

House Bill 1464 (COMMITTEE SUBSTITUTE)

By: Representatives Burchett of the 176th, LaHood of the 175th, Smith of the 70th, Rich of the 97th, Corbett of the 174th, 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 regulation of private donations for
3 election administration; to provide for the qualifications of members of performance review
4 boards; to provide for the quantity of voting booths in state-wide elections; to provide for
5 chain of custody documentation and procedures; to provide for storage and sealing of unused
6 security paper; to provide for certain disclosures on certain absentee ballot applications; to
7 provide for the distribution of absentee ballots; to provide for the circumstances in which
8 state write-in ballots are required to be mailed to electors; to provide for time off for
9 employees to vote; to provide for the circumstances in which poll watchers may be
10 appointed; to revise the information to be posted following the close of the polls; to revise
11 provisions related to the retention and preservation of ballots and other election documents;
12 to remove provisions for keeping such ballots and documents under seal; to revise the crime
13 of interfering with poll officers; to provide a definition; to amend Article 1 of Chapter 3 of
14 Title 35 of the Official Code of Georgia Annotated, relating to general provisions regarding
15 the Georgia Bureau of Investigation, so as to provide the Georgia Bureau of Investigation
16 with original jurisdiction to investigate election fraud and election crimes; to provide the
17 Georgia Bureau of Investigation with subpoena power to further such investigations; to

H. B. 1464 (SUB)

18 provide for penalty; to provide for related matters; to provide an effective date; to repeal
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
23 elections generally, is amended by revising Code Section 21-2-71, relating to payment by
24 county or municipality of superintendent's expenses and study and report on acceptance and
25 equitable distribution of donations, as follows:

26 "21-2-71.

27 (a) The governing authority of each county or municipality shall appropriate annually and
28 from time to time, to the superintendent of such county or municipality, the funds that it
29 shall deem necessary for the conduct of primaries and elections in such county or
30 municipality and for the performance of his or her other duties under this chapter,
31 including:

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

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

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

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

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

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

45 ~~(c) The State Election Board shall study and report to the General Assembly a proposed~~
46 ~~method for accepting donations intended to facilitate the administration of elections and~~
47 ~~a method for an equitable distribution of such donations state wide by October 1, 2021~~ Any
48 private person or nongovernmental entity that seeks to provide a grant, gift, or donation to
49 the state or to a superintendent for any purpose relating to election administration,
50 including preparing for, administering, or conducting an election, voter registration, or
51 voter education, shall file an application for approval of such grant, gift, or donation with
52 the State Election Board. No such grant, gift, or donation shall be accepted by the state or
53 superintendent unless approved by the State Election Board, which shall determine if the
54 requested grant, gift, or donation serves the electors of Georgia and does not offer any
55 partisan advantage. Any approved monetary grant, gift, or donation shall be made directly
56 to the State Election Board, which shall develop processes to ensure the fair and equitable
57 distribution of such funds. The State Election Board shall distribute any approved grant,
58 gift, or donation to superintendents in the manner that best serves the electors of Georgia
59 in the sole discretion of the State Election Board, regardless of the intent of the donor. The
60 State Election Board shall promulgate such rules and regulations as may be necessary for
61 the administration of this Code section."

62 **SECTION 2.**

63 Said chapter is further amended in Code Section 21-2-106, relating to performance review
64 of local election official, role of performance review board, and findings as grounds for
65 removal, by revising subsection (a) as follows:

66 "(a) The following officials may request that a performance review of a local election
67 official be conducted:

68 (1) The governing authority of the same jurisdiction as the local election official;
 69 (2) For counties represented by more than three members of the Georgia House of
 70 Representatives and Georgia Senate, at least two members of the Georgia House of
 71 Representatives and two members of the Georgia Senate who represent the county; and
 72 (3) For counties represented by fewer than four members of the Georgia House of
 73 Representatives and Georgia Senate, at least one member of the Georgia House of
 74 Representatives and one member of the Georgia Senate who represent the county.
 75 Such request shall be transmitted to the State Election Board which shall appoint an
 76 independent performance review board within 30 days after receiving such resolution. The
 77 State Election Board shall appoint three competent persons to serve as members of the
 78 performance review board, one of whom shall be an employee of the elections division of
 79 the Secretary of State and two of whom shall be local election officials; or members of a
 80 county board of elections or county board of elections and registration, provided that no
 81 such appointee shall be a local election official or member of a county board of elections
 82 or county board of elections and registration for the county or municipality, as applicable,
 83 under review."

