a location unavailable for use. Any changes
 981 that are made due to an emergency or unavoidable event after a notice of a location has
 982 been published shall be published as soon as possible in the same manner set forth in this
 983 paragraph."

984

SECTION 19.

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

989 "21-2-386.

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

994 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
 995 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
 996 number of the elector's Georgia driver's license number or state identification card
 997 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the
 998 absentee ballot envelope identifying information on the oath with the same information
 999 on file in his or her office, shall compare the signature or mark on the oath with the
 1000 signature or mark on the absentee elector's voter registration card or the most recent
 1001 update to such absentee elector's voter registration card and application for absentee
 1002 ballot or a facsimile of said signature or mark taken from said card or application, and
 1003 shall, if the information and signature appear to be valid and other identifying

1004 ~~information appears to be correct,~~ contained in the elector's voter registration records.
1005 If the elector has affirmed on the envelope that he or she does not have a Georgia
1006 driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of
1007 Title 40, the registrar or clerk shall compare the last four digits of the elector's social
1008 security number and date of birth entered on the envelope with the same information
1009 contained in the elector's voter registration records. The registrar or clerk shall also
1010 confirm that the elector signed the oath and the person assisting the elector, if any,
1011 signed the required oath. If the elector has signed the elector's oath, the person assisting
1012 has signed the required oath, if applicable, and the identifying information entered on
1013 the absentee ballot envelope matches the same information contained in the elector's
1014 voter registration record, the registrar or clerk shall so certify by signing or initialing
1015 his or her name below the voter's oath. Each elector's name so certified shall be listed
1016 by the registrar or clerk on the numbered list of absentee voters prepared for his or her
1017 precinct.

1018 (C) If the elector has failed to sign the oath, or if the ~~signature~~ identifying information
1019 entered on the absentee ballot envelope does not ~~appear to be valid~~ match the same
1020 information appearing in the elector's voter registration record, or if the elector has
1021 failed to furnish required information or information so furnished does not conform
1022 with that on file in the registrar's or clerk's office, or if the elector is otherwise found
1023 disqualified to vote, the registrar or clerk shall write across the face of the envelope
1024 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk
1025 shall promptly notify the elector of such rejection, a copy of which notification shall be
1026 retained in the files of the board of registrars or absentee ballot clerk for at least two
1027 years. Such elector shall have until the end of the period for verifying provisional
1028 ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem
1029 resulting in the rejection of the ballot. The elector may cure a failure to sign the oath,
1030 ~~an invalid signature~~ nonmatching identifying information, or missing information by

1031 submitting an affidavit to the board of registrars or absentee ballot clerk along with a
1032 copy of one of the forms of identification enumerated in subsection (c) of Code
1033 Section 21-2-417 before the close of such period. The affidavit shall affirm that the
1034 ballot was submitted by the elector, is the elector's ballot, and that the elector is
1035 registered and qualified to vote in the primary, election, or runoff in question. If the
1036 board of registrars or absentee ballot clerk finds the affidavit and identification to be
1037 sufficient, the absentee ballot shall be counted.

1038 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
1039 of Code Section 21-2-220, and who votes for the first time in this state by absentee
1040 ballot shall include with his or her application for an absentee ballot or in the outer oath
1041 envelope of his or her absentee ballot either one of the forms of identification listed in
1042 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
1043 statement, government check, paycheck, or other government document that shows the
1044 name and address of such elector. If such elector does not provide any of the forms of
1045 identification listed in this subparagraph with his or her application for an absentee
1046 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
1047 provisional ballot and such ballot shall only be counted if the registrars are able to
1048 verify current and valid identification of the elector as provided in this subparagraph
1049 within the time period for verifying provisional ballots pursuant to Code
1050 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
1051 the elector that such ballot is deemed a provisional ballot and shall provide information
1052 on the types of identification needed and how and when such identification is to be
1053 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

1054 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
1055 absentee electors, giving the name of the elector and the reason for the rejection in each
1056 case. Three copies of the numbered list of certified absentee voters and three copies of
1057 the numbered list of rejected absentee voters for each precinct shall be turned over to

1058 the poll manager in charge of counting the absentee ballots and shall be distributed as
1059 required by law for numbered lists of voters.

1060 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
1061 of the polls on the day of the primary or election shall be safely kept unopened by the
1062 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
1063 for the period of time required for the preservation of ballots used at the primary or
1064 election and shall then, without being opened, be destroyed in like manner as the used
1065 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
1066 promptly notify the elector by first-class mail that the elector's ballot was returned too
1067 late to be counted and that the elector will not receive credit for voting in the primary
1068 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
1069 stored as provided in Code Section 21-2-390.

1070 (G) Notwithstanding any provision of this chapter to the contrary, until the United
1071 States Department of Defense notifies the Secretary of State that the Department of
1072 Defense has implemented a system of expedited absentee voting for those electors
1073 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
1074 eligible absentee electors who reside outside the county or municipality in which the
1075 primary, election, or runoff is held and are members of the armed forces of the United
1076 States, members of the merchant marine of the United States, spouses or dependents of
1077 members of the armed forces or merchant marine residing with or accompanying such
1078 members, or overseas citizens that are postmarked by the date of such primary, election,
1079 or runoff and are received within the three-day period following such primary, election,
1080 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and
1081 included in the certified election results.

