

BOARD OF ELECTIONS

Addison Lester, Chairman
Darryl Hicks
Aaron Wright

FAYETTE COUNTY, GEORGIA

Floyd L Jones, Director
April Crosby, Elections Supervisor
Brian Hill, County Registrar



140 Stonewall Avenue West
Elections Office, Suite 208
Fayetteville, GA 30214

AGENDA

February 26, 2019
5:00 p.m.

Welcome to the meeting of your Fayette County Board of Elections. Your participation is appreciated. All regularly scheduled Board meetings are open to the public and are generally held on the 4th Tuesday of each month at 5:00 p.m.

Chairman to Call the Meeting to Order

Approval of the Agenda

PUBLIC COMMENTS:

APPROVAL OF MINUTES:

1. Consideration of staff's request to approve the January 22, 2019 Board of Elections' Meeting Minutes. **Pages 1-6**

PUBLIC HEARING:

2. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased. **Pages 7-17**
3. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons. **Pages 18-23**

CONSENT AGENDA:

OLD BUSINESS:

NEW BUSINESS:

4. Review of the current Fayette County Board of Elections' By-Laws. **Pages 24 - 27**
5. Discussion of the various bills introduced in the Georgia General Assembly regarding elections in the State of Georgia. **Pages 28 - 245**
6. Discussion concerning Precincts #20 and #33 and the possibility of using Southside Church as a polling location for Precinct #33. **Pages 246- 248**
7. Follow-up concerning the Election Director's meeting with the Brooks' Town Council. **Pages 249 - 254**

DIRECTOR'S REPORT:

ATTORNEY'S REPORTS:

BOARD MEMBERS REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Consideration of staff's request to approve the January 22, 2019 Board of Elections' Meeting Minutes.

BACKGROUND / HISTORY / DETAILS

O.C.G.A. 50-14-1(3)(B) reads: The regular minutes of a meeting subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Such minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the person making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

SPECIFIC ACTION / DIRECTION SOUGHT

Approve the January 22, 2019 Board of Elections' Meeting Minutes.

BOARD OF ELECTIONS

Addison Lester, Chairman
 Darryl Hicks
 Aaron Wright

FAYETTE COUNTY, GEORGIA

Floyd L Jones, Director
 April Crosby, Elections Supervisor
 Brian Hill, County Registrar



140 Stonewall Avenue West
 Elections Office, Suite 208
 Fayetteville, GA 30214

MINUTES

January 22, 2019

5:00 p.m.

Welcome to the meeting of your Fayette County Board of Elections. Your participation is appreciated. All regularly scheduled Board meetings are open to the public and are generally held on the 4th Tuesday of each month at 5:00 p.m.

Chairman to Call the Meeting to Order

Chairman Lester called the January 22, 2019 Board of Elections Meeting to order at 5:00 p.m. It was noted that Mr. Darryl Hicks was not present at the meeting since he needed to pick his wife up at the airport and since her flight was delayed.

Approval of the Agenda

Mr. Wright moved to approve the Agenda as provided. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present.

PUBLIC COMMENTS:

No one spoke during Public Comments.

APPROVAL OF MINUTES:**1. Consideration of staff's request to approve the December 10, 2018 Board of Elections' Meeting Minutes.**

Mr. Wright noted there were some grammatical and syntactical errors in the December 2018 minutes, but he did not have the corrections available to him. He stated that the errors did not affect the message or results of the meeting.

Chairman Lester moved to approve the December 10, 2018 Board of Elections' Meeting Minutes. Mr. Wright seconded the motion. The motion passed 2-0 with Mr. Hicks not present.

PUBLIC HEARING:**2. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased.**

No one spoke in favor of or in opposition to this request.

Mr. Wright moved to approve staff's recommendation as presented. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

3. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons.

No one spoke in favor of or in opposition to this request.

Mr. Wright moved to approve staff's recommendation as presented. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Director Jones stated that the five Intergovernmental Agreements (IGAs) listed on the Consent Agenda are word for word to previous IGAs for municipal elections held every two years; the only difference being the dates in the IGAs. He further added that each IGA had been reviewed by legal. He explained that upon passage of the IGAs, the IGAs would be forwarded to the County Board of Commissioners for approval and then to the respective municipalities for their approvals. Once the approvals were made, then the County would conduct the municipal elections. Mr. Jones further advised that each IGA be voted on individually.

4. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the City of Fayetteville for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.

Mr. Wright moved to accept the agreement as presented. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 3," follow these minutes and are made an official part hereof.

5. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the City of Peachtree City for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.

Mr. Wright moved to accept the Peachtree City Intergovernmental Agreement. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 4," follow these minutes and are made an official part hereof.

6. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Tyrone for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.

Mr. Wright moved to accept the Tyrone Intergovernmental Agreement. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 5," follows these minutes and is made an official part hereof.

7. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Brooks for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.

Mr. Wright moved to accept the Brooks Intergovernmental Agreement. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 6," follow these minutes and are made an official part hereof.

8. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Woolsey for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.

Chairman Lester moved to accept the Woolsey Intergovernmental Agreement. Mr. Wright seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and Intergovernmental Agreement, identified as "Attachment 7," follows these minutes and is made an official part hereof.

OLD BUSINESS:

9. Continued consideration of a letter received from The Lawyers' Committee for Civil Rights Under Law requesting the Board of Elections and other parties to reconsider the placement of the Sheriff's signs at polling places in Fayette County.

Director Jones recapped the discussion held during the December 2018 Board of Elections Meeting. He reminded the Board and the audience that he received a call from The Lawyers' Committee for Civil Rights Under Law on December 4, 2018 requesting that a Sheriff's sign be removed from North Fayette Baptist Church polling location (Kenwood- Precinct 23). He reminded the Board that December 4 was a Runoff Election, but during the November 6 General Election some poll workers felt intimidated by a man who was at the precinct very early prior to the opening of the polls. Mr. Jones stated he thought the call was questioning a sign that had been placed at the polling location in response to the poll worker intimidation.

Mr. Jones reported that once he realized what sign was in question that it was one of many signs printed by the Sheriff's Office and given to the Elections Office notifying everyone at all precincts that the precincts were under the protection of the Sheriff's Office. He further explained that the duties of the Sheriff were explicitly written in Georgia Law O.C.G.A. 51-16-10(a)(3) which reads:

It is the duty of the sheriff: to attend, in the same manner specified in paragraph (2) of this subsection, at the placed or places of holding an election at the county site, on the day of the election, from the opening to the closing of the polls, and to take under his charge all subordinate officers present, as police to preserve order.

Mr. Jones added that at the December 2018 meeting, a question was raised with regard to having uniformed officers stationed at the schools where voting occurs and, if signs are intimidating, does that mean uniformed officers are also intimidating. Mr. Jones then asked Major Brian Eubanks of the Fayette County Sheriff's Office to bring his incites to the Board regarding this matter.

(Note: The audio recording of Major Eubank's comments is difficult to hear for the production of minutes.)

Major Eubanks affirmed the information provided by Director Jones. He added that the signs were printed by the Sheriff's Office and provided to the Elections Office approximately six years ago, and that the sign had the working of the law and a picture of a badge on it. He said the signs were provided to give understanding to the voters why deputies sometimes drop in on polling places. It also provided insight into why a uniformed officer was stationed at the schools during voting hours. Major Eubanks stated that uniformed officers are located at the schools by request of the Board of Education in order to keep order and ensure safety is maximized during voting hours for all involved.

It was noted that no other complaint had come to the county during the previous six years about voter intimidation by the signs.

Chairman Lester stated he did not see a need to change the current procedures. Mr. Wright agreed with Chairman Lester and he added he was thankful the Sheriff's Office was on duty to help during the elections.

Discussion occurred about whether a response should be made. Director Jones suggested that the response be provided by the County Attorneys since this was a legal response. Chairman Lester and Mr. Wright directed that Director Jones write the response and provide it while utilizing input from Major Eubanks and Assistant County Attorney Patrick Stough.

Charles Bennett: Mr. Bennett from Precinct 30 was a Poll Watcher in Precinct 29 when the county transitioned from At-Large Voting to District Voting in 2016. He said based on the confusion at Precinct 29, and given as many people who came to the precinct and were turned away since they could no longer vote at their old precinct based on the district changes, it was comforting to see the Deputy Sheriff's come by the polling places- about once or twice through the day- to know that the Sheriff's Office was available.

NEW BUSINESS:

There were no New Business items.

DIRECTOR'S REPORT:

Fire Station #4: Director Jones reported that on Friday, January 11, 2019, Chairman Lester and he met with County Administrator Steve Rapson regarding the possibility of moving the Elections Office from its current location to Fire Station #4 located next to the Sheriff's Office. He reported that the discussion involved meeting the Mr. Carlos Christian, Director of Buildings and Grounds, to draw a basic rendering of how the fire station could be utilized. Director Jones reported that a meeting has been scheduled with Mr. Christian for Wednesday, January 23. Director Jones further added that the Elections Office has \$8,000 currently earmarked to renovate its current location on the second floor. He stated that he would request that the \$8,000 be moved to the next Fiscal Year budget to be used at the fire station since there is no need to renovate a department before vacating it. Discussion followed providing additional insight on why a move is warranted and regarding the intention of the Georgia Legislature to make changes both to voting equipment, bylaws, and procedures.

Town of Brooks: Director Jones stated that he has been invited to discuss the issues at the Brooks Precinct during the November 2018 election. He said the bottom line is more people showed up to vote than typically do, and that the Elections Office is glad that such a large amount of vote were cast. Discussion followed about other conversations Chairman Lester had with the Mayor of Brooks about this matter. It was also decided that Director Jones would do fine at the meeting and no Board member was intending to go to the meeting.

Report on those who voted between 7:00 and 8:00 A.M.: Director Jones reported that during the last week of early voting for the November 2018 General Election (held on the days of October 29 through November 2) that 11,049 citizens voted. Of the 11,049 who voted, 784 or 7% took advantage of the extra hour provided each day from 7:00 a.m. until 8:00 a.m. Director Jones then reported that during the only week of early voting for the December 2018 General Runoff Election, held on the days of November 27 – November 30, 8,396 citizens voted. Of the 8,396, 208 took advantage of the extra hours, meaning only 2% voted between 7 a.m. and 8 a.m. Mr. Wright added that the numbers do not necessarily reflect if the voters who took advantage of the extra hours would have voted during regular hours, and Director Jones agreed that the numbers could not predict how a person may have voted otherwise.

Records Retention: Director Jones stated that County Registrar Brian Hill has taken on a project of going to the records storage facility, reviewing the records, and preparing records for destruction in accordance to the county's and Secretary of State's record retention policy. He stated that most of the election records have a two-year retention period attached to them, but given the number of elections in the past years there has been virtually no manpower or time to review the records. Director Jones stated that since there is time, Mr. Hill is looking into the records in order to clear up the records. Director Jones stated there are some records still available from 2008, meaning this will be a lengthy job. He further explained that since the Elections Office keeps records for Clerk of Court Sheila Studdard, Mrs. Studdard will likely have the records reviewed by a Grand Jury before destruction- so this work is a long process.

Poll Worker Training: Director Jones reminded the Board that during the December 2018 Board of Elections Meeting, Mr. Wright had asked for the poll worker training material. Mr. Jones pointed out to the Board that Poll Worker Training Manuals had been provided to each Board member for review since he was unsure how the Board wanted to make its review. Mr. Wright stated he would like to take the manual home and look through it. He noted that during the past election there seemed to be a repetition of certain issues regarding how the election was conducted with areas such as how to work with poll watchers and advancing elderly and handicapped voters to the beginning of the line. Brief discussion followed and Director Jones stated he looked forward to the Board's input.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

BOARD MEMBERS REPORTS:

GEOA / VRAG Conference: Mr. Wright asked if anyone on staff had been asked to make a formal presentation at the GEOA / VRAG Conference in the coming months. Director Jones replied that no such request had been made of staff. He further added that he believes this conference will cover only the basics since it seemed there was a scramble by the organizers to get a conference started. He acknowledged that his impression could be wrong, but that was the sense he was getting. Director Jones further added that hotel rooms had been reserved and the conferences already paid for, and he said itineraries would be issued in the coming weeks.

Update on the Legislative Session: Mr. Wright stated that Director Jones kept the Board in the loop on upcoming changes that he is aware of at the Georgia Legislation, and he asked for Mr. Jones to continue to let the Board know as soon as able. Director Jones said he would be glad to keep the Board abreast of any potential changes and he added that the Association of County Commissioners Georgia (ACCG) had just published their list for changes and that election reform was at the top of the list.

Presberg Ballot: Chairman Lester asked if there was any update on Mr. Leonard Presberg's son's ballot not being received by Elections before the designated deadline. Director Jones stated that Mr. Presberg came to the Elections Office and obtained copies of the envelope and other related items regarding his son's ballot but since that time there had been communication with Mr. Presberg on the matter. Chairman Lester suggested it would be a good idea to get a definitive understanding of how letters are distributed in the County. Director Jones replied that staff was already aware of the procedures and he quickly described them to the Board. Admittedly, Director Jones speculated that the ballot may have been received by a third-party who signed the envelope, realized the letter was intended for the Board of Elections, and then re-mailed- arriving to the Board of Elections late.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Mr. Wright moved to adjourn the January 22, 2019 Board of Elections Meeting. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present.

The January 22, 2019 Board of Elections Meeting adjourned at 5:34 p.m.

Floyd L. Jones, Director

Addison Lester, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Elections of Fayette County, Georgia, held on the 26th day of February 2019. Referenced attachments are available upon request in the Board of Elections' Office.

Floyd L. Jones, Director

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased.

BACKGROUND / HISTORY / DETAILS

O.C.G.A. 21-2-228(d) and 21-2-231 provide instructions pertaining to the removal of registered voters from an Elector's List.

The Secretary of State's Office provides monthly reports to county offices detailing deceased voters. This request is based on the information provided from the Secretary of State's Office. Families are notified by an official letter informing them of the removal of these electors.

Each person in question has been notified of this meeting via first-class mail as required by law.

SPECIFIC ACTION / DIRECTION SOUGHT

Conduct Public Hearing on staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased.

January 22, 2019

**Deceased to be
removed from
Elector's Role**

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM

CANCELLED VOTERS

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
01/23/2019	Cancelled Deceased	EMERY	NORMAN		Unknown	MALE	201 CROSSTOWN DR APT 3038 PEACHTREE CITY GA 30269	10254827
01/23/2019	Cancelled Deceased	HALL	BARBARA		White not of Hispanic Origin	FEMALE	521 LONGWOOD LN PEACHTREE CITY GA 30269-2820	01976298
01/23/2019	Cancelled Deceased	HOLDAWAY	KAREN		Unknown	FEMALE	205 POND TRCE FAYETTEVILLE GA 30215	10403413
01/23/2019	Cancelled Deceased	KING	PEGGY		White not of Hispanic Origin	FEMALE	320 WILBANKS DR FAYETTEVILLE GA 30215- 6806	01410862
01/23/2019	Cancelled Deceased	MILLER	ALLEN		White not of Hispanic Origin	MALE	155 HIBISCUS TRL FAYETTEVILLE GA 30215	07946352

January 28, 2019

**Deceased to be
removed from
Elector's Role**

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM

CANCELLED VOTERS

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
01/28/2019	Cancelled Deceased	CLARK	DONNA		Unknown	FEMALE	116 CENTURY PARK PL PEACHTREE CITY GA 30269-5633	07736784
01/28/2019	Cancelled Deceased	GONZALEZ	VICTOR		White not of Hispanic Origin	MALE	325 BENTLEY WAY FAYETTEVILLE GA 30214	10725432
01/28/2019	Cancelled Deceased	SPELIOS	VIRGINIA		White not of Hispanic Origin	FEMALE	134 GROOMS RD FAYETTEVILLE GA 30215	08362438
01/28/2019	Cancelled Deceased	SWEARINGEN	FRANCES		White not of Hispanic Origin	FEMALE	505 VILLA PT PEACHTREE CITY GA 30269-1687	07182785
01/28/2019	Cancelled Deceased	WRIGHT	DINSDALE		Black not of Hispanic Origin	MALE	105 WIND CLAN CT FAYETTEVILLE GA 30214	10830901
01/28/2019	Cancelled Deceased	GONZALEZ	VICTOR		Other	MALE	325 BENTLEY WAY FAYETTEVILLE GA 30214- 3751	04487925

February 4, 2019

**Deceased to be
removed from
Elector's Role**

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM**CANCELLED VOTERS**

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/04/2019	Cancelled Deceased	GUNASINGHE	PADMINI		Unknown	FEMALE	569 N FAIRFIELD DR PEACHTREE CITY GA 30269	11126376
02/04/2019	Cancelled Deceased	JONES	SARA		Black not of Hispanic Origin	FEMALE	427 OLD GREENVILLE RD FAYETTEVILLE GA 30215	02652157

February 11, 2019

**Deceased to be
removed from
Elector's Role**

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM								
CANCELLED VOTERS								
Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/11/2019	Cancelled Deceased	HAWKINS	ESTELLE		Unknown	FEMALE	1000 NEWGATE RD APT 302 PEACHTREE CITY GA 30269	12086636
02/11/2019	Cancelled Deceased	MATTHEWS	LILLIE		Black not of Hispanic Origin	FEMALE	113 GRENOBLE RD PEACHTREE CITY GA 30269-1514	04636876
02/11/2019	Cancelled Deceased	POLLARD	WILMA		Unknown	FEMALE	135 MERCEDES TRL FAYETTEVILLE GA 30214- 3779	01750954

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/11/2019	Cancelled Deceased	HAWKINS	ESTELLE		Unknown	FEMALE	1000 NEWGATE RD APT 302 PEACHTREE CITY GA 30269	12086636
02/11/2019	Cancelled Deceased	MATTHEWS	LILLIE		Black not of Hispanic Origin	FEMALE	113 GRENOBLE RD PEACHTREE CITY GA 30269-1514	04636876
02/11/2019	Cancelled Deceased	POLLARD	WILMA		Unknown	FEMALE	135 MERCEDES TRL FAYETTEVILLE GA 30214- 3779	01750954

February 19, 2019

**Deceased to be
removed from
Elector's Role**

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM								
CANCELLED VOTERS								
Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/19/2019	Cancelled Deceased	MARSH	JOHN		Unknown	MALE	270 LAKE CIRCLE DR FAYETTEVILLE GA 30215-2151	08553155
02/19/2019	Cancelled Deceased	SHARP	RICHARD	JR	Black not of Hispanic Origin	MALE	2205 COBBLESTONE BLVD FAYETTEVILLE GA 30215-6842	06954166

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/19/2019	Cancelled Deceased	MARSH	JOHN		Unknown	MALE	270 LAKE CIRCLE DR FAYETTEVILLE GA 30215-2151	08553155
02/19/2019	Cancelled Deceased	SHARP	RICHARD	JR	Black not of Hispanic Origin	MALE	2205 COBBLESTONE BLVD FAYETTEVILLE GA 30215-6842	06954166

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons.

BACKGROUND / HISTORY / DETAILS

O.C.G.A. 21-2-228(d) and 21-2-231 provide instructions pertaining to the removal of registered voters from an Elector's List.

The Secretary of State's Office provides monthly reports to county offices detailing registered felons. This request is based on the information provided from the Secretary of State's Office. Families are notified by an official letter informing them of the removal of these electors.

Each person in question has been notified of this meeting via first-class mail as required by law.

SPECIFIC ACTION / DIRECTION SOUGHT

Conduct Public Hearing on staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons.

January 2019

Felons to be removed

from

Elector's Role

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM**CANCELLED VOTERS**

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
01/30/2019	Cancelled Felon	TAYLOR	SAMUEL		White not of Hispanic Origin	MALE	205 FLAT CREEK CT PEACHTREE CITY GA 30269	11281203

February 2019

Felons to be removed

from

Elector's Role

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM

CANCELLED VOTERS

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/18/2019	Cancelled Felon	BUCK	EDWIN		Black not of Hispanic Origin	MALE	180 WINONA DR FAYETTEVILLE GA 30214-1190	05828310
02/18/2019	Cancelled Felon	CAMERON	STEVEN	JR	Black not of Hispanic Origin	MALE	105 MOTIER PL FAYETTEVILLE GA 30214	11427956
02/18/2019	Cancelled Felon	DICKINSON	CHRISTOPHER		White not of Hispanic Origin	MALE	369 HIGHWAY 279 FAYETTEVILLE GA 30214	05836904
02/18/2019	Cancelled Felon	DUPREE	ERIC		Unknown	MALE	106 TWIGGS WAY FAYETTEVILLE GA 30214	05652535
02/18/2019	Cancelled Felon	DURDEN	THOMAS		White not of Hispanic Origin	MALE	140 TANDY TRCE FAYETTEVILLE GA 30215	10988422
02/18/2019	Cancelled Felon	EASTER	RAHMENE		Black not of Hispanic Origin	MALE	195 KITE LAKE RD FAYETTEVILLE GA 30214	08942389
02/18/2019	Cancelled Felon	FORD	CONOR		Other	MALE	175 BRANDON MILL CIR FAYETTEVILLE GA 30214	12100492
02/18/2019	Cancelled Felon	GATES	ANTONIO	JR	Black not of Hispanic Origin	MALE	165 N FAYETTE CT FAYETTEVILLE GA 30214	11813390
02/18/2019	Cancelled Felon	GOSS	ANTHONY		Black not of Hispanic Origin	MALE	105 OAK LEAF CT FAYETTEVILLE GA 30214	11514543
02/18/2019	Cancelled Felon	GRAY	STEPHEN		White not of Hispanic Origin	MALE	516 HIGHWAY 85 CONNECTOR BROOKS GA 30205	05927798
02/18/2019	Cancelled Felon	GREEN	CHESTER	III	White not of Hispanic Origin	MALE	374 MASK RD BROOKS GA 30205	11616037
02/18/2019	Cancelled Felon	HINES	ROGER		Black not of Hispanic Origin	MALE	206 KENTWOOD DR PEACHTREE CITY GA 30269	07613244
02/18/2019	Cancelled Felon	HOWARD	ELIZABETH		White not of Hispanic Origin	FEMALE	101 OLYMPIC CT FAYETTEVILLE GA 30214	02931780
02/18/2019	Cancelled Felon	JONES	WILLIAM		White not of Hispanic Origin	MALE	124 COLEMAN LAKE RD FAYETTEVILLE GA 30214	05865762
02/18/2019	Cancelled Felon	KELLER	DESTINY		White not of Hispanic Origin	FEMALE	300 GREENVIEW CIR FAYETTEVILLE GA 30214	11787921
02/18/2019	Cancelled Felon	LOWERY	ARMARD		Black not of Hispanic Origin	MALE	648 HIGHWAY 279 FAYETTEVILLE GA 30214	05560595
02/18/2019	Cancelled Felon	LUKE	DAVID		White not of Hispanic Origin	MALE	701 THORNHILL PEACHTREE CITY GA 30269	02029312
02/18/2019	Cancelled Felon	MCDONALD	WILLIAM		Black not of Hispanic Origin	MALE	115 SERENITY PL FAYETTEVILLE GA 30214	11388235
02/18/2019	Cancelled Felon	MCLAUGHLIN	ROBERT		Unknown	MALE	240 AUTUMN GLEN CIR FAYETTEVILLE GA 30215	12087213
02/18/2019	Cancelled Felon	MIMS	IVAN		Black not of Hispanic Origin	MALE	114 O'CONNELL ST TYRONE GA 30290	07888098
02/18/2019	Cancelled Felon	PRUITT	OTIS		Unknown	MALE	1009 HIGHWAY 85 S FAYETTEVILLE GA 30215	12097210
02/18/2019	Cancelled Felon	SCHUG	WILLIAM		White not of Hispanic Origin	MALE	522 PINEGATE RD PEACHTREE CITY GA 30269	05386215
02/18/2019	Cancelled Felon	SWIFT	ROBERT		Black not of Hispanic Origin	MALE	125 TROLLING WAY FAYETTEVILLE GA 30215	06036685
02/18/2019	Cancelled Felon	WHITFIELD	BRIAN		White not of Hispanic Origin	MALE	1209 WILLIAMS CIR PEACHTREE CITY GA 30269	10418634
02/18/2019	Cancelled Felon	WILLIAMS	DARREN		White not of Hispanic Origin	MALE	133 LEES MILL RD FAYETTEVILLE GA 30214	06019918
02/18/2019	Cancelled Felon	WRIGHT	SHANE		White not of Hispanic Origin	MALE	135 KNIGHTS CT FAYETTEVILLE GA 30215	00939294
02/18/2019	Cancelled Felon	HOWARD	ELIZABETH		White not of Hispanic Origin	FEMALE	101 OLYMPIC CT FAYETTEVILLE GA 30214	12070000
02/18/2019	Cancelled Felon	THOMPSON	DAVID		White not of Hispanic Origin	MALE	135 VALLEY VIEW DR TYRONE GA 30290-2076	04833829

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM

CANCELLED VOTERS

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/18/2019	Cancelled Felon	CHAMBERS	JIMMIE	JR	Black not of Hispanic Origin	MALE	150 WINTERBERRY RDG FAYETTEVILLE GA 30214	08018150
02/18/2019	Cancelled Felon	BURGESS	SHANISE		Unknown	FEMALE	144 NEWFIELD DR TYRONE GA 30290	12067126
02/18/2019	Cancelled Felon	CHREITEH	ADAM		Unknown	MALE	404 LOYD RD PEACHTREE CITY GA 30269	11401299
02/18/2019	Cancelled Felon	MALONE	WILLIAM	IV	Black not of Hispanic Origin	MALE	175 NORMANDY DR FAYETTEVILLE GA 30214	12082395

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Review of the current Fayette County Board of Elections' By-Laws.

BACKGROUND / HISTORY / DETAILS

The Board of Elections' current By-Laws were adopted on October 24, 2017.

At Board direction, the By-Laws are to be placed on the February Agenda each year for review.

Fayette County's current Ethics Ordinance, which is referenced in the By-Laws, are included in the supporting documents.

No specific direction has thus been provided regarding this review.

SPECIFIC ACTION / DIRECTION SOUGHT

Review the current Fayette County Board of Elections' By-Laws.

BYLAWS

FAYETTE COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION

ADOPTED IN SESSION JANUARY 22, 2008

AMENDED OCTOBER 24, 2017

I. NAME

The name of this Board shall be the Fayette County Board of Elections and Voter Registration, hereinafter referred to as the "Board."

II. PURPOSE

The purpose of this Board is:

- 1) To protect the integrity of all elections conducted by the Board.
- 2) To conduct elections in a legal, ethical, and non-partisan manner with an environment of honesty, openness, impartiality, and integrity, keeping in mind the public trust and interest of all voters in Fayette County. The Board or its members should avoid any action which might result in, or create the appearance of, affecting adversely the confidence of the public in the integrity of any election.

III. CONFLICT OF INTEREST

While conducting the duties of their office, board members should not engage in political activity such as campaigning for any candidate on a Fayette County ballot (whether as a volunteer or a paid position) or ballot question, writing letters to the editor, or participating in discussion or comments regarding candidates or candidates' activities. Board members should conduct themselves in an objective, detached and non-partisan manner while conducting the business of the Board. Board members may not speak at public meetings in support of or in opposition to an issue or candidate on a Fayette County ballot. The Code of Ethics for the Fayette County Government in effect as of the adoption and/or readoption of these Bylaws, as found in Division 3 of Article IV of Chapter 2 of the Fayette County Code of Ordinances and as attached hereto, governs the affairs and activities of the Board and is incorporated by reference into these Bylaws.

IV. ORGANIZATION OF THE BOARD

The Board is empowered to organize itself, determine its procedural rules and regulations, adopt bylaws, specify functions and duties of its employees, and otherwise take such actions as are appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. The Chairman of the Board shall be the Chief Executive Officer and shall generally supervise, direct, and control the

administration of the affairs of the Board pursuant to law and duly adopted resolutions of the Board as prescribed by law. The Chairman will be elected among the Board members at the February meeting of each even numbered year to serve for a term of two years.

The Board shall enter into its minutes any directives governing the execution of matters within its jurisdiction. The Board shall hold regular monthly meetings at the Elections Office, unless cancelled for lack of business. Any special called meetings shall be held in accordance with the provisions of state law. The Board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Meetings shall be conducted, insofar as practicable, in accordance with Robert's Rules of Order and Minutes shall be kept of all meetings and shall reflect the votes of each member upon matters voted upon. The Board shall keep correct and complete books and records of account and shall also store the Minutes of all meetings at the Elections Office. Individual Board members may not issue directives to administrative staff or poll workers. All directives to staff and poll workers must be at the behest of the Chairman of the Board and/or the entire Board, acting in its official capacity.

The Board shall be authorized to appoint an Elections Superintendent and to employ any other employees deemed appropriate to manage the matters of the elections and voter registration.

The Board shall be responsible for the selection, appointment and training of poll workers in elections.

V. INVESTIGATIONS

The Board may conduct investigations of irregularities in voting practices, voter registrations, and suspected violations of election laws. Any such investigation shall be conducted in strict compliance with Georgia law and the results shall be made available to the proper law enforcement agencies.

VI. CONFLICT WITH STATE ELECTIONS BOARD RULES

These Bylaws should not be in conflict with the rules of the State Election Board. In case of a conflict, the rules of the State Election Board shall control.

VII. PENALTIES FOR VIOLATION OF BYLAWS

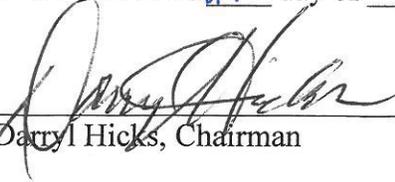
In its discretion, if the Board determines that there has been a violation of these Bylaws, it may impose penalties for said violations(s), including censure and revocation of monthly pay for the Board member. Additional penalties can be imposed by the Board at its discretion.

VIII. AMENDMENTS TO BYLAWS

These Bylaws may be amended by majority vote of the Board at any meeting of the Board, provided that seven (7) days' notice of the intention to amend said Bylaws has been received by Board members, said notice setting forth in detail the proposed amendment. Any

amendment to these Bylaws shall be effective upon adoption, unless otherwise provided for in the amendment.

ADOPTED this 24th day of October, 2017.



Darryl Hicks, Chairman



Addison Lester



Aaron Wright

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Discussion of the various bills introduced in the Georgia General Assembly regarding elections in the State of Georgia.

BACKGROUND / HISTORY / DETAILS

As of the publication of this Agenda, twenty-nine (29) bills have been entered into the Georgia General Assembly during the 2019 Calendar Year.

All 29 bills have been provided as backup in an effort to keep the Board of Elections aware of what is being considered as as an effort to determine if the Board wants to provide its feedback on particular bills.

SPECIFIC ACTION / DIRECTION SOUGHT

Discussion of the various bills introduced in the Georgia General Assembly regarding elections in the State of Georgia.

House Bill 6

**Elections; Certain
electors list**

**maintenance activities;
eliminate**

Georgia General Assembly

2019-2020 Regular Session - HB 6 Elections; certain electors list maintenance activities; eliminate

Sponsored By

(1) Trammell, Robert 132nd	(2) Bruce, Roger 61st	(3) Alexander, Kimberly 66th
(4) Beverly, James 143rd	(5) Boddie, William 62nd	(6) Clark, Jasmine 108th

Committees

HC:

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to eliminate certain electors list maintenance activities; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/21/2019 - House Hopper
Nov/16/2018 - House Prefiled

Versions

[LC 41 1616/a](#)[LC 41 1616/pf](#)

House Bill 6

By: Representatives Trammell of the 132nd, Bruce of the 61st, Alexander of the 66th, Beverly of the 143rd, Boddie of the 62nd, 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 primaries and elections generally, so as to eliminate certain electors list maintenance
3 activities; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
7 elections generally, is amended by revising subsection (a) of Code Section 21-2-234, relating
8 to electors who have failed to vote and with whom there has been no contact in three years,
9 confirmation notice requirements and procedure, and time for completion of list maintenance
10 activities, as follows:

11 ~~"(a)(1) As used in this Code section and Code Section 21-2-235, the term 'no contact' shall~~
12 ~~mean that the elector has not filed an updated voter registration card, has not filed a change~~
13 ~~of name or address, has not signed a petition which is required by law to be verified by the~~
14 ~~election superintendent of a county or municipality or the Secretary of State, has not signed~~
15 ~~a voter's certificate, and has not confirmed the elector's continuation at the same address~~
16 ~~during the preceding three calendar years.~~

17 ~~(2) In the first six months of each odd-numbered year, the Secretary of State shall~~
18 ~~identify all electors whose names appear on the list of electors with whom there has been~~
19 ~~no contact during the preceding three calendar years and who were not identified as~~
20 ~~changing addresses under Code Section 21-2-233. The confirmation notice described in~~
21 ~~this Code section shall be sent to each such elector during each odd-numbered year. Such~~
22 ~~notices shall be sent by forwardable, first-class mail. Reserved.~~

23 SECTION 2.

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

House Bill 18

**Elections; automatic
registration of voters
who obtain, renew, or
change their name or
address on a drivers
license or
identification card**

Georgia General Assembly

2019-2020 Regular Session - HB 18 Elections; automatic registration of voters who obtain, renew, or change their name or address on a driver's license or identification card; provide

Sponsored By

(1) [Scott, Sandra 76th](#)

Committees

HC:

SC:

First Reader Summary

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to registration of voters, so as to provide for the automatic registration of voters who obtain, renew, or change their name or address on a driver's license or identification card issued by the Department of Driver Services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Jan/08/2019 - House Prefiled

Versions



[LC 41 1617/pf](#)

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
2 relating to registration of voters, so as to provide for the automatic registration of voters who
3 obtain, renew, or change their name or address on a driver's license or identification card
4 issued by the Department of Driver Services; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
9 registration of voters, is amended by revising Code Section 21-2-221, relating to driver's
10 license or identification card application as application for voter registration, forms and
11 procedure, and electronic transmission of applications and signatures, as follows:

12 "21-2-221.

13 (a) Prior to allowing any person to complete an application to obtain, renew, or change his
14 or her name or address on a driver's license or identification card issued by the Department
15 of Driver Services pursuant to Chapter 5 of Title 40, other than an application made
16 pursuant to Code Section 40-5-21.1, the Department of Driver Services shall require such
17 person to make a written statement under penalty of perjury of whether such person is a
18 citizen of the United States, is serving a sentence for conviction of a felony involving moral
19 turpitude, or has been found mentally incompetent by a judge. Each application to obtain,
20 renew, or change the name or address on a driver's license or identification card issued by
21 the Department of Driver Services pursuant to Chapter 5 of Title 40, other than an
22 application made pursuant to Code Section 40-5-21.1, made by an applicant who is within
23 six months of ~~such applicant's~~ his or her eighteenth birthday or older, who is a citizen of
24 the United States, who is not serving a sentence for conviction of a felony involving moral
25 turpitude, and who has not been found mentally incompetent by a judge shall also serve as

LC 41 1617

26 an application for voter registration ~~unless the applicant declines to register to vote through~~
 27 ~~specific declination or by failing to sign the voter registration application.~~

28 (b) The commissioner of driver services and the Secretary of State shall agree upon ~~and~~
 29 ~~design~~ such procedures and design such forms as will be necessary to comply with this
 30 Code section.

31 (c) The forms designed by the commissioner of driver services and the Secretary of State:
 32 ~~(1) Shall shall be a single application for purposes of obtaining, renewing, or changing~~
 33 ~~the name or address on a driver's license or identification card issued by the Department~~
 34 ~~of Driver Services and voter registration where the signature of the applicant on such~~
 35 ~~application shall perform all required attestations for both purposes not require the~~
 36 ~~applicant to duplicate any information required in the driver's license portion of the~~
 37 ~~application with the exception of a second signature; and shall include:~~

38 ~~(2) Shall include such (1) Such~~ information as required on other voter registration cards
 39 issued by the Secretary of State;

40 ~~(3) Shall contain a (2) A~~ statement that ~~states lists~~ each eligibility requirement contained
 41 in Code Section 21-2-216, ~~that~~ contains an attestation that the applicant meets each such
 42 requirement, and ~~that~~ requires the signature of the applicant under penalty of perjury; and

43 ~~(4) Shall include, in print (3) Language~~ that is identical to that used in the attestation,
 44 the penalties provided by law for submission of a false voter registration application; ~~and~~
 45 ~~a statement that, if an applicant declines to register to vote, the fact that the applicant has~~
 46 ~~declined to register will remain confidential and will be used only for voter registration~~
 47 ~~purposes.~~

48 (d) Any change of address submitted to the Department of Driver Services for the purpose
 49 of changing the information contained on a driver's license or identification card issued by
 50 the Department of Driver Services shall serve as a notification of change of address for
 51 voter registration ~~unless the registrant states that at the time of submitting the change of~~
 52 ~~address that the change of address is not for voter registration purposes.~~

53 (e) An application completed pursuant to this Code section shall be a completed
 54 application for voter registration. The Department of Driver Services shall transmit the
 55 completed applications for voter registration to the Secretary of State at the conclusion of
 56 each business day. The Secretary of State shall forward the applications to the appropriate
 57 county board of registrars to determine the eligibility of the applicant and, if found eligible
 58 and if not already registered to vote, to add the applicant's name to the list of electors and
 59 to place the applicant in the correct precinct and voting ~~districts~~ district.

60 (f) The Department of Driver Services shall maintain such statistical records on the
 61 number of registrations and declinations as requested by the Secretary of State.

LC 41 1617

62 ~~(g) No information relating to the failure of an applicant for a driver's license or~~
63 ~~identification card issued by the Department of Driver Services to sign a voter registration~~
64 ~~application may be used for any purpose other than voter registration.~~

65 (h) The Secretary of State and the commissioner of driver services shall have the authority
66 to promulgate rules and regulations to provide for the transmission of voter registration
67 applications and signatures electronically. Such electronically transmitted signatures shall
68 be valid as signatures on the voter registration application and shall be treated in all
69 respects as a manually written original signature and shall be recognized as such in any
70 matter concerning the voter registration application."

71

SECTION 2.

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

House Bill 27

**Elections; method for
certain small
municipalities to
shorten the advance
voting period for
municipal elections
and runoffs**

Georgia General Assembly

2019-2020 Regular Session - HB 27 Elections; method for certain small municipalities to shorten the advance voting period for municipal elections and runoffs; provide

Sponsored By

(1) [Belton, Dave 112th](#)

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide a method for certain small municipalities to shorten the advance voting period for municipal elections and runoffs; to provide for staffing at such advance voting locations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Jan/28/2019 - House Second Readers

Jan/17/2019 - House First Readers

Jan/16/2019 - House Hopper

Versions



[LC 28 8983/a](#)

House Bill 27

By: Representative Belton of the 112th

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 a method for certain small municipalities
3 to shorten the advance voting period for municipal elections and runoffs; to provide for
4 staffing at such advance voting locations; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended by revising paragraph (1) of subsection (d) of Code
10 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as
11 follows:

12 "(d)(1) ~~There~~ Except as otherwise provided in this paragraph, there shall be a period of
13 advance voting that shall commence:

- 14 (A) On the fourth Monday immediately prior to each primary or election;
- 15 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 16 (C) On the fourth Monday immediately prior to a runoff from a general election in
17 which there are candidates for a federal office on the ballot in the runoff; and
- 18 (D) As soon as possible prior to a runoff from any other general election in which there
19 are only state or county candidates on the ballot in the runoff

20 and shall end on the Friday immediately prior to each primary, election, or runoff.
21 Voting shall be conducted during normal business hours on weekdays during such period
22 and shall be conducted on the second Saturday prior to a primary or election during the
23 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries, ~~and~~
24 elections, and runoffs in which there are no federal or state candidates on the ballot, no
25 Saturday voting hours shall be required; and provided, further, that, if such second
26 Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second

27 Saturday follows a public and legal holiday occurring on the Thursday or Friday
 28 immediately preceding such second Saturday, or if such second Saturday immediately
 29 precedes a public and legal holiday occurring on the following Sunday or Monday, such
 30 advance voting shall not be held on such second Saturday but shall be held on the third
 31 Saturday prior to such primary, ~~or~~ election, or runoff. Except as otherwise provided in
 32 this paragraph, counties and municipalities may extend the hours for voting beyond
 33 regular business hours and may provide for additional voting locations pursuant to Code
 34 Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option. In the
 35 case of municipalities which have a population of 2,500 or less according to the United
 36 States decennial census of 2010 or any future such census, the governing authority may
 37 by ordinance submit to the electors of the municipality a referendum on whether to
 38 shorten the period of time for advance voting in municipal elections and runoffs for such
 39 municipality. If the electors of the municipality approve such shortening of the advance
 40 voting period, then the advance voting period for such municipality shall begin on the
 41 second Monday prior to an election or runoff and shall end on the following Friday so
 42 long as the municipality has a population of 2,500 or less according to the United States
 43 decennial census of 2010 or any future such census. Such shortened advance voting
 44 period shall not be applicable if the municipal election or runoff is held in conjunction
 45 with any county, state, or federal election or runoff. The municipality may reverse such
 46 decision to shorten the advance voting period for municipal elections or runoffs by the
 47 adoption of an appropriate ordinance and ratification of such ordinance in a referendum
 48 by the electors of the municipality. In municipalities which have a population of 2,500
 49 or less according to the United States decennial census of 2010 or any future such census,
 50 advance voting locations shall be staffed by a manager and an assistant manager, and
 51 such additional poll workers, if any, as the municipality may direct. The absentee ballot
 52 clerk may serve as a manager or assistant manager of an advance voting location."

SECTION 2.

53
 54 Said chapter is further amended by revising subsection (b) of Code Section 21-2-414, relating
 55 to restrictions on campaign activities and public opinion polling within the vicinity of a
 56 polling place, cellular phone use prohibited, prohibition of candidates from entering certain
 57 polling places, and penalty, as follows:

58 "(b) ~~Rooms~~ For the purposes of this Code section, rooms under the control or supervision
 59 of the board of registrars or absentee ballot clerk in which absentee ballots are being cast
 60 shall be considered polling places."

19

LC 28 8983

61

SECTION 3.