84 **SECTION 3.**

85 Said chapter is further amended in Code Section 21-2-212, relating to county registrars,
 86 appointment, certification, term of service, vacancies, compensation and expenses of chief
 87 registrar, registrars, and other officers and employees, and budget estimates, by revising
 88 subsection (f) and by adding a new subsection to read as follows:

89 "(f) The board of registrars of each county shall prepare annually a budget estimate in
 90 which it shall set forth an itemized list of its expenditures for the preceding two years and
 91 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
 92 year and shall submit the same at the time and in the manner and form other county budget
 93 estimates are required to be filed. No board of registrars shall take or accept any funding;

94 ~~grants, or gifts~~ from any source other than from the governing authority of the county, the
95 State of Georgia, or the federal government.

96 (g) Any private person or nongovernmental entity that seeks to provide a grant, gift, or
97 donation to the state or to a board of registrars for any purpose relating to election
98 administration, including preparing for, administering, or conducting an election, voter
99 registration, or voter education, shall file an application for approval of such grant, gift, or
100 donation with the State Election Board. No such grant, gift, or donation shall be allowed
101 unless approved by the State Election Board, which shall determine if the proposed grant,
102 gift, or donation serves the electors of Georgia and does not offer any partisan advantage.
103 Any approved monetary grant, gift, or donation shall be made directly to the State Election
104 Board, which shall develop processes to ensure the fair and equitable distribution of such
105 funds. The State Election Board shall distribute any approved grant, gift, or donation to
106 boards of registrars in the manner that best serves the electors of Georgia in the sole
107 discretion of the State Election Board, regardless of the intent of the donor. The State
108 Election Board shall promulgate such rules and regulations as may be necessary for the
109 administration of this Code section."

110 **SECTION 4.**

111 Said chapter is further amended in Code Section 21-2-367, relating to installation of systems,
112 number of systems, and good working order, by revising paragraph (1) of subsection (b) as
113 follows:

114 "(b)(1) In each precinct in which optical scanning voting systems are used in a state-wide
115 general election, the county election superintendent shall provide at least one voting
116 booth or enclosure for each 250 electors therein who have not yet cast a ballot in the
117 current election, or fraction thereof."

118 **SECTION 5.**

119 Said chapter is further amended in Code Section 21-2-381, relating to making of application
120 for absentee ballot, determination of eligibility by ballot clerk, furnishing of applications to
121 colleges and universities, and persons entitled to make application, by revising subsection
122 (a) as follows:

123 "(a)(1)(A) Except as otherwise provided in Code Section 21-2-219 or for advance
124 voting described in subsection (d) of Code Section 21-2-385, not earlier than 78 days
125 or less than 11 days prior to the date of the primary or election, or runoff of either, in
126 which the elector desires to vote, any absentee elector may make, either by mail, by
127 facsimile transmission, by electronic transmission, or in person in the registrar's or
128 absentee ballot clerk's office, an application for an official ballot of the elector's
129 precinct to be voted at such primary, election, or runoff. To be timely received, an
130 application for an absentee-by-mail ballot shall be received by the board of registrars
131 or absentee ballot clerk no later than 11 days prior to the primary, election, or runoff.
132 For advance voting in person, the application shall be made within the time period set
133 forth in subsection (d) of Code Section 21-2-385.

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

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

145 issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a
146 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5
147 of Title 40, the elector shall affirm this fact in the manner prescribed in the application
148 and the elector shall provide a copy of a form of identification listed in subsection (c)
149 of Code Section 21-2-417. The form made available by the Secretary of State shall
150 include a space to affix a photocopy or electronic image of such identification. The
151 Secretary of State shall develop a method to allow secure electronic transmission of
152 such form. The application shall also include the identity of the primary, election, or
153 runoff in which the elector wishes to vote; the name and relationship of the person
154 requesting the ballot if other than the elector; and an oath for the elector or relative to
155 write his or her usual signature with a pen and ink affirming that the elector is a
156 qualified Georgia elector and the facts presented on the application are true.
157 Submitting false information on an application for an absentee ballot shall be a
158 violation of Code Sections 21-2-560 and 21-2-571.

