

Senate Bill 189

By: Senators Burns of the 23rd, Dolezal of the 27th, Brass of the 28th, Anavitarte of the 31st,  
Moore of the 53rd and others

**AS PASSED**

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 remove the Secretary of State from the State  
3 Election Board; to provide additional conflict of interest provisions for state-wide and local  
4 election officers, officials, and employees relating to businesses providing goods and services  
5 related to voting equipment or any other equipment related to the tabulation, auditing,  
6 processing, or scanning of ballots; to provide for ballot access to certain political parties or  
7 political bodies relating to nomination of presidential electors and candidates; to provide for  
8 definitions; to revise provisions for determining residency for election purposes; to revise  
9 provisions related to challenging electors; to provide that the text portions or machine marks  
10 on ballots produced by ballot marking devices shall be counted for vote tabulation and  
11 recount purposes instead of any machine coding; to authorize the use of physical ballots in  
12 certain circumstances; to provide for chain of custody and related procedures for absentee  
13 ballots; to provide timelines for the tabulation of absentee ballots and ballots cast by advance  
14 voting; to provide procedures for requesting high resolution scanned images of ballots; to  
15 provide for a pilot program to audit paper ballots using optical character recognition; to  
16 revise a timing limitation on holding certain special elections in conjunction with certain  
17 state-wide primaries or elections; to provide for related matters; to provide effective dates;  
18 to repeal conflicting laws; and for other purposes.

S. B. 189

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
22 primaries generally, is amended in Code Section 21-2-30, relating to creation, membership,  
23 terms of service, vacancies, quorum, bylaws, meetings, and executive director, by revising  
24 subsections (d) and (f) as follows:

25 ~~"(d) The Secretary of State shall be an ex officio nonvoting member of the board. Three~~  
26 ~~voting members of the board shall constitute a quorum, and no vacancy on the board shall~~  
27 ~~impair the right of the quorum to exercise all the powers and perform all the duties of the~~  
28 ~~board. The board shall adopt a seal for its use and bylaws for its own government and~~  
29 ~~procedure."~~

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

35 **SECTION 2.**

36 Said chapter is further amended in Code Section 21-2-35, relating to emergency rules and  
37 regulations, imminent peril requirement, and procedures, by revising paragraph (2) of  
38 subsection (a) as follows:

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

42 (A) The Governor;

43 (B) The Lieutenant Governor;

- 44 (C) The Speaker of the House of Representatives;
- 45 (D) The chairpersons of the standing committees of each house of the General
- 46 Assembly tasked with election matters;
- 47 (E) The Secretary of State;
- 48 ~~(E)~~(F) Legislative counsel; and
- 49 ~~(F)~~(G) The chief executive officer of each political party registered pursuant to
- 50 subsection (a) of Code Section 21-2-110; and"

51 **SECTION 3.**

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

53 "21-2-19.

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

55 (1) 'Business' means any corporation, partnership, proprietorship, firm, enterprise,

56 franchise, association, organization, self-employed individual, trust, or other legal entity.

57 (2) 'Family' means spouse and dependents.

58 (3) 'Full-time' means 30 hours of work for the state per week for more than 26 weeks per

59 calendar year.

60 (4) 'Part-time' means any amount of work other than full-time work.

61 (5) 'Substantial interest' means the direct or indirect ownership of more than 5 percent

62 of the assets or stock of any business.

63 (6) 'Transact business' or 'transact any business' means to sell or lease any personal

64 property, real property, or services on behalf of oneself or on behalf of any third party as

65 an agent, broker, dealer, or representative and to purchase surplus real or personal

66 property on behalf of oneself or on behalf of any third party as an agent, broker, dealer,

67 or representative.

68 (b) In addition to and notwithstanding any contrary provisions of Chapter 10 of Title 45,

69 it shall be unlawful for any member of the State Board of Elections, the Secretary of State,

70 a county or municipal superintendent or registrar, or any full-time, part-time, or contractual  
71 employee of such officer or official, for himself or herself or on behalf of any business, or  
72 for any business in which such officer, official, or employee or member of his or her family  
73 has a substantial interest to transact any business with a business that has contracted with  
74 the state, or any county or municipal government, to provide goods or services related to  
75 voting equipment or any other equipment related to the tabulation, auditing, processing, or  
76 scanning of ballots."