1082 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to and no later than the
1083 second Monday prior to ~~After the opening of the polls on the day of the primary,~~
1084 election, or runoff, the ~~registrars or absentee ballot clerks~~ election superintendent shall

1085 be authorized to open the outer oath envelope ~~on which is printed the oath of the elector~~
1086 of absentee ballots that have been verified and accepted pursuant to subparagraph
1087 (a)(1)(B) of this Code section, in such a manner as not to destroy the oath printed
1088 thereon; provided, however, that the registrars or absentee ballot clerk shall not be
1089 authorized to remove the contents of such outer envelope, or to open the inner envelope
1090 marked 'Official Absentee Ballot,' except as otherwise provided in this Code section
1091 and scan the absentee ballot using one or more ballot scanners. At least three persons
1092 who are registrars, deputy registrars, poll workers, or absentee ballot clerks must be
1093 present before commencing; and three persons who are registrars, deputy registrars, or
1094 absentee ballot clerks shall be present at all times while the ~~outer~~ absentee ballot
1095 envelopes are being opened and the absentee ballots are being scanned. ~~After opening~~
1096 ~~the outer envelopes, the ballots shall be safely and securely stored until the time for~~
1097 ~~tabulating such ballots.~~ However, no person shall tally, tabulate, estimate, or attempt
1098 to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to
1099 produce any tally or tabulate, partial or otherwise, of the absentee ballots cast until the
1100 time for the closing of the polls on the day of the primary, election, or runoff except as
1101 provided in this Code section. Prior to beginning the process set forth in this paragraph,
1102 the superintendent shall provide written notice to the Secretary of State in writing at
1103 least seven days prior to processing and scanning absentee ballots. Such notice shall
1104 contain the dates, start and end times, and location or locations where absentee ballots
1105 will be processed and scanned. The superintendent shall also post such notice publicly
1106 in a prominent location in the superintendent's office and on the home page of the
1107 county election superintendent's website. The Secretary of State shall publish on his
1108 or her website the information he or she receives from superintendents stating the dates,
1109 times, and locations where absentee ballots will be processed.
1110 (B) The proceedings set forth in this paragraph shall be open to the view of the public,
1111 but no person except one employed and designated by the superintendent shall touch

1112 any ballot or ballot container. Any person involved in processing and scanning
1113 absentee ballots shall swear an oath, in the same form as the oath for poll officers
1114 provided in Code Section 21-2-95, prior to beginning the processing and scanning of
1115 absentee ballots. The county executive committee or, if there is no organized county
1116 executive committee, the state executive committee of each political party and political
1117 body having candidates whose names appear on the ballot for such election shall have
1118 the right to designate two persons and each independent and nonpartisan candidate
1119 whose name appears on the ballot for such election shall have the right to designate one
1120 person to act as monitors for such process. In the event that the only issue to be voted
1121 upon in an election is a referendum question, the superintendent shall also notify in
1122 writing the chief judge of the superior court of the county who shall appoint two
1123 electors of the county to monitor such process. While viewing or monitoring the
1124 process set forth in this paragraph, monitors and observers shall be prohibited from:
1125 (i) In any way interfering with the processing or scanning of absentee ballots or the
1126 conduct of the election;
1127 (ii) Using or bringing into the room any photographic or other electronic monitoring
1128 or recording devices, cellular telephones, or computers;
1129 (iii) Engaging in any form of campaigning or campaign activity;
1130 (iv) Taking any action that endangers the secrecy and security of the ballots;
1131 (v) Touching any ballot or ballot container;
1132 (vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate,
1133 whether partial or otherwise, any of the votes on the absentee ballots cast; and
1134 (vii) Communicating any information that they see while monitoring the processing
1135 and scanning of the absentee ballots, whether intentionally or inadvertently, about any
1136 ballot, vote, or selection to anyone other than an election official who needs such
1137 information to lawfully carry out his or her official duties.

1138 (C) The State Election Board shall promulgate rules requiring reconciliation
1139 procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes
1140 are opened; secrecy of election results prior to the closing of the polls on the day of a
1141 primary, election, or runoff; and other protections to protect the integrity of the process
1142 set forth in this paragraph.

1143 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
1144 day of the primary, election, or runoff ~~open the inner envelopes in accordance with the~~
1145 ~~procedures prescribed in this subsection~~ and begin tabulating the absentee ballots. If the
1146 county election superintendent chooses to open the inner envelopes and begin tabulating
1147 such ballots prior to the close of the polls on the day of the primary, election, or runoff,
1148 the superintendent shall notify in writing, at least seven days prior to the primary,
1149 election, or runoff, the Secretary of State of the superintendent's intent to begin the
1150 absentee ballot tabulation prior to the close of the polls. The county executive committee
1151 or, if there is no organized county executive committee, the state executive committee of
1152 each political party and political body having candidates whose names appear on the
1153 ballot for such election in such county shall have the right to designate two persons and
1154 each independent and nonpartisan candidate whose name appears on the ballot for such
1155 election in such county shall have the right to designate one person to act as monitors for
1156 such process. In the event that the only issue to be voted upon in an election is a
1157 referendum question, the superintendent shall also notify in writing the chief judge of the
1158 superior court of the county who shall appoint two electors of the county to monitor such
1159 process.