159 (ii) A blank application for an absentee ballot shall be made available online by the
160 Secretary of State and each election superintendent and registrar, but neither the
161 Secretary of State election superintendent, board of registrars, other governmental
162 entity, nor employee or agent thereof shall send absentee ballot applications directly
163 to any elector except upon request of such elector or a relative authorized to request
164 an absentee ballot for such elector. No person or entity other than a relative
165 authorized to request an absentee ballot for such elector or a person signing as
166 assisting an illiterate or physically disabled elector shall send any elector an absentee
167 ballot application that is prefilled with the elector's required information set forth in
168 this subparagraph. No person or entity other than the elector, a relative authorized to
169 request an absentee ballot for such elector, a person signing as assisting an illiterate
170 or physically disabled elector with his or her application, a common carrier charged
171 with returning the ballot application, an absentee ballot clerk, a registrar, or a law

172 enforcement officer in the course of an investigation shall handle or return an elector's
173 completed absentee ballot application. Handling a completed absentee ballot
174 application by any person or entity other than as allowed in this subsection shall be
175 a misdemeanor. Any application for an absentee ballot sent to any elector by any
176 person or entity shall utilize the form of the application made available by the
177 Secretary of State, and any application for an absentee ballot mailed to any elector by
178 a nongovernmental entity shall clearly and prominently disclose on the face of the
179 form:

180 ~~'This is NOT an official government publication and was NOT provided to you~~
181 ~~by any governmental entity and this is NOT a ballot. It is being distributed by~~
182 ~~[insert name and address of person, organization, or other entity distributing such~~
183 ~~document or material]~~ application is being distributed by [insert name and address
184 of person, organization, or other entity distributing such document or material],
185 not by any government agency or any state or local election office. THIS IS NOT
186 A BALLOT.'

187 (iii) The disclaimer required by division (ii) of this subparagraph shall be:

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

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

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

194 (D) Except in the case of physically disabled electors residing in the county or
195 municipality or electors in custody in a jail or other detention facility in the county or
196 municipality, no absentee ballot shall be mailed to an address other than the permanent
197 mailing address of the elector as recorded on the elector's voter registration record or
198 a temporary out-of-county or out-of-municipality address. Upon request, electors held

199 in jails or other detention facilities who are eligible to vote shall be granted access to
200 the necessary personal effects for the purpose of applying for and voting an absentee
201 ballot pursuant to this chapter.

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

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

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

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

224 (3)(A) All persons or entities, other than ~~the Secretary of State, election~~
225 ~~superintendents, boards of registrars, and absentee ballot clerks,~~ relatives authorized to

226 request an absentee ballot for such elector, that send mail unsolicited applications for
227 absentee ballots to electors in a primary, election, or runoff shall mail such applications
228 only to individuals who have not already requested, received, or voted an absentee
229 ballot in the primary, election, or runoff. Any such person or entity shall compare its
230 mail distribution list with the most recent information available about which electors
231 have requested, been issued, or voted an absentee ballot in the primary, election, or
232 runoff and shall remove the names of such electors from its mail distribution list. A
233 person or entity shall not be liable for any violation of this subparagraph if such person
234 or entity relied upon information made available by the Secretary of State within five
235 business days prior to the date such applications are mailed. Nothing in this Code
236 section shall prevent a person or entity from making blank absentee ballot applications
237 available to electors or directing electors to an electronic location where an elector can
238 obtain an absentee ballot application.

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

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

253 ballot shall be accepted and processed so long as the ballot is received by the registrar or
254 absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent
255 uniformed services voter or overseas voter, but in no event later than 11 days following
256 the date of the election."

257 **SECTION 6.**

258 Said chapter is further amended by repealing and reserving subsection (b) of Code
259 Section 21-2-381.2, relating to state write-in absentee ballot for certain electors.

260 **SECTION 7.**

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

264 "(c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box
265 as a means for absentee by mail electors to deliver their ballots to the board of registrars
266 or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish
267 additional drop boxes, subject to the limitations of this Code section, but may only
268 establish additional drop boxes totaling the lesser of either one drop box for
269 every 100,000 active registered voters in the county or the number of advance voting
270 locations in the county. Any additional drop boxes shall be evenly geographically
271 distributed by population in the county. Drop boxes established pursuant to this Code
272 section shall be established at the office of the board of registrars or absentee ballot clerk
273 or inside locations at which advance voting, as set forth in subsection (d) of Code
274 Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be
275 open during the hours of advance voting at that location. Such drop boxes shall be ~~closed~~
276 locked when advance voting is not being conducted at that location. All drop boxes shall
277 be ~~closed~~ locked when the advance voting period ends, as set forth in subsection (d) of

278 Code Section 21-2-385. The drop box location shall have adequate lighting and be under
279 constant surveillance by an election official or his or her designee, law enforcement
280 official, or licensed security guard. During an emergency declared by the Governor
281 pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the
282 board of registrars or absentee ballot clerk or outside of locations at which advance voting
283 is taking place, subject to the other limitations of this Code section.