77 **SECTION 3.1.**

78 Code Section 21-2-172 of the Official Code of Georgia Annotated, relating to nomination  
79 of presidential electors and candidates of political bodies by convention, is amended by  
80 adding a new subsection to read as follows:

81 "(g) Notwithstanding any provision of law to the contrary, any political party or political  
82 body which has obtained ballot access in no fewer than 20 states or territories for the office  
83 of presidential elector shall be allowed to qualify candidates for presidential elector and  
84 receive access to the general election ballot for the purpose of election of the office of  
85 presidential elector."

86 **SECTION 4.**

87 Said chapter is further amended by revising Code Section 21-2-217, relating to rules for  
88 determining residence, as follows:

89 "21-2-217.

90 (a) In determining the residence of a person desiring to register to vote or to qualify to run  
91 for elective office, the following rules shall be followed so far as they are applicable:

92 (1) The residence of any person shall be held to be in that place in which such person's  
93 habitation is fixed, without any present intention of removing therefrom;

94 (1.1) The mailing address for election purposes of any person of this state who is  
95 homeless and without a permanent address shall be the registrar's office of the county in  
96 which such person resides;

97 (2) A person shall not be considered to have lost such person's residence who leaves such  
98 person's home and goes into another state or county or municipality in this state, for  
99 temporary purposes only, with the intention of returning, unless such person shall register  
100 to vote or perform other acts indicating a desire to change such person's citizenship and  
101 residence; provided, however, that:

102 (A) If a person registers to vote in another state, county, municipality, or legislative  
103 district of any type or sort, that person shall be deemed to have changed his or her  
104 residency;

105 (B) If a person returns to his or her original or new residence after voting or registering  
106 to vote in a different or separate jurisdiction, such person shall update their voter  
107 registration with their current residency jurisdiction in order to be deemed a valid  
108 registered elector and resident of such jurisdiction for voting purposes; and

109 (C) Proof of ownership or rental of a post office box or private mailbox service address  
110 within a particular jurisdiction shall not constitute sufficient grounds to establish a  
111 person's residency within that particular jurisdiction;

112 (3) A person shall not be considered to have gained a residence in any county or  
113 municipality of this state into which such person has come for temporary purposes only  
114 without the intention of making such county or municipality such person's permanent  
115 place of abode;

116 (4) If a person removes to another state with the intention of making it such person's  
117 residence, such person shall be considered to have lost such person's residence in this  
118 state;

- 119 (4.1) If a person removes to another county or municipality in this state with the  
120 intention of making it such person's residence, such person shall be considered to have  
121 lost such person's residence in the former county or municipality in this state;
- 122 (5) If a person removes to another state with the intention of remaining there an  
123 indefinite time and making such state such person's place of residence, such person shall  
124 be considered to have lost such person's residence in this state, notwithstanding that such  
125 person may intend to return at some indefinite future period;
- 126 (6) If a person removes to another county or municipality within this state with the  
127 intention of remaining there an indefinite time and making such other county or  
128 municipality such person's place of residence, such person shall be considered to have  
129 lost such person's residence in the former county or municipality, notwithstanding that  
130 such person may intend to return at some indefinite future period;
- 131 (7) The residence for voting purposes of a person shall not be required to be the same as  
132 the residence for voting purposes of his or her spouse;
- 133 (8) No person shall be deemed to have gained or lost a residence by reason of such  
134 person's presence or absence while enrolled as a student at any college, university, or  
135 other institution of learning in this state;
- 136 (9) The mere intention to acquire a new residence, without the fact of removal, shall  
137 avail nothing; neither shall the fact of removal without the intention;
- 138 (10) No member of the armed forces of the United States shall be deemed to have  
139 acquired a residence in this state by reason of being stationed on duty in this state;
- 140 (11) If a person removes to the District of Columbia or other federal territory, another  
141 state, or foreign country to engage in government service, such person shall not be  
142 considered to have lost such person's residence in this state during the period of such  
143 service; and the place where the person resided at the time of such person's removal shall  
144 be considered and held to be such person's place of residence;