1160 (4) The county election superintendent shall publish a written notice in the
1161 superintendent's office of the superintendent's intent to begin the absentee ballot
1162 tabulation prior to the close of the polls and publish such notice at least one week prior
1163 to the primary, election, or runoff in the legal organ of the county.

1164 (5) The process for opening ~~the inner~~ absentee ballot envelopes, scanning absentee
1165 ballots, of and tabulating absentee ballots on the day of a primary, election, or runoff as
1166 provided in this subsection shall be ~~a confidential process~~ conducted in a manner to
1167 maintain the secrecy of all ballots and to protect the disclosure of any balloting
1168 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated
1169 before 7:00 A.M. on the day of a primary, election, or runoff.

1170 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
1171 election, or runoff, including the vote review panel required by Code Section 21-2-483,
1172 and all monitors and observers shall be sequestered until the time for the closing of the
1173 polls. All such persons shall have no contact with the news media; shall have no contact
1174 with other persons not involved in monitoring, observing, or conducting the tabulation;
1175 shall not use any type of communication device including radios, telephones, and cellular
1176 telephones; shall not utilize computers for the purpose of e-mail, instant messaging, or
1177 other forms of communication; and shall not communicate any information concerning
1178 the tabulation until the time for the closing of the polls; provided, however, that
1179 supervisory and technical assistance personnel shall be permitted to enter and leave the
1180 area in which the tabulation is being conducted but shall not communicate any
1181 information concerning the tabulation to anyone other than the county election
1182 superintendent; the staff of the superintendent; those persons conducting, observing, or
1183 monitoring the tabulation; and those persons whose technical assistance is needed for the
1184 tabulation process to operate.

1185 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
1186 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
1187 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
1188 for security. The persons conducting the tabulation of the absentee ballots shall not cause
1189 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes

1190 cast until the time for the closing of the polls except as otherwise provided in this Code
1191 section.

1192 (b) ~~As soon as practicable after 7:00 A.M. on the day of the primary, election, or runoff,~~
1193 ~~in precincts other than those in which optical scanning tabulators are used~~ When requested
1194 by the superintendent, but not earlier than the third Monday prior to a primary, election, or
1195 runoff, a registrar or absentee ballot clerk shall deliver the official absentee ballot of each
1196 certified absentee elector, each rejected absentee ballot, applications for such ballots, and
1197 copies of the numbered lists of certified and rejected absentee electors to the ~~manager in~~
1198 ~~charge of the absentee ballot precinct of the county or municipality, which shall be located~~
1199 ~~in the precincts containing the county courthouse or polling place designated by the~~
1200 ~~municipal superintendent. In those precincts in which optical scanning tabulators are used,~~
1201 ~~such absentee ballots shall be taken to the tabulation center or other place~~ location
1202 designated by the superintendent, and the superintendent or official receiving such absentee
1203 ballots shall issue his or her receipt therefor. Except as otherwise provided in this Code
1204 section, in no event shall the counting of the ballots begin before the polls close.

1205 (c) ~~Except as otherwise provided in this Code section, after the close of the polls on the~~
1206 ~~day of the primary, election, or runoff, a~~ The superintendent shall cause the verified and
1207 accepted absentee ballots to be opened and tabulated as provided in this Code section. A
1208 manager shall then open the outer envelope in such manner as not to destroy the oath
1209 printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in
1210 a ballot box reserved for absentee ballots. In the event that an outer envelope is found to
1211 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an
1212 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited
1213 in the ballot box and counted in the same manner as other absentee ballots, provided that
1214 such ballot is otherwise proper. Such manager with two assistant managers, appointed by
1215 the superintendent, with such clerks as the manager deems necessary shall count the
1216 absentee ballots following the procedures prescribed by this chapter for other ballots,

1217 insofar as practicable, ~~and prepare an election return for the county or municipality~~
 1218 ~~showing the results of the absentee ballots cast in such county or municipality.~~

1219 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
 1220 be reported by precinct; and separate returns shall be made for each precinct in which
 1221 absentee ballots were cast showing the results by each precinct in which the electors reside.
 1222 The superintendent shall utilize the procedures set forth in this Code section to ensure that
 1223 the returns of verified and accepted absentee ballots cast are reported to the public as soon
 1224 as possible following the closing of the polls on the day of the primary, election, or runoff.

1225 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
 1226 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
 1227 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted
 1228 as other challenged ballots are counted. Where direct recording electronic voting systems
 1229 are used for absentee balloting and a challenge to an elector's right to vote is made prior to
 1230 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot
 1231 and such ballot shall be handled as provided in this subsection. The board of registrars or
 1232 absentee ballot clerk shall promptly notify the elector of such challenge.

1233 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose
 1234 or for any person to receive any information regarding the results of the tabulation of
 1235 absentee ballots except as expressly provided by law."

1236 **SECTION 20.**

1237 Said chapter is further amended by revising subsections (c) and (e) of Code
 1238 Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with
 1239 election, reports by poll watchers of infractions or irregularities, and ineligibility of
 1240 candidates to serve as poll watchers, as follows:

1241 "(c) In counties or municipalities using direct recording electronic (DRE) voting systems
 1242 or optical scanning voting systems, each political party may appoint two poll watchers in

1243 each primary or election, each political body may appoint two poll watchers in each
1244 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan
1245 election, and each independent candidate may appoint one poll watcher in each election to
1246 serve in the locations designated by the superintendent within the tabulating center. Such
1247 designated locations shall include the check-in area, the computer room, the duplication
1248 area, and such other areas as the superintendent may deem necessary to the assurance of
1249 fair and honest procedures in the tabulating center. The locations designated by the
1250 superintendent shall ensure that each poll watcher can fairly observe the procedures set
1251 forth in this Code section. The poll watchers provided for in this subsection shall be
1252 appointed and serve in the same manner as other poll watchers."