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

291 (3) The board of registrars or absentee ballot clerk shall arrange for the collecting and
292 return of ballots deposited at each drop box at the conclusion of each day where advance
293 voting takes place. Collection of ballots from a drop box shall be made by a team of at
294 least two people. Any person collecting ballots from a drop box shall have sworn an oath
295 in the same form as the oath for poll officers set forth in Code Section 21-2-95. The
296 collection team shall complete and sign a ballot transfer form as specified by the
297 Secretary of State upon removing the ballots from the drop box which shall include the
298 date, time, location, number of ballots, confirmation that the drop box was locked after
299 the removal of the ballots, and the identity of each person collecting the ballots. The
300 ballot transfer form shall also serve as an initial chain of custody document on which
301 each person who takes possession of the ballots shall sign for such ballots. The ballots
302 shall be placed in a locked transfer case upon being removed from the drop box. Such
303 transfer case shall be sealed and signed by the collection team in a manner such that it
304 cannot be opened without breaking the seal. The collection team shall then immediately

305 transfer the ballots to the board of registrars or absentee ballot clerk, who shall process
306 and store the ballots in the same manner as absentee ballots returned by mail are
307 processed and stored. The board of registrars, absentee ballot clerk, or a designee of the
308 board of registrars or absentee ballot clerk shall verify that such seal has not been broken
309 or otherwise tampered with or compromised and shall sign the ballot transfer form upon
310 receipt of the ballots from the collection team and shall include the date and time of
311 signing and verification under this provision. Such form shall be considered a public
312 record pursuant to Code Section 50-18-70.

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

319 **SECTION 8.**

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

326 "21-2-386.

327 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
328 and stored in a manner that will prevent tampering and unauthorized access to and
329 document the chain of custody of all official absentee ballots received from absentee

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

332 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
333 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
334 number of the elector's Georgia driver's license number or state identification card
335 issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the
336 absentee ballot envelope with the same information contained in the elector's voter
337 registration records. If the elector has affirmed on the envelope that he or she does not
338 have a Georgia driver's license or state identification card issued pursuant to Article 5
339 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the
340 elector's social security number and date of birth entered on the envelope with the same
341 information contained in the elector's voter registration records. The registrar or clerk
342 shall also confirm that the elector signed the oath and the person assisting the elector,
343 if any, signed the required oath. If the elector has signed the elector's oath, the person
344 assisting has signed the required oath, if applicable, and the identifying information
345 entered on the absentee ballot envelope matches the same information contained in the
346 elector's voter registration record, the registrar or clerk shall so certify by signing or
347 initialing his or her name below the voter's oath. Each elector's name so certified shall
348 be listed by the registrar or clerk on the numbered list of absentee voters prepared for
349 his or her precinct. All accepted absentee ballots shall be securely stored in a sealed
350 container that will prevent tampering or unauthorized access prior to scanning such
351 ballots.

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

357 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason
358 therefor. The board of registrars or absentee ballot clerk shall promptly notify the
359 elector of such rejection, a copy of which notification shall be retained in the files of
360 the board of registrars or absentee ballot clerk for at least two years. Such elector shall
361 have until the end of the period for verifying provisional ballots contained in
362 subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection
363 of the ballot. The elector may cure a failure to sign the oath, nonmatching identifying
364 information, or missing information by submitting an affidavit to the board of registrars
365 or absentee ballot clerk along with a copy of one of the forms of identification
366 enumerated in subsection (c) of Code Section 21-2-417 before the close of such period.
367 The affidavit shall affirm that the ballot was submitted by the elector, is the elector's
368 ballot, and that the elector is registered and qualified to vote in the primary, election,
369 or runoff in question. If the board of registrars or absentee ballot clerk finds the
370 affidavit and identification to be sufficient, the absentee ballot shall be counted.