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

House Bill 57

Elections; eligible electors mailed an absentee ballot for each primary, election, and runoff in which they are eligible to vote

Georgia General Assembly

2019-2020 Regular Session - HB 57

Elections; eligible electors mailed an absentee ballot for each primary, election and runoff in which they are eligible to vote; provide

Sponsored By

(1) Kendrick, Dar'shun 93rd
(4) Jones, Sheila 53rd

(2) Beverly, James 143rd
(5) Marin, Pedro "Pete" 96th

(3) Scott, Sandra 76th
(6) Bruce, Roger 61st

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that all eligible electors shall be mailed an absentee ballot for each primary, election, and runoff in which they are eligible to vote; to provide for procedures; to provide for cancellation of such ballots under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Jan/30/2019 - House Second Readers
Jan/29/2019 - House First Readers
Jan/28/2019 - House Hopper

Versions

 [LC 28 8984/a](#)

House Bill 57

By: Representatives Kendrick of the 93rd, Beverly of the 143rd, Scott of the 76th, Jones of the 53rd, Marin of the 96th, 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 primaries and elections generally, so as to provide that all eligible electors shall be mailed
3 an absentee ballot for each primary, election, and runoff in which they are eligible to vote;
4 to provide for procedures; to provide for cancellation of such ballots under certain
5 circumstances; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
10 elections generally, is amended by revising Code Section 21-2-219, relating to registration
11 cards, form, registration by members of armed forces or merchant marine and permanent
12 overseas citizen, Secretary of State to provide information regarding registration and
13 absentee ballot procedures, and reports regarding absentee ballots, as follows:

14 "21-2-219.

15 (a) The registration cards for use by persons in making application to register to vote shall
16 be in a form as specified by the Secretary of State, which shall include printed forms, forms
17 made available through electronic means, or otherwise. Except as provided in
18 subsection (b) of this Code section and Code Section 21-2-221.2, only registration cards
19 issued or authorized for use by the Secretary of State or the national voter registration card
20 promulgated under the provisions of the National Voter Registration Act of 1993, 42
21 U.S.C. Section 1973gg-7, shall be accepted for purposes of voter registration.

22 (b) A person who is a legal resident of this state and a citizen of the United States; who is
23 a member of the armed forces of the United States or the merchant marine, is a spouse or
24 dependent of a member of the armed forces or the merchant marine residing with or
25 accompanying said member, or is temporarily or permanently residing overseas; and who
26 will be absent from such person's county of residence until after the time for registering for

19

LC 28 8984

27 an ensuing primary or election may make proper application for voter registration on the
 28 official post card or write-in absentee ballot provided for by the Uniformed and Overseas
 29 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

30 (c) Permanent overseas citizens shall only be authorized to vote for presidential electors
 31 and United States senator or representative in Congress. Permanent overseas citizens shall
 32 be deemed to be residents of the precinct in which the county courthouse is located.

33 (d) ~~A properly executed registration card submitted under the provisions of subsection (b)~~
 34 ~~of this Code section shall be considered to be an application for an absentee ballot under~~
 35 ~~Code Section 21-2-381 or a special absentee ballot under Code Section 21-2-381.1, as~~
 36 ~~appropriate~~ Reserved.

37 (e) A person who is a United States citizen, permanently residing overseas, who has never
 38 lived in the United States, may register and vote in this state in the county of residence of
 39 either of such person's parents under the limitations of subsection (c) of this Code section
 40 if either of the person's parents is registered to vote in this state. Such person shall be
 41 deemed to reside at the same location as the parent for voting purposes.

42 (f) The office of the Secretary of State is designated as the office, under the federal Help
 43 America Vote Act, to be responsible for providing information on registration and absentee
 44 ballot procedures for use by absent uniformed services and overseas voters, including the
 45 use of the federal write-in absentee ballot.

46 (g) The registrars of each county shall report to the Secretary of State within 60 days after
 47 a general election in which federal candidates were on the ballot, the combined number of
 48 absentee ballots that were transmitted to absent uniformed services and overseas voters in
 49 such election, as well as ~~and~~ the combined number of such ballots that were returned by
 50 such voters and cast in such election.

51 (h) The Secretary of State shall report to the federal Election Assistance Commission
 52 within 90 days after a general election in which federal candidates were on the ballot ~~report~~
 53 ~~to the federal Election Assistance Commission~~, on such form as may be prescribed by such
 54 commission, the combined number of absentee ballots that were transmitted to absent
 55 uniformed services and overseas voters in such election, as well as ~~and~~ the combined
 56 number of such ballots that were returned by such voters and cast in such election."

57

SECTION 2.

58 Said chapter is further amended by revising Code Section 21-2-380, relating to definitions
 59 and when reason for absentee ballot not required, as follows:

60 "21-2-380.

61 (a) As used in this article, the term 'absentee elector' means an elector of this state or a
62 municipality thereof who casts a ballot in a primary, election, or runoff other than in person
63 at the polls on the day of such primary, election, or runoff.

64 (b) ~~An elector who votes by absentee ballot shall not be required to provide a reason in
65 order to cast an absentee ballot in any primary, election, or runoff."~~

66 **SECTION 3.**

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

70 "21-2-381.

71 (a)(1)(A) ~~Except as otherwise provided in Code Section 21-2-219, not more than 180 days
72 prior to the date of the primary or election, or runoff of either, in which the elector desires
73 to vote, any absentee elector may make, either by mail, by facsimile transmission, by
74 electronic transmission, or in person in the registrar's or absentee ballot clerk's office, an
75 application for an official ballot of the elector's precinct to be voted at such primary,
76 election, or runoff~~ The board of registrars or absentee ballot clerk shall mail to each elector
77 eligible to vote in an election an absentee ballot and the necessary instructions and
78 envelopes to return such ballot not more than 49 days but not less than 45 days prior to any
79 presidential preference primary, general primary other than a municipal general primary,
80 general election other than a municipal general election, or special primary or special
81 election in which there is a candidate for a federal office on the ballot; 22 days prior to any
82 municipal general primary or municipal general election; as soon as possible prior to any
83 runoff; and, in the case of all other special primaries or special elections, within three days
84 after the receipt of such ballots and supplies.

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

91 (C) ~~The application shall be in writing and shall contain sufficient information for
92 proper identification of the elector; the permanent or temporary address of the elector
93 to which the absentee ballot shall be mailed; the identity of the primary, election, or
94 runoff in which the elector wishes to vote; and the name and relationship of the person
95 requesting the ballot if other than the elector.~~

96 ~~(D) Except in the case of physically disabled electors residing in the county or~~
97 ~~municipality, no absentee ballot shall be mailed to an address other than the permanent~~
98 ~~mailing address of the elector as recorded on the elector's voter registration record or~~
99 ~~a temporary out-of-county or out-of-municipality address.~~

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

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

106 ~~(G) Any elector meeting criteria of advanced age or disability specified by rule or~~
107 ~~regulation of the State Election Board or any elector who is entitled to vote by absentee~~
108 ~~ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42~~
109 ~~U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application~~
110 ~~a ballot for a presidential preference primary held pursuant to Article 5 of this chapter~~
111 ~~and for a primary as well as for any runoffs resulting therefrom and for the election for~~
112 ~~which such primary shall nominate candidates as well as any runoffs resulting~~
113 ~~therefrom. If not so requested by such person, a separate and distinct application shall~~
114 ~~be required for each primary, run-off primary, election, and run-off election. Except~~
115 ~~as otherwise provided in this subparagraph, a separate and distinct application for an~~
116 ~~absentee ballot shall always be required for any special election or special primary.~~

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

122 ~~(3) Reserved.~~

123 ~~(4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar~~
124 ~~or absentee ballot clerk shall determine if the applicants are eligible to vote under this~~
125 ~~Code section and shall either mail or issue the absentee ballots for the election for~~
126 ~~representative in the United States Congress to an individual entitled to make application~~
127 ~~for absentee ballot under subsection (d) of this Code section the same day any such~~
128 ~~application is received, so long as the application is received by 3:00 P.M., otherwise no~~
129 ~~later than the next business day following receipt of the application. Any valid absentee~~
130 ~~ballot shall be accepted and processed so long as the ballot is received by the registrar or~~
131 ~~absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent~~

132 ~~uniformed services voter or overseas voter, but in no event later than 11 days following~~
133 ~~the date of the election.~~

134 (b)(1) ~~Upon receipt of a timely application for an absentee ballot, a registrar or absentee~~
135 ~~ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk~~
136 ~~shall determine, in accordance with the provisions of this chapter, if the applicant is eligible~~
137 ~~to vote in the primary or election involved. In order to be found eligible to vote an~~
138 ~~absentee ballot by mail, the registrar or absentee ballot clerk shall compare the identifying~~
139 ~~information on the application with the information on file in the registrar's office and, if~~
140 ~~the application is signed by the elector, compare the signature or mark of the elector on the~~
141 ~~application with the signature or mark of the elector on the elector's voter registration card.~~
142 ~~In order to be found eligible to vote an absentee ballot in person at the registrar's office or~~
143 ~~absentee ballot clerk's office, such person shall show one of the forms of identification~~
144 ~~listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the~~
145 ~~identifying information on the application with the information on file in the registrar's~~
146 ~~office. After mailing the absentee ballots as required in subsection (a) of this Code section,~~
147 ~~the board of registrars or absentee ballot clerk shall thereafter, as electors register to vote~~
148 ~~and are found eligible to vote in such primary, election, or runoff, mail absentee ballots and~~
149 ~~necessary instructions and envelopes to such electors.~~

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

- 152 (A) ~~Shall mail the ballot as provided in this Code section;~~
- 153 (B) ~~If the application is made in person, shall issue the ballot to the elector to be voted~~
154 ~~on a direct recording electronic (DRE) voting system within the confines of the~~
155 ~~registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the~~
156 ~~ballot is issued during the advance voting period established pursuant to subsection (d)~~
157 ~~of Code Section 21-2-385; or~~
- 158 (C) ~~May deliver the ballot in person to the elector if such elector is confined to a~~
159 ~~hospital.~~

160 (3) ~~If found ineligible, the clerk or the board of registrars shall deny the application by~~
161 ~~writing the reason for rejection in the proper space on the application and shall promptly~~
162 ~~notify the applicant in writing of the ground of ineligibility, a copy of which notification~~
163 ~~should be retained on file in the office of the board of registrars or absentee ballot clerk~~
164 ~~for at least one year.~~

165 (4) ~~If the registrar or clerk is unable to determine the identity of the elector from~~
166 ~~information given on the application, the registrar or clerk should promptly write to~~
167 ~~request additional information.~~

168 ~~(5) In the case of an unregistered applicant who is eligible to register to vote, the clerk~~
 169 ~~or the board shall immediately mail a blank registration card as provided by Code Section~~
 170 ~~21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by~~
 171 ~~absentee ballot in such primary or election, if the registration card, properly completed,~~
 172 ~~is returned to the clerk or the board on or before the last day for registering to vote in~~
 173 ~~such primary or election. If the closing date for registration in the primary or election~~
 174 ~~concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,~~
 175 ~~as soon as it is prepared and available; and the ballot shall be cast in such primary or~~
 176 ~~election if returned to the clerk or board not later than the close of the polls on the day of~~
 177 ~~the primary or election concerned.~~

178 ~~(c) In those counties or municipalities in which the absentee ballot clerk or board of~~
 179 ~~registrars provides application forms for absentee ballots, the clerk or board shall provide~~
 180 ~~such quantity of the application form to the dean of each college or university located in~~
 181 ~~that county as said dean determines necessary for the students of such college or university~~
 182 Such absentee ballots shall be mailed to the most recent address of the elector as shown on
 183 the list of registered electors.

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

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

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

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

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

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

202 ~~(C) He or she has a valid passport or card of identity and registration issued under the~~
 203 ~~authority of the Secretary of State of the United States or, in lieu thereof, an alternative~~
 204 ~~form of identification consistent with 42 U.S.C. Section 1973ff and applicable state~~

205 ~~requirements, if a citizen does not possess a valid passport or card of identity and~~
 206 ~~registration~~ Reserved.
 207 (e) The State Election Board is authorized to promulgate reasonable rules and regulations
 208 for the implementation of ~~paragraph (1) of subsection (a) this Code section. Said rules and~~
 209 ~~regulations may include provisions for the limitation of opportunities for fraudulent~~
 210 ~~application, including, but not limited to, comparison of voter registration records with~~
 211 ~~death certificates."~~

SECTION 4.

212
 213 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation
 214 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting
 215 absentee electors, master list of ballots sent, challenges, and electronic transmission of
 216 ballots, as follows:

217 "21-2-384.

218 (a)(1) The superintendent shall, in consultation with the board of registrars or absentee
 219 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this
 220 subsection an adequate supply of official absentee ballots to the board of registrars or
 221 absentee ballot clerk for use in the primary or election or as soon as possible prior to a
 222 runoff. Envelopes and other supplies as required by this article may be ordered by the
 223 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary
 224 or election.

225 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
 226 ballots to all eligible ~~applicants~~ electors not more than 49 days but not less than 45 days
 227 prior to any presidential preference primary, general primary other than a municipal
 228 general primary, general election other than a municipal general election, or special
 229 primary or special election in which there is a candidate for a federal office on the ballot;
 230 22 days prior to any municipal general primary or municipal general election; and as soon
 231 as possible prior to any runoff. In the case of all other special primaries or special
 232 elections, the board of registrars or absentee ballot clerk shall mail or issue official
 233 absentee ballots to all eligible ~~applicants~~ electors within three days after the receipt of
 234 such ballots and supplies, but no earlier than 22 days prior to the election; ~~provided;~~
 235 ~~however, that should any elector of the jurisdiction be permitted to vote by absentee~~
 236 ~~ballot beginning 49 days prior to a primary or election, all eligible applicants of such~~
 237 ~~jurisdiction shall be entitled to vote by absentee ballot beginning 49 days prior to such~~
 238 ~~primary or election.~~ As additional ~~applicants~~ electors are determined to be eligible, the
 239 board or clerk shall mail or issue official absentee ballots to such additional ~~applicants~~
 240 electors immediately upon determining their eligibility; provided, however, that no

241 absentee ballot shall be mailed by the registrars or absentee ballot clerk on the day prior
 242 to a primary or election and provided, further, that no absentee ballot shall be issued on
 243 the day prior to a primary or election. The board of registrars shall, within the same time
 244 periods specified in this subsection, electronically transmit official absentee ballots to all
 245 electors who have requested to receive their official absentee ballot electronically and are
 246 entitled to vote such absentee ballot under the federal Uniformed and Overseas Citizens
 247 Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

248 (3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date
 249 a ballot is mailed or issued to an elector and the date it is returned shall be entered on the
 250 ~~application record therefor~~ records of the registrar's or absentee ballot clerk's office.

251 (4) ~~The delivery of an absentee ballot to a person confined in a hospital may be made by~~
 252 ~~the registrar or clerk on the day of a primary or election or during a five-day period~~
 253 ~~immediately preceding the day of such primary or election~~ Reserved.

254 (5) In the event an absentee ballot which has been mailed by the board of registrars or
 255 absentee ballot clerk is not received by the applicant, the applicant may notify the board
 256 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
 257 has not been received. The board of registrars or absentee ballot clerk shall then issue a
 258 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
 259 shall be ~~attached to the original application. A second application for an absentee ballot~~
 260 ~~shall not be required~~ a part of the records of the registrar's or absentee ballot clerk's
 261 office.

262 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
 263 office, in addition to the mailing envelope, the superintendent, board of registrars, or
 264 absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such
 265 size and shape as shall be determined by the Secretary of State, in order to permit the
 266 placing of one within the other and both within the mailing envelope. On the smaller of
 267 the two envelopes to be enclosed in the mailing envelope shall be printed the words
 268 'Official Absentee Ballot' and nothing else. On the back of the larger of the two envelopes
 269 to be enclosed within the mailing envelope shall be printed the form of oath of the elector
 270 and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and
 271 the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599
 272 for violations of oaths; and on the face of such envelope shall be printed the name and
 273 address of the board of registrars or absentee ballot clerk. The mailing envelope addressed
 274 to the elector shall contain the two envelopes; the official absentee ballot; the uniform
 275 instructions for the manner of preparing and returning the ballot, in form and substance as
 276 provided by the Secretary of State; and a notice in the form provided by the Secretary of
 277 State of all withdrawn, deceased, and disqualified candidates and any substitute candidates

278 pursuant to Code Sections 21-2-134 and 21-2-155; and nothing else. The uniform
 279 instructions shall include information specific to the voting system used for absentee voting
 280 concerning the effect of overvoting or voting for more candidates than one is authorized
 281 to vote for a particular office and information concerning how the elector may correct
 282 errors in voting the ballot before it is cast, including information on how to obtain a
 283 replacement ballot if the elector is unable to change the ballot or correct the error.

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

286 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 287 the State of Georgia; that my residence address, for voting purposes, is _____
 288 County, Georgia; that I possess the qualifications of an elector required by the laws of
 289 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 290 in the primary or election in which this ballot is to be cast; ~~that I am eligible to vote by~~
 291 ~~absentee ballot~~; that I have not marked or mailed any other absentee ballot, nor will I
 292 mark or mail another absentee ballot for voting in such primary or election; nor shall
 293 I vote therein in person; and that I have read and understand the instructions
 294 accompanying this ballot; and that I have carefully complied with such instructions in
 295 completing this ballot. I understand that the offer or acceptance of money or any other
 296 object of value to vote for any particular candidate, list of candidates, issue, or list of
 297 issues included in this election constitutes an act of voter fraud and is a felony under
 298 Georgia law.

299 _____
 300 Elector's Residence Address

301 _____
 302 Year of Elector's Birth

303
 304 _____
 305 Signature or Mark of Elector

306 Oath of Person Assisting Elector (if any):

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

311 This, the _____ day of _____, _____.

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Signature of Person Assisting
Elector -- Relationship

Reason for assistance (Check appropriate square):

- Elector is unable to read the English language.
- Elector requires assistance due to physical disability.

The forms upon which such oaths are printed shall contain the following information:
Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary, election, or runoff in which there is no federal candidate on the ballot.

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

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

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

(e) The State Election Board shall by rule or regulation establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for all electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, and by which such electors may designate whether the elector prefers the transmission of such ballots by mail or electronically. If no preference is stated, the ballot shall be transmitted by mail. The State Election Board shall by rule or regulation establish procedures to ensure to the extent practicable that the procedures for transmitting such ballots shall protect the security and integrity of such ballots and shall ensure that the privacy of the identity and other personal data of such electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, to whom a blank absentee ballot is transmitted under this Code section, is protected throughout the process of such transmission."

348

SECTION 5.

349 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for
350 voting by absentee ballot and advance voting, as follows:

351 "21-2-385.

352 (a) At any time after receiving an official absentee ballot, but before the day of the primary
353 or election, ~~except electors who are confined to a hospital on the day of the primary or~~
354 ~~election,~~ the elector shall vote his or her absentee ballot, then fold the ballot and enclose
355 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
356 This envelope shall then be placed in the second one, on which is printed the form of the
357 oath of the elector; the name, relationship, and oath of the person assisting, if any; and
358 other required identifying information. The elector shall then fill out, subscribe, and swear
359 to the oath printed on such envelope. Such envelope shall then be securely sealed and the
360 elector shall then mail or personally deliver same to the board of registrars or absentee
361 ballot clerk, provided that delivery ~~by~~ for a physically disabled elector may be made by any
362 adult person upon satisfactory proof that such adult person is such elector's mother, father,
363 grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild,
364 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or
365 an individual residing in the household of such disabled elector. ~~An elector who is~~
366 ~~confined to a hospital on a primary or election day to whom an absentee ballot is delivered~~
367 ~~by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly,~~
368 ~~and return it to the registrar or absentee ballot clerk.~~ If the elector registered to vote for the
369 first time in this state by mail and has not previously provided the identification required
370 by Code Section 21-2-220 and votes for the first time by absentee ballot and fails to
371 provide the identification required by Code Section 21-2-220 with such absentee ballot,
372 such absentee ballot shall be treated as a provisional ballot and shall be counted only if the
373 registrars are able to verify the identification and registration of the elector during the time
374 provided pursuant to Code Section 21-2-419.

375 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
376 ballot from one of the following: any elector who is qualified to vote in the same county
377 or municipality as the disabled or illiterate elector; an attendant care provider or a person
378 providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister,
379 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
380 mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate
381 elector. The person rendering assistance to the elector in preparing the ballot shall sign the
382 oath printed on the same envelope as the oath to be signed by the elector. If the disabled
383 or illiterate elector is sojourning outside his or her own county or municipality, a notary
384 public of the jurisdiction may give such assistance and shall sign the oath printed on the

385 same envelope as the oath to be signed by the elector. No person shall assist more than ten
 386 such electors in any primary, election, or runoff in which there is no federal candidate on
 387 the ballot. Any person who willfully violates this subsection shall be guilty of a felony
 388 and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor
 389 more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such
 390 violation.

391 ~~(c) When an elector applies in person for an absentee ballot, after the absentee ballots have~~
 392 ~~been printed, the absentee ballot may be issued to the elector at the time of the application~~
 393 ~~therefor within the confines of the registrar's or absentee ballot clerk's office if such~~
 394 ~~application is made during the advance voting period as provided in subsection (d) of this~~
 395 ~~Code section or may be mailed to the elector, depending upon the elector's request. If the~~
 396 ~~ballot is issued to the elector at the time of application, the elector shall then and there~~
 397 ~~within the confines of the registrar's or absentee ballot clerk's office vote and return the~~
 398 ~~absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of~~
 399 ~~persons voting in accordance with subsection (d) of this Code section, the board of~~
 400 ~~registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the~~
 401 ~~privacy of the elector while voting his or her absentee ballot. Reserved.~~

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

- 403 (A) On the fourth Monday immediately prior to each primary or election;
- 404 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 405 (C) On the fourth Monday immediately prior to a runoff from a general election in
- 406 which there are candidates for a federal office on the ballot in the runoff; and
- 407 (D) As soon as possible prior to a runoff from any other general election in which there
- 408 are only state or county candidates on the ballot in the runoff

409 and shall end on the Friday immediately prior to each primary, election, or runoff.
 410 Voting shall be conducted during normal business hours on weekdays during such period
 411 and shall be conducted on the second Saturday prior to a primary or election during the
 412 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
 413 in which there are no federal or state candidates on the ballot, no Saturday voting hours
 414 shall be required; and provided, further, that, if such second Saturday is a public and legal
 415 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
 416 legal holiday occurring on the Thursday or Friday immediately preceding such second
 417 Saturday, or if such second Saturday immediately precedes a public and legal holiday
 418 occurring on the following Sunday or Monday, such advance voting shall not be held on
 419 such second Saturday but shall be held on the third Saturday prior to such primary or
 420 election. Except as otherwise provided in this paragraph, counties and municipalities
 421 may extend the hours for voting beyond regular business hours and may provide for

422 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the
423 electors of the jurisdiction at their option.

424 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
425 to the electors of their jurisdiction of the availability of advance voting as well as the
426 times, dates, and locations at which advance voting will be conducted. In addition, the
427 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
428 prescribed by the Secretary of State of the times, dates, and locations at which advance
429 voting will be conducted.

430 (3) If an elector chooses to vote in person during the advance voting period for the
431 primary, election, or runoff, the elector shall do so by first applying for cancellation of
432 the absentee ballot mailed to him or her and:

433 (A) If the elector is in possession of the absentee ballot, by surrendering such ballot to
434 the poll manager of the precinct in which the elector's name appears on the electors list
435 and then casting an advance voting ballot. The poll manager shall mark 'Canceled' and
436 the date and time across the face of the absentee ballot and shall initial same. The poll
437 manager shall also make appropriate notations beside the name of the elector on the
438 electors list. All such canceled absentee ballots shall be returned with other ballots to
439 the superintendent; or

440 (B) If the elector has not received the ballot or if the elector has returned the ballot but
441 the registrars have not received the ballot, by appearing in person before the registrars
442 or the absentee ballot clerk and requesting in writing that the envelope containing the
443 elector's absentee ballot be marked 'Canceled.' After having satisfied themselves as to
444 the identity of such elector, the registrars or the absentee ballot clerk shall grant the
445 request and shall notify the managers of the advance voting precinct as to such action
446 so as to permit the elector to vote in person in that precinct. If the absentee ballot is
447 in the mail or its exact location is unknown, the registrar or the absentee ballot clerk
448 shall write 'Canceled' beside the elector's name on the master list of absentee voters and
449 shall cancel the ballot itself as soon as it is received. Canceled absentee ballots shall
450 be disposed of in the same manner as provided in subsection (a) of Code
451 Section 21-2-386 for absentee ballots returned too late to be cast."

452 **SECTION 6.**

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

457 "21-2-386.

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

462 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
463 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
464 identifying information on the oath with the information on file in his or her office,
465 shall compare the signature or mark on the oath with the signature or mark on the
466 absentee elector's voter registration card or the most recent update to such absentee
467 elector's voter registration card and application for absentee ballot or a facsimile of said
468 signature or mark taken from said card or application, and shall, if the information and
469 signature appear to be valid and other identifying information appears to be correct, so
470 certify by signing or initialing his or her name below the voter's oath. Each elector's
471 name so certified shall be listed by the registrar or clerk on the numbered list of
472 absentee voters prepared for his or her precinct.

473 (C) If the elector has failed to sign the oath, or if the signature does not appear to be
474 valid, or if the elector has failed to furnish required information or information so
475 furnished does not conform with that on file in the registrar's or clerk's office, or if the
476 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
477 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars
478 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
479 which notification shall be retained in the files of the board of registrars or absentee
480 ballot clerk for at least two years.

481 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
482 of Code Section 21-2-220, and who votes for the first time in this state by absentee
483 ballot shall include ~~with his or her application for an absentee ballot or~~ in the outer oath
484 envelope of his or her absentee ballot either one of the forms of identification listed in
485 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
486 statement, government check, paycheck, or other government document that shows the
487 name and address of such elector. If such elector does not provide any of the forms of
488 identification listed in this subparagraph ~~with his or her application for an absentee~~
489 ~~ballot or~~ with the absentee ballot, such absentee ballot shall be deemed to be a
490 provisional ballot and such ballot shall only be counted if the registrars are able to
491 verify current and valid identification of the elector as provided in this subparagraph
492 within the time period for verifying provisional ballots pursuant to Code
493 Section 21-2-419.

494 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
 495 absentee electors, giving the name of the elector and the reason for the rejection in each
 496 case. Three copies of the numbered list of certified absentee voters and three copies of
 497 the numbered list of rejected absentee voters for each precinct shall be turned over to
 498 the poll manager in charge of counting the absentee ballots and shall be distributed as
 499 required by law for numbered lists of voters.

500 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
 501 of the polls on the day of the primary, ~~or~~ election, or runoff shall be safely kept
 502 unopened by the board or absentee ballot clerk and then transferred to the appropriate
 503 clerk for storage for the period of time required for the preservation of ballots used at
 504 the primary, ~~or~~ election, or runoff and shall then, without being opened, be destroyed
 505 in like manner as the used ballots of the primary, ~~or~~ election, or runoff. The board of
 506 registrars or absentee ballot clerk shall promptly notify the elector by first-class mail
 507 that the elector's ballot was returned too late to be counted and that the elector will not
 508 receive credit for voting in the primary, ~~or~~ election, or runoff. All such late absentee
 509 ballots shall be delivered to the appropriate clerk and stored as provided in Code
 510 Section 21-2-390.

511 (G) Notwithstanding any provision of this chapter to the contrary, until the United
 512 States Department of Defense notifies the Secretary of State that the Department of
 513 Defense has implemented a system of expedited absentee voting for those electors
 514 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
 515 eligible absentee electors who reside outside the county or municipality in which the
 516 primary, election, or runoff is held and are members of the armed forces of the United
 517 States, members of the merchant marine of the United States, spouses or dependents of
 518 members of the armed forces or merchant marine residing with or accompanying such
 519 members, or overseas citizens, that are postmarked by the date of such primary,
 520 election, or runoff and are received within the three-day period following such primary,
 521 election, or runoff, if proper in all other respects, shall be valid ballots and shall be
 522 counted and included in the certified election results.

523 (2) After the opening of the polls on the day of the primary, election, or runoff, the
 524 registrars or absentee ballot clerks shall be authorized to open the outer envelope on
 525 which is printed the oath of the elector in such a manner as not to destroy the oath printed
 526 thereon; provided, however, that the registrars or absentee ballot clerk shall not be
 527 authorized to remove the contents of such outer envelope or to open the inner envelope
 528 marked 'Official Absentee Ballot,' except as otherwise provided in this Code section. At
 529 least three persons who are registrars, deputy registrars, poll workers, or absentee ballot
 530 clerks ~~must~~ shall be present before commencing; and three persons who are registrars,

531 deputy registrars, or absentee ballot clerks shall be present at all times while the outer
 532 envelopes are being opened. After opening the outer envelopes, the ballots shall be safely
 533 and securely stored until the time for tabulating such ballots.

534 ~~(3) The process for opening the inner envelopes of and tabulating absentee ballots on the~~
 535 ~~day of a primary, election, or runoff as provided in this subsection shall be a confidential~~
 536 ~~process to maintain the secrecy of all ballots and to protect the disclosure of any balloting~~
 537 ~~information before 7:00 P.M. on election day. No absentee ballots shall be tabulated~~
 538 ~~before 7:00 A.M. on the day of a primary, election, or runoff.~~

539 ~~(3)~~(4) A county election superintendent may, in his or her discretion, after 7:00 A.M. on
 540 the day of the primary, election, or runoff, open the inner envelopes in accordance with
 541 the procedures prescribed in this subsection and begin tabulating the absentee ballots. If
 542 the county election superintendent chooses to open the inner envelopes and begin
 543 tabulating such ballots prior to the close of the polls on the day of the primary, election,
 544 or runoff, the superintendent shall notify in writing, at least seven days prior to the
 545 primary, election, or runoff, the Secretary of State of the superintendent's intent to begin
 546 the absentee ballot tabulation prior to the close of the polls. The county executive
 547 committee or, if there is no organized county executive committee, the state executive
 548 committee of each political party and political body having candidates whose names
 549 appear on the ballot for such election in such county shall have the right to designate two
 550 persons to act as monitors, and each independent and nonpartisan candidate whose name
 551 appears on the ballot for such election in such county shall have the right to designate one
 552 person to act as ~~monitors~~ a monitor for such process. In the event that the only issue to
 553 be voted upon in an election is a referendum question, the superintendent shall also notify
 554 in writing the chief judge of the superior court of the county who shall appoint two
 555 electors of the county to monitor such process.

556 ~~(4)~~(5) The county election superintendent shall publish a written notice in the
 557 superintendent's office of the superintendent's intent to begin the absentee ballot
 558 tabulation prior to the close of the polls and publish such notice at least one week prior
 559 to the primary, election, or runoff in the legal organ of the county.

560 ~~(5) The process for opening the inner envelopes of and tabulating absentee ballots on the~~
 561 ~~day of a primary, election, or runoff as provided in this subsection shall be a confidential~~
 562 ~~process to maintain the secrecy of all ballots and to protect the disclosure of any balloting~~
 563 ~~information before 7:00 P.M. on election day. No absentee ballots shall be tabulated~~
 564 ~~before 7:00 A.M. on the day of a primary, election, or runoff.~~

565 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
 566 election, or runoff, including the vote review panel required by Code Section 21-2-483,
 567 and all monitors and observers shall be sequestered until the time for the closing of the

568 polls. All such persons shall have no contact with the news media; shall have no contact
 569 with other persons not involved in monitoring, observing, or conducting the tabulation;
 570 shall not use any type of communication device including radios, telephones, and cellular
 571 telephones; shall not utilize computers for the purpose of ~~e-mail~~ email, instant messaging,
 572 or other forms of communication; and shall not communicate any information concerning
 573 the tabulation until the time for the closing of the polls; provided, however, that
 574 supervisory and technical assistance personnel shall be permitted to enter and leave the
 575 area in which the tabulation is being conducted but shall not communicate any
 576 information concerning the tabulation to anyone other than the ~~county~~ election
 577 superintendent; the staff of the superintendent; those persons conducting, observing, or
 578 monitoring the tabulation; and those persons whose technical assistance is needed for the
 579 tabulation process to operate.

580 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
 581 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
 582 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
 583 for security. The persons conducting the tabulation of the absentee ballots shall not cause
 584 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes
 585 cast until the time for the closing of the polls.

586 (b) As soon as practicable after 7:00 A.M. on the day of the primary, election, or runoff,
 587 in precincts other than those in which optical scanning tabulators are used, a registrar or
 588 absentee ballot clerk shall deliver the official absentee ballot of each certified absentee
 589 elector, each rejected absentee ballot, applications for such ballots, and copies of the
 590 numbered lists of certified and rejected absentee electors to the manager in charge of the
 591 absentee ballot precinct of the county or municipality, which shall be located in the
 592 precincts containing the county courthouse or polling place designated by the municipal
 593 superintendent. In those precincts in which optical scanning tabulators are used, such
 594 absentee ballots shall be taken to the tabulation center or other place designated by the
 595 superintendent, and the official receiving such absentee ballots shall issue his or her receipt
 596 therefor. Except as otherwise provided in this Code section, in no event shall the counting
 597 of the ballots begin before the polls close.

598 (c) Except as otherwise provided in this Code section, after the close of the polls on the
 599 day of the primary, election, or runoff, a manager shall then open the outer envelope in
 600 such manner as not to destroy the oath printed thereon and shall deposit the inner envelope
 601 marked 'Official Absentee Ballot' in a ballot box reserved for absentee ballots. In the event
 602 that an outer envelope is found to contain an absentee ballot that is not in an inner
 603 envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person
 604 sealing the inner envelope, and deposited in the ballot box and counted in the same manner

605 as other absentee ballots, provided that such ballot is otherwise proper. Such manager with
 606 two assistant managers; appointed by the superintendent, with such clerks as the manager
 607 deems necessary, shall count the absentee ballots following the procedures prescribed by
 608 this chapter for other ballots, insofar as practicable, and prepare an election return for the
 609 county or municipality showing the results of the absentee ballots cast in such county or
 610 municipality.

611 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
 612 be reported by precinct; and separate returns shall be made for each precinct in which
 613 absentee ballots were cast showing the results by each precinct in which the electors reside.

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

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

625

SECTION 7.

626 Said chapter is further amended by revising Code Section 21-2-388, relating to cancellation
 627 of absentee ballots of electors who are present in election precinct during primaries and
 628 elections, as follows:

629 "21-2-388.

630 When an absentee ballot which has been voted ~~shall be~~ is returned to and received by the
 631 board of registrars, it shall be deemed to have been voted then and there; and no other
 632 ballot shall be issued to the same elector except as provided in this Code section. If an
 633 elector ~~has requested to vote by absentee ballot and has not received such absentee ballot;~~
 634 ~~has such ballot in his or her possession, or has returned such ballot but the registrars have~~
 635 ~~not received such ballot, such elector may have the absentee ballot canceled and vote in~~
 636 ~~person on the day of the primary, election, or runoff in one of the following ways~~ chooses
 637 to vote in person during the advance voting period or in person at the polls on the day of
 638 the primary, election, or runoff, the elector may do so by applying for cancellation of the
 639 absentee ballot mailed to him or her and:

640 (1) If the elector is in possession of the absentee ballot, by surrendering ~~the absentee~~
 641 such ballot to the poll manager of the precinct in which the elector's name appears on the
 642 electors list and then ~~being permitted to vote the~~ casting a regular ballot. The poll
 643 manager shall mark 'Canceled' and the date and time across the face of the absentee ballot
 644 and shall initial same. The poll manager shall also make appropriate notations beside the
 645 name of the elector on the electors list. All such canceled absentee ballots shall be
 646 returned with other ballots to the superintendent; or

647 (2) If the elector has not received the ballot or if the elector has returned the ballot but
 648 the registrars have not received the ballot, by appearing in person before the registrars or
 649 the absentee ballot clerk and requesting in writing that the envelope containing the
 650 elector's absentee ballot be marked 'Canceled.' After having satisfied themselves as to
 651 the identity of such elector, the registrars or the absentee ballot clerk shall grant the
 652 request and shall notify the managers of the elector's precinct as to such action so as to
 653 permit the elector to vote in person in that precinct. If the absentee ballot is in the mail
 654 or its exact location is unknown, the registrar or the absentee ballot clerk shall write
 655 'Canceled' beside the elector's name on the master list of absentee voters and shall cancel
 656 the ballot itself as soon as it is received. Canceled absentee ballots shall be disposed of
 657 in the same manner as provided in subsection (a) of Code Section 21-2-386 for absentee
 658 ballots returned too late to be cast."

659

SECTION 8.

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

House Bill 117

Elections; county superintendent may permit any elector of the county to vote in any precinct of the county which such elector chooses in a primary, election or

**runoff under certain
conditions.**

Georgia General Assembly

2019-2020 Regular Session - HB 117

Elections; county superintendent may permit any elector of the county to vote in any precinct of the county which such elector chooses in a primary, election, or runoff under certain conditions; provide

Sponsored By

(1) [Bruce, Roger 61st](#)
(4) [Kausche, Angelika 50th](#)

(2) [McClain, Dewey 100th](#)
(5) [Holland, Betsy 54th](#)

(3) [Kennard, Gregg 102nd](#)
(6) [Mitchell, Billy 88th](#)

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Part 1 of Article 11 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions regarding preparation for and conduct of primaries and elections, so as to provide that the election superintendent of a county may permit any elector of the county to vote in any precinct of the county which such elector chooses in a primary, election, or runoff under certain conditions; to provide for certain notices; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/06/2019 - House Second Readers
Feb/05/2019 - House First Readers
Jan/30/2019 - House Hopper

Versions



[LC 28 9010/a](#)

House Bill 117

By: Representatives Bruce of the 61st, McClain of the 100th, Kennard of the 102nd, Kausche of the 50th, Holland of the 54th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 11 of Chapter 2 of Title 21 of the Official Code of Georgia
2 Annotated, relating to general provisions regarding preparation for and conduct of primaries
3 and elections, so as to provide that the election superintendent of a county may permit any
4 elector of the county to vote in any precinct of the county which such elector chooses in a
5 primary, election, or runoff under certain conditions; to provide for certain notices; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Part 1 of Article 11 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
10 relating to general provisions regarding preparation for and conduct of primaries and
11 elections, is amended by adding a new Code section to read as follows:

12 "21-2-420.

13 (a) Notwithstanding any provision of this chapter to the contrary, the election
14 superintendent of a county may permit any elector of the county to vote in any precinct of
15 the county which such elector chooses in a primary, election, or runoff, provided that the
16 conditions of this Code section are met.

17 (b) Prior to choosing to implement subsection (a) of this Code section, the election
18 superintendent shall ensure that:

19 (1) Sufficient safeguards are in place to protect against an elector voting more than once
20 in the same primary, election, or runoff;

21 (2) A sufficient number of ballots of each ballot style used in the county are available at
22 each precinct polling place to accommodate electors who may choose to vote at such
23 polling place;

24 (3) If DRE voting equipment is to be used at such polling places, a sufficient number of
25 DRE voting units are available at each polling place to accommodate the potential
26 number of electors who may vote at such polling place; and

House Bill 176

**Elections; any agency
that utilizes
applications to provide
services or assistance
to persons in this state
shall provide voter
registration
applications; provide**

Georgia General Assembly

2019-2020 Regular Session - HB 176

Elections; any agency that utilizes applications to provide services or assistance to persons in this state shall provide voter registration applications; provide

Sponsored By

(1) Shannon, Renitta 84th
(4) McLeod, Donna 105th

(2) Bruce, Roger 61st
(5) Dreyer, David 59th

(3) Nguyen, Bee 89th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that any agency that utilizes applications to provide services or assistance to persons in this state shall provide voter registration applications to such individuals; to provide for procedures; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/08/2019 - House Second Readers
Feb/07/2019 - House First Readers
Feb/06/2019 - House Hopper

Versions



LC 28 9077/a

House Bill 176

By: Representatives Shannon of the 84th, Bruce of the 61st, Nguyen of the 89th, McLeod of the 105th, and Dreyer of the 59th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide that any agency that utilizes applications
3 to provide services or assistance to persons in this state shall provide voter registration
4 applications to such individuals; to provide for procedures; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
9 elections generally, is amended by revising Code Section 21-2-222, relating to designated
10 voter registration agencies and offices, definitions, and duties of agencies and offices, as
11 follows:

12 "21-2-222.

13 (a) As used in this Code section, the term:

14 (1) 'Persons with disabilities' means persons who have physical disabilities, including,
15 but not limited to, any physical or neurological impairment which severely restricts a
16 person's mobility or manual dexterity; substantial loss of speech, sight, or hearing; or loss
17 of one or more limbs or use thereof; but such term shall not include nonphysical
18 disabilities, mental or emotional disabilities, or disabilities based upon substance abuse.

19 (2) 'Public assistance' means the food stamp program; the Medicaid program; the
20 Women, Infants, and Children program; and the Temporary Assistance for Needy
21 Families program.

22 (3) 'Recruitment office of the armed forces of the United States' includes both regular
23 and reserve forces recruitment offices and national guard recruitment offices.

24 (b) Each office in this state:

25 (1) Which provides public assistance;

26 (2) Which provides state funded programs primarily engaged in providing services to
27 persons with disabilities; and

28 (3) Which is a recruitment office of the armed forces of the United States located within
29 this state

30 shall be designated voter registration agencies.

31 (c) In addition to the offices listed in subsection (b) of this Code section, the Secretary of
32 State shall designate all other offices which utilize applications for services within the state
33 as designated voter registration offices. Such offices may include, but not be limited to:

34 (1) State or local governmental offices such as professional licensing offices, tax offices,
35 public libraries, public schools, offices of county and municipal clerks, and government
36 revenue offices; and

37 (2) Federal and nongovernmental offices, with the agreement of such offices.