1253 "(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary
1254 or election in which such person is a candidate. No person shall be eligible to serve as a
1255 poll watcher unless he or she has completed training provided by the political party,
1256 political body, or candidate designating the poll watcher. Upon request, the Secretary of
1257 State shall make available material to each political party, political body, or candidate that
1258 can be utilized in such training but it shall be the responsibility of the political party,
1259 political body, or candidate designating the poll watcher to instruct poll watchers in their
1260 duties and in applicable laws and rules and regulations. Each political party, political body,
1261 or candidate shall, in their written designation of poll watchers, certify under oath that the
1262 named poll watchers have completed the training required by this Code section."

1263 **SECTION 21.**

1264 Said chapter is further amended by revising subsection (a) of Code Section 21-2-414, relating
1265 to restrictions on campaign activities and public opinion polling within the vicinity of a
1266 polling place, cellular phone use prohibited, prohibition of candidates from entering certain
1267 polling places, and penalty, as follows:

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1268 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
1269 person distribute or display any campaign material, nor shall any person give, offer to give,
1270 or participate in the giving of any money or gifts, including, but not limited to, food and
1271 drink, to an elector, nor shall any person solicit signatures for any petition, nor shall any
1272 person, other than election officials discharging their duties, establish or set up any tables
1273 or booths on any day in which ballots are being cast:

1274 (1) Within 150 feet of the outer edge of any building within which a polling place is
1275 established;

1276 (2) Within any polling place; or

1277 (3) Within 25 feet of any voter standing in line to vote at any polling place.

1278 These restrictions shall not apply to conduct occurring in private offices or areas which
1279 cannot be seen or heard by such electors."

1280

SECTION 22.

1281 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
1282 provisional ballots and reporting to Secretary of State, as follows:

1283 "21-2-419.

1284 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
1285 county or municipality. Such provisional ballot shall be sealed in double envelopes as
1286 provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot
1287 in a secure, sealed ballot box.

1288 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
1289 the day after the primary or election in which such provisional ballot was cast, the board
1290 of registrars of the county or municipality, as the case may be, shall be notified by the
1291 election superintendent that provisional ballots were cast in the primary or election and the
1292 registrars shall be provided with the documents completed by the person casting the
1293 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be

1294 securely maintained by the election superintendent until a determination has been made
1295 concerning their status. The board of registrars shall immediately examine the information
1296 contained on such documents and make a good faith effort to determine whether the person
1297 casting the provisional ballot was entitled to vote in the precinct in which he or she voted
1298 in the primary or election. Such good faith effort shall include a review of all available
1299 voter registration documentation, including registration information made available by the
1300 electors themselves and documentation of modifications or alterations of registration data
1301 showing changes to an elector's registration status. Additional sources of information may
1302 include, but are not limited to, information from the Department of Driver Services,
1303 Department of Family and Children Services, Department of Natural Resources, public
1304 libraries, or any other agency of government including, but not limited to, other county
1305 election and registration offices.

1306 (c)(1) If the registrars determine after the polls close, but not later than three days
1307 following the primary or election, that the person casting the provisional ballot timely
1308 registered to vote and was eligible and entitled to vote in the precinct in which he or she
1309 voted in such primary or election, the registrars shall notify the election superintendent
1310 and the provisional ballot shall be counted and included in the county's or municipality's
1311 certified election results.

1312 ~~(2) If the registrars determine after the polls close, but not later than three days following~~
1313 ~~the primary or election, that the person voting the provisional ballot timely registered and~~
1314 ~~was eligible and entitled to vote in the primary or election but voted in the wrong~~
1315 ~~precinct, then the board of registrars shall notify the election superintendent. The~~
1316 ~~superintendent shall count such person's votes which were cast for candidates in those~~
1317 ~~racess for which the person was entitled to vote but shall not count the votes cast for~~
1318 ~~candidates in those races in which such person was not entitled to vote. The~~
1319 ~~superintendent shall order the proper election official at the tabulating center or precinct~~
1320 ~~to prepare an accurate duplicate ballot containing only those votes cast by such person~~

1321 ~~in those races in which such person was entitled to vote for processing at the tabulating~~
1322 ~~center or precinct, which shall be verified in the presence of a witness. Such duplicate~~
1323 ~~ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the~~
1324 ~~polling place, and shall be given the same serial number as the original ballot. The~~
1325 ~~original ballot shall be retained.~~

1326 (3)(2) If the registrars determine that the person casting the provisional ballot did not
1327 timely register to vote or was not eligible or entitled to vote in the precinct in which he
1328 or she voted in such primary or election or shall be unable to determine within three days
1329 following such primary or election whether such person timely registered to vote and was
1330 eligible and entitled to vote in such primary or election, the registrars shall so notify the
1331 election superintendent and such ballot shall not be counted. The election superintendent
1332 shall mark or otherwise document that such ballot was not counted and shall deliver and
1333 store such ballots with all other ballots and election materials as provided in Code
1334 Section 21-2-500.