371 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
372 of Code Section 21-2-220, and who votes for the first time in this state by absentee
373 ballot shall include with his or her application for an absentee ballot or in the outer oath
374 envelope of his or her absentee ballot either one of the forms of identification listed in
375 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
376 statement, government check, paycheck, or other government document that shows the
377 name and address of such elector. If such elector does not provide any of the forms of
378 identification listed in this subparagraph with his or her application for an absentee
379 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
380 provisional ballot and such ballot shall only be counted if the registrars are able to
381 verify current and valid identification of the elector as provided in this subparagraph
382 within the time period for verifying provisional ballots pursuant to Code
383 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify

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

387 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
388 absentee electors, giving the name of the elector and the reason for the rejection in each
389 case. Three copies of the numbered list of certified absentee voters and three copies of
390 the numbered list of rejected absentee voters for each precinct shall be turned over to
391 the poll manager in charge of counting the absentee ballots and shall be distributed as
392 required by law for numbered lists of voters.

393 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
394 of the polls on the day of the primary or election shall be safely kept unopened by the
395 board or absentee ballot clerk and then transferred to the appropriate clerk with the
396 chain of custody documents provided for in subparagraph (a)(1)(A) of this Code section
397 for storage in a manner that will prevent tampering for the period of time required for
398 the preservation of ballots used at the primary or election and shall then, without being
399 opened, be destroyed in like manner as the used ballots of the primary or election. The
400 board of registrars or absentee ballot clerk shall promptly notify the elector by
401 first-class mail that the elector's ballot was returned too late to be counted and that the
402 elector will not receive credit for voting in the primary or election. All such late
403 absentee ballots shall be delivered to the appropriate clerk and stored as provided in
404 Code Section 21-2-390.

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

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

417 (2)(A) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary,
418 election, or runoff, the election superintendent shall be authorized to open the outer oath
419 envelope of absentee ballots that have been verified and accepted pursuant to
420 subparagraph (a)(1)(B) of this Code section, remove the contents of such outer
421 envelope, open the inner envelope marked 'Official Absentee Ballot,' and scan the
422 absentee ballot using one or more ballot scanners. At least three persons who are
423 registrars, deputy registrars, poll workers, or absentee ballot clerks must be present
424 before commencing; and three persons who are registrars, deputy registrars, or absentee
425 ballot clerks shall be present at all times while the sealed containers containing verified
426 and accepted absentee ballots are being unsealed and verified for integrity, while the
427 absentee ballot envelopes are being opened, and while the absentee ballots are being
428 scanned. However, no person shall tally, tabulate, estimate, or attempt to tally, tabulate,
429 or estimate or cause the ballot scanner or any other equipment to produce any tally or
430 tabulate, partial or otherwise, of the absentee ballots cast until the time for the closing
431 of the polls on the day of the primary, election, or runoff except as provided in this
432 Code section. Prior to beginning the process set forth in this paragraph, the
433 superintendent shall provide written notice to the Secretary of State in writing at least
434 seven days prior to processing and scanning absentee ballots. Such notice shall contain
435 the dates, start and end times, and location or locations where absentee ballots will be
436 processed and scanned. The superintendent shall also post such notice publicly in a
437 prominent location in the superintendent's office and on the home page of the county

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

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

- 457 (i) In any way interfering with the processing or scanning of absentee ballots or the
458 conduct of the election;
- 459 (ii) Using or bringing into the room any photographic or other electronic monitoring
460 or recording devices, cellular telephones, or computers;
- 461 (iii) Engaging in any form of campaigning or campaign activity;
- 462 (iv) Taking any action that endangers the secrecy and security of the ballots;
- 463 (v) Touching any ballot or ballot container;

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

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

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

480 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the
481 day of the primary, election, or runoff begin tabulating the absentee ballots. If the county
482 election superintendent chooses to open the inner envelopes and begin tabulating such
483 ballots prior to the close of the polls on the day of the primary, election, or runoff, the
484 superintendent shall notify in writing, at least seven days prior to the primary, election,
485 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot
486 tabulation prior to the close of the polls. The county executive committee or, if there is
487 no organized county executive committee, the state executive committee of each political
488 party and political body having candidates whose names appear on the ballot for such
489 election in such county shall have the right to designate two persons and each
490 independent and nonpartisan candidate whose name appears on the ballot for such

491 election in such county shall have the right to designate one person to act as monitors for
492 such process. In the event that the only issue to be voted upon in an election is a
493 referendum question, the superintendent shall also notify in writing the chief judge of the
494 superior court of the county who shall appoint two electors of the county to monitor such
495 process.