38 (d) At each designated voter registration agency, the ~~following services shall be made~~
39 ~~available:~~

40 ~~(1) Distribution of the mail voter registration application provided for in Code Section~~
41 ~~21-2-223 in accordance with subsection (f) of this Code section;~~

42 ~~(2) Assistance to applicants in completing voter registration application forms, unless the~~
43 ~~applicant refuses such assistance; and~~

44 ~~(3) Acceptance of completed voter registration application forms for submission to the~~
45 ~~Secretary of State agency shall, on each form used by the public to apply for services or~~
46 ~~assistance from the agency, obtain all necessary information as specified by the Secretary~~
47 ~~of State for voter registration.~~

48 (e) ~~If a designated voter registration agency under paragraph (2) of subsection (b) of this~~
49 ~~Code section provides services to a person with a disability at the person's home, the~~
50 ~~agency shall provide the services described in subsection (d) of this Code section at such~~
51 ~~person's home~~ Reserved.

52 (f) A designated voter registration agency that provides service or assistance in addition
53 to conducting voter registration shall:

54 (1) ~~Distribute~~ Obtain with each application for such service or assistance and with each
55 recertification, renewal, or change of address form relating to such service or assistance,
56 ~~when such application, recertification, renewal, or change of address is made in person,~~
57 ~~the mail~~ the information for voter registration application form provided for in Code
58 Section ~~21-2-223~~ specified by the Secretary of State unless the applicant declines in
59 writing to register to vote;

60 (2) Distribute a form provided by the Secretary of State to accompany the ~~voter~~
61 ~~registration~~ application form which includes:

- 62 (A) The question '~~If you are not registered to vote where you live now, would~~ Would
 63 you like to apply to register to vote ~~here~~ today?';
- 64 (B) If the agency provides public assistance, the statement 'Applying to register or
 65 declining to register to vote will not affect the amount of assistance that you will be
 66 provided by this agency.';
- 67 (C) ~~Boxes~~ A box for the applicant to ~~check to indicate whether the applicant is~~
 68 ~~presently registered, would like to register, or declines~~ decline to register to vote with
 69 the statement 'IF YOU DO NOT CHECK ~~ANY~~ THE BOX, YOU WILL BE
 70 CONSIDERED TO HAVE DECIDED ~~NOT~~ TO REGISTER TO VOTE AT THIS
 71 TIME.' in close proximity to the ~~boxes~~ box and in prominent type; and
- 72 ~~(D)~~ The statements '~~If you would like help in filling out the voter registration~~
 73 ~~application form, we will help you. The decision whether to seek or accept help is~~
 74 ~~yours. You may fill out the application in private.~~'; and
- 75 ~~(E)~~(D) The statement 'If you believe that someone has interfered with your right to
 76 register or to decline to register to vote or your right to privacy in deciding whether to
 77 register or in applying to register to vote, you may file a complaint with the Secretary
 78 of State at (insert address and telephone number).'; and
- 79 (3) Provide to each applicant who does not decline to apply to register to vote the same
 80 degree of assistance with regard to the completion of the ~~voter registration~~ application
 81 form as is provided by the office with regard to the completion of its own forms, unless
 82 the applicant refuses such assistance.
- 83 (g) If an applicant fails to check ~~any~~ the box on the form required by subparagraph
 84 (f)(2)(C) of this Code section, the applicant shall be deemed to have ~~declined~~ decided to
 85 apply to register to vote.
- 86 (h) No information relating to a declination to apply to register to vote in connection with
 87 an application made at an office described in subsection (f) of this Code section may be
 88 used for any purpose other than voter registration and shall not be subject to public
 89 inspection.
- 90 (i) Each office shall transmit the completed voter registration application forms or
 91 information to the Secretary of State at least once per week, except that, during the 15 days
 92 leading up to a registration deadline for a primary or election, such applications shall be
 93 transmitted to the Secretary of State at the conclusion of each business day. The Secretary
 94 of State shall forward the applications to the appropriate county board of registrars to
 95 determine the eligibility of the applicant and, if found eligible, to add the applicant's name
 96 to the list of electors and to place the applicant in the correct precinct and voting districts.
- 97 (j) Each office shall maintain such statistical records on the number of registrations and
 98 declinations as requested by the Secretary of State.

19

LC 28 9077

99 (k) Persons providing the services described in ~~subsection (d)~~ of this Code section shall
100 not:

- 101 (1) Seek to influence an applicant's political preference;
- 102 (2) Display any such political preference or political party or body allegiance;
- 103 (3) Make any statement to an applicant or take any action the purpose or effect of which
104 is to discourage the applicant from applying to register to vote; or
- 105 (4) Make any statement to an applicant or take any action the purpose or effect of which
106 is to lead the applicant to believe that a decision to apply to register or not to apply to
107 register to vote has any bearing on the availability of services or benefits.

108 (l) The Secretary of State shall have the authority to promulgate rules and regulations to
109 provide for the transmission of voter registration applications and signatures electronically
110 from ~~public assistance offices, offices which provide state funded programs primarily~~
111 ~~engaged in providing services to persons with disabilities, and recruitment offices of the~~
112 ~~armed forces of the United States located within this state~~ such designated voter
113 registration agencies. Such electronically transmitted signatures shall be valid as signatures
114 on the voter registration application and shall be treated in all respects as a manually
115 written original signature and shall be recognized as such in any matter concerning the
116 voter registration application."

117

SECTION 2.

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

House Bill 191

Primaries and
elections; law

regarding ballot access
for political body and
independent
candidates; revise
provisions

Georgia General Assembly

2019-2020 Regular Session - HB 191 Primaries and elections; law regarding ballot access for political body and independent candidates; revise provisions

Sponsored By

(1) Kendrick, Dar'shun 93rd
(4) Jones, Vernon 91st

(2) Stover, David 71st
(5) Moore, Colton 1st

(3) Stovall, Valencia 74th
(6) Gurtler, Matt 8th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to revise the provisions of law regarding ballot access for political body and independent candidates; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/11/2019 - House Second Readers
Feb/08/2019 - House First Readers
Feb/07/2019 - House Hopper

Versions



[LC 28 8975/a](#)

House Bill 191

By: Representatives Kendrick of the 93rd, Stover of the 71st, Stovall of the 74th, and Jones of the 91st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to revise the provisions of law regarding ballot access
3 for political body and independent candidates; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by revising subparagraph (B) of paragraph (2) of Code
9 Section 21-2-130, relating to procedures for qualification of candidates generally, as follows:

10 "(B) Nomination for a ~~state-wide~~ public office by a duly constituted political body
11 convention as prescribed in Code Section 21-2-172 if the political body making the
12 nomination has qualified to nominate candidates for ~~state-wide~~ public office under the
13 provisions of Code Section 21-2-180;"

14 SECTION 2.

15 Said chapter is further amended by revising paragraph (5) of subsection (e) of Code
16 Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit,
17 payment of qualifying fee, pauper's affidavit and qualifying petition for exemption from
18 qualifying fee, and military service, as follows:

19 "(5) A nominee for a ~~state-wide~~ public office ~~by~~ of a duly constituted political body
20 convention, provided that the political body making the nomination has qualified to
21 nominate candidates for ~~state-wide~~ public office under the provisions of Code Section
22 21-2-180."

23

SECTION 3.

24 Said chapter is further amended by revising subsection (b) of Code Section 21-2-170, relating
25 to nomination of candidates by petition, form of petition, signatures, limitations as to
26 circulation and amendment of petitions, listing of such candidates on ballots, and charter or
27 ordinance authorization, as follows:

28 "(b) A nomination petition of a candidate ~~seeking an office which is voted upon state wide~~
29 shall be signed by a number of voters equal to 1 percent of the total number of ~~registered~~
30 ~~voters eligible to vote~~ electors who voted in the last election for the filling of the office the
31 candidate is seeking or 200 signatures, whichever is less, and the signers of such petition
32 shall be registered and eligible to vote in the election at which such candidate seeks to be
33 elected. ~~A nomination petition of a candidate for any other office shall be signed by a~~
34 ~~number of voters equal to 5 percent of the total number of registered voters eligible to vote~~
35 ~~in the last election for the filling of the office the candidate is seeking and the signers of~~
36 ~~such petition shall be registered and eligible to vote in the election at which such candidate~~
37 ~~seeks to be elected.~~ However, in the case of a candidate seeking an office for which there
38 has never been an election or seeking an office in a newly constituted constituency, the
39 percentage figure shall be computed on the total number of registered voters in the
40 constituency who would have been qualified to vote for such office had the election been
41 held at the last general election and the signers of such petition shall be registered and
42 eligible to vote in the election at which such candidate seeks to be elected."

43

SECTION 4.

44 Said chapter is further amended by revising Code Section 21-2-180, relating to manner of
45 qualification of political bodies, as follows:

46 "21-2-180.

47 Any political body which is duly registered as provided for in Code Section 21-2-110 is
48 qualified to nominate candidates for ~~state-wide~~ public office by convention if:

- 49 (1) The political body files with the Secretary of State a petition signed by voters equal
50 in number to 1 percent of the registered voters who were registered and eligible to vote
51 in the preceding general election; or
- 52 (2) At the preceding general election, the political body nominated a candidate for
53 state-wide office and such candidate received a number of votes equal to 1 percent of the
54 total number of registered voters who were registered and eligible to vote in such general
55 election."

56

SECTION 5.

57 Said chapter is further amended by revising Code Section 21-2-181, relating to filing of
58 petitions generally, as follows:

59 "21-2-181.

60 Petitions to qualify political bodies to nominate candidates for ~~state-wide~~ public office by
61 convention shall be filed with the Secretary of State and shall be signed by voters in the
62 manner provided in this part. Such petitions shall provide sufficient space for the printing
63 of the voter's name and for the voter's signature. No forms other than those prescribed in
64 this part shall be used for qualifying a political body to nominate candidates for public
65 office."

66

SECTION 6.

67 Said chapter is further amended by revising Code Section 21-2-184, relating to restriction on
68 amendment of supplementation, as follows:

69 "21-2-184.

70 A petition to qualify a political body to nominate candidates for ~~state-wide~~ public office
71 by convention shall not be amended or supplemented after its presentation to the Secretary
72 of State for filing."

73

SECTION 7.

74 Said chapter is further amended by revising Code Section 21-2-186, relating to examination
75 of petitions and judicial review, as follows:

76 "21-2-186.

77 Petitions to qualify a political body to nominate candidates for ~~state-wide~~ public office by
78 convention shall be examined and shall be subject to judicial review in the same manner
79 as provided for candidates nominated by petition pursuant to Code Section 21-2-171."

80

SECTION 8.

81 Said chapter is further amended by revising Code Section 21-2-187, relating to holding of
82 conventions and filing notice of candidacy, as follows:

83 "21-2-187.

84 Political bodies shall hold their conventions in accordance with Code Section 21-2-172,
85 and candidates nominated for ~~state-wide~~ public office in convention shall file a notice of
86 candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the
87 election and no later than 12:00 Noon on the Friday following the fourth Monday in June
88 as prescribed in Code Section 21-2-132; provided, however, that the political body must
89 file its qualifying petition no later than 12:00 Noon on the second Tuesday in July

19

LC 28 8975

90 following the convention as prescribed in Code Section 21-2-172 in order to qualify its
91 candidates to be listed on the general election ballot."

92

SECTION 9.

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

End ballots that give voters no choices

By **Letters to the Editor** - February 19, 2019



Remember that interrogation scene in "The Matrix"? Neo, not knowing what he is getting into, demands his right to a phone call. "Tell me, Mr. Anderson," Agent Smith replies, "What good is a phone call, if you're unable to speak?"

It was in the 2016 general election that I first noticed an odd phenomenon. From the state legislature down, every partisan race on my ballot was also a no-contest race. Some of these races had been quite contentious in the primaries, but most races only had candidates from one side or the other.

In Tyrone, our state senator was decided on the Republican primary and our state senator was decided on the Democrat side. Neither party challenged the other, and no voter was able to weigh in on both races.

It's not that no one wants to challenge. But for independent would-be candidates who want to offer a third option, Georgia's laws are, without exaggeration, the worst in the nation.

Petition signatures have to be collected from a percentage of all registered voters, not just those who actually vote. Each signature needs to be on its own page, notarized, and half of all signatures collected are likely to be thrown out by elections boards.

The process of collecting signatures for a congressional district can cost a prospective candidate over \$100,000, plus the filing fee, before they are even allowed to declare themselves as a candidate and start campaigning. As a result, in 2018, 80 percent of Georgia's legislative body seats ran unopposed in the general election.

There is help for this situation on the horizon. A bipartisan group of state representatives is sponsoring HB191, a bill which promises to reform Georgia's ballot access laws.

The signature requirement would be amended to a more reasonable percentage of voters in the last election, and capped at 200, making it easier for a challenger to bring new life to a low-turnout district.

Also, if a third party makes a significant showing in state-wide races, that paves the way for candidates to get on ballots in more local races.

But it's an uphill battle. Our state legislators need to hear their constituents demanding the right to make choices. Please call, write, or email your state representative and ask them to support HB191.

Danny Dolan
Tyrone, Ga.

Letters to the Editor

House Bill 210

**Elections; revise times
for opening and closing
of polls**

Georgia General Assembly

2019-2020 Regular Session - HB 210 Elections; revise times for opening and closing of polls

Sponsored By

(1) McLeod, Donna 105th
(4) Smith, Michael 41st

(2) McClain, Dewey 100th
(5) Wilensky, Mike 79th

(3) Bruce, Roger 61st
(6) Hugley, Carolyn 136th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to revise the times for opening and closing of the polls; to provide for a later closing time if the polling place is late opening; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/12/2019 - House Second Readers
Feb/11/2019 - House First Readers
Feb/08/2019 - House Hopper

Versions



[LC 28 9115/a](#)

House Bill 210

By: Representatives McLeod of the 105th, McClain of the 100th, Bruce of the 61st, Smith of the 41st, Wilensky of the 79th, 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 revise the times for opening and closing of the
3 polls; to provide for a later closing time if the polling place is late opening; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising Code Section 21-2-403, relating to time for
9 opening and closing of polls, as follows:

10 "21-2-403.

11 (a) At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard
12 time or eastern daylight time, whichever is applicable, and shall remain open continuously
13 until 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at
14 which time they shall be closed; provided, however, that, in all cities having a population
15 of 300,000 or more according to the United States decennial census of 1970 or any future
16 such census, the polls shall remain open continuously until 8:00 P.M. eastern standard time
17 or eastern daylight time, whichever is applicable, during the cities' general elections, at
18 which time they shall be closed and provided, further, that, in a special election held to fill
19 a vacancy in an office in which the district represented by such office lies wholly within
20 the boundaries of a city, the polls shall close at the same time as for a municipal general
21 election in such city.

22 (b) If a polling place does not open for voting at 7:00 A.M. eastern standard time or
23 eastern daylight time, whichever is applicable, such polling place shall remain open for a
24 time beyond the closing time set forth in subsection (a) of this Code section equal to the
25 time that the polling place was delayed in opening for voting. All persons waiting in line

19

LC 28 9115

26 to vote at such polling place during the delay in opening shall be informed that the polling
27 place will stay open later to accommodate the delay in opening."

28

SECTION 2.

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

House Bill 211

**Elections; types of
acceptable
identification for
voting; provide**

Georgia General Assembly

2019-2020 Regular Session - HB 211 Elections; types of acceptable identification for voting; provide

Sponsored By

(1) McLeod, Donna 105th
(4) Dreyer, David 59th

(2) Bruce, Roger 61st
(5) Paris, Miriam 142nd

(3) Shannon, Renitta 84th
(6) Smith, Michael 41st

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for the types of acceptable identification for voting; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/12/2019 - House Second Readers
Feb/11/2019 - House First Readers
Feb/08/2019 - House Hopper

Versions



[LC 28 9103/a](#)

House Bill 211

By: Representatives McLeod of the 105th, Bruce of the 61st, Shannon of the 84th, Dreyer of the 59th, Paris of the 142nd, 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 for the types of acceptable identification
3 for voting; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
7 primaries generally, is amended by revising subsection (a) of Code Section 21-2-417, relating
8 to presentation of identification to poll workers, form of proper identification, swearing of
9 statement when unable to produce proper identification, provisional ballots for those, and
10 penalty for false statement under oath, as follows:

11 "(a) Except as provided in subsection (c) of this Code section, each elector shall present
12 proper identification to a poll worker at or prior to completion of a voter's certificate at any
13 polling place and prior to such person's admission to the enclosed space at such polling
14 place. Proper identification shall consist of any one of the following:

- 15 (1) A Georgia driver's license which was properly issued by the appropriate state agency;
- 16 (2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or
17 other valid identification card issued by a branch, department, agency, or entity of the
18 State of Georgia, any other state, or the United States authorized by law to issue personal
19 identification, provided that such identification card contains a photograph of the elector;
- 20 (3) A valid United States passport;
- 21 (4) A valid employee identification card containing a photograph of the elector and
22 issued by any branch, department, agency, or entity of the United States government, this
23 state, or any county, municipality, board, authority, or other entity of this state;
- 24 (5) A valid United States military identification card, provided that such identification
25 card contains a photograph of the elector; ~~or~~
- 26 (6) A valid tribal identification card containing a photograph of the elector; or

19

LC 28 9103

27 (7) A valid student identification card containing a photograph of the elector issued by
28 a public or private college or university in this state."

29

SECTION 2.

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

House Bill 222

**Elections; nonpartisan
general election,
change date**

Georgia General Assembly

2019-2020 Regular Session - HB 222 Elections; nonpartisan general election; change date

Sponsored By

(1) McLeod, Donna 105th (2) Trammell, Robert 132nd (3) Bruce, Roger 61st
(4) Clark, Jasmine 108th (5) Lopez Romero, Brenda 99th (6) McClain, Dewey 100th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to change the date of the nonpartisan general election; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/12/2019 - House Second Readers
Feb/11/2019 - House First Readers
Feb/08/2019 - House Hopper

Versions



[LC 28 9091/a](#)

House Bill 222

By: Representatives McLeod of the 105th, Trammell of the 132nd, Bruce of the 61st, Clark of the 108th, Lopez Romero of the 99th, 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 primaries and elections generally, so as to change the date of the nonpartisan general
3 election; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
7 elections generally, is amended by revising subsection (c) of Code Section 21-2-132, relating
8 to filing notice of candidacy, nomination petition, and affidavit, payment of qualifying fee,
9 pauper's affidavit and qualifying petition for exemption from qualifying fee, and military
10 service, as follows:

11 "(c) All candidates seeking election in a nonpartisan election shall file their notice of
12 candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection
13 in order to be eligible to have their names placed on the nonpartisan election ballot by the
14 Secretary of State or election superintendent, as the case may be, in the following manner:

15 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
16 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
17 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
18 giving his or her name, residence address, and the office sought, in the office of the
19 Secretary of State no earlier than 9:00 A.M. on the Monday of the ~~eleventh~~ thirty-fifth
20 week immediately prior to the election and no later than 12:00 Noon on the Friday
21 immediately following such Monday, notwithstanding the fact that any such days may
22 be legal holidays;

23 (2) Each candidate for a county judicial office, a local board of education office, or an
24 office of a consolidated government, or the candidate's agent, desiring to have his or her
25 name placed on the nonpartisan election ballot shall file a notice of candidacy in the
26 office of the superintendent no earlier than 9:00 A.M. on the Monday of the ~~eleventh~~

27 thirty-fifth week immediately prior to the election and no later than 12:00 Noon on the
28 Friday immediately following such Monday, notwithstanding the fact that any such days
29 may be legal holidays;

30 (3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a
31 notice of candidacy in the office of the municipal superintendent of such candidate's
32 municipality during the municipality's nonpartisan qualifying period. Each municipal
33 superintendent shall designate the days of such qualifying period, which shall be no less
34 than three days and no more than five days. The days of the qualifying period shall be
35 consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30
36 A.M. on the third Monday in August immediately preceding the general election and
37 shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special
38 election, the municipal nonpartisan qualifying period shall commence no earlier than
39 the date of the call and shall end no later than 25 days prior to the election.

40 (B) In any case in which no individual has filed a notice of candidacy and paid the
41 prescribed qualifying fee to fill a particular office in a nonpartisan municipal election,
42 the governing authority of the municipality shall be authorized to reopen qualifying for
43 candidates at 9:00 A.M. on the Monday next following the close of the preceding
44 qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately
45 following such Monday, notwithstanding the fact that any such days may be legal
46 holidays; and

47 (4) In any case where an incumbent has filed a notice of candidacy and paid the
48 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in office
49 but withdraws as a candidate for such office prior to the close of the applicable qualifying
50 period prescribed in this subsection, qualifying for candidates other than such incumbent
51 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding
52 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
53 such reopening, notwithstanding the fact that any such days may be legal holidays."

54 **SECTION 2.**

55 Said chapter is further amended by revising subsection (a) of Code Section 21-2-133, relating
56 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,
57 and certification of candidates, as follows:

58 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
59 his or her intention of candidacy was filed and published no earlier than January 1 and no
60 later than the Tuesday after the first Monday in September prior to the election for county,
61 state, and federal elections; ~~no later than seven days after the close of the qualifying period~~
62 ~~for nonpartisan elections in the case of nonpartisan elections for state or county offices; no~~

19

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63 later than seven days after the close of the municipal qualifying period for municipal
 64 elections in the case of a general election; or no later than seven days after the close of the
 65 special election qualifying period for a special election by the person to be a write-in
 66 candidate or by some other person or group of persons qualified to vote in the subject
 67 election, as follows:

68 (1) In a state general or special election, notice shall be filed with the Secretary of State
 69 and published in a newspaper of general circulation in the state;

70 (2) In a general or special election of county officers, notice shall be filed with the
 71 superintendent of elections in the county in which he or she is to be a candidate and
 72 published in the official organ of the same county; or

73 (3) In a municipal general or special election, notice shall be filed with the
 74 superintendent and published in the official gazette of the municipality holding the
 75 election.

76 In the event that such intention of candidacy is filed and published by a person or group of
 77 persons other than the candidate, such person or group of persons shall also file a written,
 78 notarized authorization by the candidate for such filing and publication."

79

SECTION 3.

80 Said chapter is further amended by revising Code Section 21-2-138, relating to nonpartisan
 81 elections for judicial offices, as follows:

82 "21-2-138.

83 The names of all candidates who have qualified with the Secretary of State for the office
 84 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
 85 of this state and the names of all candidates who have qualified with the election
 86 superintendent for the office of judge of a state court shall be placed on the ballot in a
 87 nonpartisan election to be held and conducted jointly with the general primary election in
 88 each even-numbered year. No candidates for any such office shall be nominated by a
 89 political party or by a petition as a candidate of a political body or as an independent
 90 candidate. Candidates for any such office shall have their names placed on the nonpartisan
 91 portion of each ballot by complying with the requirements prescribed in Code
 92 Section 21-2-132 specifically related to such nonpartisan candidates and by paying the
 93 requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed
 94 on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and
 95 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to
 96 be employed in conducting the nonpartisan election of judges of state courts, judges of
 97 superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall
 98 conform as nearly as practicable to the procedures governing general elections; and such

19

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99 general election procedures as are necessary to complete this nonpartisan election process
100 shall be adopted in a manner consistent with such nonpartisan elections."

101 **SECTION 4.**

102 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating
103 to nonpartisan elections authorized and the conduct thereof, as follows:

104 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
105 Assembly may provide by local Act for the election in nonpartisan elections of candidates
106 to fill county judicial offices, offices of local boards of education, and offices of
107 consolidated governments which are filled by the vote of the electors of said county or
108 political subdivision. Except as otherwise provided in this Code section, the procedures
109 to be employed in such nonpartisan elections shall conform as nearly as practicable to the
110 procedures governing nonpartisan elections as provided in this chapter. Except as
111 otherwise provided in this Code section, the election procedures established by any existing
112 local law which provides for the nonpartisan election of candidates to fill county offices
113 shall conform to the general procedures governing nonpartisan elections as provided in this
114 chapter, and such nonpartisan elections shall be conducted in accordance with the
115 applicable provisions of this chapter, notwithstanding the provisions of any existing local
116 law. For those offices for which the General Assembly, pursuant to this Code section,
117 provided by local Act for election in nonpartisan primaries and elections, such offices shall
118 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
119 elections held and conducted in conjunction with the general primary election in
120 even-numbered years in accordance with this chapter without a prior nonpartisan primary.
121 This Code section shall apply to all nonpartisan elections for members of consolidated
122 governments. All nonpartisan elections for members of consolidated governments shall
123 be governed by the provisions of this Code section and shall be considered county elections
124 and not municipal elections for the purposes of this Code section. Nonpartisan elections
125 for municipal offices shall be conducted on the dates provided in the municipal charter."

126 **SECTION 5.**

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

130 "21-2-285.1.

131 The names of all candidates for offices which the General Assembly has by general law or
132 local Act provided for election in a nonpartisan election shall be printed on each official
133 primary general election ballot; and insofar as practicable such offices to be filled in the

134 nonpartisan election shall be separated from the names of candidates for party nomination
 135 to other offices by being listed last on each ballot, with the top of that portion of each
 136 official ~~primary~~ general election ballot relating to the nonpartisan election to have printed
 137 in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' ~~In~~
 138 ~~addition, there shall be a ballot that contains just the official nonpartisan election ballot~~
 139 ~~available for electors who choose not to vote in a party primary.~~ Directions that explain
 140 how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the
 141 elector spoils his or her ballot shall appear immediately under the caption, as specified by
 142 rule or regulation of the State Election Board. Immediately under the directions, the name
 143 of each such nonpartisan candidate shall be arranged alphabetically by last name under the
 144 title of the office for which they are candidates and be printed thereunder. The incumbency
 145 of a candidate seeking election for the public office he or she then holds shall be indicated
 146 on the ballot. No party designation or affiliation shall appear beside the name of any
 147 candidate for nonpartisan office. An appropriate space shall also be placed on the ballot
 148 for the casting of write-in votes for such offices. In the event that no candidate in such
 149 nonpartisan election receives a majority of the total votes cast for such office, there shall
 150 be a nonpartisan election runoff between the candidates receiving the two highest numbers
 151 of votes; and the names of such candidates shall be placed on the official ballot at the
 152 general ~~primary~~ election runoff in the same manner as prescribed in this Code section for
 153 the nonpartisan election ~~and there shall be a separate official nonpartisan election runoff~~
 154 ~~ballot for those electors who do not choose or are not eligible to vote in the general primary~~
 155 ~~runoff.~~ In the event that only nonpartisan candidates are to be placed on a run-off ballot,
 156 the form of the ballot shall be as prescribed by the Secretary of State or election
 157 superintendent in essentially the same format as prescribed for the nonpartisan election.
 158 The candidate having a majority of the votes cast in the nonpartisan election or the
 159 candidate receiving the highest number of votes cast in the nonpartisan election runoff shall
 160 be declared duly elected to such office."

161

SECTION 6.

162 Said chapter is further amended by revising subsection (h) of Code Section 21-2-325, relating
 163 to form of ballot labels generally, as follows:

164 "(h) In primaries, the ballot labels containing the names of candidates seeking nomination
 165 by a political party shall be segregated on the face of the machine in adjacent rows or
 166 columns by parties, the priority of such political parties on the ballot labels to be
 167 determined in the order prescribed by subsection (c) of Code Section 21-2-285. ~~If a~~
 168 ~~nonpartisan election is being held in conjunction with a partisan primary, each partisan~~
 169 ~~ballot label shall be clearly marked to indicate that the elector may vote in the nonpartisan~~

19

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170 ~~election also.~~ In nonpartisan elections, the ballot labels shall include a separate portion for
171 the names of candidates seeking election in a nonpartisan election and the heading and
172 arrangement of such candidates shall be as prescribed by Code Section 21-2-285.1 insofar
173 as practicable. At the top of the separate portion shall be printed in prominent type the
174 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'"

175

SECTION 7.

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

House Bill 248

**Elections; delivery of
absentee ballots to
disabled electors,
provide**

Georgia General Assembly

2019-2020 Regular Session - HB 248

Elections; delivery of absentee ballots to disabled electors; provide

Sponsored By

(1) Alexander, Kimberly 66th
(4) Shannon, Renitta 84th

(2) Trammell, Robert 132nd
(5) Nguyen, Bee 89th

(3) Oliver, Mary Margaret 82nd
(6) McLeod, Donna 105th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for delivery of absentee ballots to disabled electors; to provide for assistance for disabled absentee electors; to provide for notice of advance voting times, dates, and locations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/13/2019 - House Second Readers

Feb/12/2019 - House First Readers

Feb/11/2019 - House Hopper

Versions



[LC 28 9129ER/a](#)

19LC 28 9129ER

House Bill 248

By: Representatives Alexander of the 66th, Trammell of the 132nd, Oliver of the 82nd, Shannon of the 84th, Nguyen of the 89th, 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 for delivery of absentee ballots to disabled
3 electors; to provide for assistance for disabled absentee electors; to provide for notice of
4 advance voting times, dates, and locations; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended by revising Code Section 21-2-385, relating to procedure for
10 voting by absentee ballot and advance voting, as follows:

11 "21-2-385.

12 (a) At any time after receiving an official absentee ballot, but before the day of the primary
13 or election, except electors who are confined to a hospital on the day of the primary or
14 election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose
15 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
16 This envelope shall then be placed in the second one, on which is printed the form of the
17 oath of the elector, the name, relationship, and oath of the person assisting, if any, and other
18 required identifying information. The elector shall then fill out, subscribe, and swear to the
19 oath printed on such envelope. Such envelope shall then be securely sealed and the elector
20 shall then mail or personally deliver same to the board of registrars or absentee ballot clerk,
21 provided that delivery by a physically disabled elector may be made by any adult person
22 upon satisfactory proof that such adult person is either a resident of the State of Georgia
23 or is such elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son,
24 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
25 father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of
26 such disabled elector; provided, however, that a physically disabled elector shall not

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27 receive assistance from such elector's employer, any agent of such employer, or an agent
 28 or officer of such elector's union. An elector who is confined to a hospital on a primary or
 29 election day to whom an absentee ballot is delivered by the registrar or absentee ballot
 30 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or
 31 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail
 32 and has not previously provided the identification required by Code Section 21-2-220 and
 33 votes for the first time by absentee ballot and fails to provide the identification required by
 34 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as
 35 a provisional ballot and shall be counted only if the registrars are able to verify the
 36 identification and registration of the elector during the time provided pursuant to Code
 37 Section 21-2-419.

38 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
 39 ballot from ~~one of the following: any elector who is qualified to vote in the same county~~
 40 ~~or municipality as the disabled or illiterate elector; an attendant care provider or a person~~
 41 ~~providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister,~~
 42 ~~spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,~~
 43 ~~mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate~~
 44 ~~elector~~ any person of the elector's choosing other than such elector's employer, any agent
 45 of such employer, or an agent or officer of such elector's union. The person rendering
 46 assistance to the elector in preparing the ballot shall sign the oath printed on the same
 47 envelope as the oath to be signed by the elector. ~~If the disabled or illiterate elector is~~
 48 ~~sojourning outside his or her own county or municipality, a notary public of the jurisdiction~~
 49 ~~may give such assistance and shall sign the oath printed on the same envelope as the oath~~
 50 ~~to be signed by the elector. No person shall assist more than ten such electors in any~~
 51 ~~primary, election, or runoff in which there is no federal candidate on the ballot.~~ Any
 52 person who willfully violates this subsection shall be guilty of a felony and, upon
 53 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
 54 ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.

55 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
 56 been printed, the absentee ballot may be issued to the elector at the time of the application
 57 therefor within the confines of the registrar's or absentee ballot clerk's office if such
 58 application is made during the advance voting period as provided in subsection (d) of this
 59 Code section or may be mailed to the elector, depending upon the elector's request. If the
 60 ballot is issued to the elector at the time of application, the elector shall then and there
 61 within the confines of the registrar's or absentee ballot clerk's office vote and return the
 62 absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of
 63 persons voting in accordance with subsection (d) of this Code section, the board of

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64 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the
 65 privacy of the elector while voting his or her absentee ballot.

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

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

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

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

71 (D) As soon as possible prior to a runoff from any other general election in which there
 72 are only state or county candidates on the ballot in the runoff

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

74 Voting shall be conducted during normal business hours on weekdays during such period

75 and shall be conducted on the second Saturday prior to a primary or election during the

76 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

77 in which there are no federal or state candidates on the ballot, no Saturday voting hours

78 shall be required; and provided, further, that, if such second Saturday is a public and legal

79 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and

80 legal holiday occurring on the Thursday or Friday immediately preceding such second

81 Saturday, or if such second Saturday immediately precedes a public and legal holiday

82 occurring on the following Sunday or Monday, such advance voting shall not be held on

83 such second Saturday but shall be held on the third Saturday prior to such primary or

84 election. Except as otherwise provided in this paragraph, counties and municipalities

85 may extend the hours for voting beyond regular business hours and may provide for

86 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the

87 electors of the jurisdiction at their option.

88 (2) The registrars or absentee ballot clerk, as appropriate, shall provide ~~reasonable~~ notice

89 14 days prior to the period of advance voting to the electors of their jurisdiction of the

90 availability of advance voting as well as the times, dates, and locations at which advance

91 voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify

92 the Secretary of State in the manner prescribed by the Secretary of State of the times,

93 dates, and locations at which advance voting will be conducted."

94 **SECTION 2.**

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

House Bill 249

**Elections; prompt
notice shall be
provided to electors of
the rejection of their
absentee ballots,
provide**

Georgia General Assembly

2019-2020 Regular Session - HB 249 Elections; prompt notice shall be provided to electors of the rejection of their absentee ballots; provide

Sponsored By

(1) Alexander, Kimberly 66th
(4) Shannon, Renitta 84th

(2) Trammell, Robert 132nd
(5) Nguyen, Bee 89th

(3) Oliver, Mary Margaret 82nd
(6) Hugley, Carolyn 136th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that prompt notice shall be provided to electors of the rejection of their absentee ballots; to provide for the standard for reviewing such ballots; to provide that electors shall have time to correct problems with absentee ballots; to provide for the use of communications for notifying electors of rejected ballots; to provide that the use of outdated forms is not a basis for rejection of absentee ballots; to provide for the processing and counting of certain ballots for a period of seven days following an election; to revise the dates for certifying election results; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/13/2019 - House Second Readers
Feb/12/2019 - House First Readers
Feb/11/2019 - House Hopper

Versions



LC 28 9106/a

House Bill 249

By: Representatives Alexander of the 66th, Trammell of the 132nd, Oliver of the 82nd, Shannon of the 84th, Nguyen of the 89th, 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 primaries and elections generally, so as to provide that prompt notice shall be provided to
3 electors of the rejection of their absentee ballots; to provide for the standard for reviewing
4 such ballots; to provide that electors shall have time to correct problems with absentee
5 ballots; to provide for the use of communications for notifying electors of rejected ballots;
6 to provide that the use of outdated forms is not a basis for rejection of absentee ballots; to
7 provide for the processing and counting of certain ballots for a period of seven days
8 following an election; to revise the dates for certifying election results; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
13 elections generally, is amended by revising paragraph (1) of subsection (a) of Code
14 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
15 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and
16 notification of challenged elector, as follows:

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

21 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
22 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
23 identifying information on the oath with the information on file in his or her office,
24 shall compare the signature or mark on the oath with the signature or mark on the
25 absentee elector's voter registration card or the most recent update to such absentee
26 elector's voter registration card and application for absentee ballot or a facsimile of said

27 signature or mark taken from said card or application, and shall, if the information and
28 signature appear to be valid and other identifying information appears to be correct, so
29 certify by signing or initialing his or her name below the voter's oath. Each elector's
30 name so certified shall be listed by the registrar or clerk on the numbered list of
31 absentee voters prepared for his or her precinct.

32 (C) If the elector has failed to sign the oath, or if the signature does not appear to be
33 valid, or if the elector has failed to furnish required information or has provided
34 information ~~so furnished that~~ does not conform with that on file in the registrar's or
35 clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or
36 clerk shall write 'Rejected' across the face of the envelope, ~~'Rejected,'~~ giving the
37 specific, legitimate reason therefor. When a ballot is reviewed by the board of
38 registrars or absentee ballot clerk, it shall not be rejected for a mere technicality if the
39 board of registrars or absentee ballot clerk is satisfied that such ballot is legitimately
40 that of a qualified elector. The board of registrars or absentee ballot clerk shall
41 promptly notify the elector within two business days of ~~such a~~ rejection, and a copy of
42 ~~which~~ the notification shall be retained in the files of the board of registrars or absentee
43 ballot clerk for at least two years. In addition, the board of registrars or absentee ballot
44 clerk shall attempt to contact the elector by telephone, by mail, and by email to notify
45 him or her of any problem with the ballot, and the elector shall be allowed at least seven
46 days to correct such problem. The board of registrars or absentee ballot clerk shall
47 assist the elector as reasonably possible to resolve the problem that caused the initial
48 rejection and validate the ballot. The board of registrars or absentee ballot clerk shall
49 not use outdated forms for absentee ballots; however, the use of outdated forms shall
50 not be a basis for rejection of an absentee ballot.

51 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
52 of Code Section 21-2-220, and who votes for the first time in this state by absentee
53 ballot shall include with his or her application for an absentee ballot or in the outer oath
54 envelope of ~~his or her~~ the absentee ballot either one of the forms of identification listed
55 in subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
56 statement, government check, paycheck, or other government document that shows the
57 name and address of such elector. If such elector does not provide any of the forms of
58 identification listed in this subparagraph with his or her application for an absentee
59 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
60 provisional ballot and ~~such ballot~~ shall only be counted if the registrars are able to
61 verify current and valid identification of the elector as provided in this subparagraph
62 within the time period for verifying provisional ballots pursuant to Code
63 Section 21-2-419.

64 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
 65 absentee electors, giving the name of the elector and the reason for the rejection in each
 66 case. Three copies of the numbered list of certified absentee voters and three copies of
 67 the numbered list of rejected absentee voters for each precinct shall be turned over to
 68 the poll manager in charge of counting the absentee ballots and shall be distributed as
 69 required by law for numbered lists of voters.

70 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
 71 of the polls on the day of the primary or election shall be safely kept unopened by the
 72 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
 73 for the period of time required for the preservation of ballots used at the primary or
 74 election and shall then, without being opened, be destroyed in like manner as the used
 75 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
 76 promptly notify the elector by first-class mail that the elector's ballot was returned too
 77 late to be counted and that the elector will not receive credit for voting in the primary
 78 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
 79 stored as provided in Code Section 21-2-390.

80 (G) Notwithstanding any provision of this chapter to the contrary, until the United
 81 States Department of Defense notifies the Secretary of State that the Department of
 82 Defense has implemented a system of expedited absentee voting for those electors
 83 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
 84 eligible absentee electors who reside outside the county or municipality in which the
 85 primary, election, or runoff is held and are members of the armed forces of the United
 86 States, members of the merchant marine of the United States, spouses or dependents of
 87 members of the armed forces or merchant marine residing with or accompanying such
 88 members, or overseas citizens, which ~~that~~ are postmarked by the date of such primary,
 89 election, or runoff and are received within the ~~three-day~~ seven-day period following
 90 such primary, election, or runoff, if proper in all other respects, shall be valid ballots
 91 and shall be counted and included in the certified election results."

92 **SECTION 2.**

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

96 "(k) As the returns from each precinct are read, computed, and found to be correct or
 97 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
 98 all the returns from the various precincts which are entitled to be counted shall have been
 99 duly recorded; then they shall be added together, announced, and attested by the assistants

19

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100 who made and computed the entries respectively and shall be signed by the superintendent.
101 The consolidated returns shall then be certified by the superintendent in the manner
102 required by this chapter. Such returns shall be certified by the superintendent not later
103 than 5:00 P.M. on the ~~Monday~~ tenth day following the date on which such election was
104 held and such returns shall be immediately transmitted to the Secretary of State."

105

SECTION 3.

106 Said chapter is further amended by revising subsection (b) of Code Section 21-2-499, relating
107 to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state
108 and federal officers and certification of presidential electors by Governor, as follows:

109 "(b) The Secretary of State shall also, upon receiving the certified returns for presidential
110 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
111 presidential electors and shall immediately lay them before the Governor. Not later
112 than 5:00 P.M. on the ~~fourteenth~~ eighteenth day following the date on which such election
113 was conducted, the Secretary of State shall certify the votes cast for all candidates
114 described in subparagraph (a)(4)(A) of Code Section 21-2-497 and upon all questions voted
115 for by the electors of more than one county and shall no later than that same time lay the
116 returns for presidential electors before the Governor. The Governor shall enumerate and
117 ascertain the number of votes for each person so voted and shall certify the slates of
118 presidential electors receiving the highest number of votes. The Governor shall certify the
119 slates of presidential electors no later than 5:00 P.M. on the ~~fifteenth~~ nineteenth day
120 following the date on which such election was conducted. Notwithstanding the deadlines
121 specified in this Code section, such times may be altered for just cause by an order of a
122 judge of superior court of this state."

123

SECTION 4.

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

House Bill 250

**Elections; procedures
for processing voter
registration
applications; provide**

Georgia General Assembly

2019-2020 Regular Session - HB 250 Elections; procedures for processing voter registration applications; provide

Sponsored By

(1) Alexander, Kimberly 66th
(4) Shannon, Renitta 84th

(2) Trammell, Robert 132nd
(5) Nguyen, Bee 89th

(3) Oliver, Mary Margaret 82nd
(6) Hugley, Carolyn 136th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide for procedures for processing voter registration applications; to provide for additional voter registration agencies; to provide for electronic submission of forms from certain agencies; to provide for the date of registration when application is made to agencies; to provide for certain notices to applicants; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/13/2019 - House Second Readers
Feb/12/2019 - House First Readers
Feb/11/2019 - House Hopper

Versions



[LC 28 9108/a](#)

House Bill 250

By: Representatives Alexander of the 66th, Trammell of the 132nd, Oliver of the 82nd, Shannon of the 84th, Nguyen of the 89th, 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 primaries and elections generally, so as to provide for procedures for processing voter
3 registration applications; to provide for additional voter registration agencies; to provide for
4 electronic submission of forms from certain agencies; to provide for the date of registration
5 when application is made to agencies; to provide for certain notices to applicants; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
10 elections generally, is amended by revising subsections (c) and (d) of Code
11 Section 21-2-220.1, relating to required documentation for voter registration, as follows:

12 "(c) The authenticity of an applicant's Georgia driver's license number, identification card
13 number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or
14 the last four digits of the social security number may be verified by:

15 (1) The board of registrars matching the Georgia driver's license number, identification
16 card number of an identification card issued pursuant to Article 5 of Chapter 5 of
17 Title 40, or the last four digits of the social security number provided by the applicant
18 with the applicant's record on file with the Department of Driver Services or the federal
19 Social Security Administration; or

20 (2) The applicant providing sufficient evidence to the board of registrars to verify the
21 applicant's identity, which sufficient evidence includes, but is not limited to, providing
22 one of the forms of identification listed in subsection (a) of Code Section 21-2-417.