1335 (d)(1) At the earliest time possible after a determination is made regarding a provisional
1336 ballot, the board of registrars shall notify in writing those persons whose provisional
1337 ballots were not counted that their ballots were not counted because of the inability of the
1338 registrars to verify that the persons timely registered to vote or other proper reason. The
1339 registrars shall process the official voter registration form completed by such persons
1340 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found
1341 qualified.

1342 (2) At the earliest time possible after a determination is made regarding a provisional
1343 ballot, the board of registrars shall notify in writing those electors who voted in the wrong
1344 precinct and whose votes were partially counted of their correct precinct.

1345 (e) The board of registrars shall complete a report in a form designated by the Secretary
1346 of State indicating the number of provisional ballots cast and counted in the primary or
1347 election."

1348

SECTION 23.

1349 Said chapter is further amended by revising subsection (d) of Code Section 21-2-437, relating
1350 to procedure as to count and return of votes generally and void ballots, as follows:

1351 "(d) Any ballot marked so as to identify the voter shall be void and not counted, except a
1352 ballot cast by a challenged elector whose name appears on the electors list; such challenged
1353 vote shall be counted as prima facie valid but may be voided in the event of an election
1354 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
1355 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
1356 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
1357 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
1358 any nomination or office than there are candidates to be voted for such nomination or
1359 office, or if, for any reason, it may be impossible to determine his or her choice for any
1360 nomination or office, his or her ballot shall not be counted for such nomination or office;
1361 but the ballot shall be counted for all nominations or offices for which it is properly
1362 marked. Unmarked ballots or ballots improperly or defectively marked so that the whole
1363 ballot is void shall be set aside and shall be preserved with other ballots. In primaries,
1364 votes cast for candidates who have died, withdrawn, or been disqualified shall be void and
1365 shall not be counted. Except as provided in subsection (g) of Code Section 21-2-134
1366 regarding nonpartisan elections, in ~~In~~ elections, votes for candidates who have died or been
1367 disqualified shall be void and shall not be counted."

1368

SECTION 24.

1369 Said chapter is further amended by revising subsection (a) of Code Section 21-2-438, relating
1370 to ballots identifying voter, not marked, or improperly marked declared void, as follows:

1371 "(a) Any ballot marked so as to identify the voter shall be void and not counted, except a
1372 ballot cast by a challenged elector whose name appears on the electors list; such challenged
1373 vote shall be counted as prima facie valid but may be voided in the event of an election

1374 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.
 1375 Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote
 1376 for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if
 1377 otherwise properly marked. If an elector shall mark his or her ballot for more persons for
 1378 any nomination or office than there are candidates to be voted for such nomination or
 1379 office, or if, for any reason, it may be impossible to determine his or her choice for any
 1380 nomination or office, his or her ballot shall not be counted for such nomination or office;
 1381 but the ballot shall be counted for all nominations or offices for which it is properly
 1382 marked. Ballots not marked or improperly or defectively marked so that the whole ballot
 1383 is void; shall be set aside and shall be preserved with the other ballots. In primaries, votes
 1384 cast for candidates who have died, withdrawn, or been disqualified shall be void and shall
 1385 not be counted. Except as provided in subsection (g) of Code Section 21-2-134 regarding
 1386 nonpartisan elections, in In elections, votes for candidates who have died or been
 1387 disqualified shall be void and shall not be counted."

1388

SECTION 25.

1389 Said chapter is further amended by revising subsection (f) of Code Section 21-2-483, relating
 1390 to counting of ballots, public accessibility to tabulating center and precincts, execution of
 1391 ballot recap forms, and preparation of duplicate ballots, as follows:

1392 "(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be
 1393 processed by the tabulating machine, the superintendent, in his or her discretion, may order
 1394 ~~the proper election official at the tabulating center or precinct~~ a duplication panel to prepare
 1395 a true duplicate copy for processing ~~with the ballots of the same polling place, which shall~~
 1396 ~~be verified in the presence of a witness.~~ In a partisan election, the duplication panel shall
 1397 be composed of the election superintendent or a designee thereof and one person appointed
 1398 by the county executive committee of each political party having candidates whose names
 1399 appear on the ballot for such election, provided that, if there is no organized county

1400 executive committee for a political party, the person shall be appointed by the state
1401 executive committee of the political party. In a nonpartisan election or an election
1402 involving only the presentation of a question to the electors, the duplication panel shall be
1403 composed of the election superintendent or a designee thereof and two electors of the
1404 county or municipality. In the case of a nonpartisan county or municipal election or an
1405 election involving only the presentation of a question to the electors, the two elector
1406 members of the panel shall be appointed by the chief judge of the superior court of the
1407 county or municipality in which the election is held. In the case of a municipality which
1408 is located in more than one county, the two elector members of the panel shall be appointed
1409 by the chief judge of the superior court of the county in which the city hall of the
1410 municipality is located. The election superintendent may create multiple duplication panels
1411 to handle the processing of such ballots more efficiently. All duplicate ballots shall be
1412 clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and
1413 shall be given the same serial number as the defective ballot contain a unique number that
1414 will allow such duplicate ballot to be linked back to the original ballot. The defective
1415 ballot shall be retained."