145 (12) If a person is adjudged mentally ill and is committed to an institution for the  
146 mentally ill, such person shall not be considered to have gained a residence in the county  
147 in which the institution to which such person is committed is located;

148 (13) If a person goes into another state and while there exercises the right of a citizen by  
149 voting, such person shall be considered to have lost such person's residence in this state;

150 (14) The specific address in the county or municipality in which a person has declared  
151 a homestead exemption, if a homestead exemption has been claimed, shall be deemed the  
152 person's residence address; and

153 (15) For voter registration purposes, the board of registrars and, for candidacy residency  
154 purposes, the Secretary of State, election superintendent, or hearing officer may consider  
155 evidence of where the person receives significant mail such as personal bills and any  
156 other evidence that indicates where the person resides.

157 (b) In determining a voter's qualification to register and vote, the registrars to whom such  
158 application is made shall consider, in addition to the applicant's expressed intent, any  
159 relevant circumstances determining the applicant's residence. The registrars taking such  
160 registration may consider the applicant's financial independence, business pursuits,  
161 employment, income sources, residence for income tax purposes, age, marital status,  
162 residence of parents, spouse, and children, if any, leaseholds, sites of personal and real  
163 property owned by the applicant, motor vehicle and other personal property registration,  
164 National Change of Address program information sponsored by the United States Postal  
165 Service, and other such factors that the registrars may reasonably deem necessary to  
166 determine the qualification of an applicant to vote in a primary or election. The decision  
167 of the registrars to whom such application is made shall be presumptive evidence of a  
168 person's residence for voting purposes."

169

**SECTION 5.**

170 Said chapter is further amended by revising subsection (b) of Code Section 21-2-230, relating  
171 to challenge of persons on list of electors by other electors, procedure, hearing, and right of  
172 appeal, and by adding a new subsection to read as follows:

173 "(b) Upon the filing of such challenge, the board of registrars shall immediately consider  
174 such challenge and determine whether probable cause exists to sustain such challenge. If  
175 the registrars do not find probable cause, the challenge shall be denied. If the registrars  
176 find probable cause, the registrars shall notify the poll officers of the challenged elector's  
177 precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the  
178 absentee ballot precinct and, if practical, notify the challenged elector and afford such  
179 elector an opportunity to answer. Probable causes shall include, but not be limited to, an  
180 elector who is deceased; an elector voting or registering to vote in a different jurisdiction;  
181 an elector obtaining a homestead exemption in a different jurisdiction; or an elector being  
182 registered at a nonresidential address as confirmed or listed by or in a government office,  
183 data base, website, or publicly available sources derived solely from such governmental  
184 sources. If a challenged elector's name appears on the National Change of Address data  
185 base, as maintained by the United States Postal Service, as having changed such elector's  
186 residence to a different jurisdiction, the presence of such elector's name on such data base  
187 shall be insufficient cause to sustain the challenge against the elector unless additional  
188 evidence would indicate that the elector has lost his or her residency as determined  
189 pursuant to Code Section 21-2-217; provided, however, that:

190 (1) Any challenge of an elector within 45 days of a primary, run-off primary, election,  
191 or run-off election shall be postponed until the certification of such primary, election, or  
192 runoff is completed; and

193 (2) Any challenge of an elector who is determined eligible pursuant to the residency  
194 determinations provided for in paragraph (8), (10), or (11) of subsection (a) of Code  
195 Section 21-2-217 shall be deemed insufficient to sustain such challenge."



196 "(k) Any challenge of an elector that occurs during a primary or general election shall  
197 continue through the run-off primary or run-off election of such primary or general  
198 election."