23 Prior to notifying an applicant that his or her identity cannot be verified pursuant to this
24 Code section, the board of registrars shall review the application to confirm that the failure
25 to verify is not the result of a data entry error or other fault of the board of registrars and
26 to confirm that the applicant did not provide sufficient evidence of his or her identity with

27 the application. The board of registrars shall notify the applicant by mail, email, and
28 telephone that his or her application lacks sufficient information to verify such applicant's
29 identity and shall provide information to the applicant regarding how the applicant can cure
30 such insufficiency. Insignificant typographical errors or inconsequential differences in
31 information or signatures shall not constitute a basis for the rejection of an application.
32 Such determination of whether a typographical error is insignificant or a difference is
33 inconsequential shall be made by agreement of at least three members of the board of
34 registrars or at least three staff members of the board of registrars.

35 (d)(1) If a completed voter registration application has been received by the registration
36 deadline set by Code Section 21-2-224 but the Georgia driver's license number, the
37 identification card number of an identification card issued pursuant to Article 5 of
38 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
39 applicant cannot be verified, the applicant shall be notified by mail and email within five
40 days that the number cannot be verified and that the applicant must provide sufficient
41 evidence to the board of registrars to verify the applicant's identity in order to have his
42 or her application processed by the board of registrars. The board of registrars shall also
43 notify the applicant by telephone.

44 (2) If the applicant provides such sufficient evidence on or before the date of a primary
45 or election to the board of registrars, the absentee ballot clerk, or a poll manager, and if
46 the applicant is found eligible to vote, the applicant shall be added to the list of electors
47 and shall be permitted to vote in the primary or election and any runoff resulting
48 therefrom and subsequent primaries and elections.

49 (3) If the applicant has not provided such sufficient evidence or such number has not
50 otherwise been verified on or before the date of a primary or election, the applicant
51 presenting himself or herself to vote shall be provided a provisional ballot. The
52 provisional ballot shall be counted only if such number is verified by the end of the time
53 period set forth in subsection (c) of Code Section 21-2-419 or if the applicant presents
54 sufficient evidence to the board of registrars to verify the applicant's identity, by the end
55 of the time period set forth in subsection (c) of Code Section 21-2-419.

56 (4) The voter application shall be rejected if the Georgia driver's license number,
57 identification card number of an identification card issued pursuant to Article 5 of
58 Chapter 5 of Title 40, or last four digits of the social security number provided by the
59 applicant is not verified and the applicant fails to present sufficient evidence to the board
60 of registrars to verify the applicant's identity within 26 months following the date of the
61 application. Within 60 days prior to the rejection of the application, the board of
62 registrars shall send a final notice by mail and email to the applicant stating that the
63 applicant must provide sufficient evidence to the board of registrars verifying the

64 applicant's identity in order to have his or her application processed by the board of
 65 registrars. In addition, the board of registrars shall also contact the applicant by telephone
 66 to provide the applicant with such notice.

67 (5) This subsection shall not apply to an electronic voter registration application
 68 submitted pursuant to Code Section 21-2-221.2."

69 **SECTION 2.**

70 Said chapter is further amended by revising Code Section 21-2-222, relating to designated
 71 voter registration agencies and offices, definitions, and duties of agencies and offices, as
 72 follows:

73 "21-2-222.

74 (a) As used in this Code section, the term:

75 (1) 'Persons with disabilities' means persons who have physical disabilities, including,
 76 but not limited to, any physical or neurological impairment which severely restricts a
 77 person's mobility or manual dexterity; substantial loss of speech, sight, or hearing; or loss
 78 of one or more limbs or use thereof; but such term shall not include nonphysical
 79 disabilities, mental or emotional disabilities, or disabilities based ~~upon~~ on substance
 80 abuse.

81 (2) 'Public assistance' means the food stamp program; the Medicaid program; the
 82 Women, Infants, and Children program; and the Temporary Assistance for Needy
 83 Families program.

84 (3) 'Recruitment office of the armed forces of the United States' includes both regular
 85 and reserve forces recruitment offices and national guard recruitment offices.

86 (b) Each office in this state:

87 (1) Which provides public assistance;

88 (2) Which provides state funded programs primarily engaged in providing services to
 89 persons with disabilities; and

90 (3) Which is a recruitment office of the armed forces of the United States located within
 91 this state

92 shall be designated voter registration agencies.

93 (c) In addition to the offices listed in subsection (b) of this Code section, the Secretary of
 94 State shall designate other offices within the state as designated voter registration offices
 95 if such offices request to be so designated. Such offices may include, but not be limited
 96 to:

97 (1) State or local governmental offices such as public libraries, public schools, offices
 98 of county and municipal clerks, and government revenue offices; and

99 (2) Federal and nongovernmental offices, with the agreement of such offices.

- 100 (d) At each designated voter registration agency, the following services shall be made
101 available:
- 102 (1) Distribution of the mail voter registration application provided for in Code
103 Section 21-2-223 in accordance with subsection (f) of this Code section;
- 104 (2) Assistance to applicants in completing voter registration application forms, unless the
105 applicant refuses such assistance; and
- 106 (3) Acceptance of completed voter registration application forms for submission to the
107 Secretary of State.
- 108 (e) If a designated voter registration agency under paragraph (2) of subsection (b) of this
109 Code section provides services to a person with a disability at the person's home, the
110 agency shall provide the services described in subsection (d) of this Code section at such
111 person's home.
- 112 (f) A designated voter registration agency that provides service or assistance in addition
113 to conducting voter registration shall:
- 114 (1) Distribute with each application for such service or assistance and with each
115 recertification, renewal, or change of address form relating to such service or assistance,
116 when such application, recertification, renewal, or change of address is made in person,
117 the mail voter registration application form provided for in Code Section 21-2-223 unless
118 the applicant declines in writing to register to vote;
- 119 (2) Distribute a form provided by the Secretary of State to accompany the voter
120 registration application form which includes:
- 121 (A) The question 'If you are not registered to vote where you live now, would you like
122 to apply to register to vote here today?';
- 123 (B) If the agency provides public assistance, the statement 'Applying to register or
124 declining to register to vote will not affect the amount of assistance that you will be
125 provided by this agency.';
- 126 (C) Boxes for the applicant to check to indicate whether the applicant is presently
127 registered, would like to register, or declines to register to vote with the statement 'IF
128 YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE
129 DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.' in close proximity to the
130 boxes and in prominent type;
- 131 (D) The statements 'If you would like help in filling out the voter registration
132 application form, we will help you. The decision whether to seek or accept help is
133 yours. You may fill out the application in private.'; and
- 134 (E) The statement 'If you believe that someone has interfered with your right to register
135 or to decline to register to vote or your right to privacy in deciding whether to register

- 136 or in applying to register to vote, you may file a complaint with the Secretary of State
137 at (insert address and telephone number).'; and
- 138 (3) Provide to each applicant who does not decline to apply to register to vote the same
139 degree of assistance with regard to the completion of the voter registration application
140 form as is provided by the office with regard to the completion of its own forms, unless
141 the applicant refuses such assistance.
- 142 (g) If an applicant fails to check any box on the form required by subparagraph (f)(2)(C)
143 of this Code section, the applicant shall be deemed to have declined to apply to register to
144 vote.
- 145 (h) No information relating to a declination to apply to register to vote in connection with
146 an application made at an office described in subsection (f) of this Code section may be
147 used for any purpose other than voter registration and shall not be subject to public
148 inspection.
- 149 (i) Each office shall transmit the completed voter registration application forms to the
150 Secretary of State at least once per week, except that, during the 15 days leading up to a
151 registration deadline for a primary or election, such applications shall be transmitted to the
152 Secretary of State at the conclusion of each business day. The Secretary of State shall
153 forward the applications to the appropriate county board of registrars to determine the
154 eligibility of the applicant and, if found eligible, to add the applicant's name to the list of
155 electors and to place the applicant in the correct precinct and voting districts.
- 156 (j) Each office shall maintain such statistical records on the number of registrations and
157 declinations as requested by the Secretary of State.
- 158 (k) Persons providing the services described in subsection (d) of this Code section shall
159 not:
- 160 (1) Seek to influence an applicant's political preference;
- 161 (2) Display any such political preference or political party or body allegiance;
- 162 (3) Make any statement to an applicant or take any action the purpose or effect of which
163 is to discourage the applicant from applying to register to vote; or
- 164 (4) Make any statement to an applicant or take any action the purpose or effect of which
165 is to lead the applicant to believe that a decision to apply to register or not to apply to
166 register to vote has any bearing on the availability of services or benefits.
- 167 (l) The Secretary of State shall have the authority to promulgate rules and regulations to
168 provide for the transmission of voter registration applications and signatures electronically
169 from ~~public assistance offices, offices which provide state funded programs primarily~~
170 ~~engaged in providing services to persons with disabilities, and recruitment offices of the~~
171 ~~armed forces of the United States located within this state~~ designated voter registration
172 agencies under this Code section. Such electronically transmitted signatures shall be valid

19

LC 28 9108

173 as signatures on the voter registration application and shall be treated in all respects as a
174 manually written original signature and shall be recognized as such in any matter
175 concerning the voter registration application."

176

SECTION 3.

177 Said chapter is further amended in Code Section 21-2-224, relating to registration deadlines,
178 restrictions on voting in primaries, official list of electors, and voting procedure when portion
179 of county changed from one county to another, by adding a new subsection to read as
180 follows:

181 "(c.2) Applications for voter registration submitted at any designated voter registration
182 agency under Code Section 21-2-222 shall, if found eligible, be deemed to have been made
183 as of the date the application was submitted to such agency."

184

SECTION 4.

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

House Bill 251

**Elections; persons who
may assist electors in
voting, revise**

Georgia General Assembly

2019-2020 Regular Session - HB 251 Elections; persons who may assist electors in voting; revise

Sponsored By

(1) Alexander, Kimberly 66th (2) Trammell, Robert 132nd (3) Oliver, Mary Margaret 82nd
(4) Shannon, Renitta 84th (5) Nguyen, Bee 89th (6) McLeod, Donna 105th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to revise the persons who may assist electors in voting; to provide for exceptions; to provide certain notices; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/13/2019 - House Second Readers
Feb/12/2019 - House First Readers
Feb/11/2019 - House Hopper

Versions



[LC 28 9131/a](#)

House Bill 251

By: Representatives Alexander of the 66th, Trammell of the 132nd, Oliver of the 82nd, Shannon of the 84th, Nguyen of the 89th, 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 primaries and elections generally, so as to revise the persons who may assist electors in
3 voting; to provide for exceptions; to provide certain notices; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by revising paragraph (1) of subsection (c) of Code
9 Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath
10 of absentee electors and persons assisting absentee electors, master list of ballots sent,
11 challenges, and electronic transmission of ballots, as follows:

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

14 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
15 the State of Georgia; that my residence address, for voting purposes, is _____
16 County, Georgia; that I possess the qualifications of an elector required by the laws of
17 the State of Georgia; that I am entitled to vote in the precinct containing my residence
18 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
19 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
20 mark or mail another absentee ballot for voting in such primary or election; nor shall
21 I vote therein in person; and that I have read and understand the instructions
22 accompanying this ballot; and that I have carefully complied with such instructions in
23 completing this ballot. I understand that the offer or acceptance of money or any other
24 object of value to vote for any particular candidate, list of candidates, issue, or list of
25 issues included in this election constitutes an act of voter fraud and is a felony under
26 Georgia law.

19

LC 28 9131

27

Elector's Residence Address

29

Year of Elector's Birth

31

Signature or Mark of Elector

32

33

Oath of Person Assisting Elector (if any):

34

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

35

36

37

38

This, the _____ day of _____, _____.

39

Signature of Person Assisting
Elector – Relationship

40

41

42

Reason for assistance (Check appropriate square):

43

Elector is unable to read the English language.

44

Elector requires assistance due to physical disability.

45

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

46

~~Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary, election, or runoff in which there is no federal candidate on the ballot.~~

47

48

49

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

50

51

52

SECTION 2.

53

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

54

55

"(b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from ~~one of the following: any elector who is qualified to vote in the same county or municipality as the disabled or illiterate elector; an attendant care provider or a person providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,~~

56

57

58

59

19

LC 28 9131

60 ~~mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate~~
 61 ~~elector~~ any person of the elector's choosing other than an officer or agent of the elector's
 62 employer or officer or agent of the elector's union. The person rendering assistance to the
 63 elector in preparing the ballot shall sign the oath printed on the same envelope as the oath
 64 to be signed by the elector. If the disabled or illiterate elector is sojourning outside his or
 65 her own county or municipality, a notary public of the jurisdiction may give such assistance
 66 and shall sign the oath printed on the same envelope as the oath to be signed by the elector.
 67 ~~No person shall assist more than ten such electors in any primary, election, or runoff in~~
 68 ~~which there is no federal candidate on the ballot.~~ Any person who willfully violates this
 69 subsection shall be guilty of a felony and, upon conviction thereof, shall be sentenced to
 70 imprisonment for not less than one nor more than ten years or to pay a fine not to exceed
 71 \$100,000.00, or both, for each such violation."

72

SECTION 3.

73 Said chapter is further amended by revising Code Section 21-2-409, relating to assisting
 74 electors who cannot read English or who have disabilities, as follows:

75 "21-2-409.

76 (a) No elector shall receive any assistance in voting at any primary or election unless he
 77 or she is unable to read the English language or he or she has a disability which renders
 78 him or her unable to see or mark the ballot or operate the voting equipment or to enter the
 79 voting compartment or booth without assistance. A person assisting an elector shall
 80 identify himself or herself to a poll worker who shall record such information on the
 81 disabled elector's voter certificate showing that such person provided assistance in voting
 82 to such elector.

83 (b)(1) ~~In elections in which there is a federal candidate on the ballot, any~~ Any elector who
 84 is entitled to receive assistance in voting under this Code section shall be permitted by the
 85 managers to select any person of the elector's ~~choice~~ choosing except an officer or agent
 86 of the ~~such~~ elector's employer or ~~agent of that employer~~ or officer or agent of ~~such~~ the
 87 elector's union. (2) ~~In all other elections, any elector who is entitled to receive assistance~~
 88 ~~in voting under this Code section shall be permitted by the managers to select:~~

89 (A) ~~Any elector, except a poll officer or poll watcher, who is a resident of the precinct~~
 90 ~~in which the elector requiring assistance is attempting to vote; or~~

91 (B) ~~The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,~~
 92 ~~niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,~~
 93 ~~brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive~~
 94 ~~assistance~~

19

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95 ~~to enter the voting compartment or booth with him or her to assist in voting, such~~
96 ~~assistance to be rendered inside the voting compartment or booth. No person shall assist~~
97 ~~more than ten such electors in any primary, election, or runoff covered by this paragraph.~~
98 No person whose name appears on the ballot as a candidate at a particular election nor
99 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,
100 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
101 brother-in-law, or sister-in-law of that candidate shall offer assistance during that
102 particular election under the provisions of this Code section to any voter who is not
103 related to such candidate. For the purposes of this paragraph, 'related to such candidate'
104 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse,
105 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
106 father-in-law, brother-in-law, or sister-in-law. Notice of the availability of such
107 assistance shall be prominently posted at each polling place."

108

SECTION 4.

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

House Bill 252

**Elections; same day
registration and voting,
provide**

Georgia General Assembly

2019-2020 Regular Session - HB 252 Elections; same day registration and voting; provide

Sponsored By

(1) Alexander, Kimberly 66th
(4) Shannon, Renitta 84th

(2) Trammell, Robert 132nd
(5) Nguyen, Bee 89th

(3) Oliver, Mary Margaret 82nd
(6) Hugley, Carolyn 136th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide for same day registration and voting; to provide for procedures and notices; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/13/2019 - House Second Readers

Feb/12/2019 - House First Readers

Feb/11/2019 - House Hopper

Versions



[LC 28 9130/a](#)

House Bill 252

By: Representatives Alexander of the 66th, Trammell of the 132nd, Oliver of the 82nd, Shannon of the 84th, Nguyen of the 89th, 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 primaries and elections generally, so as to provide for same day registration and voting; to
3 provide for procedures and notices; to provide for related matters; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by revising subsection (a) of Code Section 21-2-220, relating
9 to application for registration, identification requirement, rejection for failure to provide
10 required information or for submission of false information, and aid to disabled or illiterate,
11 as follows:

12 "(a) Any person desiring to register as an elector shall apply to do so by making
13 application to a registrar or deputy registrar of such person's county of residence in person,
14 by submission of the federal post card application form as authorized under Code
15 Section 21-2-219, by making application through the Department of Driver Services as
16 provided in Code Section 21-2-221, by making application through the Department of
17 Natural Resources as provided in Code Section 21-2-221.1, by making application online
18 as provided in Code Section 21-2-221.2, by making application through designated offices
19 as provided in Code Section 21-2-222, ~~or~~ by making application by mail as provided in
20 Code Section 21-2-223, or by applying as provided in Code Section 21-2-224.1 in person
21 at the polling place for the precinct in which such person's residence is located on the day
22 of the primary or election or at the office of the registrar or absentee ballot clerk during the
23 advance voting period specified under subsection (d) of Code Section 21-2-385."

19

LC 28 9130

24

SECTION 2.

25 Said chapter is further amended by revising subsections (a) and (b) of Code
 26 Section 21-2-224, relating to registration deadlines, restrictions on voting in primaries,
 27 official list of electors, and voting procedure when portion of county changed from one
 28 county to another, as follows:

29 "(a) ~~If~~ Except as otherwise provided in Code Section 21-2-224.1, if any person whose
 30 name is not on the list of registered electors maintained by the Secretary of State under this
 31 article desires to vote at any general primary, general election, or presidential preference
 32 primary, such person shall make application as provided in this article by the close of
 33 business on the fifth Monday or, if such Monday is a legal holiday, by the close of business
 34 on the following business day prior to the date of such general primary, general election,
 35 or presidential preference primary.

36 (b) If any person whose name is not on the list of registered electors maintained by the
 37 Secretary of State under this article desires to vote at any special primary or special
 38 election, such person shall make application as provided in this article no later than either
 39 the close of business on the fifth day after the date of the call for the special primary or
 40 special election, excluding Saturdays, Sundays, and legal holidays of this state, or the close
 41 of business on the fifth Monday prior to the date of the special primary or special election
 42 or, if such Monday is a legal holiday, by the close of business on the following business
 43 day, whichever is later; except that:

44 (1) ~~If~~ Except as otherwise provided in Code Section 21-2-224.1, if such special primary
 45 or special election is held in conjunction with a general primary, general election, or
 46 presidential preference primary, the registration deadline for such special primary or
 47 special election shall be the same as the registration deadline for the general primary,
 48 general election, or presidential preference primary in conjunction with which the special
 49 primary or special election is being conducted; or

50 (2) If such special primary or special election is not held in conjunction with a general
 51 primary, general election, or presidential preference primary but is held on one of the
 52 dates specified in Code Section 21-2-540 for the conduct of special elections to present
 53 a question to the voters or special primaries or elections to fill vacancies in elected county
 54 or municipal offices, the registration deadline for such a special primary or election shall
 55 be at the close of business on the fifth Monday prior to the date of the special primary or
 56 election or, if such Monday is a legal holiday, by the close of business on the following
 57 business day."

58

SECTION 3.

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

H. B. 252

60 "21-2-224.1.
61 (a) Notwithstanding any provision of law to the contrary, any person may register and vote
62 in accordance with this Code section on the day of a primary or election or during the
63 period of advance voting as specified in subsection (d) of Code Section 21-2-385.
64 (b) A person who is not registered to vote or did not register by the deadlines specified in
65 Code Section 21-2-224 may go to the polling place for the precinct in which such person's
66 residence is located on the day of a primary or election or to any advance voting location
67 in his or her county of residence during the period specified under subsection (d) of Code
68 Section 21-2-385 and register to vote by completing an official voter registration
69 application as provided in subsection (a) of Code Section 21-2-219 and providing to the
70 poll officers, registrars, or absentee ballot clerk, as the case may be, one of the forms of
71 identification as provided in subsection (a) of Code Section 21-2-417 or a legible copy
72 thereof and shall demonstrate proof of residency by the presentation of a Georgia driver's
73 license, government issued photo identification card bearing the person's name and current
74 address, current public or private college photo identification card with proof of residence
75 on the campus of such institution, or current utility bill, bank statement, government check,
76 payroll check, or other government document showing the person's name and current
77 address.
78 (c) A person at his or her polling place or an advance voting location, upon fully
79 completing the voter registration application and providing the appropriate identification
80 and proof of residency, shall be issued a provisional ballot in the same manner as persons
81 whose names are not on the electors list for the polling place under Code Section 21-2-418.
82 The board of registrars shall, within three business days, verify the person's application for
83 voter registration and, if such person is found eligible and qualified to vote, shall add such
84 person to the list of registered voters and shall count such person's provisional ballot. If
85 such person is not found eligible and qualified to vote, such person's application to register
86 to vote shall be rejected and the person shall be notified of the rejection and the reason or
87 reasons for such rejection within three business days. If such person's application is
88 rejected, his or her provisional ballot shall not be counted.
89 (d) Persons in line waiting to complete voter registration applications at the time of the
90 closing of the polls shall be permitted to complete the voter registration application,
91 provide the appropriate identification, and vote a provisional ballot.
92 (e) The poll officer verifying the person's identification shall initial the person's voter
93 registration application."

19

LC 28 9130

94

SECTION 4.

95 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for
 96 voting by absentee ballot and advance voting, by adding a new subsection to read as follows:

97 "(e) Notwithstanding any provision of this chapter to the contrary, during the advance
 98 voting period as described in subsection (d) of this Code section, a person who is qualified
 99 to register to vote in this state but is not registered in his or her county of residence may
 100 make application to register to vote at any advance voting location in the county of his or
 101 her residence. The person shall demonstrate proof of residency by the presentation of a
 102 Georgia driver's license, government issued photo identification card bearing the person's
 103 name and current address, current public or private college photo identification card with
 104 proof of residence on the campus of such institution, or current utility bill, bank statement,
 105 government check, payroll check, or other government document showing the person's
 106 name and current address. Upon the completion of the application for voter registration,
 107 the person shall be permitted to cast a provisional ballot at such location. Within three
 108 business days, the board of registrars of the person's county of residence shall verify the
 109 person's application for voter registration and, if such person is found eligible and qualified
 110 to vote, shall add such person to the list of registered voters and shall count such person's
 111 provisional ballot. If such person is not found eligible and qualified to vote, such person's
 112 application to register to vote shall be rejected and the person shall be notified of the
 113 rejection and the reason or reasons for such rejection within three business days. If such
 114 person's application is rejected, his or her provisional ballot shall not be counted."

115

SECTION 5.

116 Said chapter is further amended by revising subsections (c) and (d) of Code
 117 Section 21-2-419, relating to validation of provisional ballots and reporting to Secretary of
 118 State, as follows:

119 "(c)(1) If the registrars determine after the polls close, but not later than three days
 120 following the primary or election, that the person casting the provisional ballot timely
 121 registered to vote and was eligible and entitled to vote in such primary or election or
 122 properly applied to register to vote pursuant to Code Section 21-2-224.1 on the day of the
 123 primary or election or during the advance voting period under subsection (d) of Code
 124 Section 21-2-385 and met the qualifications to register to vote, the registrars shall notify
 125 the election superintendent, and the provisional ballot shall be counted and included in
 126 the county's or municipality's certified election results.

127 (2) If the registrars determine after the polls close, but not later than three days following
 128 the primary or election, that the person voting the provisional ballot timely registered and
 129 was eligible and entitled to vote in the primary or election or properly applied to register

130 to vote pursuant to Code Section 21-2-224.1 on the day of the primary or election or
 131 during the advance voting period under subsection (d) of Code Section 21-2-385 and met
 132 the qualifications to register to vote, but voted in the wrong precinct or voted the wrong
 133 ballot style or district combination, then the board of registrars shall notify the election
 134 superintendent. The superintendent shall count such person's votes which were cast for
 135 candidates in those races for which the person was entitled to vote but shall not count the
 136 votes cast for candidates in those races in which such person was not entitled to vote.
 137 The superintendent shall order the proper election official at the tabulating center or
 138 precinct to prepare an accurate duplicate ballot containing only those votes cast by such
 139 person in those races in which such person was entitled to vote for processing at the
 140 tabulating center or precinct, which shall be verified in the presence of a witness. Such
 141 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the
 142 designation of the polling place, and shall be given the same serial number as the original
 143 ballot. The original ballot shall be retained.

144 (3) If the registrars determine that the person casting the provisional ballot did not timely
 145 register to vote or was not eligible or entitled to vote in such primary or election or ~~shall~~
 146 ~~be~~ are unable to determine within three days following such primary or election whether
 147 such person timely registered to vote and was eligible and entitled to vote in such primary
 148 or election, the registrars shall so notify the election superintendent, and such ballot shall
 149 not be counted. The election superintendent shall mark or otherwise document that such
 150 ballot was not counted and shall deliver and store such ballots with all other ballots and
 151 election materials as provided in Code Section 21-2-500.

152 (d)(1) The board of registrars shall notify in writing those persons whose provisional
 153 ballots were not counted that their ballots were not counted because of the inability of the
 154 registrars to verify that the persons timely registered to vote or other proper reason. The
 155 registrars shall process the official voter registration application form completed by such
 156 persons pursuant to Code Section 21-2-224.1 or 21-2-418 and shall add such persons to
 157 the electors list if found qualified in order that such persons may vote in future primaries
 158 and elections.

159 (2) The board of registrars shall notify in writing those electors who voted in the wrong
 160 precinct and whose votes were partially counted of their correct precinct."

161 **SECTION 6.**

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

House Bill 255

**Elections; delivery of
absentee ballots to
certain persons in
custody, provide**

Georgia General Assembly

2019-2020 Regular Session - HB 255 Elections; delivery of absentee ballots to certain persons in custody; provide

Sponsored By

(1) Williams, Rick 145th
(4) Bentley, Patty 139th

(2) Bruce, Roger 61st
(5) Nelson, Sheila 125th

(3) Gullett, Joseph 19th
(6) Mathiak, Karen 73rd

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for the delivery of absentee ballots to certain persons in custody; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/13/2019 - House Second Readers
Feb/12/2019 - House First Readers
Feb/11/2019 - House Hopper

Versions



[LC 28 9165/a](#)

House Bill 255

By: Representatives Williams of the 145th, Bruce of the 61st, Gullett of the 19th, Bentley of the 139th, Nelson of the 125th, 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 for the delivery of absentee ballots to
3 certain persons in custody; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising subparagraph (a)(1)(D) and subsection (b) of
9 Code Section 21-2-381, relating to making of application for absentee ballot, determination
10 of eligibility by ballot clerk, furnishing of applications to colleges and universities, and
11 persons entitled to make application, as follows:

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

17 **SECTION 2.**

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

20 "(a) At any time after receiving an official absentee ballot, but before the day of the
21 primary or election, except electors who are confined to a hospital on the day of the
22 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
23 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
24 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
25 of the oath of the elector; the name, relationship, and oath of the person assisting, if any;

19

LC 28 9165

26 and other required identifying information. The elector shall then fill out, subscribe, and
27 swear to the oath printed on such envelope. Such envelope shall then be securely sealed
28 and the elector shall then mail or personally deliver same to the board of registrars or
29 absentee ballot clerk, provided that delivery by a physically disabled elector may be made
30 by any adult person upon satisfactory proof that such adult person is ~~such~~ the elector's
31 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,
32 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
33 brother-in-law, sister-in-law, or an individual residing in the household of such ~~disabled~~
34 elector. The absentee ballot of an elector who is in custody in a jail or other detention
35 facility may be mailed or delivered by any employee of such jail or facility having custody
36 of such elector. An elector who is confined to a hospital on a primary or election day to
37 whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and
38 there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk.
39 If the elector registered to vote for the first time in this state by mail and has not previously
40 provided the identification required by Code Section 21-2-220 and votes for the first time
41 by absentee ballot and fails to provide the identification required by Code Section 21-2-220
42 with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and
43 shall be counted only if the registrars are able to verify the identification and registration
44 of the elector during the time provided pursuant to Code Section 21-2-419."

45

SECTION 3.

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

House Bill 264

Public officials' conduct and lobbyist disclosure; persons promoting or opposing any matter regarding the EMSC Program are subject to transparency and

lobbyist disclosure laws.

Georgia General Assembly

2019-2020 Regular Session - HB 264

Public officials' conduct and lobbyist disclosure; persons promoting or opposing any matter regarding the EMSC Program are subject to transparency and lobbyist disclosure laws; provide

Sponsored By

(1) [Werkheiser, Bill 157th](#)
(4) [Nix, Randy 69th](#)

(2) [England, Terry 116th](#)
(5) [Hatchett, Matt 150th](#)

(3) [Houston, Penny 170th](#)

Committees

HC: [Health & Human Services](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 21 of the O.C.G.A., relating to public officials' conduct and lobbyist disclosure, so as to provide that any natural persons undertaking to promote or oppose any matter before a local coordinating entity regarding the Emergency Medical Systems Communications Program (EMSC Program) are subject to transparency and lobbyist disclosure laws; to amend Chapter 11 of Title 31 of the O.C.G.A., relating to emergency medical services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/14/2019 - House Second Readers
Feb/13/2019 - House First Readers
Feb/12/2019 - House Hopper

Versions



[LC 33 7674/a](#)

House Bill 264

By: Representatives Werkheiser of the 157th, England of the 116th, Houston of the 170th, Nix of the 69th, and Hatchett of the 150th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated,
2 relating to public officials' conduct and lobbyist disclosure, so as to provide that any natural
3 persons undertaking to promote or oppose any matter before a local coordinating entity
4 regarding the Emergency Medical Systems Communications Program (EMSC Program) are
5 subject to transparency and lobbyist disclosure laws; to amend Chapter 11 of Title 31 of the
6 Official Code of Georgia Annotated, relating to emergency medical services, so as to provide
7 for requirements for members and chairpersons of local coordinating entities; to provide for
8 committees to consider proposals for designated ambulance providers; to provide for
9 recommendations to the local coordinating entity; to provide for submittal of
10 recommendations to the Board of Public Health; to provide for a public hearing; to provide
11 for an appeal; to provide for new proposals from ambulance providers at least every five
12 years; to require ambulance providers to comply with established safety standards; to require
13 ambulance providers to establish accountability standards; to provide for monthly reports on
14 accountability standards; to provide for supplemental ambulance providers and reopening of
15 proposals for ambulance providers under certain circumstances; to provide for related
16 matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
20 public officials' conduct and lobbyist disclosure, is amended by revising paragraphs (5) and
21 (6) of Code Section 21-5-70, relating to definitions, as follows:

22 "(5) 'Lobbyist' means:

23 (A) Any natural person who, either individually or as an employee of another person,
24 receives or anticipates receiving more than \$250.00 per calendar year in compensation
25 or reimbursement or payment of expenses specifically for undertaking to promote or
26 oppose the passage of any legislation by the General Assembly, or any committee of

- 27 either chamber or a joint committee thereof, or the approval or veto of legislation by the
 28 Governor;
- 29 (B) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
 30 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or
 31 informational material, to promote or oppose the passage of any legislation by the
 32 General Assembly, or any committee of either chamber or a joint committee thereof,
 33 or the approval or veto of legislation by the Governor;
- 34 (C) Reserved;
- 35 (D) Any natural person who, either individually or as an employee of another person,
 36 is compensated specifically for undertaking to promote or oppose the passage of any
 37 ordinance or resolution by a public officer specified under subparagraph (F) or (G) of
 38 paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the
 39 approval or veto of any such ordinance or resolution;
- 40 (E) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
 41 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or
 42 informational material, to promote or oppose the passage of any ordinance or resolution
 43 by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code
 44 Section 21-5-3, or any committee of such public officers, or the approval or veto of any
 45 such ordinance or resolution;
- 46 (F) Any natural person who as an employee of local government engages in any
 47 activity covered under subparagraph (D) of this paragraph;
- 48 (G) Any natural person who, for compensation, either individually or as an employee
 49 of another person, is hired specifically to undertake influencing a public officer or state
 50 agency in the selection of a vendor to supply any goods or services to any state agency
 51 but does not include any employee or independent contractor of the vendor solely on
 52 the basis that such employee or independent contractor participates in soliciting a bid
 53 or in preparing a written bid, written proposal, or other document relating to a potential
 54 sale to a state agency and shall not include a bona fide salesperson who sells to or
 55 contracts with a state agency for goods or services and who does not otherwise engage
 56 in activities described in subparagraphs (A) through (F), ~~or (H), through or~~ (I) of this
 57 paragraph;
- 58 (H) Any natural person who, either individually or as an employee of another person,
 59 is compensated specifically for undertaking to promote or oppose the passage of any
 60 rule or regulation of any state agency;
- 61 (I) Any natural person who, either individually or as an employee of another person,
 62 is compensated specifically for undertaking to promote or oppose any matter before the
 63 State Transportation Board; ~~or~~

19

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64 (J) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
 65 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or
 66 informational material, to promote or oppose any matter before the State Transportation
 67 Board;

68 (K) Any natural person who, either individually or as an employee of another person,
 69 is compensated specifically for undertaking to promote or oppose any matter before a
 70 local coordinating entity as provided for under Code Section 31-11-3; or

71 (L) Any natural person who makes lobbying expenditures to promote or oppose
 72 matters before one or more local coordinating entities as provided for under Code
 73 Section 31-11-3.

74 (6) 'Public officer' means a member of the State Transportation Board, any natural person
 75 possessing the power within his or her discretion to direct or cause the direction of a local
 76 coordinating entity's recommendation as provided for under Code Section 31-11-3, and
 77 those public officers specified under paragraph (22) of Code Section 21-5-3, except as
 78 otherwise provided in this article and also includes any public officer or employee who
 79 has any discretionary authority over, or is a member of a public body which has any
 80 discretionary authority over, the selection of a vendor to supply any goods or services to
 81 any state agency."

82

SECTION 2.

83 Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency
 84 medical services, is amended by revising Code Section 31-11-3, relating to recommendations
 85 by local coordinating entity as to administration of EMSC Program and hearing and appeal,
 86 as follows:

87 "31-11-3.

88 (a) The Board of Public Health shall have the authority on behalf of the state to designate
 89 and contract with a public or nonprofit local entity to coordinate and administer the EMSC
 90 Program for each health district designated by the Department of Public Health. The local
 91 coordinating entity thus designated shall be responsible for recommending to the board or
 92 its designee the manner in which the EMSC Program is to be conducted. The local
 93 coordinating entity shall annually elect a new chairperson from among its members. No
 94 member shall serve as chairperson for more than a one year term. Members on the local
 95 coordinating entity shall serve for a maximum of two years. No private ambulance
 96 provider shall be eligible to serve as a member of the local coordinating entity
 97 administering the EMSC Program for the health district. In making its recommendations,
 98 the local coordinating entity shall give priority to making the EMSC Program function as

99 efficiently and economically as possible. Each licensed ambulance provider in the health
100 district shall have the opportunity to participate in the EMSC Program.

101 (b) The local coordinating entity shall request from each licensed ambulance provider in
102 its health district a written description of the territory in which it can respond to emergency
103 calls, based upon the provider's average response time from its base location within such
104 territory; and such written description shall be due within ten days of the request by the
105 local coordinating entity.

106 (c) After receipt of the written descriptions of territory in which the ambulance providers
107 propose to respond to emergency calls, the local coordinating entity shall within ten days
108 cause a hearing to be conducted by a committee established by a local coordinating entity
109 of another health district. The committee shall submit recommendations, based on the
110 results of such hearing, to the local coordinating entity for the originating health district for
111 approval or rejection and remand back to the committee. Upon approval by such local
112 coordinating entity, such recommendations shall be submitted ~~recommend in writing~~ to the
113 board or its designee, including the territories within the health district to be serviced by
114 the ambulance providers; and at this same time the local coordinating entity shall also
115 ~~recommend~~ the method for distributing emergency calls among the providers, based
116 primarily on the considerations of economy, efficiency, and benefit to the public welfare.
117 The recommendation of the local coordinating entity shall be forwarded immediately to the
118 board or its designee for approval or modification of the territorial zones and method of
119 distributing calls among ambulance providers participating in the EMSC Program in the
120 health district. Within ten days of receipt of the recommendations by the board or its
121 designee, an ambulance provider that originally submitted a proposal may request a public
122 hearing on such recommendations.

123 (d) The board, or its designee, ~~is empowered to~~ shall conduct a hearing into the
124 recommendations made by the local coordinating entity within 21 days of receiving a
125 request for a public hearing pursuant to subsection (c) of this Code section, and such
126 hearing shall be conducted according to the procedures set forth in Code Section 31-5-2.

127 (e) The recommendations of the local coordinating entity shall not be modified unless the
128 board or its designee shall find, after a public hearing, that the ~~determination of the district~~
129 ~~health director is~~ recommendations submitted by the local coordinating entity are not
130 consistent with operation of the EMSC Program in an efficient, economical manner that
131 benefits the public welfare. The decision of the board or its designee shall be rendered as
132 soon as possible and shall be final; provided, however, that a party aggrieved by such
133 decision may appeal such decision pursuant to Chapter 13 of Title 50, the 'Georgia
134 Administrative Procedure Act.' and conclusive concerning the operation of the EMSC
135 Program; and appeal from such decision shall be pursuant to Code Section 31-5-3.

19

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136 (f) The local coordinating entity shall begin administering the EMSC Program in accord
 137 with the decision by the board or its designee immediately after the decision by the board
 138 or its designee regarding the approval or modification of the recommendations made by the
 139 local coordinating entity; and the EMSC Program shall be operated in such manner pending
 140 the resolution of any appeals filed pursuant to Code Section 31-5-3.

141 (g) The local coordinating entity shall request new proposals from ambulance providers
 142 at least every five years.

143 (h) Each ambulance provider shall comply with safety standards established by the board,
 144 which may be based on the national safety standards of the Commission on Accreditation
 145 of Ambulance Services. The local coordinating entity shall establish accountability
 146 standards for each health district.

147 ~~(g)~~(i) This Code section shall not apply to air ambulances or air ambulance services."

148

SECTION 3.

149 Said chapter is further revised by adding a new Code section to read as follows:

150 "31-11-6.1.

151 (a) On and after October 1, 2019, each ambulance provider shall identify, in coordination
 152 and agreement with the local coordinating entity, accountability standards for the
 153 following:

154 (1) The percentage of 9-1-1 calls received and answered by the ambulance provider in
 155 each territorial zone;

156 (2) The response time of the ambulance provider by dispatch category;

157 (3) The number of active personnel of the ambulance provider within each territorial
 158 zone; and

159 (4) The number of active ambulance units of the ambulance provider within each
 160 territorial zone.

161 (b) The accountability standards established pursuant to this Code section for each
 162 ambulance provider shall be posted on the department's website no later than October 31,
 163 2019.

164 (c) On and after July 1, 2019, each ambulance provider shall submit a monthly report to
 165 the local coordinating entity detailing the following accountability standards:

166 (1) The number of 9-1-1 calls received by the ambulance provider;

167 (2) The number of 9-1-1 calls answered by the ambulance provider;

168 (3) The response time of the ambulance provider by dispatch category;

169 (4) The number of active personnel of the ambulance provider within each territorial
 170 zone; and

19

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171 (5) The number of active ambulance units of the ambulance provider within each
172 territorial zone.

173 (d) On and after October 1, 2019, if an ambulance provider does not meet its
174 accountability standards as established pursuant to subsection (a) of this Code section:

175 (1) For two consecutive months, the local coordinating entity may authorize up to two
176 additional ambulance providers to answer 9-1-1 calls in the territorial zone on a rotating
177 basis; and

178 (2) For three consecutive months, the local coordinating entity shall reopen the territorial
179 zone for proposals for new ambulance providers."

180

SECTION 4.

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

House Bill 270

**Elections; certain
driver's licenses and
identification cards
shall not be proper
identification for
presentation to a poll
worker**

Georgia General Assembly

2019-2020 Regular Session - HB 270

Elections; certain driver's licenses and identification cards shall not be proper identification for presentation to a poll worker; provide

Sponsored By

(1) Jones, Jeff 167th
(4) Powell, Alan 32nd

(2) Parsons, Don 44th
(5) Jasperse, Rick 11th

(3) Hawkins, Lee 27th
(6) Ridley, Jason 6th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Code Section 21-2-417 of the O.C.G.A., relating to presentation of identification to poll workers, form of proper identification, swearing of statement when unable to produce proper identification, provisional ballots for those, and penalty for false statement under oath, so as to provide that certain driver's licenses and identification cards shall not be proper identification for presentation to a poll worker; to amend Chapter 16 of Title 40 of the O.C.G.A., relating to the Department of Driver Services, so as to require participation of the Department of Driver Services in the Records and Information from DMVs for E-Verify (RIDE) program of the United States Department of Homeland Security; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/14/2019 - House Second Readers
Feb/13/2019 - House First Readers
Feb/12/2019 - House Hopper

Versions

 [LC 41 1752/a](#)

House Bill 270

By: Representatives Jones of the 167th, Parsons of the 44th, Hawkins of the 27th, Powell of the 32nd, Jasperse of the 11th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to
2 presentation of identification to poll workers, form of proper identification, swearing of
3 statement when unable to produce proper identification, provisional ballots for those, and
4 penalty for false statement under oath, so as to provide that certain driver's licenses and
5 identification cards shall not be proper identification for presentation to a poll worker; to
6 amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the
7 Department of Driver Services, so as to require participation of the Department of Driver
8 Services in the Records and Information from DMVs for E-Verify (RIDE) program of the
9 United States Department of Homeland Security; to provide for related matters; to provide
10 for an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to presentation
14 of identification to poll workers, form of proper identification, swearing of statement when
15 unable to produce proper identification, provisional ballots for those, and penalty for false
16 statement under oath, is amended by revising subsection (a) as follows:

17 ~~"(a)(1)~~ Except as provided in subsection (c) of this Code section, each elector shall
18 present proper identification to a poll worker at or prior to completion of a voter's
19 certificate at any polling place and prior to such person's admission to the enclosed space
20 at such polling place.