1416

SECTION 26.

1417 Said chapter is further amended by revising subsection (k) of Code Section 21-2-493, relating
1418 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote
1419 counts, recount procedure, certification of returns, and change in returns, as follows:

1420 "(k) As the returns from each precinct are read, computed, and found to be correct or
1421 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
1422 all the returns from the various precincts which are entitled to be counted shall have been
1423 duly recorded; then they shall be added together, announced, and attested by the assistants
1424 who made and computed the entries respectively and shall be signed by the superintendent.
1425 The consolidated returns shall then be certified by the superintendent in the manner

1426 required by this chapter. Such returns shall be certified by the superintendent not later than
 1427 5:00 P.M. on the ~~second Friday~~ Monday following the date on which such election was
 1428 held and such returns shall be immediately transmitted to the Secretary of State; ~~provided;~~
 1429 ~~however, that such certification date may be extended by the Secretary of State in his or~~
 1430 ~~her discretion if necessary to complete a precertification audit as provided in Code Section~~
 1431 ~~21-2-498."~~

1432 SECTION 27.

1433 Said chapter is further amended by revising Code Section 21-2-501, relating to number of
 1434 votes required for election, as follows:

1435 "21-2-501.

1436 (a)(1) Except as otherwise provided in this Code section, no candidate shall be
 1437 nominated for public office in any primary or special primary or elected to public office
 1438 in any election or special election or shall take or be sworn into such elected public office
 1439 unless such candidate shall have received a majority of the votes cast to fill such
 1440 nomination or public office. In instances where no candidate receives a majority of the
 1441 votes cast, a run-off primary, special primary runoff, run-off election, or special election
 1442 runoff between the candidates receiving the two highest numbers of votes shall be held.
 1443 Unless such date is postponed by a court order, such ~~run-off primary, special primary~~
 1444 ~~runoff, run-off election, or special election~~ runoff shall be held as provided in this
 1445 subsection:

1446 (2) ~~In the case of a runoff from a general primary or a special primary or special election~~
 1447 ~~held in conjunction with a general primary, the runoff shall be held on the Tuesday of the~~
 1448 ~~ninth week following such general primary.~~

1449 (3) ~~In the case of a runoff from a general election for a federal office or a runoff from a~~
 1450 ~~special primary or special election for a federal office held in conjunction with a general~~

1451 ~~election, the runoff shall be held on the Tuesday of the ninth week following such general~~
1452 ~~election.~~

1453 ~~(4) In the case of a runoff from a general election for an office other than a federal office~~
1454 ~~or a runoff from a special primary or special election for an office other than a federal~~
1455 ~~office held in conjunction with a general election, the runoff shall be held on the~~
1456 ~~twenty-eighth day after the day of holding the preceding general or special primary or~~
1457 ~~general or special election.~~

1458 ~~(5) In the case of a runoff from a special primary or special election for a federal office~~
1459 ~~not held in conjunction with a general primary or general election, the runoff shall be held~~
1460 ~~on the Tuesday of the ninth week following such special primary or special election.~~

1461 ~~(6) In the case of a runoff from a special primary or special election for an office other~~
1462 ~~than a federal office not held in conjunction with a general primary or general election,~~
1463 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~
1464 ~~special primary or special election; provided, however, that, if such runoff is from a~~
1465 ~~special primary or special election held in conjunction with a special primary or special~~
1466 ~~election for a federal office and there is a runoff being conducted for such federal office,~~
1467 ~~the runoff from the special primary or special election conducted for such other office~~
1468 ~~may be held in conjunction with the runoff for the federal office.~~

1469 ~~(7)~~(2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be
1470 ineligible, the remaining candidates receiving the two highest numbers of votes shall be
1471 the candidates in the runoff.

1472 ~~(8)~~(3) The candidate receiving the highest number of the votes cast in such run-off
1473 primary, special primary runoff, run-off election, or special election runoff to fill the
1474 nomination or public office sought shall be declared the winner.

1475 ~~(9)~~(4) The name of a write-in candidate eligible for election in a runoff shall be printed
1476 on the election or special election run-off ballot in the independent column.

1477 ~~(10)(5)~~ The run-off primary, special primary runoff, run-off election, or special election
1478 runoff shall be a continuation of the primary, special primary, election, or special election
1479 for the particular office concerned. Only the electors who ~~were~~ are duly registered to
1480 vote and not subsequently deemed disqualified to vote in the ~~primary, special primary,~~
1481 ~~election, or special election~~ runoff for candidates for that particular office shall be entitled
1482 to vote therein, and only those votes cast for the persons designated as candidates in such
1483 run-off primary, special primary runoff, run-off election, or special election runoff shall
1484 be counted in the tabulation and canvass of the votes cast. No elector shall vote in a
1485 run-off primary or special primary runoff in violation of Code Section 21-2-224.

1486 (b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one
1487 candidate alone of the highest number of votes cast. If the municipal charter or ordinances
1488 of a municipality as now existing or as amended subsequent to September 1, 1968, provide
1489 that a candidate may be nominated or elected by a plurality of the votes cast to fill such
1490 nomination or public office, such provision shall prevail. Otherwise, no municipal
1491 candidate shall be nominated for public office in any primary or elected to public office in
1492 any election unless such candidate shall have received a majority of the votes cast to fill
1493 such nomination or public office.