199

**SECTION 6.**

200 Said chapter is further amended in Code Section 21-2-300, relating to provision of new  
201 voting equipment by state, uniform system for all elections to be conducted with the use of  
202 scanning ballots marked by electronic ballot markers, pilot programs, county responsibilities,  
203 education, and county and municipal contracts for equipment, by adding a new subsection  
204 to read as follows:

205 "(f)(1) Notwithstanding any provision of this Code section to the contrary, provided that  
206 the county election superintendent has petitioned and received the approval of the State  
207 Election Board at least 10 days prior to the beginning of advance voting, in any election  
208 with less than 5,000 registered electors, such superintendent may provide the electors  
209 physical ballots on the same type of ballot that is used for absentee ballots pursuant to  
210 subsection (a) of Code Section 21-2-383 and allow electors to mark their ballot using a  
211 pen, pencil, or similar non-electronic writing tool as an alternative to using electronic  
212 ballot marking devices.

213 (2) Such physical ballots may only be used to conduct:

214 (A) Special primaries, special elections, or runoffs thereof for county offices; or

215 (B) Special elections to present a question to the voters of a county.

216 Furthermore, such primary, special primary, election, or special election shall occur  
217 independently and apart from a presidential preference primary, state-wide general  
218 primary, state-wide special primary, state-wide general election, or state-wide special  
219 election."

220 **SECTION 7.**

221 Said chapter is further amended in Code Section 21-2-379.23, relating to requirements for  
222 ballot display, role of Secretary of State, and printed paper ballot controls during recount, by  
223 revising subsection (d) as follows:

224 "(d) The text portion of the paper ballot marked and printed by the electronic ballot marker  
225 indicating the elector's selection shall constitute the official ballot and shall be used for, and  
226 govern the result in, constitute the official vote for purposes of vote tabulation, any recount  
227 conducted pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code  
228 Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon  
229 the text portion or the machine mark, provided that such mark clearly denotes the elector's  
230 selection and does not use a QR code, bar code, or similar coding, of such ballots and not  
231 any machine coding that may be printed on such ballots."

232 **SECTION 8.**

233 Said chapter is further amended in Code Section 21-2-386, relating to safekeeping,  
234 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to  
235 location designated by superintendent, duties of superintendent and managers, precinct  
236 returns, report of returns of verified and accepted absentee ballots cast as soon as possible  
237 following closing of polls, notification of challenged elector, and unlawful disclosure of  
238 tabulation results, by revising paragraph (3) of subsection (a) as follows:

239 "(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on  
240 the day of the primary, election, or runoff begin tabulating the absentee ballots; provided,  
241 however, that all absentee ballots that have been verified and accepted pursuant to  
242 subparagraph (a)(1)(B) of this Code section by the Monday prior to the day of the  
243 primary, election, or runoff shall be tabulated and the results reported by no later than  
244 8:00 P.M. on the day of such primary, election, or runoff or within one hour of the  
245 closing of all polls in such county, whichever occurs later. If the county election

246 superintendent chooses to open the inner envelopes and begin tabulating such ballots  
247 prior to the close of the polls on the day of the primary, election, or runoff, the  
248 superintendent shall notify in writing, at least seven days prior to the primary, election,  
249 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot  
250 tabulation prior to the close of the polls. The county executive committee or, if there is  
251 no organized county executive committee, the state executive committee of each political  
252 party and political body having candidates whose names appear on the ballot for such  
253 election in such county shall have the right to designate two persons and each  
254 independent and nonpartisan candidate whose name appears on the ballot for such  
255 election in such county shall have the right to designate one person to act as monitors for  
256 such process. In the event that the only issue to be voted upon in an election is a  
257 referendum question, the superintendent shall also notify in writing the chief judge of the  
258 superior court of the county who shall appoint two electors of the county to monitor such  
259 process."

260

**SECTION 9.**

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

267 "21-2-386.

268 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,  
269 and stored in a manner that will prevent tampering and unauthorized access to and shall  
270 document authorized access to all official absentee ballots received from absentee

271 electors prior to the closing of the polls on the day of the primary or election except as  
272 otherwise provided in this subsection.