21 ~~(2)~~ Proper identification required under paragraph (1) of this subsection shall ~~consist~~:

22 ~~(A)~~ Consist of any one of the following:

23 ~~(1)(i)~~ A Georgia driver's license which was properly issued by the appropriate state
24 agency, except as provided for under subparagraph (B) of this paragraph;

25 ~~(2)(ii)~~ A valid Georgia voter identification card issued under Code Section
26 21-2-417.1 or other valid identification card issued by a branch, department, agency,

19

LC 41 1752

27 or entity of the State of Georgia, any other state, or the United States authorized by
 28 law to issue personal identification, provided that such identification card contains a
 29 photograph of the elector, except as provided for under subparagraph (B) of this
 30 paragraph;

31 ~~(3)~~(iii) A valid United States passport;

32 ~~(4)~~(iv) A valid employee identification card containing a photograph of the elector
 33 and issued by any branch, department, agency, or entity of the United States
 34 government, this state, or any county, municipality, board, authority, or other entity
 35 of this state;

36 ~~(5)~~(v) A valid United States military identification card, provided that such
 37 identification card contains a photograph of the elector; or

38 ~~(6)~~(vi) A valid tribal identification card containing a photograph of the elector; and
 39 (B) Not consist of a driver's license or identification card issued to noncitizen,
 40 including, but not limited to a driver's license or identification card issued pursuant to
 41 Code Section 40-5-21.1."

42 **SECTION 2.**

43 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department
 44 of Driver Services, is amended by adding a new Code section to read as follows:

45 "40-16-9.

46 On or after July 1, 2019, the department shall participate in the Records and Information
 47 from DMVs for E-Verify (RIDE) program of the United States Department of Homeland
 48 Security. The commissioner shall promulgate rules and regulations for the department's
 49 participation in such program."

50 **SECTION 3.**

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

53 **SECTION 4.**

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

House Bill 275

Elections; persons may register to vote at age 16 but shall not vote until age 18

Georgia General Assembly

2019-2020 Regular Session - HB 275 Elections; persons may register to vote at age 16 but shall not vote until 18; provide

Sponsored By

(1) Hugley, Carolyn 136th
(4) Stephenson, Pam 90th

(2) Alexander, Kimberly 66th
(5) Kendrick, Dar'shun 93rd

(3) Smyre, Calvin 135th
(6) Williams, Al 168th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide that persons may register to vote at age 16 but shall not vote until reaching age 18; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/14/2019 - House Second Readers
Feb/13/2019 - House First Readers
Feb/12/2019 - House Hopper

Versions



[LC 28 9142/a](#)

19

LC 28 9142

House Bill 275

By: Representatives Hugley of the 136th, Alexander of the 66th, Smyre of the 135th,
Stephenson of the 90th, Kendrick of the 93rd, 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 persons may register to vote at age 16
3 but shall not vote until reaching age 18; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising subsection (c) of Code Section 21-2-216, relating
9 to qualifications of electors generally, reregistration of electors purged from list, eligibility
10 of nonresidents who vote in presidential elections, retention of qualification for standing as
11 elector, evidence of citizenship, and check of convicted felons and deceased persons
12 databases, as follows:

13 "(c) Any person who possesses the qualifications of an elector except that concerning age
14 shall be permitted to register to vote if such person ~~will acquire such qualification within~~
15 ~~six months after the day of registration~~ is at least 16 years of age; provided, however, that
16 such person shall not be permitted to vote in a primary or election until the acquisition of
17 all specified qualifications."

18 style="text-align:center">**SECTION 2.**

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

House Bill 283

Georgia Voting Rights Act, enact

Georgia General Assembly

2019-2020 Regular Session - HB 283 Georgia Voting Rights Act; enact

Sponsored By

(1) Holcomb, Scott 81st
(4) Smyre, Calvin 135th

(2) Frye, Spencer 118th
(5) Trammell, Robert 132nd

(3) Alexander, Kimberly 66th
(6) Hugley, Carolyn 136th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to enact the Georgia Voting Rights Act; to amend Chapter 2 of Title 21 of the O.C.G.A., relating to elections and primaries generally, so as to change the date of the nonpartisan election; to amend Title 28 of the O.C.G.A., relating to the General Assembly, so as to prohibit the enactment of provisions that would change the duties or powers of elected officials between the time of their election and taking office; to establish the Georgia Voting Rights Commission; to provide for its composition, manner of appointment, powers, and duties; to provide for an independent Legislative and Congressional Reapportionment Office; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/14/2019 - House Second Readers
Feb/13/2019 - House First Readers
Feb/12/2019 - House Hopper

Versions



[LC 28 9154/a](#)

House Bill 283

By: Representatives Holcomb of the 81st, Frye of the 118th, Alexander of the 66th, Smyre of the 135th, Trammell of the 132nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the Georgia Voting Rights Act; to amend Chapter 2 of Title 21 of the Official Code
2 of Georgia Annotated, relating to elections and primaries generally, so as to change the date
3 of the nonpartisan election; to provide for same day voter registration and voting; to provide
4 for funding for regular upgrades to voting equipment; to provide for the form of nonpartisan
5 ballot; to change the period of advance voting; to provide for two hours time off for
6 employees to vote; to provide for related matters; to amend Title 28 of the Official Code of
7 Georgia Annotated, relating to the General Assembly, so as to prohibit the enactment of
8 provisions that would change the duties or powers of elected officials between the time of
9 their election and taking office; to establish the Georgia Voting Rights Commission; to
10 provide for its composition, manner of appointment, powers, and duties; to provide for an
11 independent Legislative and Congressional Reapportionment Office; to provide for its
12 powers and duties; to provide for the manner and time for redistricting of congressional
13 districts and House of Representatives and Senate districts; to provide a short title; to provide
14 for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 This Act shall be known and may be cited as the "Georgia Voting Rights Act."

18 **SECTION 2.**

19 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
20 primaries generally, is amended by revising subsection (c) of Code Section 21-2-132, relating
21 to filing notice of candidacy, nomination petition, and affidavit, payment of qualifying fee,
22 pauper's affidavit and qualifying petition for exemption from qualifying fee, and military
23 service, as follows:

24 "(c) All candidates seeking election in a nonpartisan election shall file their notice of
25 candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection

26 in order to be eligible to have their names placed on the nonpartisan election ballot by the
27 Secretary of State or election superintendent, as the case may be, in the following manner:

28 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
29 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
30 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
31 giving his or her name, residence address, and the office sought, in the office of the
32 Secretary of State no earlier than 9:00 A.M. on the Monday of the ~~eleventh~~ thirty-fifth
33 week immediately prior to the election and no later than 12:00 Noon on the Friday
34 immediately following such Monday, notwithstanding the fact that any such days may
35 be legal holidays;

36 (2) Each candidate for a county judicial office, a local board of education office, or an
37 office of a consolidated government, or the candidate's agent, desiring to have his or her
38 name placed on the nonpartisan election ballot shall file a notice of candidacy in the
39 office of the superintendent no earlier than 9:00 A.M. on the Monday of the ~~eleventh~~
40 thirty-fifth week immediately prior to the election and no later than 12:00 Noon on the
41 Friday immediately following such Monday, notwithstanding the fact that any such days
42 may be legal holidays;

43 (3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a
44 notice of candidacy in the office of the municipal superintendent of such candidate's
45 municipality during the municipality's nonpartisan qualifying period. Each municipal
46 superintendent shall designate the days of such qualifying period, which shall be no less
47 than three days and no more than five days. The days of the qualifying period shall be
48 consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30
49 A.M. on the third Monday in August immediately preceding the general election and
50 shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special
51 election, the municipal nonpartisan qualifying period shall commence no earlier than
52 the date of the call and shall end no later than 25 days prior to the election.

53 (B) In any case in which no individual has filed a notice of candidacy and paid the
54 prescribed qualifying fee to fill a particular office in a nonpartisan municipal election,
55 the governing authority of the municipality shall be authorized to reopen qualifying for
56 candidates at 9:00 A.M. on the Monday next following the close of the preceding
57 qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately
58 following such Monday, notwithstanding the fact that any such days may be legal
59 holidays; and

60 (4) In any case where an incumbent has filed a notice of candidacy and paid the
61 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in office
62 but withdraws as a candidate for such office prior to the close of the applicable qualifying

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63 period prescribed in this subsection, qualifying for candidates other than such incumbent
 64 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding
 65 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
 66 such reopening, notwithstanding the fact that any such days may be legal holidays."

67 **SECTION 3.**

68 Said chapter is further amended by revising subsection (a) of Code Section 21-2-133, relating
 69 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,
 70 and certification of candidates, as follows:

71 "(a) No person elected on a write-in vote shall be eligible to hold office unless a notice of
 72 his or her intention of candidacy was filed and published no earlier than January 1 and no
 73 later than the Tuesday after the first Monday in September prior to the election for county,
 74 state, and federal elections; ~~no later than seven days after the close of the qualifying period~~
 75 ~~for nonpartisan elections in the case of nonpartisan elections for state or county offices;~~ no
 76 later than seven days after the close of the municipal qualifying period for municipal
 77 elections in the case of a general election; or no later than seven days after the close of the
 78 special election qualifying period for a special election by the person to be a write-in
 79 candidate or by some other person or group of persons qualified to vote in the subject
 80 election, as follows:

81 (1) In a state general or special election, a notice shall be filed with the Secretary of State
 82 and published in a newspaper of general circulation in the state;

83 (2) In a general or special election of county officers, a notice shall be filed with the
 84 superintendent of elections in the county in which he or she is to be a candidate and
 85 published in the official organ of the same county; or

86 (3) In a municipal general or special election, a notice shall be filed with the
 87 superintendent and published in the official gazette of the municipality holding the
 88 election.

89 In the event that such intention of candidacy is filed and published by a person or group of
 90 persons other than the candidate, such person or group of persons shall also file a written,
 91 notarized authorization by the candidate for such filing and publication."

92 **SECTION 4.**

93 Said chapter is further amended by revising Code Section 21-2-138, relating to nonpartisan
 94 elections for judicial offices, as follows:

95 "21-2-138.

96 The names of all candidates who have qualified with the Secretary of State for the office
 97 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court

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98 of this state and the names of all candidates who have qualified with the election
 99 superintendent for the office of judge of a state court shall be placed on the ballot in a
 100 nonpartisan election to be held and conducted jointly with the general primary election in
 101 each even-numbered year. No candidates for any such office shall be nominated by a
 102 political party or by a petition as a candidate of a political body or as an independent
 103 candidate. Candidates for any such office shall have their names placed on the nonpartisan
 104 portion of each ballot by complying with the requirements prescribed in Code
 105 Section 21-2-132 specifically related to such nonpartisan candidates and by paying the
 106 requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed
 107 on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and
 108 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to
 109 be employed in conducting the nonpartisan election of judges of state courts, judges of
 110 superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall
 111 conform as nearly as practicable to the procedures governing general elections; and such
 112 general election procedures as are necessary to complete this nonpartisan election process
 113 shall be adopted in a manner consistent with such nonpartisan elections."

114

SECTION 5.

115 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating
 116 to nonpartisan elections authorized and the conduct thereof, as follows:

117 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 118 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 119 to fill county judicial offices, offices of local boards of education, and offices of
 120 consolidated governments which are filled by the vote of the electors of said county or
 121 political subdivision. Except as otherwise provided in this Code section, the procedures
 122 to be employed in such nonpartisan elections shall conform as nearly as practicable to the
 123 procedures governing nonpartisan elections as provided in this chapter. Except as
 124 otherwise provided in this Code section, the election procedures established by any existing
 125 local law which provides for the nonpartisan election of candidates to fill county offices
 126 shall conform to the general procedures governing nonpartisan elections as provided in this
 127 chapter, and such nonpartisan elections shall be conducted in accordance with the
 128 applicable provisions of this chapter, notwithstanding the provisions of any existing local
 129 law. For those offices for which the General Assembly, pursuant to this Code section,
 130 provided by local Act for election in nonpartisan primaries and elections, such offices shall
 131 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
 132 elections held and conducted in conjunction with the general primary election in
 133 even-numbered years in accordance with this chapter without a prior nonpartisan primary.

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134 This Code section shall apply to all nonpartisan elections for members of consolidated
 135 governments. All nonpartisan elections for members of consolidated governments shall
 136 be governed by the provisions of this Code section and shall be considered county elections
 137 and not municipal elections for the purposes of this Code section. Nonpartisan elections
 138 for municipal offices shall be conducted on the dates provided in the municipal charter."

139

SECTION 6.

140 Said chapter is further amended by revising subsection (a) of Code Section 21-2-220, relating
 141 to application for registration, identification requirement, rejection for failure to provide
 142 required information or for submission of false information, and aid to disabled or illiterate,
 143 as follows:

144 "(a) Any person desiring to register as an elector shall apply to do so by making
 145 application to a registrar or deputy registrar of such person's county of residence in person,
 146 by submission of the federal post card application form as authorized under Code
 147 Section 21-2-219, by making application through the Department of Driver Services as
 148 provided in Code Section 21-2-221, by making application through the Department of
 149 Natural Resources as provided in Code Section 21-2-221.1, by making application online
 150 as provided in Code Section 21-2-221.2, by making application through designated offices
 151 as provided in Code Section 21-2-222, ~~or~~ by making application by mail as provided in
 152 Code Section 21-2-223, or by making application in person as provided in Code
 153 Section 21-2-224.1 at the polling place for the precinct in which such person's residence
 154 is located on the day of the primary or election or at the office of the registrar or absentee
 155 ballot clerk during the advance voting period specified under subsection (d) of Code
 156 Section 21-2-385."

157

SECTION 7.

158 Said chapter is further amended by repealing in its entirety Code Section 21-2-220.1, relating
 159 to required documentation for voter registration.

160

SECTION 8.

161 Said chapter is further amended by revising subsections (a) and (b) of Code
 162 Section 21-2-224, relating to registration deadlines, restrictions on voting in primaries,
 163 official list of electors, and voting procedure when portion of county changed from one
 164 county to another, as follows:

165 "(a) ~~If~~ Except as otherwise provided in Code Section 21-2-224.1, if any person whose
 166 name is not on the list of registered electors maintained by the Secretary of State under this
 167 article desires to vote at any general primary, general election, or presidential preference

168 primary, such person shall make application as provided in this article by the close of
 169 business on the fifth Monday or, if such Monday is a legal holiday, by the close of business
 170 on the following business day prior to the date of such general primary, general election,
 171 or presidential preference primary.

172 (b) If any person whose name is not on the list of registered electors maintained by the
 173 Secretary of State under this article desires to vote at any special primary or special
 174 election, such person shall make application as provided in this article no later than either
 175 the close of business on the fifth day after the date of the call for the special primary or
 176 special election, excluding Saturdays, Sundays, and legal holidays of this state, or the close
 177 of business on the fifth Monday prior to the date of the special primary or special election
 178 or, if such Monday is a legal holiday, by the close of business on the following business
 179 day, whichever is later; except that:

180 (1) If Except as otherwise provided in Code Section 21-2-224.1, if such special primary
 181 or special election is held in conjunction with a general primary, general election, or
 182 presidential preference primary, the registration deadline for such special primary or
 183 special election shall be the same as the registration deadline for the general primary,
 184 general election, or presidential preference primary in conjunction with which the special
 185 primary or special election is being conducted; or

186 (2) If such special primary or special election is not held in conjunction with a general
 187 primary, general election, or presidential preference primary but is held on one of the
 188 dates specified in Code Section 21-2-540 for the conduct of special elections to present
 189 a question to the voters or special primaries or elections to fill vacancies in elected county
 190 or municipal offices, the registration deadline for such a special primary or election shall
 191 be at the close of business on the fifth Monday prior to the date of the special primary or
 192 election or, if such Monday is a legal holiday, by the close of business on the following
 193 business day."

194

SECTION 9.

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

196 "21-2-224.1.

197 (a) Notwithstanding any provision of law to the contrary, any person may register and vote
 198 in accordance with this Code section on the day of a primary or election or during the
 199 period of advance voting as specified in subsection (d) of Code Section 21-2-385.

200 (b) A person who is not registered to vote or did not register by the deadlines specified in
 201 Code Section 21-2-224 may go to the polling place for the precinct in which such person's
 202 residence is located on the day of a primary or election or to the registrar's office or the
 203 office of the absentee ballot clerk, as appropriate, during the period specified under

204 subsection (d) of Code Section 21-2-385 and register to vote by completing an official
 205 voter registration application as provided in subsection (a) of Code Section 21-2-219 and
 206 providing to the poll officers, registrars, or absentee ballot clerk, as the case may be, one
 207 of the forms of identification as provided in subsection (c) of Code Section 21-2-417 or a
 208 legible copy thereof.

209 (c) A person at his or her polling place, upon fully completing the voter registration
 210 application and providing the appropriate identification, shall be issued a provisional ballot
 211 in the same manner as persons whose names are not on the electors list for such polling
 212 place under Code Section 21-2-418. For a person at the registrar's office or the office of
 213 the absentee ballot clerk, as appropriate, during the period specified under subsection (d)
 214 of Code Section 21-2-385, upon fully completing the voter registration application and
 215 providing the appropriate identification, either the registrars shall determine such person's
 216 qualifications immediately and, if found qualified, allow such person to vote in the same
 217 manner as other electors or, if there is insufficient time for whatever reason for the
 218 registrars to make such determination or if the person is attempting to vote at the absentee
 219 ballot clerk's office, such person shall be issued a provisional ballot in the same manner as
 220 persons whose names are not on the electors list for such polling place under Code
 221 Section 21-2-418 and shall vote such provisional ballot in the same manner as such persons
 222 at the polls.

223 (d) Persons in line waiting to complete voter registration applications at the time of the
 224 closing of the polls shall be permitted to complete the voter registration application,
 225 provide the appropriate identification, and vote a provisional ballot.

226 (e) The poll officer verifying the person's identification shall initial the person's voter
 227 registration application."

228 **SECTION 10.**

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

232 "21-2-285.1.

233 The names of all candidates for offices which the General Assembly has by general law or
 234 local Act provided for election in a nonpartisan election shall be printed on each official
 235 ~~primary~~ general election ballot; and insofar as practicable such offices to be filled in the
 236 nonpartisan election shall be separated from the names of candidates for party nomination
 237 to other offices by being listed last on each ballot, with the top of that portion of each
 238 official ~~primary~~ general election ballot relating to the nonpartisan election to have printed
 239 in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' ~~fr~~

240 ~~addition, there shall be a ballot that contains just the official nonpartisan election ballot~~
 241 ~~available for electors who choose not to vote in a party primary.~~ Directions that explain
 242 how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the
 243 elector spoils his or her ballot shall appear immediately under the caption, as specified by
 244 rule or regulation of the State Election Board. Immediately under the directions, the name
 245 of each such nonpartisan candidate shall be arranged alphabetically by last name under the
 246 title of the office for which they are candidates and be printed thereunder. The incumbency
 247 of a candidate seeking election for the public office he or she then holds shall be indicated
 248 on the ballot. No party designation or affiliation shall appear beside the name of any
 249 candidate for nonpartisan office. An appropriate space shall also be placed on the ballot
 250 for the casting of write-in votes for such offices. In the event that no candidate in such
 251 nonpartisan election receives a majority of the total votes cast for such office, there shall
 252 be a nonpartisan election runoff between the candidates receiving the two highest numbers
 253 of votes; and the names of such candidates shall be placed on the official ballot at the
 254 general primary election runoff in the same manner as prescribed in this Code section for
 255 the nonpartisan election ~~and there shall be a separate official nonpartisan election runoff~~
 256 ~~ballot for those electors who do not choose or are not eligible to vote in the general primary~~
 257 ~~runoff.~~ In the event that only nonpartisan candidates are to be placed on a run-off ballot,
 258 the form of the ballot shall be as prescribed by the Secretary of State or election
 259 superintendent in essentially the same format as prescribed for the nonpartisan election.
 260 The candidate having a majority of the votes cast in the nonpartisan election or the
 261 candidate receiving the highest number of votes cast in the nonpartisan election runoff shall
 262 be declared duly elected to such office."

263 **SECTION 11.**

264 Said chapter is further amended by revising subsection (a) of Code Section 21-2-300, relating
 265 to provision of new voting equipment by state, contingent upon appropriations, county
 266 responsibilities, education, and county and municipal contracts for equipment, as follows:
 267 "(a) ~~Provided that the General Assembly specifically appropriates funding to the Secretary~~
 268 ~~of State to implement this subsection, the~~ The equipment used for casting and counting
 269 votes in county, state, and federal elections shall, ~~by the July, 2004, primary election and~~
 270 ~~afterwards,~~ be the same in each county in this state and shall be provided to each county
 271 by the state, as determined by the Secretary of State. The General Assembly shall provide
 272 adequate funding for regular updates to such voting equipment."

273

SECTION 12.

274 Said chapter is further amended by revising subsection (h) of Code Section 21-2-325, relating
275 to form of ballot labels generally, as follows:

276 "(h) In primaries, the ballot labels containing the names of candidates seeking nomination
277 by a political party shall be segregated on the face of the machine in adjacent rows or
278 columns by parties, the priority of such political parties on the ballot labels to be
279 determined in the order prescribed by subsection (c) of Code Section 21-2-285. ~~If a~~
280 ~~nonpartisan election is being held in conjunction with a partisan primary, each partisan~~
281 ~~ballot label shall be clearly marked to indicate that the elector may vote in the nonpartisan~~
282 ~~election also.~~ In nonpartisan elections, the ballot labels shall include a separate portion for
283 the names of candidates seeking election in a nonpartisan election and the heading and
284 arrangement of such candidates shall be as prescribed by Code Section 21-2-285.1 insofar
285 as practicable. At the top of the separate portion shall be printed in prominent type the
286 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'"

287

SECTION 13.

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

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

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

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

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

295 (D) As soon as possible prior to a runoff from any other general election in which there
296 are only state or county candidates on the ballot in the runoff

297 and shall end on the Friday immediately prior to each primary, election, or runoff.
298 Voting shall be conducted during normal business hours on weekdays during such period
299 and shall be conducted on the second Saturday and Sunday prior to a primary or election
300 during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, ~~that in primaries~~
301 ~~and elections in which there are no federal or state candidates on the ballot, no Saturday~~
302 ~~voting hours shall be required; and provided, further, that, if such second Saturday or~~
303 Sunday is a public and legal holiday pursuant to Code Section 1-4-1, if such second
304 Saturday or Sunday follows a public and legal holiday occurring on the Thursday or
305 Friday immediately preceding such second Saturday or Sunday, or if such second
306 Saturday or Sunday immediately precedes a public and legal holiday occurring on the
307 following ~~Sunday or~~ Monday, such advance voting shall not be held on such second
308 Saturday and Sunday but shall be held on the third Saturday and Sunday prior to such

309 primary or election. Except as otherwise provided in this paragraph, counties and
 310 municipalities may extend the hours for voting beyond regular business hours and may
 311 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the
 312 needs of the electors of the jurisdiction at their option.

313 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
 314 to the electors of their jurisdiction of the availability of advance voting as well as the
 315 times, dates, and locations at which advance voting will be conducted. In addition, the
 316 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
 317 prescribed by the Secretary of State of the times, dates, and locations at which advance
 318 voting will be conducted."

319 **SECTION 14.**

320 Said chapter is further amended by revising Code Section 21-2-404, relating to affording
 321 employees time off to vote, as follows:

322 "21-2-404.

323 Each employee in this state shall, upon reasonable notice to his or her employer, be
 324 permitted by his or her employer to take any necessary time off from his or her
 325 employment to vote in any municipal, county, state, or federal political party primary or
 326 election for which such employee is qualified and registered to vote on the day on which
 327 such primary or election is held; provided, however, that such necessary time off shall not
 328 exceed two hours; ~~and provided, further, that, if the hours of work of such employee~~
 329 ~~commence at least two hours after the opening of the polls or end at least two hours prior~~
 330 ~~to the closing of the polls, then the time off for voting as provided for in this Code section~~
 331 ~~shall not be available.~~ The employer may specify the hours during which the employee may
 332 absent himself or herself as provided in this Code section."

333 **SECTION 15.**

334 Said chapter is further amended by revising subsections (c) and (d) of Code
 335 Section 21-2-419, relating to validation of provisional ballots and reporting to Secretary of
 336 State, as follows:

337 "(c)(1) If the registrars determine after the polls close, but not later than three days
 338 following the primary or election, that the person casting the provisional ballot timely
 339 registered to vote and was eligible and entitled to vote in such primary or election or
 340 properly applied to register to vote pursuant to Code Section 21-2-224.1 on the day of the
 341 primary or election or during the advance voting period under subsection (d) of Code
 342 Section 21-2-385 and met the qualifications to register to vote, the registrars shall notify

343 the election superintendent, and the provisional ballot shall be counted and included in
344 the county's or municipality's certified election results.

345 (2) If the registrars determine after the polls close, but not later than three days following
346 the primary or election, that the person voting the provisional ballot timely registered and
347 was eligible and entitled to vote in the primary or election or properly applied to register
348 to vote pursuant to Code Section 21-2-224.1 on the day of the primary or election or
349 during the advance voting period under subsection (d) of Code Section 21-2-385 and met
350 the qualifications to register to vote, but voted in the wrong precinct or voted the wrong
351 ballot style or district combination, then the board of registrars shall notify the election
352 superintendent. The superintendent shall count such person's votes which were cast for
353 candidates in those races for which the person was entitled to vote but shall not count the
354 votes cast for candidates in those races in which such person was not entitled to vote.
355 The superintendent shall order the proper election official at the tabulating center or
356 precinct to prepare an accurate duplicate ballot containing only those votes cast by such
357 person in those races in which such person was entitled to vote for processing at the
358 tabulating center or precinct, which shall be verified in the presence of a witness. Such
359 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the
360 designation of the polling place, and shall be given the same serial number as the original
361 ballot. The original ballot shall be retained.

362 (3) If the registrars determine that the person casting the provisional ballot did not timely
363 register to vote or was not eligible or entitled to vote in such primary or election or ~~shall~~
364 ~~be~~ are unable to determine within three days following such primary or election whether
365 such person timely registered to vote and was eligible and entitled to vote in such primary
366 or election, the registrars shall so notify the election superintendent, and such ballot shall
367 not be counted. The election superintendent shall mark or otherwise document that such
368 ballot was not counted and shall deliver and store such ballots with all other ballots and
369 election materials as provided in Code Section 21-2-500.

370 (d)(1) The board of registrars shall notify in writing those persons whose provisional
371 ballots were not counted that their ballots were not counted because of the inability of the
372 registrars to verify that the persons timely registered to vote or other proper reason. The
373 registrars shall process the official voter registration application form completed by such
374 persons pursuant to Code Section 21-2-224.1 or 21-2-418 and shall add such persons to
375 the electors list if found qualified in order that such persons may vote in future primaries
376 and elections.

377 (2) The board of registrars shall notify in writing those electors who voted in the wrong
378 precinct and whose votes were partially counted of their correct precinct."

379

SECTION 16.

380 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
 381 amended in Chapter 1, relating to general provisions, by adding a new Code section to read
 382 as follows:

383

"28-1-18.

384

The General Assembly shall not enact any law, rule, or other provision which has the effect
 385 of changing the duties or powers of the office of any elected official between the date of
 386 the election of such official and the date such official formally taking office."

387

SECTION 17.

388 Said title is further amended in Chapter 2, relating to the apportionment of House of
 389 Representatives and Senate and qualifications of members, by adding new Code sections to
 390 read as follows:

391

"28-2-3.

392

(a) There is created the Georgia Voting Rights Commission which shall be established as
 393 provided in this Code section.

394

(b) The commission shall consist of five members appointed as follows:

395

(1) One member appointed by the Speaker of the House of Representatives;

396

(2) One member appointed by the minority leader of the House of Representatives;

397

(3) One member appointed by the majority leader of the Senate;

398

(4) One member appointed by the minority leader of the Senate; and

399

(5) One member who shall be selected and appointed by the unanimous vote of the four
 400 other members of the commission and shall serve as chairperson of the commission.

401

In the year following a United States decennial census, the Speaker of the House of
 402 Representatives, the majority leader of the Senate, and the minority leaders of the Senate
 403 and House of Representatives shall make their respective appointments not later than
 404 March 1 of such year, and the member to be selected by such appointees shall be selected
 405 not later than March 15 of such year. In the event that the four members of the commission
 406 cannot agree upon a fifth member within such time period, the fifth member shall be
 407 selected by the Georgia Supreme Court not later than 15 days following the expiration of
 408 such time period.

409

(c) A person shall be eligible for appointment to serve on the commission if such person:

410

(1) As of the date of his or her appointment, is registered to vote for federal and state
 411 offices in Georgia;

412

(2) Is not a current member or employee of the General Assembly or the United States
 413 Congress; is not related by consanguinity or affinity to any member of the General

414

Assembly or United States Congress within the third degree as computed according to

415 the civil law; is not employed by any member of the General Assembly or the United
416 States Congress; and does not hold any partisan elective office or political party office;
417 and
418 (3) Continues to meet the qualifications under paragraphs (1) and (2) of this subsection
419 while serving on the commission.
420 (d) The terms of all members shall be for ten years and until their respective successors
421 are selected and qualified. Vacancies on the commission shall be filled in the same manner
422 in which the original appointment was made.
423 (e) Members of the commission shall be reimbursed for expenses incurred in the
424 performance of their duties on the commission in the same manner as members of the
425 General Assembly. The General Assembly is authorized to provide for the payment of
426 reasonable compensation to the members of the commission. The General Assembly shall
427 provide adequate funding to the commission, including the employment of a competent
428 staff, in order for the commission to carry out its duties. The General Assembly shall
429 provide adequate funding for the representation of the commission in any litigation, and
430 the Department of Law shall have the responsibility for such representation.
431 (f) The commission shall have the following duties:
432 (1) To advise the Legislative and Congressional Reapportionment Office in creating
433 proposed congressional districts and House of Representatives and Senate districts for
434 submission to the General Assembly for approval or rejection when there is a conflict or
435 ambiguity in the guidelines for preparing such district maps;
436 (2) To conduct, after the development of redistricting plans for congressional districts
437 and House of Representatives and Senate districts, not less than six public hearings
438 throughout the state after adequate advance notice to the public so that all interested
439 citizens have a reasonable opportunity to express their views with regard to such
440 redistricting plans, to explain such district plans, and take public comment;
441 (3) To conduct studies and make recommendations for improvements to the voting
442 systems used in this state to ensure that this state leads the nation in such systems, that
443 such systems are secure from intrusion, and that no electors of this state have their right
444 to vote violated by administrative barriers;
445 (4) To consider methods to increase voter turnout and reduce waiting times at polling
446 locations and to research voting innovations around the country and world that would
447 improve elections in this state;
448 (5) To provide guidance to local election superintendents on election standards and
449 procedures, including, but not limited to, how electors are disqualified, how electors are
450 removed from the electors lists, and how many advance voting locations are necessary
451 for a given county or municipality; and

452 (6) To review changes by the General Assembly or any agency of the state in voting
453 qualifications or prerequisites to voting, standards of practice, or procedures with respect
454 to voting to ensure that the qualification, prerequisite, standard, practice, or procedure
455 does not have the purpose and will not have the effect of denying or abridging the right
456 of any citizen of this state to vote on account of race or color.

457 (g) At any time that the General Assembly enacts or any agency of the state seeks to
458 administer a change in voting qualifications or prerequisites to voting, standards of
459 practice, or procedures with respect to voting, the General Assembly or such agency shall
460 submit such change to the commission with such information as may be required by the
461 commission for review of the change. Such change shall not be enforced or administered
462 until and unless the commission submits a report to the General Assembly that the
463 commission has reviewed the proposed change and the commission finds that such change
464 does not have the purpose or effect of denying or abridging the right of any citizen of this
465 state to vote on account of race or color. A change has the effect of denying or abridging
466 the right of any citizen of this state to vote on account of race or color if, based on the
467 totality of the circumstances, it is shown that the political processes leading to nomination
468 or election are not equally open to participation by members of a class of citizens protected
469 by this subsection in that its members have less opportunity than other members of the
470 electorate to participate in the political process and to elect representatives of their choice.

471 The extent to which members of a protected class have been elected to office in the State
472 of Georgia or any political subdivision thereof is one circumstance which may be
473 considered; provided, however, that nothing in this subsection establishes a right to have
474 members of a protected class elected in numbers equal to their proportion in the population.

475 (h) After conducting public hearings and the review of proposed redistricting plans by the
476 Legislative and Congressional Reapportionment Office, but not later than July 1 of a year
477 following the conducting of a United States decennial census or, in the case of court
478 ordered redistricting, as soon as possible, the commission shall submit such plans to the
479 General Assembly for approval or rejection along with a report on the commission's review
480 of the plans and the public comments received by the commission in its public hearings.
481 In particular, the commission shall include in its report whether, in the view of the
482 commission, the proposed plans:

- 483 (1) Are in compliance with the Constitutions of this state and the United States;
484 (2) Are in compliance with the federal Voting Rights Act of 1965, as amended;
485 (3) Contain only contiguous districts;
486 (4) Contain districts that are as compact as possible or practicable;
487 (5) Maintain communities of interest to the extent that it is reasonably possible to do so;
488 and

489 (6) Provide for zero deviation among congressional districts and provide for as close as
490 practicable to zero deviation among House of Representative and Senate districts.

491 (i) All reports of the commission shall be posted on its website for the information of the
492 public.

493 (j) The commission shall be authorized to promulgate rules and regulations to carry out
494 its duties under this Code section.

495 28-2-4.

496 (a) The present Legislative and Congressional Reapportionment Office of the General
497 Assembly shall, on July 1, 2019, be an independent office of government. The office shall
498 be attached to the Supreme Court of Georgia for budgetary purposes. The office shall be
499 administered by a director who shall be appointed by and serve at the pleasure of the Chief
500 Justice of the Georgia Supreme Court. The director shall hire, manage, and terminate the
501 employment of the other employees of such office.

502 (b) The Legislative and Congressional Reapportionment Office shall be responsible for the
503 development of district plans for congressional districts and House of Representatives and
504 Senate districts. The office may consult with and develop plans for other districts as well
505 including, but not limited to, county board of education districts, county commission
506 districts, and municipal governing authority districts.

507 (c) In establishing district boundaries:

508 (1) No reapportionment plan or district shall be drawn with the intent to favor or disfavor
509 a political party or an incumbent;

510 (2) Districts shall not be drawn with the intent or result of denying or abridging the equal
511 opportunity of racial or language minorities to participate in the political process or to
512 diminish their ability to elect representatives of their choice;

513 (3) Districts shall consist of contiguous territory;

514 (4) Districts shall be as nearly equal in population as is practicable, compact, and, where
515 feasible, utilize existing political and geographical boundaries; and

516 (5) Wherever possible, no census tract or precinct shall be split.

517 (d) After meeting the standards set forth in subsection (c) of this Code section, the
518 Legislative and Congressional Reapportionment Office shall, while not violating the
519 standards in subsection (c) of this Code section, attempt to ensure that the plans with result
520 in political party symmetry and ensure that the proposed plans will stay within an 8 percent
521 efficiency gap for the ten years that they are projected to be in effect.

522 (e) In the year following the conducting of a United States decennial census or as soon as
523 possible following a court order directing redistricting of congressional districts or House
524 of Representatives or Senate districts, the Legislative and Congressional Reapportionment

525 Office shall develop proposed plans for congressional districts and House of
526 Representatives and Senate districts. Such plans shall be prepared not later than June 1 of
527 such year or, in the case of court ordered redistricting, as soon as possible, and shall be
528 submitted to the Georgia Voting Rights Commission with such information and supporting
529 documentation as the commission may require. If such plans are rejected, the office shall
530 promptly develop new plans to address the reasons why such initial plans were rejected.

531 28-2-5.

532 (a) In each year following the conducting of a United States decennial census, the General
533 Assembly shall redistrict the House of Representatives and Senate districts and the
534 congressional districts in accordance with law.

535 (b) As soon as possible after July 1 of the year following the year in which a United States
536 decennial census is conducted and as soon as practicable following a court ordered
537 redistricting, after receipt of the report of the Georgia Voting Rights Commission, the
538 General Assembly shall vote upon the redistricting plans prepared by the Legislative and
539 Congressional Reapportionment Office without amendment. If either house of the General
540 Assembly declines to approve a plan, the plan shall be returned to the Legislative and
541 Congressional Reapportionment Office with such specific suggestions as the House of
542 Representatives or the Senate, as applicable, believes would eliminate the basis for
543 disapproval of the plan. The Legislative and Congressional Reapportionment Office shall
544 then revise such plan and submit a new proposed plan to the General Assembly and the
545 Georgia Voting Rights Commission within 15 days following the disapproval of the plan.
546 Such revised plan shall be voted upon by the General Assembly but may be amended. If
547 either house of the General Assembly declines to approve the revised plan, the Supreme
548 Court shall formulate a redistricting plan in accordance with the standards under this
549 chapter until an acceptable plan can be enacted by the General Assembly. Any amendment
550 to the plan submitted by the Legislative and Congressional Reapportionment Office shall
551 be immediately reviewed by the Supreme Court for conformance with the standards set
552 forth in this chapter and conformance with federal and state law and the Constitutions of
553 this state and the United States.

554 (c) Unless ordered by a court, there shall be no changes in congressional districts or House
555 of Representatives or Senate districts in any year other than the year immediately following
556 the conduct of a United States decennial census."

557 **SECTION 18.**

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

House Bill 299

**Elections; time period
allowing for public
comment on precinct
realignments, extend**

Georgia General Assembly

2019-2020 Regular Session - HB 299 Elections; time period allowing for public comment on precinct realignments; extend

Sponsored By

(1) Hopson, CaMia 153rd
(4) Bruce, Roger 61st

(2) Wilensky, Mike 79th
(5) Bentley, Patty 139th

(3) Bazemore, Debra 63rd

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to extend the time period allowing for public comment on precinct realignments; to place time limits on relocation of polling places; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/15/2019 - House Second Readers
Feb/14/2019 - House First Readers
Feb/13/2019 - House Hopper

Versions



[LC 28 9166/a](#)

House Bill 299

By: Representatives Hopson of the 153rd, Wilensky of the 79th, Bazemore of the 63rd, Bruce of the 61st, and Bentley of the 139th

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 extend the time period allowing for public
3 comment on precinct realignments; to place time limits on relocation of polling places; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising subsection (c) of Code Section 21-2-262, relating
9 to investigation as to division, redivision, alteration, formation, or consolidation of precincts
10 and petition of electors or board of registrars, as follows:

11 "(c) Upon the presentation of any such petition by the board of registrars or upon the filing
12 by the board of its report and recommendations as to any investigation presented under
13 subsection (a) of this Code section, the superintendent may make such order for the
14 division, redivision, alteration, formation, or consolidation of precincts as will, in the
15 superintendent's opinion, promote the convenience of electors and the public interests;
16 provided, however, that the superintendent shall not make any final order for the division,
17 redivision, alteration, formation, or consolidation of precincts until at least ~~ten~~ 30 days after
18 notice of such change shall have been advertised in the legal organ of the county. A copy
19 of such notice shall be immediately submitted to the Secretary of State. Such notice shall
20 state briefly the division, redivision, alteration, formation, or consolidation of precincts
21 recommended by the board of registrars and the date upon which the same will be
22 considered by the superintendent and shall contain a warning that any person objecting
23 thereto must file his or her objections with the superintendent prior to such date. Upon the
24 making of any such final order by the superintendent, a copy thereof shall be certified by
25 the superintendent to the board of registrars."

26

SECTION 2.

27 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of
28 superintendent to select polling places, change, petition objecting to proposed change, space
29 for political parties holding primaries, facilities for disabled voters, and selection of polling
30 place outside precinct to better serve voters, by adding a new subsection to read as follows:

31 "(f) A polling place shall not be changed on a day in which a primary, election, or runoff
32 is held, or during the 60 day period prior to any general primary or general election or
33 runoff from such primary or election, nor shall a polling place be changed during the 30
34 day period prior to any special primary or special election or runoff from such primary or
35 election, except, in the discretion of the superintendent, when an emergency or event
36 occurs during such time period which renders the polling place unavailable for use at such
37 general primary, general election, special primary, special election, or runoff."

38

SECTION 3.

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

House Bill 316

**Elections; definitions;
provide for uniform
equipment and ballot
marking devices**

Georgia General Assembly

2019-2020 Regular Session - HB 316 Elections; definitions; provide for uniform equipment and ballot marking devices

Sponsored By

(1) Fleming, Barry 121st
(4) Rynders, Ed 152nd

(2) Jones, Jan 47th
(5) Watson, Sam 172nd

(3) Burns, Jon 159th
(6) Kelley, Trey 16th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally, so as to provide for definitions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Status History

Feb/19/2019 - House Second Readers
Feb/15/2019 - House First Readers
Feb/14/2019 - House Hopper

Versions



[LC 28 9185/a](#)

House Bill 316

By: Representatives Fleming of the 121st, Jones of the 47th, Burns of the 159th, Rynders of the 152nd, Watson of the 172nd, 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 primaries and elections generally, so as to provide for definitions; to provide for uniform
3 election equipment in this state; to provide for ballot marking devices and standards and
4 procedures for such devices; to provide for the manner of qualifying presidential elector
5 candidates for independent candidates for the offices of President and Vice President of the
6 United States; to provide for the time for filing evidence of nomination by political body
7 candidates; to clarify the age for voting; to provide for audits of election results and
8 procedures therefor; to revise and clarify procedures for voter registration and list
9 maintenance activities; to authorize the Secretary of State to become a member of a
10 nongovernmental entity for purposes of maintaining electors lists under certain conditions;
11 to provide for minimum requirements and form of information on electronic ballot markers;
12 to provide for confidentiality of certain records and documents; to extend the time period
13 allowing for public comment on precinct realignments; to place time limits on relocation of
14 polling places; to provide for additional sites for a registrar's office or place of registration
15 for absentee ballots; to provide for the delivery of absentee ballots to certain persons in
16 custody; to provide for the manner of processing absentee ballot applications and absentee
17 ballots; to provide a cure for an elector whose absentee ballot was rejected; to provide for the
18 form of absentee ballot oath envelopes; to provide for the time for advance voting and
19 manner and location of advance voting; to provide for assistance in voting; to provide for
20 ease of reading ballots; to provide that a voter identification card is valid until an elector
21 moves out of the county in which it was issued or is no longer eligible to vote; to provide for
22 notification procedures for status of provisional ballots; to provide for the time for certifying
23 elections; to provide for precertification audits; to provide for entitlement to and methods for
24 recounts; to provide for conforming changes; to provide for related matters; to provide for
25 an effective date; to repeal conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27

SECTION 1.