1494 (c) In instances in which no municipal candidate receives a majority of the votes cast and
1495 the municipal charter or ordinances do not provide for nomination or election by a plurality
1496 vote, a run-off primary or election shall be held between the candidates receiving the two
1497 highest numbers of votes. Such runoff shall be held on the twenty-eighth day after the day
1498 of holding the first primary or election, unless such run-off date is postponed by court
1499 order; ~~provided, however, that, in the case of a runoff from a municipal special election~~
1500 ~~that is held in conjunction with a special election for a federal office and not in conjunction~~
1501 ~~with a general primary or general election, the municipality may conduct such runoff from~~
1502 ~~such municipal special election on the date of the special election runoff for the federal~~
1503 ~~office. Only the electors entitled to vote in the first primary or election shall be entitled to~~

1504 ~~vote in any run-off primary or election resulting therefrom; provided, however, that no~~ No
1505 elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off
1506 primary or election shall be a continuation of the first primary or election, and only those
1507 votes cast for the candidates receiving the two highest numbers of votes in the first primary
1508 or election shall be counted. No write-in votes may be cast in such a primary, run-off
1509 primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or
1510 is found to be ineligible, the remaining candidates receiving the two highest numbers of
1511 votes shall be the candidates in such runoff. The municipal candidate receiving the highest
1512 number of the votes cast in such run-off primary or run-off election to fill the nomination
1513 or public office sought shall be declared the winner. The municipality shall give written
1514 notice to the Secretary of State of such runoff as soon as such municipality certifies the
1515 preceding primary, special primary, election, or special election.

1516 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
1517 shall be printed on the municipal run-off election ballot in the independent column.

1518 (e) In all cities having a population in excess of 100,000 according to the United States
1519 decennial census of 1980 or any future such census, in order for a municipal candidate to
1520 be nominated for public office in any primary or elected to public office in any municipal
1521 election, he or she must receive a majority of the votes cast.

1522 (f) Except for presidential electors, to be elected to public office in a general election, a
1523 candidate must receive a majority of the votes cast in an election to fill such public office.
1524 To be elected to the office of presidential electors, no slate of candidates shall be required
1525 to receive a majority of the votes cast, but that slate of candidates shall be elected to such
1526 office which receives the highest number of votes cast."

1527 **SECTION 28.**

1528 Said chapter is further amended by revising Code Section 21-2-540, relating to conduct of
1529 special elections generally, as follows:

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1530 "21-2-540.

1531 (a)(1) Every special primary and special election shall be held and conducted in all
1532 respects in accordance with the provisions of this chapter relating to general primaries
1533 and general elections; and the provisions of this chapter relating to general primaries and
1534 general elections shall apply thereto insofar as practicable and as not inconsistent with
1535 any other provisions of this chapter. All special primaries and special elections held at
1536 the time of a general primary, as provided by Code Section 21-2-541, shall be conducted
1537 by the poll officers by the use of the same equipment and facilities, insofar as practicable,
1538 as are used for such general primary. All special primaries and special elections held at
1539 the time of a general election, as provided by Code Section 21-2-541, shall be conducted
1540 by the poll officers by the use of the same equipment and facilities, ~~so far~~ insofar as
1541 practicable, as are used for such general election.

1542 (2) If a vacancy occurs in a partisan office to which the Governor is authorized to
1543 appoint an individual to serve until the next general election, a special primary shall
1544 precede the special election.

1545 (b) At least 29 days shall intervene between the call of a special primary and the holding
1546 of same, and at least 29 days shall intervene between the call of a special election and the
1547 holding of same. The period during which candidates may qualify to run in a special
1548 primary or a special election shall remain open for a minimum of two and one-half days.
1549 Special primaries and special elections which are to be held in conjunction with the
1550 presidential preference primary, a state-wide general primary, or state-wide general
1551 election shall be called at least 90 days prior to the date of such presidential preference
1552 primary, state-wide general primary, or state-wide general election; provided, however, that
1553 this requirement shall not apply to special primaries and special elections held on the same
1554 date as such presidential preference primary, state-wide general primary, or state-wide
1555 general election but conducted completely separate and apart from such state-wide general
1556 primary or state-wide general election using different ballots or voting equipment,

1557 facilities, poll workers, and paperwork. ~~Notwithstanding any provision of this subsection~~
 1558 ~~to the contrary, special elections which are to be held in conjunction with the state-wide~~
 1559 ~~general primary or state-wide general election in 2014 shall be called at least 60 days prior~~
 1560 ~~to the date of such state-wide general primary or state-wide general election.~~

1561 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
 1562 special election to fill a vacancy in a county or municipal office shall be held only on one
 1563 of the following dates which is at least 29 days after the date of the call for the special
 1564 election:

1565 (A) In odd-numbered years, any such special primary or special election shall only be
 1566 held on:

- 1567 (i) The third Tuesday in March;
- 1568 (ii) The third Tuesday in June;
- 1569 (iii) The third Tuesday in September; or
- 1570 (iv) The Tuesday after the first Monday in November; and

1571 (B) In even-numbered years, any such special primary or special election shall only be
 1572 held on:

1573 (i) The third Tuesday in March; provided, however, that in the event that a special
 1574 primary or special election is to be held under this provision in a year in which a
 1575 presidential preference primary is to be held, then any such special primary or special
 1576 election shall be held on the date of and in conjunction with the presidential
 1577 preference primary;

- 1578 (ii) The date of the general primary; or
- 1579 (iii) The Tuesday after the first Monday in November;

1580 provided, however, that, in the event that a special primary or special election to fill a
 1581 federal or state office on a date other than the dates provided in this paragraph has been
 1582 scheduled and it is possible to hold a special primary or special election to fill a vacancy
 1583 in a county, municipal, or school board office in conjunction with such special primary

1584 or special election to fill a federal or state office, the special primary or special election
1585 to fill such county, municipal, or school board office may be held on the date of and in
1586 conjunction with such special primary or special election to fill such federal or state
1587 office, provided all other provisions of law regarding such primaries and elections are
1588 met.