273 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
274 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
275 number of the elector's Georgia driver's license number or state identification card  
276 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the  
277 absentee ballot envelope with the same information contained in the elector's voter  
278 registration records. If the elector has affirmed on the envelope that he or she does not  
279 have a Georgia driver's license or state identification card issued pursuant to Article 5  
280 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the  
281 elector's social security number and date of birth entered on the envelope with the same  
282 information contained in the elector's voter registration records. The registrar or clerk  
283 shall also confirm that the elector signed the oath and the person assisting the elector,  
284 if any, signed the required oath. If the elector has signed the elector's oath, the person  
285 assisting has signed the required oath, if applicable, and the identifying information  
286 entered on the absentee ballot envelope matches the same information contained in the  
287 elector's voter registration record, the registrar or clerk shall so certify by signing or  
288 initialing his or her name below the voter's oath. Each elector's name so certified shall  
289 be listed by the registrar or clerk on the numbered list of absentee voters prepared for  
290 his or her precinct. All accepted absentee ballots shall be securely stored in either a  
291 sealed container or appropriately secured in an access controlled room that will prevent  
292 tampering or unauthorized access prior to the scanning of such ballots.

293 (C) If the elector has failed to sign the oath, or if the identifying information entered  
294 on the absentee ballot envelope does not match the same information appearing in the  
295 elector's voter registration record, or if the elector has failed to furnish required  
296 information or information so furnished does not conform with that on file in the  
297 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the

298 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason  
299 therefor. The board of registrars or absentee ballot clerk shall promptly notify the  
300 elector of such rejection, a copy of which notification shall be retained in the files of  
301 the board of registrars or absentee ballot clerk for at least two years. Such elector shall  
302 have until the end of the period for verifying provisional ballots contained in  
303 subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection  
304 of the ballot. The elector may cure a failure to sign the oath, nonmatching identifying  
305 information, or missing information by submitting an affidavit to the board of registrars  
306 or absentee ballot clerk along with a copy of one of the forms of identification  
307 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.  
308 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's  
309 ballot, and that the elector is registered and qualified to vote in the primary, election,  
310 or runoff in question. If the board of registrars or absentee ballot clerk finds the  
311 affidavit and identification to be sufficient, the absentee ballot shall be counted.

312 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
313 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
314 ballot shall include with his or her application for an absentee ballot or in the outer oath  
315 envelope of his or her absentee ballot either one of the forms of identification listed in  
316 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
317 statement, government check, paycheck, or other government document that shows the  
318 name and address of such elector. If such elector does not provide any of the forms of  
319 identification listed in this subparagraph with his or her application for an absentee  
320 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
321 provisional ballot and such ballot shall only be counted if the registrars are able to  
322 verify current and valid identification of the elector as provided in this subparagraph  
323 within the time period for verifying provisional ballots pursuant to Code  
324 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify

325 the elector that such ballot is deemed a provisional ballot and shall provide information  
326 on the types of identification needed and how and when such identification is to be  
327 submitted to the board of registrars or absentee ballot clerk to verify the ballot.

328 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
329 absentee electors, giving the name of the elector and the reason for the rejection in each  
330 case. Three copies of the numbered list of certified absentee voters and three copies of  
331 the numbered list of rejected absentee voters for each precinct shall be turned over to  
332 the poll manager in charge of counting the absentee ballots and shall be distributed as  
333 required by law for numbered lists of voters.

334 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
335 of the polls on the day of the primary or election shall be safely kept unopened by the  
336 board or absentee ballot clerk and then transferred to the appropriate clerk with the  
337 documentation provided for in subparagraph (a)(1)(A) of this Code section for storage  
338 in a manner that will prevent tampering for the period of time required for the  
339 preservation of ballots used at the primary or election and shall then, without being  
340 opened, be destroyed in like manner as the used ballots of the primary or election. The  
341 board of registrars or absentee ballot clerk shall promptly notify the elector by  
342 first-class mail that the elector's ballot was returned too late to be counted and that the  
343 elector will not receive credit for voting in the primary or election. All such late  
344 absentee ballots shall be delivered to the appropriate clerk and stored as provided in  
345 Code Section 21-2-390.

346 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
347 States Department of Defense notifies the Secretary of State that the Department of  
348 Defense has implemented a system of expedited absentee voting for those electors  
349 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
350 eligible absentee electors who reside outside the county or municipality in which the  
351 primary, election, or runoff is held and are members of the armed forces of the United

352 States, members of the merchant marine of the United States, spouses or dependents of  
353 members of the armed forces or merchant marine residing with or accompanying such  
354 members, or overseas citizens that are postmarked by the date of such primary, election,  
355 or runoff and are received within the three-day period following such primary, election,  
356 or runoff, if proper in all other respects, shall be valid ballots and shall be counted and  
357 included in the certified election results.