28 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
29 elections generally, is amended by revising paragraphs (2), (4.1), and (18) of Code
30 Section 21-2-2, relating to definitions, and adding new paragraphs to read as follows:

31 "(2) 'Ballot marking device' means the cards, paper, or other material placed on the
32 front of a voting machine containing the names of offices and candidates and statements
33 of questions to be voted on a pen, pencil, or similar writing tool, or an electronic device
34 designed for use in marking paper ballots in a manner that is detected as a vote so cast
35 and then counted by ballot scanners.

36 (2.1) 'Ballot scanner' means an electronic recording device which receives an elector's
37 ballot and tabulates the votes on the ballot by its own devices; also known as a 'tabulating
38 machine.'

39 "(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven
40 unit for casting and counting votes on which an elector touches a video screen or a button
41 adjacent to a video screen to cast his or her vote. Such term shall not encompass ballot
42 marking devices or electronic ballot markers.'

43 "(7.1) 'Electronic ballot marker' means an electronic device that does not compute or
44 retain votes; may integrate components such as a ballot scanner, printer, touch screen
45 monitor, audio output, and a navigational keypad; and uses electronic technology to
46 independently and privately mark a paper ballot at the direction of an elector, interpret
47 ballot selections, communicate such interpretation for elector verification, and print an
48 elector verifiable paper ballot.'

49 "(18) 'Official ballot' means a ballot, whether paper, mechanical, or electronic, which is
50 furnished by the superintendent or governing authority in accordance with Code
51 Section 21-2-280, including ballots read by optical scanning tabulators that are read by
52 ballot scanners.'

53 "(19.1) 'Optical scanning voting system' means a system employing paper ballots on
54 which electors cast votes with a ballot marking device or electronic ballot marker after
55 which votes are counted by ballot scanners.'

56 "(32.1) 'Scanning ballot' means a printed paper ballot designed to be marked by an
57 elector with a ballot marking device or electronic ballot marker or a blank sheet of paper
58 designed to be used in a ballot marking device or electronic ballot marker, which is then
59 inserted for casting into a ballot scanner.'

60 **SECTION 2.**

61 Said chapter is further amended by revising paragraph (15) of subsection (a) of Code
62 Section 21-2-50, relating to the powers and duties of the Secretary of State and prohibition
63 against serving in a fiduciary capacity, as follows:

64 "(15) To develop, program, build, and review ballots for use by counties and
65 municipalities on ~~direct recording electronic (DRE)~~ voting systems in use in the state."

66 **SECTION 3.**

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

68 "21-2-132.1.

69 (a) An independent candidate for the office of President or Vice President of the United
70 States shall file with the Secretary of State not later than the Friday before the opening of
71 qualifying for such office as provided in subsection (d) of Code Section 21-2-132 a slate
72 of candidates for the office of presidential elector which such independent candidate has
73 certified as being the presidential electors for such independent candidate.

74 (b) The candidates for presidential electors certified by an independent candidate for the
75 office of President or Vice President of the United States shall then qualify for election to
76 such office in accordance with Code Section 21-2-132.

77 (c) An independent candidate for the office of President or Vice President of the United
78 States may certify a number of candidates for the office of presidential elector that is equal
79 to or less than the number of presidential electors who may be elected from the State of
80 Georgia."

81 **SECTION 4.**

82 Said chapter is further amended by revising paragraph (5) of subsection (c) of Code
83 Section 21-2-172, relating to nomination of presidential electors and candidates of political
84 bodies by convention, as follows:

85 "(5) That a certified copy of the minutes of the convention, attested to by the chairperson
86 and secretary of the convention, must be filed by the nominee with his or her ~~notice of~~
87 candidacy nomination petition."

88 **SECTION 5.**

89 Said chapter is further amended by revising subsections (a) and (c) of Code Section
90 21-2-216, relating to qualifications of electors generally, reregistration of electors purged
91 from list, eligibility of nonresidents who vote in presidential elections, retention of
92 qualification for standing as elector, evidence of citizenship, and check of convicted felons
93 and deceased persons databases, as follows:

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94 "(a) No person shall vote in any primary or election held in this state unless such person
95 shall be:

96 (1) Registered as an elector in the manner prescribed by law;

97 (2) A citizen of this state and of the United States;

98 (3) At least 18 years of age on or before the date of the primary or election in which such
99 person seeks to vote;

100 (4) A resident of this state and of the county or municipality in which he or she seeks to
101 vote; and

102 (5) Possessed of all other qualifications prescribed by law."

103 "(c) Any person who possesses the qualifications of an elector except that concerning age
104 shall be permitted to register to vote if such person will acquire such qualification within
105 six months after the day of registration; provided, however, that such person shall not be
106 permitted to vote in a primary or election ~~until the acquisition of all specified qualifications~~
107 unless such person shall be at least 18 years of age on or before the date of the primary or
108 election in which such person seeks to vote."

109

SECTION 6.

110 Said chapter is further amended by revising subsections (c) and (d) of Code
111 Section 21-2-220.1, relating to required documentation for voter registration, as follows:

112 "(c) The authenticity of an applicant's Georgia driver's license number, identification card
113 number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or
114 the last four digits of the social security number may be verified by:

115 (1) The board of registrars matching the Georgia driver's license number, identification
116 card number of an identification card issued pursuant to Article 5 of Chapter 5 of
117 Title 40, or the last four digits of the social security number provided by the applicant
118 with the applicant's record on file with the Department of Driver Services or the federal
119 Social Security Administration; or

120 (2) The applicant providing sufficient evidence to the board of registrars to verify the
121 applicant's identity, which sufficient evidence includes, but is not limited to, providing
122 one of the forms of identification listed in subsection (a) of Code Section 21-2-417.

123 Prior to notifying an applicant that his or her identity cannot be verified pursuant to this
124 Code section, the board of registrars shall review the application to ensure that the failure
125 to verify is not the result of a data entry error or other fault of the board of registrars and
126 to ensure that the applicant did not provide sufficient evidence of his or her identity with
127 the application.

128 (d)(1) If a completed voter registration application has been received by the registration
129 deadline set by Code Section 21-2-224 but the Georgia driver's license number, the

130 identification card number of an identification card issued pursuant to Article 5 of
131 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
132 applicant cannot be verified, the applicant shall be notified that the number cannot be
133 verified and that the applicant must provide sufficient evidence to the board of registrars
134 to verify the applicant's identity in order to have his or her application processed by the
135 board of registrars.

136 (2) If the applicant provides such sufficient evidence on or before the date of a primary
137 or election to the board of registrars, absentee ballot clerk, or a poll manager, and if the
138 applicant is found eligible to vote, the applicant shall be added to the list of electors and
139 shall be permitted to vote in the primary or election and any runoff resulting therefrom
140 and subsequent primaries and elections.

141 (3) If the applicant has not provided such sufficient evidence or such number has not
142 otherwise been verified on or before the date of a primary or election, the applicant
143 presenting himself or herself to vote shall be provided a provisional ballot. The
144 provisional ballot shall be counted only if such number is verified by the end of the time
145 period set forth in subsection (c) of Code Section 21-2-419 or if the applicant presents
146 sufficient evidence to the board of registrars to verify the applicant's identity, by the end
147 of the time period set forth in subsection (c) of Code Section 21-2-419.

148 (4) The voter application shall be rejected if the Georgia driver's license number,
149 identification card number of an identification card issued pursuant to Article 5 of
150 Chapter 5 of Title 40, or last four digits of the social security number provided by the
151 applicant is not verified and the applicant fails to present sufficient evidence to the board
152 of registrars to verify the applicant's identity within 26 months following the date of the
153 application. Not less than 30 nor more than 60 days prior to the application being
154 rejected, the board of registrars shall mail a final notice to the applicant that the applicant
155 must provide sufficient evidence to the board of registrars to verify the applicant's
156 identity in order to have his or her application processed by the board of registrars and
157 the deadline to provide such sufficient evidence.

158 (5) This subsection shall not apply to an electronic voter registration application
159 submitted pursuant to Code Section 21-2-221.2."

160 **SECTION 7.**

161 Said chapter is further amended by revising Code Section 21-2-225, relating to
162 confidentiality of original registration applications, limitations on registration data available
163 for public inspection, and data made available by Secretary of State, by adding a new
164 subsection to read as follows:

165 "(d)(1) The Secretary of State may become a member of a nongovernmental entity whose
 166 purpose is to share and exchange information in order to improve the accuracy and
 167 efficiency of voter registration systems. The membership of the nongovernmental entity
 168 shall be composed solely of election officials of state and territorial governments of the
 169 United States, except that such membership may also include election officials of the
 170 District of Columbia.

171 (2) Notwithstanding any provision of law to the contrary, the Secretary of State may
 172 share confidential and exempt information after becoming a member of such
 173 nongovernmental entity as provided in paragraph (1) of this subsection.

174 (3) The Secretary of State may become a member of such nongovernmental entity only
 175 if such entity is controlled and operated by the participating jurisdictions. The entity shall
 176 not be operated or controlled by the federal government or any other entity acting on
 177 behalf of the federal government. The Secretary of State must be able to withdraw at any
 178 time from any such membership in such nongovernmental entity.

179 (4) If the Secretary of State becomes a member of such nongovernmental entity, the
 180 Department of Driver Services shall, pursuant to an agreement with the Secretary of
 181 State, provide driver's license or identification card information related to voter eligibility
 182 to the Secretary of State for the purpose of sharing and exchanging voter registration
 183 information with such nongovernmental entity.

184 (5) Notwithstanding any law to the contrary, upon the Secretary of State becoming a
 185 member of a nongovernmental entity as provided in this subsection, information received
 186 by the Secretary of State from the nongovernmental entity is exempt from disclosure
 187 under Article 4 of Chapter 18 of Title 50 and any other provision of law. However, the
 188 Secretary of State may provide such information to the boards of registrars to conduct
 189 voter registration list maintenance activities."

190 **SECTION 8.**

191 Said chapter is further amended by revising subsection (a) of Code Section 21-2-230, relating
 192 to challenge of persons on list of electors by other electors, procedure, hearing, and right of
 193 appeal, as follows:

194 "(a) Any elector of the county or municipality may challenge the right of any other elector
 195 of the county or municipality, whose name appears on the list of electors, to vote in an
 196 election. Such challenge shall be in writing and specify distinctly the grounds of such
 197 challenge. Such challenge may be made at any time prior to the elector whose right to vote
 198 is being challenged voting at the elector's polling place or, if such elector cast an absentee
 199 ballot, prior to 5:00 P.M. on the day before the election; provided, however, that challenges
 200 to persons voting by absentee ballot in person at the office of the registrars or the absentee

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201 ballot clerk ~~whose vote is cast on a DRE unit must~~ shall be made prior to such person's
 202 voting."

203 **SECTION 9.**

204 Said chapter is further amended by revising subsection (c) of Code Section 21-2-231, relating
 205 to lists of persons convicted of felonies, persons identified as noncitizens, persons declared
 206 mentally incompetent, and deceased persons provided to Secretary of State and Council of
 207 Superior Court Clerks, removal of names from list of electors, obtain information about
 208 persons who died, timing, and list of inactive voters provided to Council of Superior Court
 209 Clerks, as follows:

210 "(c)(1) Upon receipt of the lists described in subsections (a), (a.1), and (b) of this Code
 211 section and the lists of persons convicted of felonies in federal courts received pursuant
 212 to 42 U.S.C. Section 1973gg-6(g), the Secretary of State shall transmit the names of such
 213 persons whose names appear on the list of electors to the appropriate county board of
 214 registrars who shall remove all such names from the list of electors and shall mail a notice
 215 of such action and the reason therefor to the last known address of such persons by
 216 first-class mail.

217 (2) Upon receipt of the list described in subsection (a) of this Code section and the lists
 218 of persons convicted of felonies in federal courts received pursuant to 52 U.S.C.
 219 Section 20507(g), the Secretary of State shall transmit the names of such persons whose
 220 names appear on the lists of electors to the appropriate county board of registrars who
 221 shall mail a notice to the last known address of each such person by first-class mail,
 222 stating that the board of registrars has received information that such person has been
 223 convicted of a felony and will be removed from the list of electors 30 days after the date
 224 of the notice unless such person requests a hearing before the board of registrars on such
 225 removal."

226 **SECTION 10.**

227 Said chapter is further amended by revising subsection (b) of Code Section 21-2-232, relating
 228 to removal of elector's name from list of electors, as follows:

229 "(b)(1) When an elector of this state moves to another county or state and registers to
 230 vote and the registration officials send a notice of cancellation reflecting the registration
 231 of the elector in the other county or state, the Secretary of State or the board of registrars,
 232 as the case may be, shall remove such elector's name from the list of electors. It shall not
 233 be necessary to send a confirmation notice to the elector in such circumstances. When
 234 an elector of this state moves to another state and registers to vote and the registration
 235 officials in such state send a notice of cancellation reflecting the registration of the elector

236 in the other state, which includes a copy of such elector's voter registration application
 237 bearing the elector's signature, the Secretary of State or the board of registrars, as the case
 238 may be, shall remove such elector's name from the list of electors. It shall not be
 239 necessary to send a confirmation notice to the elector in such circumstances.

240 (2) When an elector of this state moves to another state and the registration officials in
 241 such other state or a nongovernmental entity as described in subsection (d) of Code
 242 Section 21-2-225 sends a notice of cancellation or other information indicating that the
 243 elector has moved to such state but such notice or information does not include a copy
 244 of such elector's voter registration application in such other state bearing the elector's
 245 signature, the Secretary of State or the board of registrars, as the case may be, shall send
 246 a confirmation notice to the elector as provided in Code Section 21-2-234."

247 **SECTION 11.**

248 Said chapter is further amended by revising subsection (a) of Code Section 21-2-234, relating
 249 to electors who have failed to vote and with whom there has been no contact in three years,
 250 confirmation notice requirements and procedure, and time for completion of list maintenance
 251 activities, as follows:

252 "(a)(1) As used in this Code section and Code Section 21-2-235, the term 'no contact'
 253 shall mean that the elector has not filed an updated voter registration card, has not filed
 254 a change of name or address, has not signed a petition which is required by law to be
 255 verified by the election superintendent of a county or municipality or the Secretary of
 256 State, has not signed a voter's certificate, has not submitted an absentee ballot application
 257 or voted an absentee ballot, and has not confirmed the elector's continuation at the same
 258 address during the preceding ~~three~~ five calendar years.

259 (2) In the first six months of each odd-numbered year, the Secretary of State shall
 260 identify all electors whose names appear on the list of electors with whom there has been
 261 no contact during the preceding ~~three~~ five calendar years and who were not identified as
 262 changing addresses under Code Section 21-2-233. The confirmation notice described in
 263 this Code section shall be sent to each such elector during each odd-numbered year. Such
 264 notices shall be sent by forwardable, first-class mail."

265 **SECTION 12.**

266 Said chapter is further amended by revising subsection (b) of Code Section 21-2-235, relating
 267 to inactive list of electors, as follows:

268 "(b) An elector placed on the inactive list of electors shall remain on such list until the day
 269 after the second November general election held after the elector is placed on the inactive
 270 list of electors. If the elector makes no contact, as defined in Code Section 21-2-234,

271 during that period, the elector shall be removed from the inactive list of electors. Not less
 272 than 30 nor more than 60 days prior to the date on which the elector is to be removed from
 273 the inactive list of electors, the board of registrars shall mail a notice to the address on the
 274 elector's registration record."

275 **SECTION 13.**

276 Said chapter is further amended by revising subsection (c) of Code Section 21-2-262, relating
 277 to investigation as to division, redivision, alteration, formation, or consolidation of precincts
 278 and petition of electors or board of registrars, as follows:

279 "(c) Upon the presentation of any such petition by the board of registrars or upon the filing
 280 by the board of its report and recommendations as to any investigation presented under
 281 subsection (a) of this Code section, the superintendent may make such order for the
 282 division, redivision, alteration, formation, or consolidation of precincts as will, in the
 283 superintendent's opinion, promote the convenience of electors and the public interests;
 284 provided, however, that the superintendent shall not make any final order for the division,
 285 redivision, alteration, formation, or consolidation of precincts until at least ~~ten~~ 30 days after
 286 notice of such change shall have been advertised in the legal organ of the county. A copy
 287 of such notice shall be immediately submitted to the Secretary of State. Such notice shall
 288 state briefly the division, redivision, alteration, formation, or consolidation of precincts
 289 recommended by the board of registrars and the date upon which the same will be
 290 considered by the superintendent and shall contain a warning that any person objecting
 291 thereto must file his or her objections with the superintendent prior to such date. Upon the
 292 making of any such final order by the superintendent, a copy thereof shall be certified by
 293 the superintendent to the board of registrars."

294 **SECTION 14.**

295 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of
 296 superintendent to select polling places, change, petition objecting to proposed change, space
 297 for political parties holding primaries, facilities for disabled voters, and selection of polling
 298 place outside precinct to better serve voters, by adding a new subsection to read as follows:

299 "(f) A polling place shall not be changed on a day in which a primary, election, or runoff
 300 is held, or during the 60 day period prior to any general primary or general election or
 301 runoff from such primary or election, nor shall a polling place be changed in the 30 day
 302 period prior to any special primary or special election or runoff from such special primary
 303 or special election, except, in the discretion of the superintendent, when an emergency or
 304 event occurs during such time period which renders the polling place unavailable for use
 305 at such general primary, general election, special primary, special election, or runoff."

306

SECTION 15.

307 Said chapter is further amended by revising subsection (a) of Code Section 21-2-267, relating
308 to equipment, arrangement, and storage at polling places, as follows:

309 "(a) The governing authority of each county and municipality shall provide and the
310 superintendent shall cause all rooms used as polling places to be provided with suitable
311 heat and light and, in precincts in which ballots are used, with a sufficient number of voting
312 compartments or booths with proper supplies in which the electors may conveniently mark
313 their ballots, with a curtain, screen, or door in the upper part of the front of each
314 compartment or booth so that in the marking thereof they may be screened from the
315 observation of others. A curtain, screen, or door shall not be required, however, for the
316 self-contained units used as voting booths in which direct recording electronic (DRE)
317 voting units or electronic ballot markers are located if such booths have been designed so
318 as to ensure the privacy of the elector. When practicable, every polling place shall consist
319 of a single room, every part of which is within the unobstructed view of those present
320 therein and shall be furnished with a guardrail or barrier closing the inner portion of such
321 room, which guardrail or barrier shall be so constructed and placed that only such persons
322 as are inside such rail or barrier can approach within six feet of the ballot box and voting
323 compartments, or booths, or voting machines, as the case may be. The ballot box and
324 voting compartments or booths shall be so arranged in the voting room within the enclosed
325 space as to be in full view of those persons in the room outside the guardrail or barrier.
326 The voting machine or machines shall be placed in the voting rooms within the enclosed
327 space so that, unless its construction shall otherwise require, the ballot labels on the face
328 of the machine can be plainly seen by the poll officers when the machine is not occupied
329 by an elector. In the case of direct recording electronic (DRE) voting units or electronic
330 ballot markers, the ~~units devices~~ shall be arranged in such a manner as to ensure the privacy
331 of the elector while voting on such ~~units devices~~, to allow monitoring of the ~~units devices~~
332 by the poll officers while the polls are open, and to permit the public to observe the voting
333 without affecting the privacy of the electors as they vote."

334

SECTION 16.

335 Said chapter is further amended in subsection (b) of Code Section 21-2-286, relating to
336 printing specifications, numbering, and binding of ballots, by adding a new paragraph to read
337 as follows:

338 "(3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the
339 Secretary of State to ensure ease of reading by electors."

340

SECTION 17.

341 Said chapter is further amended by revising Code Section 21-2-293, relating to correction of
342 mistakes and omissions on ballots, as follows:

343 "21-2-293.

344 (a) If the election superintendent discovers that a mistake or omission has occurred in the
345 printing of official ballots or in the programming of the display of the official ballot on
346 DRE voting equipment or electronic ballot markers for any primary or election, the
347 superintendent is authorized on his or her own motion to take such steps as necessary to
348 correct such mistake or omission if the superintendent determines that such correction is
349 feasible and practicable under the circumstances; provided, however, that the
350 superintendent gives at least 24 ~~hours~~ hours' notice to the Secretary of State and any
351 affected candidates of the mistake or omission prior to making such correction.

352 (b) When it is shown by affidavit that a mistake or omission has occurred in the printing
353 of official ballots or in the programming of the display of the official ballot on DRE voting
354 equipment or electronic ballot markers for any primary or election, the superior court of
355 the proper county may, upon the application of any elector of the county or municipality,
356 require the superintendent to correct the mistake or omission or to show cause why he or
357 she should not do so."

358

SECTION 18.

359 Said chapter is further amended by revising subsection (a) of Code Section 21-2-300, relating
360 to provision of new voting equipment by state, contingent upon appropriations, county
361 responsibilities, education, and county and municipal contracts for equipment, as follows:

362 "~~(a)(1) The~~ ~~Provided that the General Assembly specifically appropriates funding to the~~
363 ~~Secretary of State to implement this subsection, the~~ equipment used for casting and
364 counting votes in county, state, and federal elections shall, ~~by the July, 2004, primary~~
365 ~~election and afterwards,~~ be the same in each county in this state and shall be provided to
366 each county by the state, as determined by the Secretary of State.

367 (2) As soon as possible, once such equipment is certified by the Secretary of State as safe
368 and practicable for use, all federal, state, and county general primaries and general
369 elections as well as special primaries and special elections in the State of Georgia shall
370 be conducted with the use of scanning ballots marked by electronic ballot markers and
371 tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in
372 person, unless otherwise authorized by law.

373 (3) The state shall furnish a uniform system of electronic ballot markers and ballot
374 scanners for use in each county as soon as possible. At its own expense, the governing
375 authority of a county may purchase, lease, or otherwise acquire additional electronic

376 ballot markers and ballot scanners of the type furnished by the state, if the governing
 377 authority so desires. Additionally, at its own expense, the governing authority of a
 378 municipality may choose to acquire its own electronic ballot markers and ballot scanners
 379 by purchase, lease, or other procurement process.
 380 (4) Notwithstanding any provision of law to the contrary, the Secretary of State is
 381 authorized to conduct pilot programs to test and evaluate the use of electronic ballot
 382 markers and ballot scanners in primaries and elections in this state."

383 **SECTION 19.**

384 Said chapter is further amended by revising paragraph (5) of Code Section 21-2-365, relating
 385 to requirements for use of optical scanning voting systems, as follows:

386 ~~"(5) An optical scanning tabulator~~ A ballot scanner shall preclude the counting of votes
 387 for any candidate or upon any question for whom or upon which an elector is not entitled
 388 to vote; shall preclude the counting of votes for more persons for any office than he or
 389 she is entitled to vote for; and shall preclude the counting of votes for any candidate for
 390 the same office or upon any question more than once;"

391 **SECTION 20.**

392 Said chapter is further amended by revising Code Section 21-2-367, relating to installation
 393 of systems, number of systems, and good working order, as follows:

394 "21-2-367.

395 (a) When the use of optical scanning voting systems has been authorized in the manner
 396 prescribed in this part, such optical scanning voting systems shall be installed, either
 397 simultaneously or gradually, within the county or municipality. Upon the installation of
 398 optical scanning voting systems in any precinct, the use of paper ballots or other voting
 399 machines or apparatus therein shall be discontinued, except as otherwise provided by this
 400 chapter.

401 (b) In each precinct in which optical scanning voting systems are used, the county or
 402 municipal governing authority, as appropriate, shall provide at least one voting booth or
 403 enclosure for each ~~200~~ 250 electors therein, or fraction thereof.

404 ~~(c) Optical scanning voting systems of different kinds may be used for different precincts~~
 405 ~~in the same county or municipality~~ Reserved.

406 (d) The county or municipal governing authority, as appropriate, shall provide optical
 407 scanning voting systems in good working order and of sufficient capacity to accommodate
 408 the names of a reasonable number of candidates for all party offices and nominations and
 409 public offices which, under the provisions of existing laws and party rules, are likely to be
 410 voted for at any future primary or election."

411 **SECTION 21.**

412 Said chapter is further amended by revising subsection (a) of Code Section 21-2-369, relating
 413 to printing of ballots and arrangement, as follows:

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

419 **SECTION 22.**

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

422 "21-2-372.

423 Ballots shall be of suitable design, size, and stock to permit processing by a ~~tabulating~~
 424 ~~machine ballot scanner~~ and shall be printed in black ink on clear, white, or colored
 425 material. ~~In counties using a central count tabulating system, a serially numbered strip~~
 426 ~~shall be attached to each ballot in a manner and form similar to that prescribed in this~~
 427 ~~chapter for paper ballots."~~

428 **SECTION 23.**

429 Said chapter is further amended by revising subsections (a) and (b) of Code
 430 Section 21-2-374, relating to proper programming, proper order, testing, and supplies, as
 431 follows:

432 "21-2-374.

433 (a) The superintendent of each county or municipality shall order the proper programming
 434 to be placed in each ~~tabulator~~ ballot scanner used in any precinct or central tabulating
 435 location.

436 (b) On or before the third day preceding a primary or election, including special primaries,
 437 special elections, and referendum elections, the superintendent shall have the ~~optical~~
 438 ~~scanning tabulators~~ ballot scanners tested to ascertain that they will correctly count the
 439 votes cast for all offices and on all questions. Public notice of the time and place of the test
 440 shall be made at least five days prior thereto; provided, however, that, in the case of a
 441 runoff, the public notice shall be made at least three days prior thereto. Representatives of
 442 political parties and bodies, candidates, news media, and the public shall be permitted to
 443 observe such tests. The test shall be conducted by processing a preaudited group of ballots
 444 so marked as to record a predetermined number of valid votes for each candidate and on
 445 each question and shall include for each office one or more ballots which are improperly

446 marked and one or more ballots which have votes in excess of the number allowed by law
 447 in order to test the ability of the ~~optical scanning tabulator~~ ballot scanner to reject such
 448 votes. The ~~optical scanning tabulator~~ ballot scanner shall not be approved unless it
 449 produces an errorless count. If any error is detected, the cause therefor shall be ascertained
 450 and corrected; and an errorless count shall be made before the ~~tabulator~~ ballot scanner is
 451 approved. The superintendent shall cause the pretested ~~tabulators~~ ballot scanners to be
 452 placed at the various polling places to be used in the primary or election. The
 453 superintendent shall require that each ~~optical scanning tabulator~~ ballot scanner be
 454 thoroughly tested and inspected prior to each primary and election in which it is used and
 455 shall keep such tested material as certification of an errorless count on each ~~tabulator~~ ballot
 456 scanner. In counties using central count ~~optical scanning tabulators~~ ballot scanners, the
 457 same test shall be repeated immediately before the start of the official count of the ballots
 458 and at the conclusion of such count. Precinct ~~tabulators~~ ballot scanners shall produce a
 459 zero tape prior to any ballots being inserted on the day of any primary or election."

460 **SECTION 24.**

461 Said chapter is further amended by revising Code Section 21-2-375, relating to delivery of
 462 equipment to polling places, protection for equipment, and required accessories, as follows:
 463 "21-2-375.

464 (a) In counties using precinct count ~~optical scanning tabulators~~ ballot scanners, the
 465 superintendent shall deliver the proper ~~optical scanning tabulator~~ ballot scanner to the
 466 polling places at least one hour before the time set for opening of the polls at each primary
 467 or election and shall cause each to be set up in the proper manner for use in voting.

468 (b) The superintendent shall provide ample protection against molestation of and injury
 469 to the ~~optical scanning tabulator~~ ballot scanner and, for that purpose, shall call upon any
 470 law enforcement officer to furnish such assistance as may be necessary; and it shall be the
 471 duty of the law enforcement officer to furnish such assistance when so requested by the
 472 superintendent.

473 (c) The superintendent shall at least one hour before the opening of the polls:

474 (1) Provide sufficient lighting to enable electors, while in the voting booth, to read the
 475 ballot, which lighting shall be suitable for the use of poll officers in examining the booth;
 476 and such lighting shall be in good working order before the opening of the polls;

477 (2) Prominently post directions for voting ~~on the optical scanning ballot~~ within the voting
 478 booth; at least two sample ballots in use for the primary or election shall be posted
 479 prominently outside the enclosed space within the polling place;

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- 480 (3) Ensure that the precinct count ~~optical scanning tabulator~~ ballot scanner shall have a
 481 seal securing the memory pack in use throughout the election day; such seal shall not be
 482 broken unless the ~~tabulator~~ ballot scanner is replaced due to malfunction; and
 483 (4) Provide such other materials and supplies as may be necessary or as may be required
 484 by law."

485

SECTION 25.

486 Said chapter is further amended by revising Code Section 21-2-377, relating to custody and
 487 storage when not in use, as follows:

488 "21-2-377.

- 489 (a) The superintendent shall designate a person or persons who shall have custody of the
 490 ~~optical scanning tabulators~~ ballot scanners of the county or municipality when they are not
 491 in use at a primary or election and shall provide for his or her compensation and for the
 492 safe storage and care of the ~~optical scanning tabulators~~ ballot scanners.
 493 (b) All ~~optical scanning tabulators~~ ballot scanners, when not in use, shall be properly
 494 covered and stored in a suitable place or places."

495

SECTION 26.

496 Said chapter is further amended in Article 9, relating to voting machines and vote recorders
 497 generally, by adding a new part to read as follows:

498

"Part 6

499 21-2-379.21.

500 Each polling place in this state utilizing optical scanning voting systems shall be equipped
 501 with at least one electronic ballot marker that meets the requirements as set forth in this
 502 part that is accessible to individuals with disabilities.

503 21-2-379.22.

504 No electronic ballot marker shall be adopted or used in primaries or elections in this state
 505 unless it shall, at the time, satisfy the following requirements:

- 506 (1) Provide facilities for marking ballots for all candidates and for all referendums or
 507 questions for which the elector shall be entitled to vote in a primary or election;
 508 (2) Permit each elector, in one operation, to mark a vote for presidential electors for all
 509 the candidates of one party or body for the office of presidential elector;
 510 (3) Permit each elector to mark votes, at any election, for any person and for any office
 511 for whom and for which he or she is lawfully entitled to vote, whether or not the name

512 of such person or persons appears as a candidate for election; to mark votes for as many
 513 persons for an office as he or she is entitled to vote for; and to mark votes for or against
 514 any question upon which he or she is entitled to vote;

515 (4) Preclude the marking of votes for any candidate or upon any question for whom or
 516 upon which an elector is not entitled to vote; preclude the marking of votes for more
 517 persons for any office than the elector is entitled to vote for; and preclude the marking of
 518 votes for any candidate for the same office or upon any question more than once;

519 (5) Permit voting in absolute secrecy so that no person can see or know any other
 520 elector's votes, except when he or she has assisted the elector in voting, as prescribed by
 521 law;

522 (6) Be constructed of good quality material in a neat and workmanlike manner;

523 (7) When properly operated, mark correctly and accurately every vote cast;

524 (8) Be so constructed that an elector may readily learn the method of operating it; and

525 (9) Be safely transportable.

526 21-2-379.23.

527 (a) The ballot display information and appearance on an electronic ballot marker shall
 528 conform as nearly as practicable to Code Sections 21-2-379.4 and 21-2-379.5.

529 (b) The form and arrangement of ballots marked and printed by an electronic ballot marker
 530 shall be prescribed by the Secretary of State.

531 (c) Notwithstanding any other law to the contrary, ballots marked and printed by an
 532 electronic ballot marker shall, at a minimum, contain:

533 (1) The words 'OFFICIAL BALLOT';

534 (2) The name and date of the election;

535 (3) The titles of the respective offices for which the elector is eligible to vote;

536 (4) Words identifying the proposed constitutional amendments or other questions for
 537 which the elector is eligible to vote;

538 (5) The name of the candidate or the answer to the proposed constitutional amendment
 539 or other question for which the elector intends to vote; and

540 (6) Clear indication that the elector has not marked a vote for any particular office,
 541 constitutional amendment, or other question.

542 21-2-379.24.

543 (a) Any person or organization owning, manufacturing, or selling, or being interested in
 544 the manufacture or sale of, any electronic ballot marker may request that the Secretary of
 545 State examine the device. Any ten or more electors of this state may, at any time, request
 546 that the Secretary of State reexamine any such device previously examined and approved

547 by him or her. Before any such examination or reexamination, the person, persons, or
548 organization requesting such examination or reexamination shall pay to the Secretary of
549 State the reasonable expenses of such examination or reexamination. The Secretary of
550 State shall publish and maintain on his or her website the cost of such examination or
551 reexamination. The Secretary of State may, at any time, in his or her discretion, reexamine
552 any such device.

553 (b) The Secretary of State shall thereupon examine or reexamine such device and shall
554 make and file in his or her office a report, attested by his or her signature and the seal of
555 his or her office, stating whether, in his or her opinion, the kind of device so examined can
556 be safely and accurately used by electors at primaries and elections as provided in this
557 chapter. If this report states that the device can be so used, the device shall be deemed
558 approved, and devices of its kind may be adopted for use at primaries and elections as
559 provided in this chapter.

560 (c) Any device that is not so approved shall not be used at any primary or election and if,
561 upon reexamination, a previously approved device appears to be no longer safe or accurate
562 for use by electors at primaries or elections as provided in this chapter because of an
563 inability to accurately record votes, the approval of the same shall immediately be revoked
564 by the Secretary of State, and no such device shall thereafter be used or purchased for use
565 in this state.

566 (d) Any vendor who completes a sale of an electronic ballot marker that has not been
567 certified by the Secretary of State to a governmental body in this state shall be subject to
568 a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs
569 and expenses incurred by the governmental body in connection with the sale. The State
570 Election Board shall have the authority to impose such penalty upon a finding that such a
571 sale has occurred.

572 (e) When a device has been so approved, no improvement or change that does not impair
573 its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval
574 of such device, or of its kind.

575 (f) Neither the Secretary of State, nor any custodian, nor the governing authority of any
576 county or municipality or a member of such governing authority nor any other person
577 involved in the examination process shall have any pecuniary interest in any device or in
578 the manufacture or sale thereof.

579 (g) Documents or information that, if made public, would endanger the security of any
580 voting system used or being considered for use in this state, or any component thereof,
581 including, but not limited to, electronic ballot markers, DREs, ballot scanners, pollbooks,
582 and software or databases used for voter registration, shall not be open for public inspection
583 except upon order of a court of competent jurisdiction.

584 21-2-379.25.

585 (a) The superintendent of each county or municipality shall cause the proper ballot design
586 and style to be programmed for each electronic ballot marker which is to be used in any
587 precinct within such county or municipality, shall cause each such device to be placed in
588 proper order for voting, and shall examine each device before it is sent to a polling place
589 for use in a primary or election, to verify that each device is properly recording votes and
590 producing proper ballots.

591 (b) The superintendent may appoint, with the approval of the county or municipal
592 governing authority, as appropriate, a custodian of the electronic ballot markers, and deputy
593 custodians as may be necessary, whose duty shall be to prepare the devices to be used in
594 the county or municipality at the primaries and elections to be held therein. Each custodian
595 and deputy custodian shall receive from the county or municipality such compensation as
596 shall be fixed by the governing authority of such county or municipality. Such custodian
597 shall, under the direction of the superintendent, have charge of and represent the
598 superintendent during the preparation of the devices as required by this chapter. The
599 custodian and deputy custodians shall serve at the pleasure of the superintendent and each
600 shall take an oath of office prepared by the Secretary of State before each primary or
601 election, which shall be filed with the superintendent.

602 (c) On or before the third day preceding a primary or election, including special primaries,
603 special elections, and referendum elections, the superintendent shall have each electronic
604 ballot marker tested to ascertain that it will correctly record the votes cast for all offices and
605 on all questions and produce a ballot reflecting such choices of the elector in a manner that
606 the State Election Board shall prescribe by rule or regulation. Public notice of the time and
607 place of the test shall be made at least five days prior thereto; provided, however, that, in
608 the case of a runoff, the public notice shall be made at least three days prior thereto.
609 Representatives of political parties and bodies, news media, and the public shall be
610 permitted to observe such tests.

611 21-2-379.26.

612 (a) All electronic ballot markers and related equipment, when not in use, shall be properly
613 stored and secured under conditions as shall be specified by the Secretary of State.

614 (b) The superintendent shall store the devices and related equipment under his or her
615 supervision or shall designate another person or entity to provide secure storage of such
616 devices and related equipment when it is not in use at a primary or election. The
617 superintendent shall provide compensation for the safe storage and care of such devices and
618 related equipment if the devices and related equipment are stored by another person or
619 entity."

620

SECTION 27.

621 Said chapter is further amended by revising subparagraph (a)(1)(D) and subsection (b) of
 622 Code Section 21-2-381, relating to making of application for absentee ballot, determination
 623 of eligibility by ballot clerk, furnishing of applications to colleges and universities, and
 624 persons entitled to make application, as follows:

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

630 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
 631 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
 632 shall determine, in accordance with the provisions of this chapter, if the applicant is
 633 eligible to vote in the primary or election involved. In order to be found eligible to vote
 634 an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the
 635 identifying information on the application with the information on file in the registrar's
 636 office and, if the application is signed by the elector, compare the signature or mark of
 637 the elector on the application with the signature or mark of the elector on the elector's
 638 voter registration card. In order to be found eligible to vote an absentee ballot in person
 639 at the registrar's office or absentee ballot clerk's office, such person shall show one of the
 640 forms of identification listed in Code Section 21-2-417 and the registrar or absentee ballot
 641 clerk shall compare the identifying information on the application with the information
 642 on file in the registrar's office.

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

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

646 (B) If the application is made in person, shall issue the ballot to the elector ~~to be voted~~
 647 ~~on a direct recording electronic (DRE) voting system~~ within the confines of the
 648 registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the
 649 ballot is issued during the advance voting period established pursuant to subsection (d)
 650 of Code Section 21-2-385; or

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

653 (3) If found ineligible, the clerk or the board of registrars shall deny the application by
 654 writing the reason for rejection in the proper space on the application and shall promptly
 655 notify the applicant in writing of the ground of ineligibility, a copy of which notification
 656 should be retained on file in the office of the board of registrars or absentee ballot clerk

657 for at least one year. However, an absentee ballot application shall not be rejected due
 658 to an apparent mismatch between the signature of the elector on the application and the
 659 signature of the elector on file with the board of registrars. In such cases, the board of
 660 registrars or absentee ballot clerk shall send the elector a provisional absentee ballot with
 661 the designation 'Provisional Ballot' on the outer oath envelope and information prepared
 662 by the Secretary of State as to the process to be followed to cure the signature
 663 discrepancy. If such ballot is returned to the board of registrars or absentee ballot clerk
 664 prior to the closing of the polls on the day of the primary or election, the elector may cure
 665 the signature discrepancy by submitting an affidavit to the board of registrars or absentee
 666 ballot clerk along with a copy of one of the forms of identification enumerated in
 667 subsection (c) of Code Section 21-2-417 before the close of the period for verifying
 668 provisional ballots contained in subsection (c) of Code Section 21-2-419. If the board of
 669 registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the
 670 absentee ballot shall be counted as other absentee ballots. If the board of registrars or
 671 absentee ballot clerk finds the affidavit and identification to be insufficient, then the
 672 procedure contained in Code Section 21-2-386 shall be followed for rejected absentee
 673 ballots.

674 (4) If the registrar or clerk is unable to determine the identity of the elector from
 675 information given on the application, the registrar or clerk should promptly write to
 676 request additional information.

677 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
 678 or the board shall immediately mail a blank registration card as provided by Code Section
 679 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by
 680 absentee ballot in such primary or election, if the registration card, properly completed,
 681 is returned to the clerk or the board on or before the last day for registering to vote in
 682 such primary or election. If the closing date for registration in the primary or election
 683 concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,
 684 as soon as it is prepared and available; and the ballot shall be cast in such primary or
 685 election if returned to the clerk or board not later than the close of the polls on the day of
 686 the primary or election concerned."

687 **SECTION 28.**

688 Said chapter is further amended by revising subsection (a) of Code Section 21-2-382, relating
 689 to additional sites as additional registrar's office or place of registration for absentee ballots,
 690 as follows:

691 "(a) Any other provisions of this chapter to the contrary notwithstanding, the board of
 692 registrars may establish additional sites as additional registrar's offices or places of

693 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
 694 for the purpose of voting absentee ballots under Code Section 21-2-385, provided that any
 695 such site is a branch of the county courthouse, a courthouse annex, a government service
 696 center providing general government services, ~~or~~ another government building generally
 697 accessible to the public, or a location that is used as an election day polling place,
 698 notwithstanding that such location is not a government building."

699 **SECTION 29.**

700 Said chapter is further amended in Code Section 21-2-383, relating to preparation and
 701 delivery of ballots, form of ballots, and casting ballot in person using DRE unit, by adding
 702 a subsection to read as follows:

703 "(c) Notwithstanding any other provision of this Code section to the contrary, in
 704 jurisdictions in which electronic ballot markers are used in the polling places on election
 705 day, such electronic ballot markers shall be used for casting absentee ballots in person at
 706 a registrar's or absentee ballot clerk's office or in accordance with Code Section 21-2-382,
 707 providing for additional sites."