1589 (2) Notwithstanding any other provision of law to the contrary, a special election to
1590 present a question to the voters shall be held only on one of the following dates which is
1591 at least 29 days after the date of the call for the special election:

1592 (A) In odd-numbered years, any such special election shall only be held on the third
1593 Tuesday in March or on the Tuesday after the first Monday in November; and

1594 (B) In even-numbered years, any such special election shall only be held on:

1595 (i) The date of and in conjunction with the presidential preference primary if one is
1596 held that year;

1597 (ii) The date of the general primary; or

1598 (iii) The Tuesday after the first Monday in November.

1599 (3) The provisions of this subsection shall not apply to:

1600 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
1601 to recall a public officer or to fill a vacancy in a public office caused by a recall
1602 election; and

1603 (B) Special primaries or special elections to fill vacancies in federal or state public
1604 offices.

1605 (d) Except as otherwise provided by this chapter, the superintendent of each county or
1606 municipality shall publish the call of the special primary or special election.

1607 (e)(1) Candidates in special elections for partisan offices that are not preceded by special
1608 primaries shall be listed alphabetically on the ballot and may choose to designate on the
1609 ballot their party affiliation. The party affiliation selected by a candidate shall not be
1610 changed following the close of qualifying.

1611 (2) Candidates in special primaries shall be listed alphabetically on the ballot."

1612 **SECTION 29.**

1613 Said chapter is further amended by revising subsection (b) of Code Section 21-2-541, relating
1614 to holding of special primary or election at time of general primary or election and inclusion
1615 of candidates and questions in special primary or election on ballot, as follows:

1616 "(b) If the times specified for the closing of the registration list for a special primary or
1617 special election are the same as those for a general primary or general election, the
1618 candidates and questions in such special primary or special election shall be included on
1619 the ballot for such general primary or general election. In such an instance, the name of
1620 the office and the candidates in such special primary or special election shall appear on the
1621 ballot in the position where such names would ordinarily appear if such contest was a
1622 general primary or general election."

1623 **SECTION 30.**

1624 Said chapter is further amended by revising Code Section 21-2-542, relating to special
1625 election for United States senator vacancy and temporary appointment by Governor, as
1626 follows:

1627 "21-2-542.

1628 Whenever a vacancy shall occur in the representation of this state in the Senate of the
1629 United States, such vacancy shall be filled for the unexpired term by the vote of the electors
1630 of the state at a special primary to be held at the time of the next general primary followed
1631 by a special election to be held at the time of the next November state-wide general
1632 election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the
1633 duty of the Governor to issue his or her proclamation for such special primary and special
1634 election. Until such time as the vacancy shall be filled by an election as provided in this
1635 Code section, the Governor may make a temporary appointment to fill such vacancy."

1636

SECTION 31.

1637 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating
 1638 to entry into voting compartment or booth while another voting, interfering with elector,
 1639 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,
 1640 as follows:

1641 "(a) Any person who knowingly:

1642 (1) Goes into the voting compartment or voting machine booth while another is voting
 1643 or marks the ballot or registers the vote for another, except in strict accordance with this
 1644 chapter;

1645 (2) Interferes with any elector marking his or her ballot or registering his or her vote;

1646 (3) Attempts to induce any elector ~~before depositing his or her ballot~~ to show how he or
 1647 she marks or has marked his or her ballot; ~~or~~

1648 (4) Discloses to anyone how another elector voted, without said elector's consent, except
 1649 when required to do so in any legal proceeding; or

1650 (5) Accepts an absentee ballot from an elector for delivery or return to the board of
 1651 registrars except as authorized by subsection (a) of Code Section 21-2-385

1652 shall be guilty of a felony."

1653

SECTION 32.

1654 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, relating to home rule
 1655 powers, is amended by revising subsection (a) of Code Section 36-35-4.1, relating to
 1656 reapportionment of election districts for municipal elections, as follows:

1657 "(a) Subject to the limitations provided by this Code section, the governing authority of
 1658 any municipal corporation is authorized to reapportion the election districts from which
 1659 members of the municipal governing authority are elected following publication of the
 1660 United States decennial census of 1980 or any future such census. Such reapportionment
 1661 of districts shall be effective for the election of members to the municipal governing

1662 authority at the next regular general municipal election following the publication of the
1663 decennial census; provided, however, that, if the publication of the decennial census occurs
1664 within 120 days of the next general or special municipal election, such reapportionment of
1665 districts shall be effective for any subsequent special election and the subsequent general
1666 municipal election."

1667

SECTION 33.

1668 All laws and parts of laws in conflict with this Act are repealed.