358 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary,  
359 election, or runoff, the election superintendent shall be authorized to open the outer oath  
360 envelope of absentee ballots that have been verified and accepted pursuant to  
361 subparagraph (a)(1)(B) of this Code section, remove the contents of such outer  
362 envelope, open the inner envelope marked 'Official Absentee Ballot,' and scan the  
363 absentee ballot using one or more ballot scanners. At least three persons who are  
364 registrars, deputy registrars, poll workers, or absentee ballot clerks ~~must~~ shall be present  
365 before commencing; and three persons who are registrars, deputy registrars, or absentee  
366 ballot clerks shall be present at all times while the sealed containers containing verified  
367 and accepted absentee ballots are unsealed and verified for integrity, while the absentee  
368 ballot envelopes are ~~being~~ opened, and while the absentee ballots are ~~being~~ scanned.  
369 However, no person shall tally, tabulate, estimate, or attempt to tally, tabulate, or  
370 estimate or cause the ballot scanner or any other equipment to produce any tally or  
371 tabulate, partial or otherwise, of the absentee ballots cast until the time for the closing  
372 of the polls on the day of the primary, election, or runoff except as provided in this  
373 Code section. Prior to beginning the process set forth in this paragraph, the  
374 superintendent shall provide written notice to the Secretary of State in writing at least  
375 seven days prior to processing and scanning absentee ballots. Such notice shall contain  
376 the dates, start and end times, and location or locations where absentee ballots will be  
377 processed and scanned. The superintendent shall also post such notice publicly in a  
378 prominent location in the superintendent's office and on the home page of the county

379 election superintendent's website, if the county election superintendent maintains such  
380 a website. The Secretary of State shall publish on his or her website the information  
381 he or she receives from superintendents stating the dates, times, and locations where  
382 absentee ballots will be processed.

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

- 398 (i) In any way interfering with the processing or scanning of absentee ballots or the  
399 conduct of the election;
- 400 (ii) Using or bringing into the room any photographic or other electronic monitoring  
401 or recording devices, cellular telephones, or computers;
- 402 (iii) Engaging in any form of campaigning or campaign activity;
- 403 (iv) Taking any action that endangers the secrecy and security of the ballots;
- 404 (v) Touching any ballot or ballot container;



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

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

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

421 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
422 day of the primary, election, or runoff begin tabulating the absentee ballots; provided,  
423 however, that all absentee ballots that have been verified and accepted pursuant to  
424 subparagraph (a)(1)(B) of this Code section by the Monday prior to the day of the  
425 primary, election, or runoff shall be tabulated and the results reported by no later than  
426 8:00 P.M. on the day of such primary, election, or runoff or within one hour of the  
427 closing of all polls in such county, whichever occurs later. If the county election  
428 superintendent chooses to open the inner envelopes and begin tabulating such ballots  
429 prior to the close of the polls on the day of the primary, election, or runoff, the  
430 superintendent shall notify in writing, at least seven days prior to the primary, election,  
431 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot

432 tabulation prior to the close of the polls. The county executive committee or, if there is  
433 no organized county executive committee, the state executive committee of each political  
434 party and political body having candidates whose names appear on the ballot for such  
435 election in such county shall have the right to designate two persons and each  
436 independent and nonpartisan candidate whose name appears on the ballot for such  
437 election in such county shall have the right to designate one person to act as monitors for  
438 such process. In the event that the only issue to be voted upon in an election is a  
439 referendum question, the superintendent shall also notify in writing the chief judge of the  
440 superior court of the county who shall appoint two electors of the county to monitor such  
441 process.