708 **SECTION 30.**

709 Said chapter is further amended by revising subsections (b) and (e) and paragraph (1) of
 710 subsection (c) of Code Section 21-2-384, relating to preparation and delivery of supplies,
 711 mailing of ballots, oath of absentee electors and persons assisting absentee electors, master
 712 list of ballots sent, challenges, and electronic transmission of ballots, as follows:

713 "(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
 714 office, in addition to the mailing envelope addressed to the elector, the superintendent,
 715 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
 716 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
 717 order to permit the placing of one within the other and both within the mailing envelope.
 718 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
 719 the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two
 720 envelopes to be enclosed within the mailing envelope shall be printed the form of oath of
 721 the elector and the oath for persons assisting electors, as provided for in Code Section
 722 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579,
 723 and 21-2-599 for violations of oaths; and on the face of such envelope shall be printed the
 724 name and address of the board of registrars or absentee ballot clerk. The larger of the two
 725 envelopes shall also display the elector's name and voter registration number. The mailing
 726 envelope addressed to the elector shall contain the two envelopes, the official absentee
 727 ballot, the uniform instructions for the manner of preparing and returning the ballot, in

728 form and substance as provided by the Secretary of State, provisional absentee ballot
 729 information, if necessary, and a notice in the form provided by the Secretary of State of all
 730 withdrawn, deceased, and disqualified candidates and any substitute candidates pursuant
 731 to Code Sections 21-2-134 and 21-2-155 and nothing else. The uniform instructions shall
 732 include information specific to the voting system used for absentee voting concerning the
 733 effect of overvoting or voting for more candidates than one is authorized to vote for a
 734 particular office and information concerning how the elector may correct errors in voting
 735 the ballot before it is cast including information on how to obtain a replacement ballot if
 736 the elector is unable to change the ballot or correct the error.

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

739 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 740 the State of Georgia; ~~that my residence address, for voting purposes, is _____~~
 741 ~~County, Georgia~~; that I possess the qualifications of an elector required by the laws of
 742 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 743 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
 744 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
 745 mark or mail another absentee ballot for voting in such primary or election; nor shall
 746 I vote therein in person; and that I have read and understand the instructions
 747 accompanying this ballot; and that I have carefully complied with such instructions in
 748 completing this ballot. I understand that the offer or acceptance of money or any other
 749 object of value to vote for any particular candidate, list of candidates, issue, or list of
 750 issues included in this election constitutes an act of voter fraud and is a felony under
 751 Georgia law.

752 _____
 753 ~~Elector's Residence Address~~

754 _____
 755 ~~Year of Elector's Birth~~

756 _____
 757 Signature or Mark of Elector

758 _____
 759 Printed Name of Elector

760 Oath of Person Assisting Elector (if any):

761 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 762 marking such elector's absentee ballot as such elector personally communicated such

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763 elector's preference to me; and that such elector is entitled to receive assistance in
 764 voting under provisions of subsection (a) of Code Section 21-2-409.
 765 This, the _____ day of _____, _____.

766

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768

 Signature of Person Assisting
 Elector — ~~Relationship~~

769

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771

Printed Name of Person
Assisting Elector

772

Reason for assistance (Check appropriate square):

773

Elector is unable to read the English language.

774

Elector requires assistance due to physical disability.

775

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

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~~Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary, election, or runoff in which there is no federal candidate on the ballot.~~

777

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

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"(e) The State Election Board shall by rule or regulation establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for all electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20302, et seq., as amended, and by which such electors may designate whether the elector prefers the transmission of such ballots by mail or electronically, for use in county, state, and federal primaries, elections, and runoffs in this state and, if the Secretary of State finds it to be feasible, for use in municipal primaries, elections, and runoffs. If no preference is stated, the ballot shall be transmitted by mail. The State Election Board shall by rule or regulation establish procedures to ensure to the extent practicable that the procedures for transmitting such ballots shall protect the security and integrity of such ballots and shall ensure that the privacy of the identity and other personal data of such electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20302, et seq., as amended, to whom a blank absentee ballot is transmitted under this Code section is protected throughout the process of such transmission."

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SECTION 31.

799 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for
800 voting by absentee ballot and advance voting, as follows:

801 "21-2-385.

802 (a) At any time after receiving an official absentee ballot, but before the day of the primary
803 or election, except electors who are confined to a hospital on the day of the primary or
804 election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose
805 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
806 This envelope shall then be placed in the second one, on which is printed the form of the
807 oath of the elector; ~~the name, relationship,~~ and oath of the person assisting, if any; ~~and~~
808 other required identifying information. The elector shall then fill out, subscribe, and swear
809 to the oath printed on such envelope. Such envelope shall then be securely sealed and the
810 elector shall then personally mail or personally deliver same to the board of registrars or
811 absentee ballot clerk, provided that mailing or delivery by a physically disabled elector
812 may be made by any adult person upon satisfactory proof that such adult person is such the
813 elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter,
814 niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
815 brother-in-law, sister-in-law, or an individual residing in the household of such disabled
816 elector. The absentee ballot of a disabled elector may be mailed or delivered by the
817 caregiver of such disabled elector, regardless of whether such caregiver resides in such
818 disabled elector's household. The absentee ballot of an elector who is in custody in a jail
819 or other detention facility may be mailed or delivered by any employee of such jail or
820 facility having custody of such elector. An elector who is confined to a hospital on a
821 primary or election day to whom an absentee ballot is delivered by the registrar or absentee
822 ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar
823 or absentee ballot clerk. If the elector registered to vote for the first time in this state by
824 mail and has not previously provided the identification required by Code Section 21-2-220
825 and votes for the first time by absentee ballot and fails to provide the identification required
826 by Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated
827 as a provisional ballot and shall be counted only if the registrars are able to verify the
828 identification and registration of the elector during the time provided pursuant to Code
829 Section 21-2-419.

830 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
831 ballot from ~~one of the following: any elector who is qualified to vote in the same county~~
832 ~~or municipality as the disabled or illiterate elector; an attendant care provider or a person~~
833 ~~providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister,~~
834 ~~spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,~~

835 ~~mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate~~
 836 ~~elector~~ any person of the elector's choice other than such elector's employer or the agent
 837 of such employer or an officer or agent of such elector's union; provided, however, that no
 838 person whose name appears on the ballot as a candidate at a particular primary, election,
 839 or runoff nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
 840 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
 841 father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance
 842 during such primary, election, or runoff under the provisions of this Code section to any
 843 elector who is not related to such candidate. For the purposes of this subsection, the term
 844 'related to such candidate' shall mean such candidate's mother, father, grandparent, aunt,
 845 uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
 846 daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. The person
 847 rendering assistance to the elector in preparing the ballot shall sign the oath printed on the
 848 same envelope as the oath to be signed by the elector. ~~If the disabled or illiterate elector~~
 849 ~~is sojourning outside his or her own county or municipality, a notary public of the~~
 850 ~~jurisdiction may give such assistance and shall sign the oath printed on the same envelope~~
 851 ~~as the oath to be signed by the elector. No person shall assist more than ten such electors~~
 852 ~~in any primary, election, or runoff in which there is no federal candidate on the ballot.~~ Any
 853 person who willfully violates this subsection shall be guilty of a felony and, upon
 854 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
 855 ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.
 856 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
 857 been printed, the absentee ballot may be issued to the elector at the time of the application
 858 therefor within the confines of the registrar's or absentee ballot clerk's office if such
 859 application is made during the advance voting period as provided in subsection (d) of this
 860 Code section or may be mailed to the elector, depending upon the elector's request. If the
 861 ballot is issued to the elector at the time of application, the elector shall then and there
 862 within the confines of the registrar's or absentee ballot clerk's office vote and return the
 863 absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of
 864 persons voting in accordance with subsection (d) of this Code section, the board of
 865 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the
 866 privacy of the elector while voting his or her absentee ballot.
 867 (d)(1) There shall be a period of advance voting that shall commence:
 868 (A) On the fourth Monday immediately prior to each primary or election;
 869 (B) On the fourth Monday immediately prior to a runoff from a general primary;
 870 (C) On the fourth Monday immediately prior to a runoff from a general election in
 871 which there are candidates for a federal office on the ballot in the runoff; and

872 (D) As soon as possible prior to a runoff from any other general election in which there
 873 are only state or county candidates on the ballot in the runoff but no later than the
 874 second Monday immediately prior to such runoff
 875 and shall end on the Friday immediately prior to each primary, election, or runoff.
 876 Voting shall be conducted during normal business hours on weekdays during such period
 877 and shall be conducted on the second Saturday prior to a primary or election during the
 878 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
 879 in which there are no federal or state candidates on the ballot, no Saturday voting hours
 880 shall be required; and provided, further, that, if such second Saturday is a public and legal
 881 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
 882 legal holiday occurring on the Thursday or Friday immediately preceding such second
 883 Saturday, or if such second Saturday immediately precedes a public and legal holiday
 884 occurring on the following Sunday or Monday, such advance voting shall not be held on
 885 such second Saturday but shall be held on the third Saturday prior to such primary or
 886 election. Except as otherwise provided in this paragraph, counties and municipalities
 887 may extend the hours for voting beyond regular business hours and may provide for
 888 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the
 889 electors of the jurisdiction at their option.

890 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
 891 to the electors of their jurisdiction of the availability of advance voting as well as the
 892 times, dates, and locations at which advance voting will be conducted. In addition, the
 893 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
 894 prescribed by the Secretary of State of the times, dates, and locations at which advance
 895 voting will be conducted."

896 **SECTION 32.**

897 Said chapter is further amended by revising subparagraphs (a)(1)(C) and (a)(1)(D) of Code
 898 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
 899 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and
 900 notification of challenged elector, as follows:

901 "(C) If the elector has failed to sign the oath, or if the signature does not appear to be
 902 valid, or if the elector has failed to furnish required information or information so
 903 furnished does not conform with that on file in the registrar's or clerk's office, or if the
 904 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
 905 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars
 906 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
 907 which notification shall be retained in the files of the board of registrars or absentee

908 ballot clerk for at least two years. Such elector shall have until the end of the period for
 909 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419 to
 910 cure the problem resulting in the rejection of the ballot. The elector may cure a failure
 911 to sign the oath, an invalid signature, or missing information by submitting an affidavit
 912 to the board of registrars or absentee ballot clerk along with a copy of one of the forms
 913 of identification enumerated in subsection (c) of Code Section 21-2-417 before the
 914 close of such period. The affidavit shall affirm that the ballot was submitted by the
 915 elector, is the elector's ballot, and that the elector is registered and qualified to vote in
 916 the primary, election, or runoff in question. If the board of registrars or absentee ballot
 917 clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be
 918 counted.

919 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
 920 of Code Section 21-2-220, and who votes for the first time in this state by absentee
 921 ballot shall include with his or her application for an absentee ballot or in the outer oath
 922 envelope of his or her absentee ballot either one of the forms of identification listed in
 923 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
 924 statement, government check, paycheck, or other government document that shows the
 925 name and address of such elector. If such elector does not provide any of the forms of
 926 identification listed in this subparagraph with his or her application for an absentee
 927 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
 928 provisional ballot and such ballot shall only be counted if the registrars are able to
 929 verify current and valid identification of the elector as provided in this subparagraph
 930 within the time period for verifying provisional ballots pursuant to Code
 931 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
 932 the elector that such ballot is deemed a provisional ballot and shall provide information
 933 on the types of identification needed and how and when such identification is to be
 934 submitted to the board of registrars or absentee ballot clerk to verify the ballot."

935 **SECTION 33.**

936 Said chapter is further amended by revising Code Section 21-2-387, relating to pilot program
 937 for electronic handling of absentee ballots, requirements for pilot program, reporting, and
 938 termination of pilot program, as follows:

939 "21-2-387.

940 (a) The Secretary of State ~~shall~~ is authorized to develop and implement a pilot program for
 941 the electronic transmission, receipt, and counting of absentee ballots by persons who are
 942 entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens
 943 Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20302, et seq., as

944 amended, for use in ~~a primary or a general election~~ county, state, and federal primaries;
945 elections; and runoffs in this state and, if the Secretary of State finds it to be feasible, for
946 use in municipal primaries, elections, and runoffs.

947 (b) Such pilot program shall provide, at a minimum, for:

948 (1) The encryption of information and the transmission of such information over a secure
949 network;

950 (2) The authentication of such information;

951 (3) The verification of the identity and eligibility of the elector to vote in the primary,
952 election, or runoff, as the case may be;

953 (4) The protection of the privacy, anonymity, and integrity of the ballots cast;

954 (5) The prevention of the casting of multiple ballots by the same elector in a primary,
955 election, or runoff;

956 (6) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of
957 such system;

958 (7) The uninterrupted reliability of such system for casting ballots by qualified voters;

959 (8) The capability of the elector to determine if the electronic transmission of the ballot
960 was successful;

961 (9) The ability to audit such ballots and to verify that such ballots were properly counted;
962 and

963 (10) The ability to verify that the information transmitted over the secure network was
964 not viewed or altered by sites that lie between the voting location and the vote counting
965 destination.

966 (c) The Secretary of State shall develop procedures by which persons who are eligible to
967 utilize the ~~pilot~~ program to vote shall be notified of its availability and the procedures and
968 methods for its utilization.

969 (d) The provisions of this article shall apply to ballots requested, transmitted, voted,
970 received, and counted under this pilot program as nearly as practicable, but the Secretary
971 of State and the State Election Board shall be authorized to vary such provisions by rule
972 or regulation as necessary to accomplish the goals of this pilot program, provided that such
973 variances shall retain and maintain the same degree of security and integrity of such ballots
974 as provided by this article although in different forms or formats as necessitated by the
975 technology utilized in such pilot program. The Secretary of State and the State Election
976 Board are authorized to promulgate such rules and regulations as necessary to implement
977 the provisions of this Code section and to provide for such variances to this article as
978 needed pursuant to this subsection.

979 (e) The Secretary of State shall review the results of the pilot program and shall provide
980 the members of the General Assembly with a comprehensive report no later than 90 days

981 following the primary or general election in which such pilot program is used on the
 982 effectiveness of such pilot program with any recommendations for its continued use and
 983 any needed changes in such program for future primaries and elections.

984 (f) The pilot program shall be used in the first primary or general election following:

985 (1) The inclusion in the Appropriations Act of a specific line item appropriation for
 986 funding of such pilot program or a determination by the Secretary of State that there is
 987 adequate funding through public or private funds, or a combination of public and private
 988 funds, to conduct the pilot program; provided, however, that no funds shall be accepted
 989 from registered political parties or political bodies for this purpose; and

990 (2) Certification by the Secretary of State that such pilot program is feasible and can be
 991 implemented for such primary or general election.

992 (g) This Code section shall be repealed by operation of law on July 1 of the year following
 993 the conclusion of the pilot program.

994 (h) The Secretary of State is authorized to develop and utilize a pilot program for the
 995 electronic transmission, receipt, and counting of absentee ballots by electors who are
 996 disabled with the same minimum requirements as specified in subsection (b) of this Code
 997 section."

998 **SECTION 34.**

999 Said chapter is further amended by revising Code Section 21-2-388, relating to cancellation
 1000 of absentee ballots of electors who are present in election precinct during primaries and
 1001 elections, as follows:

1002 "21-2-388.

1003 When an absentee ballot which has been voted shall be returned to and received by the
 1004 board of registrars, it shall be deemed to have been voted then and there; and no other
 1005 ballot shall be issued to the same elector. If an elector has requested to vote by absentee
 1006 ballot and has not received such absentee ballot, has such ballot in his or her possession,
 1007 has not yet returned such ballot, or has returned such ballot but the registrars have not
 1008 received such ballot, such elector may have the absentee ballot canceled and vote in person
 1009 on the day of the primary, election, or runoff in one of the following ways:

1010 (1) If the elector is in possession of the ballot, by surrendering the absentee ballot to the
 1011 poll manager of the precinct in which the elector's name appears on the electors list and
 1012 then being permitted to vote the regular ballot. The poll manager shall mark 'Canceled'
 1013 and the date and time across the face of the absentee ballot and shall initial same. The
 1014 poll manager shall also make appropriate notations beside the name of the elector on the
 1015 electors list. All such canceled absentee ballots shall be returned with other ballots to the
 1016 superintendent; or

1017 (2) If the elector has not received the ballot, has not yet returned the ballot, or if the
 1018 elector has returned the ballot but the registrars have not received the ballot, by appearing
 1019 in person before the managers of the elector's precinct, the registrars, or the absentee
 1020 ballot clerk and requesting in writing that the envelope containing the elector's absentee
 1021 ballot be marked 'Canceled.' After having satisfied themselves as to the identity of such
 1022 elector and confirming that the elector's absentee ballot has not yet been received by the
 1023 board of registrars, the registrars or the absentee ballot clerk shall grant the request and
 1024 shall notify the managers of the elector's precinct as to such action so as to permit the
 1025 elector to vote in person in that precinct. If the absentee ballot is in the mail, has not yet
 1026 been returned, or its exact location is unknown, the registrar or the absentee ballot clerk
 1027 shall write 'Canceled' beside the elector's name on the master list of absentee voters and
 1028 shall cancel the ballot itself as soon as it is received. If the location of the requested
 1029 absentee ballot is known to the elector and it has not been surrendered to the poll
 1030 manager, the elector shall destroy the absentee ballot after casting his or her vote in
 1031 person. Canceled absentee ballots shall be disposed of in the same manner as provided
 1032 in subsection (a) of Code Section 21-2-386 for absentee ballots returned too late to be
 1033 cast."

1034 **SECTION 35.**

1035 Said chapter is further amended by revising subsection (b) of Code Section 21-2-409, relating
 1036 to assisting electors who cannot read English or who have disabilities, as follows:

1037 ~~"(b)(1) In elections in which there is a federal candidate on the ballot, any Any elector who~~
 1038 ~~is entitled to receive assistance in voting under this Code section shall be permitted by the~~
 1039 ~~managers to select any person of the elector's choice except such elector's employer or~~
 1040 ~~agent of that employer or officer or agent of such elector's union:~~

1041 ~~(2) In all other elections, any elector who is entitled to receive assistance in voting under~~
 1042 ~~this Code section shall be permitted by the managers to select:~~

1043 ~~(A) Any elector, except a poll officer or poll watcher, who is a resident of the precinct~~
 1044 ~~in which the elector requiring assistance is attempting to vote; or~~

1045 ~~(B) The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,~~
 1046 ~~niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,~~
 1047 ~~brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive~~
 1048 ~~assistance~~

1049 to enter the voting compartment or booth with him or her to assist in voting, such
 1050 assistance to be rendered inside the voting compartment or booth. ~~No person shall assist~~
 1051 ~~more than ten such electors in any primary, election, or runoff covered by this paragraph.~~

1052 No person whose name appears on the ballot as a candidate at a particular election nor

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1053 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,
 1054 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
 1055 brother-in-law, or sister-in-law of that candidate shall offer assistance during that
 1056 particular election under the provisions of this Code section to any voter who is not
 1057 related to such candidate. For the purposes of this paragraph, 'related to such candidate'
 1058 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse,
 1059 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
 1060 father-in-law, brother-in-law, or sister-in-law."

1061 **SECTION 36.**

1062 Said chapter is further amended by revising subsection (e) of Code Section 21-2-413, relating
 1063 to conduct of voters, campaigners, and others at polling places generally, as follows:

1064 "(e) No person shall use photographic or other electronic monitoring or recording devices,
 1065 cameras, or cellular telephones while such person is in a polling place while voting is
 1066 taking place; provided, however, that a poll manager, in his or her discretion, may allow
 1067 the use of photographic devices in the polling place under such conditions and limitations
 1068 as the election superintendent finds appropriate, and provided, further, that no photography
 1069 shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot
 1070 marker while an elector is voting such ballot or machine or DRE unit or using such
 1071 electronic ballot marker, and no photography shall be allowed of an electors list, electronic
 1072 electors list, or the use of an electors list or electronic electors list. This subsection shall
 1073 not prohibit the use of photographic or other electronic monitoring or recording devices,
 1074 cameras, or cellular telephones by poll officials for official purposes."

1075 **SECTION 37.**

1076 Said chapter is further amended by revising subsection (f) of Code Section 21-2-417.1,
 1077 relating to voter identification cards, as follows:

1078 "(f) A Georgia voter identification card shall remain valid so long as a person resides ~~at~~
 1079 in the same ~~address~~ county and remains qualified to vote. It shall be the duty of a person
 1080 who moves his or her residence within the State of Georgia outside of the county in which
 1081 it was issued to surrender his or her card to the board of registrars of the county of his or
 1082 her new residence; and such person may after such surrender apply for and receive a new
 1083 card if such person is otherwise eligible under this Code section. It shall be the duty of a
 1084 person who moves his or her residence outside the State of Georgia or who ceases to be
 1085 qualified to vote to surrender his or her card to the board of registrars by which it was
 1086 issued."

1087

SECTION 38.

1088 Said chapter is further amended by revising subsection (e) of Code Section 21-2-418, relating
1089 to provisional ballots, as follows:

1090 "(e) The registrars shall establish a free access system, such as a toll-free telephone number
1091 or ~~internet~~ internet website, by which any elector who casts a provisional ballot in a
1092 primary or election, or runoff of either, in which federal candidates are on the ballot may
1093 ascertain whether such ballot was counted and, if such ballot was not counted, the reason
1094 why such ballot was not counted. The registrars shall establish and maintain reasonable
1095 procedures necessary to protect the security, confidentiality, and integrity of personal
1096 information collected, stored, or otherwise used by such free access system. Access to such
1097 information about an individual provisional ballot shall be restricted to the elector who cast
1098 such ballot. At the earliest time possible after the casting of a provisional ballot, the
1099 election superintendent shall notify the Secretary of State that an elector cast a provisional
1100 ballot, whether such ballot was counted, and, if such ballot was not counted, the reason
1101 why such ballot was not counted."

1102

SECTION 39.

1103 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
1104 provisional ballots and reporting to Secretary of State, as follows:

1105 "21-2-419.

1106 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
1107 county or municipality ~~for mail-in absentee ballots~~. Such provisional ballot shall be sealed
1108 in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the
1109 person casting such ballot in a secure, sealed ballot box.

1110 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
1111 the day after the primary or election in which such provisional ballot was cast, the board
1112 of registrars of the county or municipality, as the case may be, shall be notified by the
1113 election superintendent that provisional ballots were cast in the primary or election and the
1114 registrars shall be provided with the documents completed by the person casting the
1115 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
1116 securely maintained by the election superintendent until a determination has been made
1117 concerning their status. The board of registrars shall immediately examine the information
1118 contained on such documents and make a good faith effort to determine whether the person
1119 casting the provisional ballot was entitled to vote in the primary or election. Such good
1120 faith effort shall include a review of all available voter registration documentation,
1121 including registration information made available by the electors themselves and
1122 documentation of modifications or alterations of registration data showing changes to an

1123 elector's registration status. Additional sources of information may include, but are not
 1124 limited to, information from the Department of Driver Services, Department of Family and
 1125 Children Services, Department of Natural Resources, public libraries, or any other agency
 1126 of government including, but not limited to, other county election and registration offices.

1127 (c)(1) If the registrars determine after the polls close, but not later than three days
 1128 following the primary or election, that the person casting the provisional ballot timely
 1129 registered to vote and was eligible and entitled to vote in such primary or election, the
 1130 registrars shall notify the election superintendent and the provisional ballot shall be
 1131 counted and included in the county's or municipality's certified election results.

1132 (2) If the registrars determine after the polls close, but not later than three days following
 1133 the primary or election, that the person voting the provisional ballot timely registered and
 1134 was eligible and entitled to vote in the primary or election but voted in the wrong
 1135 precinct, then the board of registrars shall notify the election superintendent. The
 1136 superintendent shall count such person's votes which were cast for candidates in those
 1137 races for which the person was entitled to vote but shall not count the votes cast for
 1138 candidates in those races in which such person was not entitled to vote. The
 1139 superintendent shall order the proper election official at the tabulating center or precinct
 1140 to prepare an accurate duplicate ballot containing only those votes cast by such person
 1141 in those races in which such person was entitled to vote for processing at the tabulating
 1142 center or precinct, which shall be verified in the presence of a witness. Such duplicate
 1143 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the
 1144 polling place, and shall be given the same serial number as the original ballot. The
 1145 original ballot shall be retained.

1146 (3) If the registrars determine that the person casting the provisional ballot did not timely
 1147 register to vote or was not eligible or entitled to vote in such primary or election or shall
 1148 be unable to determine within three days following such primary or election whether such
 1149 person timely registered to vote and was eligible and entitled to vote in such primary or
 1150 election, the registrars shall so notify the election superintendent and such ballot shall not
 1151 be counted. The election superintendent shall mark or otherwise document that such
 1152 ballot was not counted and shall deliver and store such ballots with all other ballots and
 1153 election materials as provided in Code Section 21-2-500.

1154 (d)(1) ~~The~~ At the earliest time possible after a determination is made regarding a
 1155 provisional ballot, the board of registrars shall notify in writing those persons whose
 1156 provisional ballots were not counted that their ballots were not counted because of the
 1157 inability of the registrars to verify that the persons timely registered to vote or other
 1158 proper reason. The registrars shall process the official voter registration form completed

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1159 by such persons pursuant to Code Section 21-2-418 and shall add such persons to the
 1160 electors list if found qualified.

1161 (2) ~~The~~ At the earliest time possible after a determination is made regarding a
 1162 provisional ballot, the board of registrars shall notify in writing those electors who voted
 1163 in the wrong precinct and whose votes were partially counted of their correct precinct.

1164 (e) The board of registrars shall complete a report in a form designated by the Secretary
 1165 of State indicating the number of provisional ballots cast and counted in the primary or
 1166 election."

1167

SECTION 40.

1168 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee
 1169 ballots for precincts using optical scanning voting equipment, as follows:

1170 "21-2-482.

1171 Ballots in a precinct using optical scanning voting equipment for ~~use~~ voting by absentee
 1172 electors shall be prepared sufficiently in advance by the superintendent and shall be
 1173 delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots
 1174 shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots
 1175 required by Article 8 of this chapter, except that in counties or municipalities using voting
 1176 machines, direct recording electronic (DRE) units, or ~~optical~~ ballot scanners, the ballots
 1177 may be in substantially the form for the ballot labels required by Article 9 of this chapter
 1178 or in such form as will allow the ballot to be machine tabulated. Every such ballot shall
 1179 have printed on the face thereof the following:

1180 'I understand that the offer or acceptance of money or any other object of value to vote
 1181 for any particular candidate, list of candidates, issue, or list of issues included in this
 1182 election constitutes an act of voter fraud and is a felony under Georgia law.'

1183 The form for either ballot shall be determined and prescribed by the Secretary of State."

1184

SECTION 41.

1185 Said chapter is further amended by revising subsection (k) of Code Section 21-2-493, relating
 1186 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote
 1187 counts, recount procedure, certification of returns, and change in returns, as follows:

1188 "(k) As the returns from each precinct are read, computed, and found to be correct or
 1189 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
 1190 all the returns from the various precincts which are entitled to be counted shall have been
 1191 duly recorded; then they shall be added together, announced, and attested by the assistants
 1192 who made and computed the entries respectively and shall be signed by the superintendent.
 1193 The consolidated returns shall then be certified by the superintendent in the manner

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1194 required by this chapter. Such returns shall be certified by the superintendent not later than
 1195 5:00 P.M. on the ~~Monday~~ second Friday following the date on which such election was
 1196 held and such returns shall be immediately transmitted to the Secretary of State; provided,
 1197 however, that such certification date may be extended by the Secretary of State in his or
 1198 her discretion if necessary to complete a precertification audit as provided in Code
 1199 Section 21-2-498."

1200 **SECTION 42.**

1201 Said chapter is further amended by revising subsections (a) and (c) of Code
 1202 Section 21-2-495, relating to procedure for recount or recanvass of votes and losing
 1203 candidate's right to a recount, and adding new subsections to read as follows:

1204 "(a) In precincts where paper ballots or scanning ballots have been used, the superintendent
 1205 may, either of his or her own motion or upon petition of any candidate or political party,
 1206 order the recount of all the ballots for a particular precinct or precincts for one or more
 1207 offices in which it shall appear that a discrepancy or error, although not apparent on the
 1208 face of the returns, has been made. Such recount may be held at any time prior to the
 1209 certification of the consolidated returns by the superintendent and shall be conducted under
 1210 the direction of the superintendent. Before making such recount, the superintendent shall
 1211 give notice in writing to each candidate and to the county or municipal chairperson of each
 1212 party or body affected by the recount. Each such candidate may be present in person or by
 1213 representative, and each such party or body may send two representatives to be present at
 1214 such recount. If upon such recount, it shall appear that the original count by the poll
 1215 officers was incorrect, such returns and all papers being prepared by the superintendent
 1216 shall be corrected accordingly."

1217 "(c)(1) Whenever the difference between the number of votes received by a candidate
 1218 who has been declared nominated for an office in a primary election or who has been
 1219 declared elected to an office in an election or who has been declared eligible for a run-off
 1220 primary or election and the number of votes received by any other candidate or
 1221 candidates not declared so nominated or elected or eligible for a runoff shall be not more
 1222 than one-half of 1 percent of the total votes which were cast for such office therein, any
 1223 such candidate or candidates receiving a sufficient number of votes so that the difference
 1224 between his or her vote and that of a candidate declared nominated, elected, or eligible
 1225 for a runoff is not more than one-half of 1 percent of the total votes cast, within a period
 1226 of two business days following the certification of the election results, shall have the right
 1227 to a recount of the votes cast, if such request is made in writing by the losing candidate.
 1228 If the office sought is a federal or state office voted upon by the electors of more than one
 1229 county, the request shall be made to the Secretary of State who shall direct that the

1230 recount be performed in all counties in which electors voted for such office and notify the
 1231 superintendents of the several counties involved of the request. In all other cases, the
 1232 request shall be made to the superintendent. The superintendent or superintendents shall
 1233 order a recount of such votes to be made immediately. If, upon such recount, it is
 1234 determined that the original count was incorrect, the returns and all papers prepared by
 1235 the superintendent, the superintendents, or the Secretary of State shall be corrected
 1236 accordingly and the results recertified.

1237 (2) Whenever the difference between the number of votes for approval or rejection of a
 1238 constitutional amendment or binding referendum question shall be not more than one-half
 1239 of 1 percent of the total votes which were cast on such amendment or question therein,
 1240 within a period of two business days following the certification of the election results, the
 1241 Constitutional Amendments Publication Board shall be authorized in its discretion to call
 1242 for a recount of the votes cast with regard to such amendment or question. In the case of
 1243 a constitutional amendment or state-wide referendum question or a question voted upon
 1244 by the electors of more than one county, the board shall direct the Secretary of State to
 1245 cause a recount to be performed with regard to such amendment or question in all
 1246 counties involved and notify the superintendents of the recount. In the case of questions
 1247 voted upon by the electors of only one county or municipality, the board shall direct the
 1248 Secretary of State to cause a recount to be conducted by the county or municipality
 1249 involved and the Secretary of State shall notify the superintendent involved of the
 1250 recount. Upon notification, the superintendent or superintendents shall order a recount
 1251 of such votes to be made immediately. If, upon such recount, it is determined that the
 1252 original count was incorrect, the returns and all papers prepared by the superintendent,
 1253 the superintendents, or the Secretary of State shall be corrected accordingly and the
 1254 results recertified."

1255 "(e) The State Election Board shall be authorized to promulgate rules, regulations, and
 1256 procedures to implement and administer the provisions of this Code section."

1257 **SECTION 43.**

1258 Said chapter is further amended by revising Code Section 21-2-498, which was previously
 1259 reserved, as follows:

1260 "21-2-498.

1261 (a) As soon as possible, the local election superintendents shall conduct precertification
 1262 audits for any federal or state general election in accordance with requirements set forth by
 1263 rule or regulation of the State Election Board.

1264 (b) In conducting each audit, the local election superintendents shall:

1265 (1) Complete the audit prior to final certification of the contest;

- 1266 (2) Ensure that all types of ballots are included in the audit, whether cast in person, by
 1267 absentee ballot, advance voting, provisional ballot, or otherwise;
 1268 (3) Provide a report of the unofficial final tabulated vote results for the contest to the
 1269 public prior to conducting the audit;
 1270 (4) Complete the audit in public view; and
 1271 (5) Provide details of the audit to the public within 48 hours of completion.
 1272 (c) The State Election Board shall be authorized to promulgate rules, regulations, and
 1273 procedures to implement and administer the provisions of this Code section.
 1274 (d) The Secretary of State shall conduct a risk-limiting audit pilot program with a risk limit
 1275 of not greater than 10 percent in one or more counties by December 31, 2021. The
 1276 Secretary of State shall review the results of the pilot program and shall provide the
 1277 members of the General Assembly with a comprehensive report no later than 90 days
 1278 following the election in which such pilot program is used. Such report shall include an
 1279 implementation plan on how to implement risk-limiting audits statewide. Reserved."

1280 **SECTION 44.**

1281 Said chapter is further amended by revising subsection (b) of Code Section 21-2-499, relating
 1282 to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state
 1283 and federal officers and certification of presidential electors by Governor, as follows:
 1284 "(b) The Secretary of State shall also, upon receiving the certified returns for presidential
 1285 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
 1286 presidential electors and shall immediately lay them before the Governor. Not later than
 1287 5:00 P.M. on the ~~fourteenth~~ seventeenth day following the date on which such election was
 1288 conducted, the Secretary of State shall certify the votes cast for all candidates described in
 1289 subparagraph (a)(4)(A) of Code Section 21-2-497 and upon all questions voted for by the
 1290 electors of more than one county and shall no later than that same time lay the returns for
 1291 presidential electors before the Governor. The Governor shall enumerate and ascertain the
 1292 number of votes for each person so voted and shall certify the slates of presidential electors
 1293 receiving the highest number of votes. The Governor shall certify the slates of presidential
 1294 electors no later than 5:00 P.M. on the ~~fifteenth~~ eighteenth day following the date on which
 1295 such election was conducted. Notwithstanding the deadlines specified in this Code section,
 1296 such times may be altered for just cause by an order of a judge of superior court of this
 1297 state."

1298 **SECTION 45.**

1299 Said chapter is further amended by revising paragraph (8) of Code Section 21-2-566, relating
 1300 to interference with primaries and elections generally, as follows:

19

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1301 "(8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
 1302 ballot box, voting machine, direct recording electronic (DRE) equipment, electronic
 1303 ballot marker, or tabulating machine"

1304 **SECTION 46.**

1305 Said chapter is further amended by revising paragraph (3) of Code Section 21-2-579, relating
 1306 to fraudulently allowing ballot or voting machine to be seen, casting unofficial ballot, and
 1307 receiving unauthorized assistance in voting, as follows:

1308 "(3) Without having made the affirmation under oath or declaration required by Code
 1309 Section 21-2-409, or when the disability which he or she declared at the time of
 1310 registration no longer exists, permits another to accompany him or her into the voting
 1311 compartment or voting machine booth or to mark his or her ballot or to register his or her
 1312 vote on the voting machine or direct recording electronic (DRE) equipment or use an
 1313 electronic ballot marker; or"

1314 **SECTION 47.**

1315 Said chapter is further amended by revising Code Section 21-2-580, relating to tampering
 1316 with, damaging, improper preparation of, or prevention of proper operation of voting
 1317 machines, as follows:

1318 "21-2-580.

1319 Any person who:

1320 (1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot
 1321 marker or tabulating machine to be used or being used at any primary or election;

1322 (2) Willfully prepares a voting machine or an electronic ballot marker or tabulating
 1323 machine for use in a primary or election in improper order for voting; or

1324 (3) Prevents or attempts to prevent the correct operation of such electronic ballot marker
 1325 or tabulating machine or voting machine

1326 shall be guilty of a felony."

1327 **SECTION 48.**

1328 Said chapter is further amended by revising Code Section 21-2-582, relating to tampering
 1329 with, damaging, or preventing of proper operation of direct recording electronic equipment
 1330 or tabulating device, as follows:

1331 "21-2-582.

1332 Any person who tampers with or damages any direct recording electronic (DRE)
 1333 equipment or electronic ballot marker or tabulating ~~computer~~ machine or device to be used
 1334 or being used at or in connection with any primary or election or who prevents or attempts

19

LC 28 9185

1335 to prevent the correct operation of any direct recording electronic (DRE) equipment or
 1336 electronic ballot marker or tabulating ~~computer~~ machine or device shall be guilty of a
 1337 felony."

1338 **SECTION 49.**

1339 Said chapter is further amended by revising Code Section 21-2-582.1, relating to penalty for
 1340 voting equipment modification, as follows:

1341 "21-2-582.1.

1342 (a) For the purposes of this Code section, the term 'voting equipment' shall mean a voting
 1343 machine, tabulating machine, optical scanning voting system, ~~or~~ direct recording electronic
 1344 voting system, or electronic ballot marker.

1345 (b) Any person or entity, including, but not limited to, a manufacturer or seller of voting
 1346 equipment, who alters, modifies, or changes any aspect of such voting equipment without
 1347 prior approval of the Secretary of State is guilty of a felony."

1348 **SECTION 50.**

1349 Said chapter is further amended by revising Code Section 21-2-587, relating to frauds by poll
 1350 workers, as follows:

1351 "21-2-587.

1352 Any poll officer who willfully:

- 1353 (1) Makes a false return of the votes cast at any primary or election;
- 1354 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of
 1355 ballots;
- 1356 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return
 1357 of fraudulent votes cast upon any voting machine;
- 1358 (4) Makes any false entries in the electors list;
- 1359 (5) Destroys or alters any ballot, voter's certificate, or electors list;
- 1360 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment,
 1361 electronic ballot marker, or tabulating ~~computer~~ machine or device;
- 1362 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually
 1363 voting at such primary or election; or
- 1364 (8) Fails to return to the officials prescribed by this chapter, following any primary or
 1365 election, any keys of a voting machine; ballot box; general or duplicate return sheet;
 1366 tally paper; oaths of poll officers; affidavits of electors and others; record of assisted
 1367 voters; numbered list of voters; electors list; voter's certificate; spoiled and canceled
 1368 ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE,

1369 electronic ballot marker, or tabulating machine memory cards; or any certificate or any
1370 other paper or record required to be returned under this chapter
1371 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
1372 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
1373 or both."

1374 **SECTION 51.**

1375 This Act shall become effective upon its approval by the Governor or upon its becoming law
1376 without such approval.

1377 **SECTION 52.**

1378 All laws and parts of laws in conflict with this Act are repealed.

House Resolution 8

**Elected Officials; office
shall be declared
vacant upon official
qualifying for certain
other offices, provide**

Georgia General Assembly

2019-2020 Regular Session - HR 8

Elected officials; office shall be declared vacant upon official qualifying for certain other offices; provide - CA

Sponsored By

(1) Scott, Sandra 76th (2) Bruce, Roger 61st (3) Dreyer, David 59th
(4) Thomas, "Able" Mable 56th (5) McClain, Dewey 100th (6) Gordon, J. Craig 163rd

Committees

HC: [Governmental Affairs](#) SC:

First Reader Summary

A RESOLUTION proposing an amendment to the Constitution so as to provide that the office of any state, county, or municipal elected official shall be declared vacant upon such elected official qualifying for certain other offices; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Status History

Jan/29/2019 - House Second Readers
Jan/28/2019 - House First Readers
Jan/17/2019 - House Hopper
Jan/08/2019 - House Prefiled

Versions



[LC 41 1624/a](#)



[LC 41 1624/pf](#)

19

LC 41 1624

House Resolution 8

By: Representatives Scott of the 76th, Bruce of the 61st, Dreyer of the 59th, Thomas of the 56th, McClain of the 100th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that the office of any state,
2 county, or municipal elected official shall be declared vacant upon such elected official
3 qualifying for certain other offices; to provide for the submission of this amendment for
4 ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article II, Section II of the Constitution is amended by revising Paragraph V as follows:

8 "Paragraph V. *Vacancies created by elected officials qualifying for other office.* The
9 office of any state, county, or municipal elected official shall be declared vacant upon such
10 elected official qualifying, in a general primary or general election, or special primary or
11 special election, for another state, county, or municipal elective office or qualifying for the
12 House of Representatives or the Senate of the United States ~~if the term of the office for~~
13 ~~which such official is qualifying for begins more than 30 days prior to the expiration of~~
14 ~~such official's present term of office.~~ The vacancy created in any such office shall be filled
15 as provided by this Constitution or any general or local law. This provision shall not apply
16 to any elected official seeking or holding more than one elective office when the holding
17 of such offices simultaneously is specifically authorized by law."

18 SECTION 2.

19 The above proposed amendment to the Constitution shall be published and submitted as
20 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
21 above proposed amendment shall have written or printed thereon the following:

22 "() YES Shall the Constitution of Georgia be amended so as to provide that the
23 () NO office of any state, county, or municipal elected official shall be declared
24 vacant if such elected official qualifies in an election for another state,
25 county, or municipal elective office?"

19

LC 41 1624

- 26 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
27 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
28 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
29 become a part of the Constitution of this state.

House Resolution 138

**Federal government;
oversee election
changes in Georgia
under the Voting
Rights Act of 1965**

Georgia General Assembly

2019-2020 Regular Session - HR 138

Federal government; oversee election changes in Georgia under the Voting Rights Act of 1965; urge

Sponsored By

(1) Shannon, Renitta 84th
(4) Hugley, Carolyn 136th

(2) Nguyen, Bee 89th
(5) Stephenson, Pam 90th

(3) Bruce, Roger 61st
(6) Dreyer, David 59th

Committees

HC: [Governmental Affairs](#)

SC:

First Reader Summary

A RESOLUTION urging the federal government to oversee election changes in Georgia under the Voting Rights Act of 1965; and for other purposes.

Status History

Feb/08/2019 - House Second Readers
Feb/07/2019 - House First Readers
Feb/06/2019 - House Hopper

Versions



LC 28 9124ER/a

House Resolution 138

By: Representatives Shannon of the 84th, Nguyen of the 89th, Bruce of the 61st, Hugley of the 136th, Stephenson of the 90th, and others

A RESOLUTION

1 Urging the federal government to oversee election changes in Georgia under the Voting
2 Rights Act of 1965; and for other purposes.

3 WHEREAS, Georgia has a long and well-recognized history of discriminating against
4 minority voters; and

5 WHEREAS, Section 5 of the federal Voting Rights Act of 1965, as amended, required
6 Georgia to seek "preclearance" from the federal government before any changes were made
7 to its election practices or procedures because of its history of racial discrimination; and

8 WHEREAS, Georgia received more than 170 preclearance objection letters during the nearly
9 50 years Section 5 was in effect; and

10 WHEREAS, Georgia has instituted a host of restrictive measures designed to suppress the
11 minority vote, including the purging of over one million "inactive" voters from voter
12 registration rolls, strict requirements for voter identification, and the closing or relocation of
13 more than 300 polling locations; all of which disproportionately affect voters of color; and

14 WHEREAS, under its aggressive "exact match" policy, which allows the state to reject a
15 voter registration application if applicant information does not exactly match state and
16 federal records down to a single hyphen or space, Georgia froze over 50,000 voter
17 registration applications before the 2018 election alone; an overwhelmingly large majority
18 of which were from minority voters; and

19 WHEREAS, versions of this discriminatory "exact match" policy were twice rejected when
20 Georgia was subject to preclearance; and

21 WHEREAS, minority voters in Georgia face a number of additional barriers to voting,
22 including insecure election systems, improperly rejected and untimely absentee ballots, and
23 long lines at polling places due to inadequate resources.

24 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
25 and directed the members of this body urge the federal government to once again require
26 Georgia to seek pre-approval of any changes in its elections in order to prevent the state from
27 implementing policies that discriminate against voters of color.

28 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
29 to make an appropriate copy of this resolution available for distribution to the President Pro
30 Tempore of the United States Senate, the Speaker of the United States House of
31 Representatives, the United States Attorney General, and each member of Congress from
32 Georgia.

Senate Bill 22

**Absentee Voting;
increased privacy and
security to electors in
mailing absentee
ballots to the board of
registrars**

Georgia General Assembly

2019-2020 Regular Session - SB 22 Absentee Voting; increased privacy and security to electors in mailing absentee ballots to the board of registrars; provide

Sponsored By

(1) James, Donzella 35th

(2) Rhett, Michael 'Doc' 33rd

(3) Jones II, Harold 22nd

Committees

SC: [Ethics](#)

HC:

First Reader Summary

A BILL to be entitled an Act to amend Article 10 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to absentee voting, so as to provide increased privacy and security to electors in mailing absentee ballots to the board of registrars or absentee ballot clerk; to remove the elector's oath and other identifying information of an elector from the larger outside mailing envelope and instead include such oath and identifying information on the smaller inside envelope that is mailed inside of such larger outside mailing envelope; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Jan/17/2019 - Senate Read and Referred

Jan/16/2019 - Senate Hopper

Versions

[As introduced LC 41 1650](#)

Senate Bill 22

By: Senators James of the 35th, Rhett of the 33rd and Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
2 relating to absentee voting, so as to provide increased privacy and security to electors in
3 mailing absentee ballots to the board of registrars or absentee ballot clerk; to remove the
4 elector's oath and other identifying information of an elector from the larger outside mailing
5 envelope and instead include such oath and identifying information on the smaller inside
6 envelope that is mailed inside of such larger outside mailing envelope; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 10 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
11 absentee voting, is amended by revising subsection (b) of Code Section 21-2-384, relating
12 to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and
13 persons assisting absentee electors, master list of ballots sent, challenges, and electronic
14 transmission of ballots, as follows:

15 "(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
16 office, in addition to the mailing envelope, the superintendent, board of registrars, or
17 absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such
18 size and shape as shall be determined by the Secretary of State, in order to permit the
19 placing of one within the other and both within the mailing envelope. On the smaller of
20 the two envelopes to be enclosed in the mailing envelope shall be printed the words
21 'Official Absentee Ballot' and ~~nothing else~~ the form of oath of the elector; the oath for
22 persons assisting electors, as provided for in Code Section 21-2-409; and the penalties
23 provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations
24 of oaths. On the ~~back face~~ of the larger of the two envelopes to be enclosed within the
25 mailing envelope shall be printed ~~the form of oath of the elector and the oath for persons~~
26 ~~assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for~~

19

LC 41 1650

27 ~~in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations of oaths; and~~
 28 ~~on the face of such envelope shall be printed~~ the name and address of the board of
 29 registrars or absentee ballot clerk. The mailing envelope addressed to the elector shall
 30 contain the two envelopes, the official absentee ballot, the uniform instructions for the
 31 manner of preparing and returning the ballot, in form and substance as provided by the
 32 Secretary of State, and a notice in the form provided by the Secretary of State of all
 33 withdrawn, deceased, and disqualified candidates and any substitute candidates pursuant
 34 to Code Sections 21-2-134 and 21-2-155 and nothing else. The uniform instructions shall
 35 include information specific to the voting system used for absentee voting concerning the
 36 effect of overvoting or voting for more candidates than one is authorized to vote for a
 37 particular office and information concerning how the elector may correct errors in voting
 38 the ballot before it is cast including information on how to obtain a replacement ballot if
 39 the elector is unable to change the ballot or correct the error."

40

SECTION 2.

41 Said article is further amended by revising subsection (a) of Code Section 21-2-385, relating
 42 to procedure for voting by absentee ballot and advance voting, as follows:

43 "(a) At any time after receiving an official absentee ballot, but before the day of the
 44 primary or election, except electors who are confined to a hospital on the day of the
 45 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
 46 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
 47 Ballot:' and the form of the oath of the elector; the name, relationship, and oath of the
 48 person assisting, if any; and other required identifying information. The elector shall then
 49 fill out, subscribe, and swear to the oath printed on such envelope. This envelope shall then
 50 be placed in the second one, ~~on which is printed the form of the oath of the elector, the~~
 51 ~~name, relationship, and oath of the person assisting, if any, and other required identifying~~
 52 ~~information. The elector shall then fill out, subscribe, and swear to the oath printed on such~~
 53 ~~envelope.~~ Such second envelope having the name and address of the board of registrars
 54 or absentee ballot clerk on its face shall then be securely sealed and the elector shall then
 55 mail or personally deliver same to the board of registrars or absentee ballot clerk, provided
 56 that delivery by a physically disabled elector may be made by any adult person upon
 57 satisfactory proof that such adult person is such elector's mother, father, grandparent, aunt,
 58 uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
 59 daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an
 60 individual residing in the household of such disabled elector. An elector who is confined
 61 to a hospital on a primary or election day to whom an absentee ballot is delivered by the
 62 registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and

19

LC 41 1650

63 return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first
64 time in this state by mail and has not previously provided the identification required by
65 Code Section 21-2-220 and votes for the first time by absentee ballot and fails to provide
66 the identification required by Code Section 21-2-220 with such absentee ballot, such
67 absentee ballot shall be treated as a provisional ballot and shall be counted only if the
68 registrars are able to verify the identification and registration of the elector during the time
69 provided pursuant to Code Section 21-2-419."

70

SECTION 3.

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

Senate Bill 30

**Elections; State
Election Board shall
provide by rule or
regulation for the
electronic return of
absentee ballots of
Uniformed and
Overseas Citizens**

**Absentee Voting Act by
fax or email; provide**

Georgia General Assembly

2019-2020 Regular Session - SB 30

Elections; State Election Board shall provide by rule or regulation for the electronic return of absentee ballots of Uniformed and Overseas Citizens Absentee Voting Act by fax or email; provide

Sponsored By

(1) Kirkpatrick, Kay 32nd
(4) Dugan, Mike 30th

(2) Thompson, Bruce 14th
(5) Harbison, Ed 15th

(3) Robertson, Randy 29th
(6) Stone, Jesse 23rd

Committees

SC: [Ethics](#)

HC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that the State Election Board shall provide by rule or regulation for the electronic return of absentee ballots of Uniformed and Overseas Citizens Absentee Voting Act electors by fax or by email, in addition to regular mail; to update a cross-reference; to provide for requirements and procedures; to provide for the counting of such ballots; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Jan/28/2019 - Senate Read and Referred
Jan/17/2019 - Senate Hopper

Versions



As introduced LC 28 8932

Senate Bill 30

By: Senators Kirkpatrick of the 32nd, Thompson of the 14th, Robertson of the 29th, Dugan of the 30th, Harbison of the 15th 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 primaries and elections generally, so as to provide that the State Election Board shall provide
3 by rule or regulation for the electronic return of absentee ballots of Uniformed and Overseas
4 Citizens Absentee Voting Act electors by fax or by email, in addition to regular mail; to
5 update a cross-reference; to provide for requirements and procedures; to provide for the
6 counting of such ballots; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
11 elections generally, is amended by revising subsection (e) of Code Section 21-2-384, relating
12 to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and
13 persons assisting absentee electors, master list of ballots sent, challenges, and electronic
14 transmission of ballots, as follows:

15 "(e)(1) The State Election Board shall by rule or regulation establish procedures for the
16 transmission of blank absentee ballots by mail and by electronic transmission ~~for~~ to all
17 electors who are entitled to vote by absentee ballot under the federal Uniformed and
18 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff, et seq.~~ 50 U.S.C.
19 Section 20301, et seq., as amended, and by which such electors may designate whether
20 the elector prefers the transmission of such ballots by mail or electronically. If no
21 preference is stated, the ballot shall be transmitted by mail. The State Election Board
22 shall by rule or regulation establish procedures to ensure to the extent practicable that the
23 procedures for transmitting such ballots shall protect the security and integrity of such
24 ballots and shall ensure that the privacy of the identity and other personal data of such
25 electors who are entitled to vote by absentee ballot under the federal Uniformed and
26 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff, et seq.~~ 50 U.S.C.

27 Section 20301, et seq., as amended, to whom a blank absentee ballot is transmitted under
 28 this Code section is protected throughout the process of such transmission.

29 (2) Not later than January 1, 2020, the State Election Board shall by rule or regulation
 30 establish procedures for electors who are entitled to vote by absentee ballot under the
 31 federal Uniformed and Overseas Citizens Absentee Voting Act, 50 U.S.C. Section 20301,
 32 et seq., to return such voted absentee ballots electronically by fax or by email, in addition
 33 to regular mail. Such rules and regulations shall provide for:

34 (A) To the extent practicable, the protection of the privacy, anonymity, and integrity
 35 of the ballots cast;

36 (B) The prevention of the casting of multiple ballots by the same elector in a primary,
 37 election, or runoff;

38 (C) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of
 39 such electronic return of voted ballots; and

40 (D) The capability of the elector to determine if the electronic transmission of the voted
 41 ballot by fax or email was successful.

42 Such rules or regulations shall provide that ballots returned electronically by fax or by
 43 email pursuant to this paragraph shall be processed and counted in a similar fashion to
 44 absentee ballots returned by regular mail."

45 **SECTION 2.**

46 Said chapter is further amended by repealing Code Section 21-2-387, relating to pilot
 47 program for electronic handling of absentee ballots, requirements for pilot program,
 48 reporting, and termination of pilot program, in its entirety.

49 **SECTION 3.**

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

Senate Bill 42

**Agreement Among the
States to Elect the
President by National
Popular Vote, enact**

Georgia General Assembly

2019-2020 Regular Session - SB 42 Agreement Among the States to Elect the President by National Popular Vote; enact

Sponsored By

(1) Henson, Steve 41st
(4) Jones, Emanuel 10th

(2) Jones II, Harold 22nd
(5) Parent, Elena 42nd

(3) Butler, Gloria 55th
(6) Seay, Valencia 34th

Committees

SC: [Ethics](#)

HC:

First Reader Summary

A BILL to be entitled an Act to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to enact the Agreement Among the States to Elect the President by National Popular Vote; to allow states to join together to establish an interstate compact to elect the president by national popular vote; to provide for the implementation of such compact; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/05/2019 - Senate Read and Referred
Jan/30/2019 - Senate Hopper

Versions



As introduced LC 28 9017

Senate Bill 42

By: Senators Henson of the 41st, Jones II of the 22nd, Butler of the 55th, Jones of the 10th, Parent of the 42nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 enact the Agreement Among the States to Elect the President by National Popular Vote; to
3 allow states to join together to establish an interstate compact to elect the president by
4 national popular vote; to provide for the implementation of such compact; to provide for
5 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
9 adding a new chapter to read as follows:

10 CHAPTER 6

11 21-6-1.

12 The Agreement Among the States to Elect the President by National Popular Vote is
13 enacted into law and entered into by this state with all other jurisdictions legally joining
14 therein in the form substantially as follows:

15 'AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY
16 NATIONAL POPULAR VOTE

17 ARTICLE I

18 Membership

19 Any state of the United States and the District of Columbia may become a member of this
20 agreement by enacting this agreement.

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ARTICLE II
Right of the People in Member
States to Vote for President and Vice President

Each member state shall conduct a state-wide popular election for President and Vice President of the United States.

ARTICLE III
Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a state-wide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate. The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner." The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner. At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state. The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress. In the event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state. If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall

55 immediately release to the public all vote counts or statements of votes as they are
 56 determined or obtained. This article shall govern the appointment of presidential electors
 57 in each member state in any year in which this agreement is, on July 20, in effect in states
 58 cumulatively possessing a majority of the electoral votes.

59 ARTICLE IV

60 Other Provisions

61 This agreement shall take effect when states cumulatively possessing a majority of the
 62 electoral votes have enacted this agreement in substantially the same form and the
 63 enactments by such states have taken effect in each state. Any member state may
 64 withdraw from this agreement, except that a withdrawal occurring six months or less
 65 before the end of a president's term shall not become effective until a president or vice
 66 president shall have been qualified to serve the next term. The chief executive of each
 67 member state shall promptly notify the chief executive of all other states of when this
 68 agreement has been enacted and has taken effect in that official's state, when the state has
 69 withdrawn from this agreement, and when this agreement takes effect generally. This
 70 agreement shall terminate if the electoral college is abolished. If any provision of this
 71 agreement is held invalid, the remaining provisions shall not be affected.

72 ARTICLE V

73 Definitions

74 For purposes of this chapter:

- 75 (1) "Chief election official" shall mean the state official or body that is authorized to
 76 certify the total number of popular votes for each presidential slate;
 77 (2) "Chief executive" shall mean the Governor of a state of the United States or the
 78 mayor of the District of Columbia;
 79 (3) "Elector slate" shall mean a slate of candidates who have been nominated in a state
 80 for the position of presidential elector in association with a presidential slate;
 81 (4) "Presidential elector" shall mean an elector for President or Vice President of the
 82 United States;
 83 (5) "Presidential elector certifying official" shall mean the state official or body that
 84 is authorized to certify the appointment of the state's presidential electors;
 85 (6) "Presidential slate" shall mean a slate of two persons, the first of whom has been
 86 nominated as a candidate for President of the United States and the second of whom has
 87 been nominated as a candidate for Vice President of the United States, or any legal

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LC 28 9017

88 successors to such persons, regardless of whether both names appear on the ballot
89 presented to the voters in a particular state;

90 (7) "State" shall mean a state of the United States and the District of Columbia; and

91 (8) "State-wide popular election" shall mean a general election in which votes are cast
92 for presidential slates by individual voters and counted on a state-wide basis.'

93 21-6-2.

94 Until the Agreement Among the States to Elect the President by National Popular Vote
95 provided for in Code Section 21-6-1 becomes effective or if at any time such agreement
96 ceases to be effective for any reason, presidential electors shall be selected as provided in
97 Chapter 2 of this title."

98

SECTION 2.

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

Senate Bill 98

**Elections and
Primaries; ranked
voting for runoffs by
overseas citizens and
military personnel,
authorize**

Georgia General Assembly

2019-2020 Regular Session - SB 98 Elections and Primaries; ranked voting for runoffs by overseas citizens and military personnel; authorize

Sponsored By

(1) Stone, Jesse 23rd
(4) Mullis, Jeff 53rd

(2) Dugan, Mike 30th
(5) Kirk, Greg 13th

(3) Miller, Butch 49th
(6) Watson, Ben 1st

Committees

SC: [Ethics](#)

HC:

First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to authorize the use of ranked voting for runoffs by overseas citizens and military personnel; to provide for special absentee ballots for such purpose; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

Feb/14/2019 - Senate Read and Referred
Feb/13/2019 - Senate Hopper

Versions



As introduced LC 28 9153

Senate Bill 98

By: Senators Stone of the 23rd, Dugan of the 30th, Miller of the 49th, Mullis of the 53rd,
Kirk of the 13th 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 authorize the use of ranked voting for runoffs by
3 overseas citizens and military personnel; to provide for special absentee ballots for such
4 purpose; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended in Code Section 21-2-384, relating to preparation and
9 delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting
10 absentee electors, master list of ballots sent, challenges, and electronic transmission of
11 ballots, by adding a new subsection to read as follows:

12 "(f)(1) The Secretary of State shall prepare special absentee ballots for general primary
13 runoffs and general election runoffs for use by qualified electors who are entitled to vote
14 by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting
15 Act, 42 U.S.C. Section 1973ff, et seq., as amended.

16 (2) Such special absentee ballot for the general primary runoff shall contain a list of the
17 titles of all offices being contested at the general primary and the candidates qualifying
18 for such general primary for each office and shall permit the elector to vote in the general
19 primary runoff by indicating his or her order of preference for each candidate for each
20 office. A separate ballot shall be prepared for each political party.

21 (3) Such special absentee ballot for the general election runoff shall contain a list of the
22 titles of all offices being contested at the general election and the candidates qualifying
23 for such general election for each office and shall permit the elector to vote in the general
24 election runoff by indicating his or her order of preference for each candidate for each
25 office.

26 (4) To indicate his or her order of preference for each candidate for each office to be
 27 voted on, the elector shall put the numeral '1' next to the name of the candidate who is the
 28 elector's first choice, the numeral '2' for his or her second choice, and so forth, so that, in
 29 consecutive numerical order, a numeral indicating the elector's preference is written by
 30 the elector next to each candidate's name on the ballot. The elector shall not be required
 31 to indicate his or her preference for more than one candidate on the ballot if such elector
 32 so chooses. Such ballot shall be of a distinctive color different from the other ballots
 33 used in the general primary, general election, and runoffs. The Secretary of State shall
 34 also prepare instructions for use of the special absentee ballot, including instructions for
 35 voting by mail using an electronically transmitted ballot. Such ballot shall be returned
 36 by the elector in the same manner as other absentee ballots by such electors who are
 37 entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens
 38 Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

39 (5) A special general primary run-off ballot shall be enclosed with each general primary
 40 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal
 41 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et
 42 seq., as amended, along with instructions on how to vote the special absentee ballot and
 43 the two envelopes to be used in returning such special general primary run-off ballot as
 44 provided in subsection (b) of this Code section, provided that the envelopes shall bear the
 45 notation of 'Official Special General Primary Run-off Ballot.' The elector shall be sent
 46 only the ballots containing the candidates of the political party in whose primary such
 47 elector desires to vote.

48 (6) A special general election run-off ballot shall be enclosed with each general election
 49 absentee ballot sent to an elector entitled to vote by absentee ballot under the federal
 50 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et
 51 seq., as amended, along with instructions on how to vote the special absentee ballot and
 52 the two envelopes to be used in returning such special general election run-off ballot as
 53 provided in subsection (b) of this Code section, provided that the envelopes shall bear the
 54 notation of 'Official Special General Election Run-off Ballot.'

55 **SECTION 2.**

56 Said chapter is further amended in Code Section 21-2-386, relating to safekeeping,
 57 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
 58 manager, duties of managers, precinct returns, and notification of challenged elector, by
 59 adding a new subsection to read as follows:

60 "(g)(1) When an elector who is entitled to vote by absentee ballot under the federal
 61 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et

62 seq., as amended, returns a special absentee ballot for a general primary runoff or general
63 election runoff as provided in subsection (f) of Code Section 21-2-384 and such ballot is
64 accepted by the board of registrars or absentee ballot clerk, the board of registrars or
65 absentee ballot clerk shall keep such ballot safe, unopened, and stored in a manner that
66 will prevent tampering and unauthorized access to such ballot until the time for counting
67 such ballot for the respective runoff. If a runoff following a primary or election is not
68 held, such ballot shall remain unopened with the other ballots from the primary or
69 election for the same period as such other ballots and shall be disposed of in a similar
70 manner as for the other ballots.

71 (2) At the time for counting absentee ballots for the general primary runoff or general
72 election runoff, all special general primary runoff absentee ballots or special general
73 election runoff absentee ballots, as appropriate, shall be delivered with the other absentee
74 ballots to the poll manager in charge of counting absentee ballots. Such special absentee
75 ballots shall be counted by hand, and the results thereof shall be added to the totals for
76 the other absentee ballots.

77 (3) In counting the special run-off ballots, one of the poll officers shall open the envelope
78 containing the special run-off ballot and read aloud the numerals indicated next to the
79 names of the candidates in the general primary runoff or in the general election runoff,
80 as the case may be. Two clerks or poll officers shall record the votes. The candidate in
81 the runoff to whom the elector has assigned the highest rank shall receive the vote. The
82 candidate assigned the numeral '1' shall be the highest ranked candidate, the candidate
83 assigned the numeral '2' shall be the next highest ranked candidate, and so forth. The
84 Secretary of State shall prepare instructions for opening, counting, and canvassing special
85 run-off ballots and provide such instructions to each county election superintendent. The
86 State Election Board shall promulgate such rules and regulations concerning the
87 procedures for counting such ballots as may be necessary."

88

SECTION 3.

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

Senate Resolution 18

**Secretary of State;
vacancy in the office of
Secretary of State
upon qualifying for
election to another
federal, state, county,
or municipal elective
office; provide**

19

LC 47 0026

Senate Resolution 18

By: Senators Lucas of the 26th, Butler of the 55th, Jones of the 10th, Henson of the 41st,
Seay of the 34th and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the vacancy in the office
2 of Secretary of State upon the Secretary of State qualifying for election to another federal,
3 state, county, or municipal elective office; to provide for the submission of this amendment
4 for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article V, Section III of the Constitution is amended by adding a new Paragraph V as
8 follows:

9 "Paragraph V. *Vacancy created by Secretary of State qualifying for election.* The office
10 of Secretary of State shall be declared vacant upon the Secretary of State qualifying, in a
11 general primary or general election, or special primary or special election, for any other state,
12 county, or municipal elective office, or qualifying for election to the United States House of
13 Representatives or the United States Senate. The vacancy created in any such office shall
14 be filled as provided by this Constitution or any general law."

15 SECTION 2.

16 The above proposed amendment to the Constitution shall be published and submitted as
17 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
18 above proposed amendment shall have written or printed thereon the following:

19 "() YES Shall the Constitution of Georgia be amended so as to provide for the
20 Secretary of State to automatically leave office upon qualifying for election
21 () NO to any other office?"

22 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
23 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
24 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
25 become a part of the Constitution of this state.

19

LC 47 0026

Senate Resolution 18

By: Senators Lucas of the 26th, Butler of the 55th, Jones of the 10th, Henson of the 41st,
Seay of the 34th and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the vacancy in the office
2 of Secretary of State upon the Secretary of State qualifying for election to another federal,
3 state, county, or municipal elective office; to provide for the submission of this amendment
4 for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article V, Section III of the Constitution is amended by adding a new Paragraph V as
8 follows:

9 "Paragraph V. *Vacancy created by Secretary of State qualifying for election.* The office
10 of Secretary of State shall be declared vacant upon the Secretary of State qualifying, in a
11 general primary or general election, or special primary or special election, for any other state,
12 county, or municipal elective office, or qualifying for election to the United States House of
13 Representatives or the United States Senate. The vacancy created in any such office shall
14 be filled as provided by this Constitution or any general law."

15 SECTION 2.

16 The above proposed amendment to the Constitution shall be published and submitted as
17 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
18 above proposed amendment shall have written or printed thereon the following:

19 "() YES Shall the Constitution of Georgia be amended so as to provide for the
20 Secretary of State to automatically leave office upon qualifying for election
21 () NO to any other office?"

22 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
23 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
24 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
25 become a part of the Constitution of this state.

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE

02/26/2019

AGENDA ITEM #

New Business Six (6)

PRESENTER(S)

Floyd L. Jones, Director

TYPE OF REQUEST

New Business

WORDING FOR THE AGENDA

Discussion concerning Precincts #20 and #33 and the possibility of using Southside Church as a polling location for Precinct #33.

BACKGROUND / HISTORY / DETAILS

Fayette County currently utilizes Evergreen Church as the polling place for both Precinct #20 and Precinct #33.

This discussion will provide information why this arrangement is in place, potential problems, and potential resolutions.

SPECIFIC ACTION / DIRECTION SOUGHT

Staff seeks Board direction on this matter.

Precincts 20 and 33:

In 2016, Fayette County lost the ability to use a church in Precinct #33- Camp Creek.

This was an unexpected loss since the church was going through renovations and, after the renovations were completed, the church informed the Elections Office it could no longer use its facilities for election purposes.

Staff negotiated with the Evergreen Church located in Precinct #20 in order to allow the voters from both precincts to vote at the one location. This effort was also approved by the Secretary of State's Office.

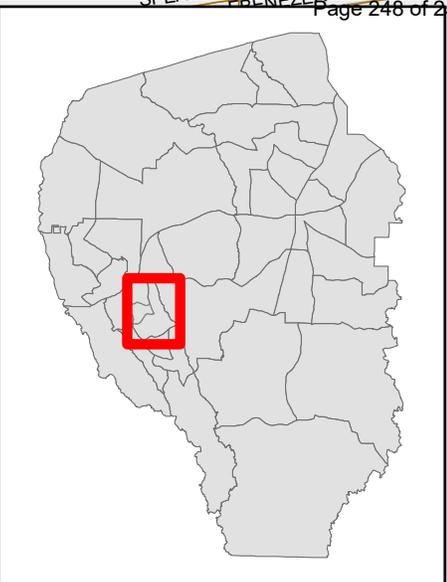
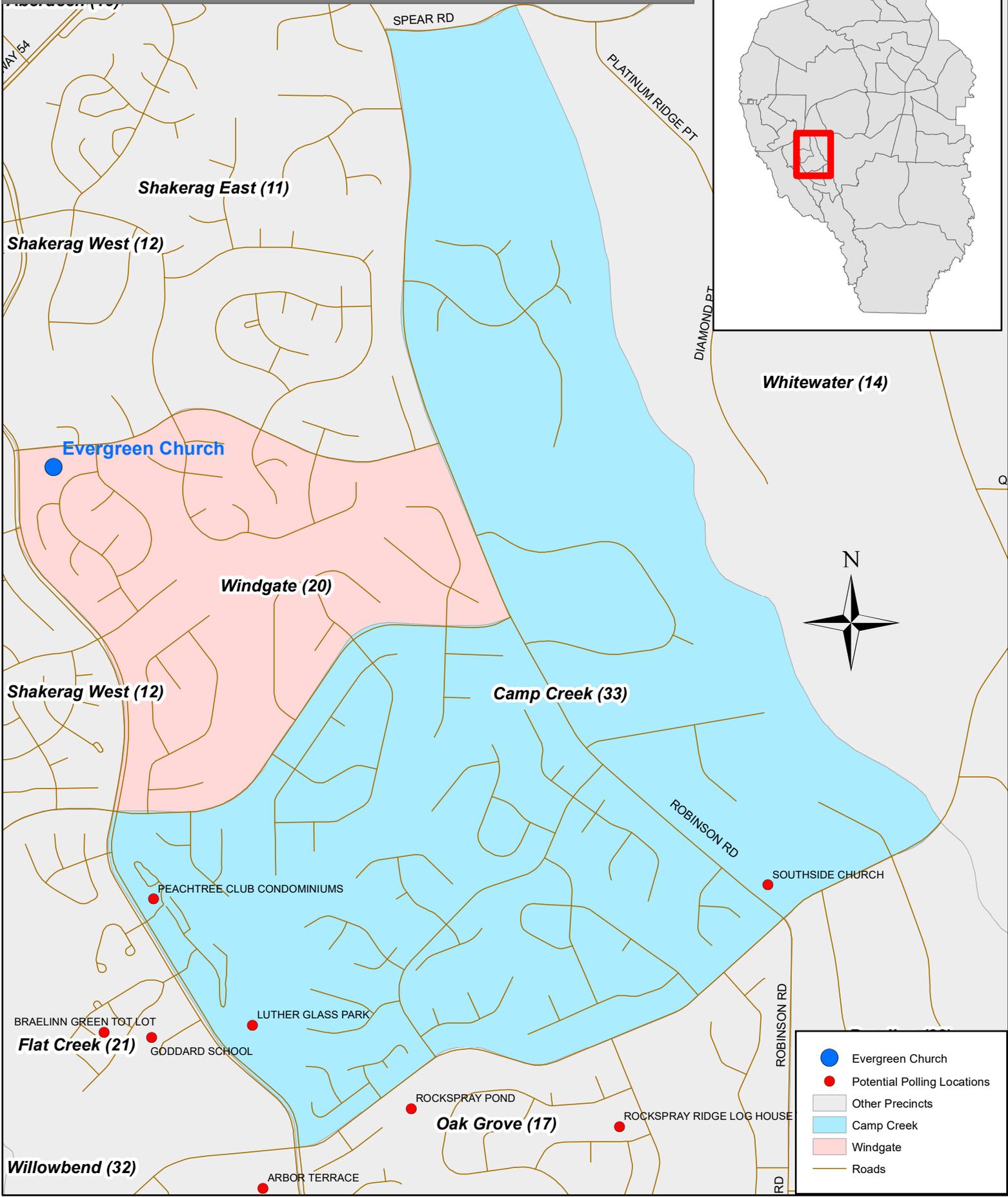
At the time, it was understood that the joint precinct was temporary in nature until a new location could be identified for the voters at Precinct #33.

In 2017, efforts were made to move the Precinct #33 voters out of the Evergreen Church, however, no suitable location was discovered accommodate the voters in Precinct #33. There was a possibility of working with Southside Church located in the southeastern part of the precinct. In 2017, the church was home to Landmark Christian School's Peachtree City campus and- therefore- could not accommodate Elections. The church did inform Mrs. Leigh Combs that the school would move out soon and that, upon that occurrence, the church would be open to be used as an Elections site.

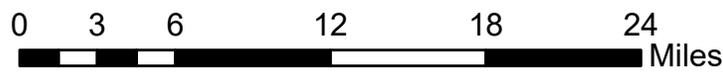
The Elections Office has also been working with the I/T- GIS Department to determine if there are any other locations for potential use. GIS has made some discoveries, however, none seem as promising as the church.

Upon the approval of the Board of Elections and, based on any given changes of laws at the Georgia General Assembly, staff requests the authority to approach Southside Church to determine if they are still willing to provide their facility for voting. Staff also seeks direction on how much money can be authorized for rent.

Camp Creek and Windgate Voting Precincts



- Evergreen Church
- Potential Polling Locations
- Other Precincts
- Camp Creek
- Windgate
- Roads



BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Follow-up concerning the Election Director's meeting with the Brooks' Town Council.

BACKGROUND / HISTORY / DETAILS

Elections Director Floyd Jones met with the Brooks Town Council in January 2019, during an open meeting, to discuss why the Brooks precinct had so many problems during the November election.

This item to to follow up on the meeting and to bring additional information on voter turnout in the Brooks precinct.

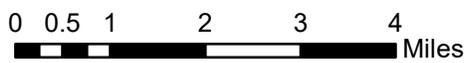
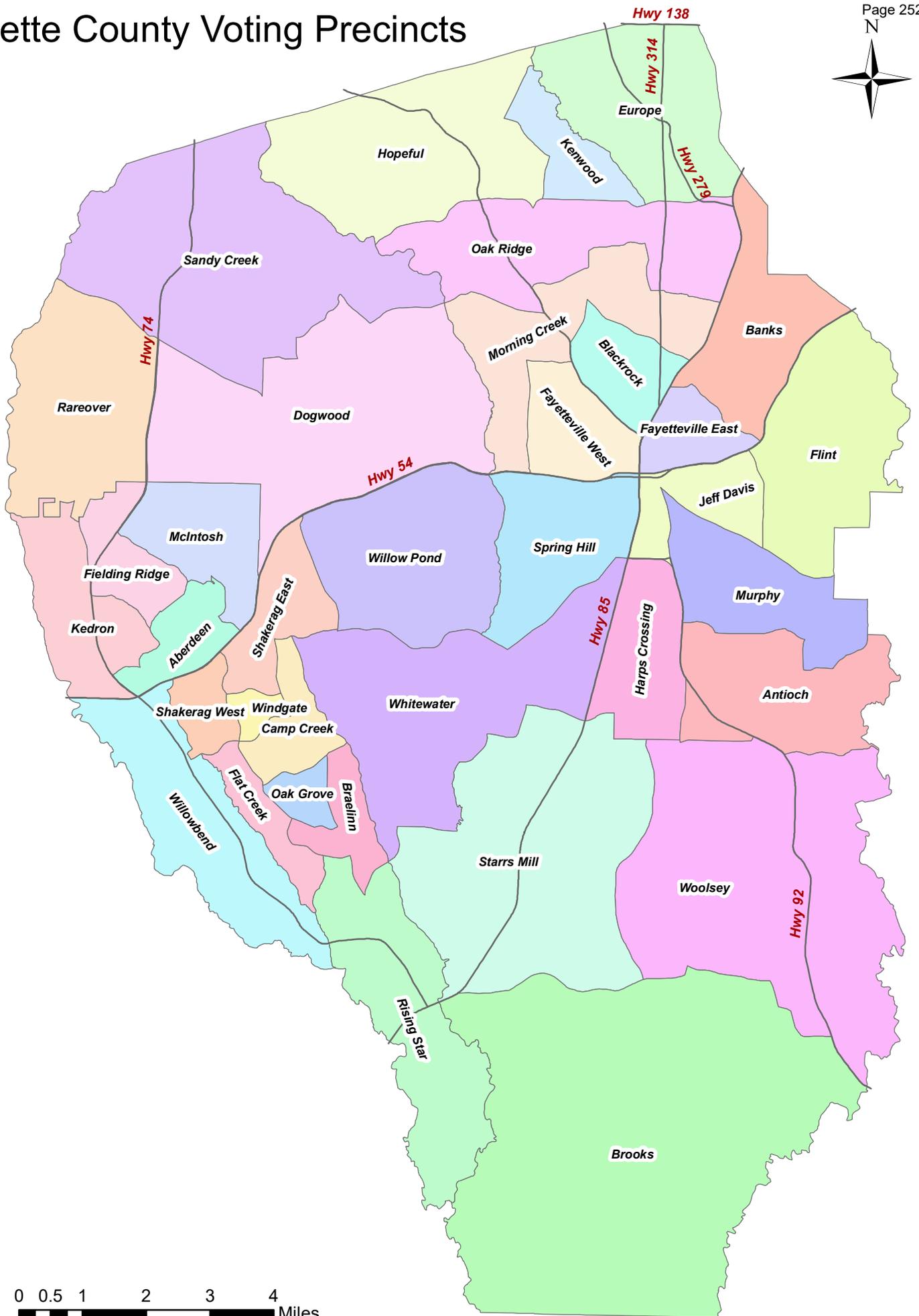
SPECIFIC ACTION / DIRECTION SOUGHT

Staff seeks Board direction on this matter.

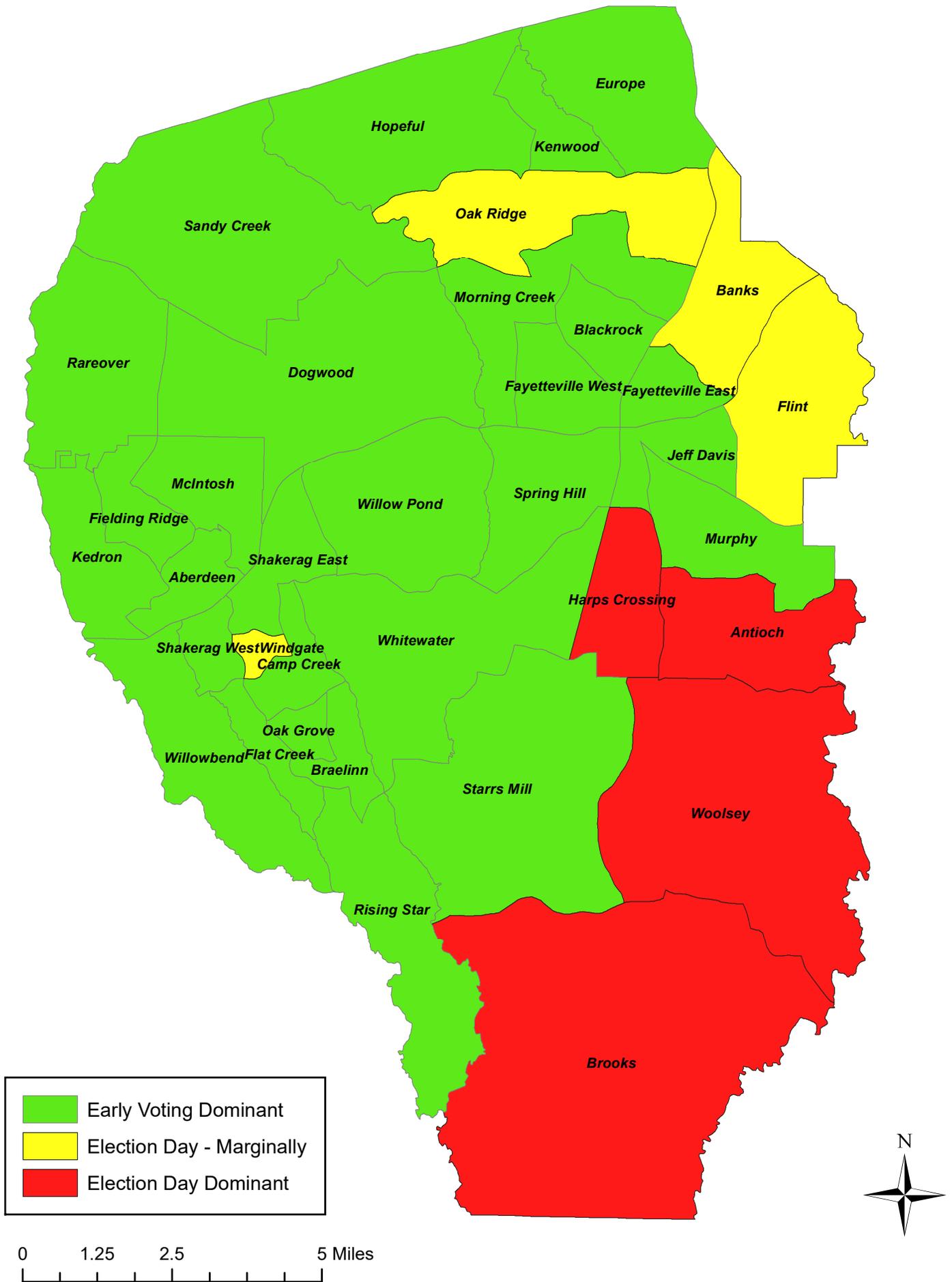
November 2018 General Election Governor's Election

Precinct Name	Total Registered Voters by Precinct	Election Day Total	Absentee by Mail	Absentee in Person	Percentage AIP	Difference AIP vs. Election Day Turnout
RAREOVER	2,782	514	53	1,393	50%	(879)
SHAKERAG WEST	1,201	227	30	597	50%	(370)
MCINTOSH	3,130	630	93	1,444	46%	(814)
SANDY CREEK	4,220	879	131	1,945	46%	(1,066)
DOGWOOD	2,684	716	70	1,178	44%	(462)
ABERDEEN	1,689	380	27	724	43%	(344)
EUROPE	3,037	816	160	1,298	43%	(482)
BRAELINN	1,818	501	51	777	43%	(276)
CAMP CREEK	1,823	456	57	765	42%	(309)
FIELDING RIDGE	3,338	912	102	1,383	41%	(471)
WILLOWBEND	1,818	439	41	749	41%	(310)
BLACKROCK	2,505	673	146	999	40%	(326)
SPRING HILL	2,923	820	97	1,119	38%	(299)
RISING STAR	3,504	1,057	105	1,285	37%	(228)
STARRSMILL	3,373	1,073	108	1,225	36%	(152)
WHITewater	3,368	1,005	107	1,214	36%	(209)
MORNING CREEK	2,856	879	119	1,019	36%	(140)
KENWOOD	939	328	35	335	36%	(7)
KEDRON	3,682	918	91	1,304	35%	(386)
WILLOW POND	2,694	799	98	947	35%	(148)
OAK GROVE	1,287	382	29	452	35%	(70)
HOPEFUL	1,954	643	44	675	35%	(32)
WINDGATE	949	348	12	326	34%	22
MURPHY	2,998	990	91	1,022	34%	(32)
FLAT CREEK	1,960	503	78	662	34%	(159)
JEFF DAVIS	2,665	643	96	874	33%	(231)
FAYETTEVILLE EAST	1,876	482	63	615	33%	(133)
SHAKERAG EAST	1,474	463	29	482	33%	(19)
OAK RIDGE	2,055	698	76	656	32%	42
BANKS	1,558	533	50	491	32%	42
FLINT	1,554	534	57	489	31%	45
FAYETTEVILLE WEST	1,931	572	60	591	31%	(19)
HARPS CROSSING	1,552	608	43	454	29%	154
ANTIOCH	1,842	751	47	489	27%	262
WOOLSEY	2,390	998	82	582	24%	416
BROOKS	2,334	1,072	69	513	22%	559
Total:	83,763	24,242	2,647	31,073	37%	
Election Day	24,242			28	Precincts Had More AIP than on Election Day	
Absentee by Mail	2,647			8	Precincts Had More Vote on Election Day	
Absentee In Person	31,073					
Provisional	36					
Total	57,998					

Fayette County Voting Precincts



Fayette County Voting Precincts 2018



Fayette County Voting Precincts 2018