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

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

452 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,  
453 election, or runoff, including the vote review panel required by Code Section 21-2-483,  
454 and all monitors and observers shall be sequestered until the time for the closing of the  
455 polls. All such persons shall have no contact with the news media; shall have no contact  
456 with other persons not involved in monitoring, observing, or conducting the tabulation;  
457 shall not use any type of communication device including radios, telephones, and cellular  
458 telephones; shall not utilize computers for the purpose of email, instant messaging, or

459 other forms of communication; and shall not communicate any information concerning  
460 the tabulation until the time for the closing of the polls; provided, however, that  
461 supervisory and technical assistance personnel shall be permitted to enter and leave the  
462 area in which the tabulation is being conducted but shall not communicate any  
463 information concerning the tabulation to anyone other than the county election  
464 superintendent; the staff of the superintendent; those persons conducting, observing, or  
465 monitoring the tabulation; and those persons whose technical assistance is needed for the  
466 tabulation process to operate.

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

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

484 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened  
485 and tabulated as provided in this Code section. A manager shall then open the outer

486 envelope in such manner as not to destroy the oath printed thereon and shall deposit the  
487 inner envelope marked 'Official Absentee Ballot' in a ballot box reserved for absentee  
488 ballots with an accompanying chain of custody documentation. Such ballot box shall be  
489 securely sealed if it is not in the direct control of the poll officers or if it is transferred to  
490 a different room or facility for tabulation. In the event that an outer envelope is found to  
491 contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an  
492 inner envelope, initialed and dated by the person sealing the inner envelope, and deposited  
493 in the ballot box and counted in the same manner as other absentee ballots, provided that  
494 such ballot is otherwise proper. Such manager with two assistant managers, appointed by  
495 the superintendent, with such clerks as the manager deems necessary shall count the  
496 absentee ballots following the procedures prescribed by this chapter for other ballots,  
497 insofar as practicable.

498 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may  
499 be reported by precinct; and separate returns shall be made for each precinct in which  
500 absentee ballots were cast showing the results by each precinct in which the electors reside.  
501 The superintendent shall utilize the procedures set forth in this Code section to ensure that  
502 the returns of verified and accepted absentee ballots cast are reported to the public as soon  
503 as possible following the closing of the polls on the day of the primary, election, or runoff.  
504 Failure to utilize these procedures to ensure that the returns of verified and accepted  
505 absentee ballots are reported as soon as possible following the close of polls shall subject  
506 the superintendent to sanctions by the State Election Board. If a superintendent fails to  
507 report the returns of verified and accepted absentee ballots by the day following the  
508 election at 5:00 P.M., the State Election Board may convene an independent performance  
509 review board pursuant to Code Section 21-2-107.

510 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
511 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer  
512 envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be

513 a chain of custody document as specified by the Secretary of State on which is recorded  
514 and witnessed the name and signature of each person taking custody of such ballots; and  
515 it shall be counted as other challenged ballots are counted. Where direct recording  
516 electronic voting systems are used for absentee balloting and a challenge to an elector's  
517 right to vote is made prior to the time that the elector votes, the elector shall vote on a paper  
518 or optical scanning ballot and such ballot shall be handled as provided in this subsection.  
519 The board of registrars or absentee ballot clerk shall promptly notify the elector of such  
520 challenge.  
521 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose  
522 or for any person to receive any information regarding the results of the tabulation of  
523 absentee ballots except as expressly provided by law."

524

**SECTION 10.**

525 Said chapter is further amended in Code Section 21-2-493, relating to computation,  
526 canvassing, and tabulation of returns, investigation of discrepancies in vote counts, recount  
527 procedure, pilot program for posting of digital images of scanned paper ballots, certification  
528 of returns, and change in returns, by revising subsection (a) and adding a new subsection to  
529 read as follows:

530 "(a) The superintendent shall, after the close of the polls on the day of a primary or  
531 election, at his or her office or at some other convenient public place at the county seat or  
532 in the municipality, of which due notice shall have been given as provided by Code  
533 Section 21-2-492, publicly commence the computation and canvassing of the returns and  
534 continue until all absentee ballots received by the close of the polls, including those cast  
535 by advance voting; provided, however, that such votes cast by advance voting shall be  
536 tabulated and the results reported by no later than 8:00 P.M. on such day or within one hour  
537 of the closing of all polls in such county, whichever occurs later, and all ballots cast on the  
538 day of the primary or election have been counted and tabulated and the results of such

539 tabulation released to the public and, then, continuing with provisional ballots as provided  
540 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in  
541 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For  
542 this purpose, the superintendent may organize his or her assistants into sections, each of  
543 whom may simultaneously proceed with the computation and canvassing of the returns  
544 from various precincts of the county or municipality in the manner provided by this Code  
545 section. Upon the completion of such computation and canvassing, the superintendent  
546 shall tabulate the figures for the entire county or municipality and sign, announce, and  
547 attest the same, as required by this Code section."

548 "(j.2)(1) On or after January 1, 2025, in the event that a superintendent receives a request  
549 pursuant to Code Section 50-18-71 for scanned ballot images at a resolution higher than  
550 the ballot images available from the Secretary of State pursuant to subsection (j.1) of this  
551 Code section, and such request is received following the final certification of the results  
552 of the election in which such ballots were created, the superintendent shall, consistent  
553 with Code Section 50-18-71, produce digital scans of the requested ballots at a resolution  
554 of no less than 600 dots per inch and deliver such scans to the requestor. A person  
555 making a request pursuant to this subsection may observe the scanning and related  
556 handling process, but under no circumstances shall anyone other than an authorized  
557 election official touch or handle a physical ballot.

558 (2) Notwithstanding any seal provided for by Code Section 21-2-500, a superintendent  
559 shall have access to the ballots cast within its jurisdiction so as to comply with the  
560 provisions of this subsection. Upon receiving a request pursuant to this subsection, the  
561 superintendent shall notify the clerk of the superior court or, if designated by the clerk of  
562 the superior court, the county records manager or other office or official under the  
563 jurisdiction of a county governing authority which maintains or is responsible for  
564 maintaining such sealed ballots, and such official or office that maintains such requested  
565 ballot shall provide the superintendent access to such ballot without the need for

566 obtaining a court order. All ballots provided to a superintendent pursuant to this  
 567 paragraph shall be immediately returned by such superintendent to the official or office  
 568 that maintains such ballots upon the scanning of such ballot."

569 **SECTION 11.**

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

571 "21-2-498.1.

572 The Secretary of State shall create a pilot program for the auditing of paper ballot images  
 573 using optical character recognition technology or other related technology which shall  
 574 verify the human-readable text portion of the ballot. Such auditing program shall not be  
 575 based on or tabulate any QR code, bar code, or similar machine coding that may be printed  
 576 on such ballots. Such audits shall include all ballot types, and the audit findings shall be  
 577 reported prior to final certification of the election."

578 **SECTION 12.**

579 Said chapter is further amended in Code Section 21-2-540, relating to conduct of special  
 580 primaries and special elections generally, by revising subsection (b) as follows:

581 "(b) At least 29 days shall intervene between the call of a special primary and the holding  
 582 of same, and at least 29 days shall intervene between the call of a special election and the  
 583 holding of same. The period during which candidates may qualify to run in a special  
 584 primary or a special election shall remain open for a minimum of two and one-half days.  
 585 ~~Special primaries and special elections~~ to present questions to the voters which are to be  
 586 held in conjunction with the presidential preference primary, a state-wide general primary,  
 587 or state-wide general election shall be called at least 90 days prior to the date of such  
 588 presidential preference primary, state-wide general primary, or state-wide general election;  
 589 provided, however, that this requirement shall not apply to ~~special primaries and special~~  
 590 elections to present questions to the voters held on the same date as such presidential

591 preference primary, state-wide general primary, or state-wide general election but  
592 conducted completely separate and apart from such state-wide general primary or  
593 state-wide general election using different ballots or voting equipment, facilities, poll  
594 workers, and paperwork.”

595

**SECTION 13.**

596 (a) This section and Sections 12 and 14 of this Act shall become effective upon its approval  
597 by the Governor or upon its becoming law without such approval.

598 (b) Sections 1, 2, 3, 3.1, 5, 8, 10, and 11 of this Act shall become effective on July 1, 2024.

599 (c) Sections 4, 6, and 9 of this Act shall become effective on January 1, 2025.

600 (d) Section 7 of this Act shall become effective on July 1, 2026.

601

**SECTION 14.**

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