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

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

506 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
507 election, or runoff, including the vote review panel required by Code Section 21-2-483,
508 and all monitors and observers shall be sequestered until the time for the closing of the
509 polls. All such persons shall have no contact with the news media; shall have no contact
510 with other persons not involved in monitoring, observing, or conducting the tabulation;
511 shall not use any type of communication device including radios, telephones, and cellular
512 telephones; shall not utilize computers for the purpose of email, instant messaging, or
513 other forms of communication; and shall not communicate any information concerning
514 the tabulation until the time for the closing of the polls; provided, however, that
515 supervisory and technical assistance personnel shall be permitted to enter and leave the
516 area in which the tabulation is being conducted but shall not communicate any
517 information concerning the tabulation to anyone other than the county election

518 superintendent; the staff of the superintendent; those persons conducting, observing, or
519 monitoring the tabulation; and those persons whose technical assistance is needed for the
520 tabulation process to operate.

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

530 (b) When requested by the superintendent, but not earlier than the third Monday prior to
531 a primary, election, or runoff, a registrar or absentee ballot clerk shall deliver the official
532 absentee ballot of each certified absentee elector, each rejected absentee ballot, applications
533 for such ballots, and copies of the numbered lists of certified and rejected absentee electors
534 to the location designated by the superintendent in secure, sealed containers with the chain
535 of custody forms specified by the Secretary of State and the signature and date and time of
536 the person taking custody, and the superintendent or official receiving such absentee ballots
537 shall issue his or her receipt therefor.

538 (c) The superintendent shall cause the verified and accepted absentee ballots to be opened
539 and tabulated as provided in this Code section. A manager shall then open the outer
540 envelope in such manner as not to destroy the oath printed thereon and shall deposit the
541 inner envelope marked 'Official Absentee Ballot' in a secure, sealed ballot box reserved for
542 absentee ballots with accompanying chain of custody documentation forms. In the event
543 that an outer envelope is found to contain an absentee ballot that is not in an inner
544 envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person

545 sealing the inner envelope, and deposited in the ballot box and counted in the same manner
546 as other absentee ballots, provided that such ballot is otherwise proper. Such manager with
547 two assistant managers, appointed by the superintendent, with such clerks as the manager
548 deems necessary shall count the absentee ballots following the procedures prescribed by
549 this chapter for other ballots, insofar as practicable.

550 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
551 be reported by precinct; and separate returns shall be made for each precinct in which
552 absentee ballots were cast showing the results by each precinct in which the electors reside.
553 The superintendent shall utilize the procedures set forth in this Code section to ensure that
554 the returns of verified and accepted absentee ballots cast are reported to the public as soon
555 as possible following the closing of the polls on the day of the primary, election, or runoff.
556 Failure to utilize these procedures to ensure that the returns of verified and accepted
557 absentee ballots are reported as soon as possible following the close of polls shall subject
558 the superintendent to sanctions by the State Election Board. If a superintendent fails to
559 report the returns of verified and accepted absentee ballots by the day following the
560 election at 5:00 P.M., the State Election Board may convene an independent performance
561 review board pursuant to Code Section 21-2-107.

562 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
563 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
564 envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be
565 a chain of custody form as specified by the Secretary of State on which is recorded and
566 witnessed the name and signature of each person taking custody of such ballots; and it shall
567 be counted as other challenged ballots are counted. Where direct recording electronic
568 voting systems are used for absentee balloting and a challenge to an elector's right to vote
569 is made prior to the time that the elector votes, the elector shall vote on a paper or optical
570 scanning ballot and such ballot shall be handled as provided in this subsection. The board
571 of registrars or absentee ballot clerk shall promptly notify the elector of such challenge.

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

575 **SECTION 9.**

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

578 "21-2-404.

579 Each employee in this state shall, upon reasonable notice to his or her employer, be
580 permitted by his or her employer to take any necessary time off from his or her
581 employment to vote in any municipal, county, state, or federal political party primary or
582 election for which such employee is qualified and registered to vote either on one of the
583 day days that are designated for advance in-person voting or the day on which such primary
584 or election is held; provided, however, that such necessary time off shall not exceed two
585 hours; and provided, further, that, if the hours of work of such employee commence at least
586 two hours after the opening of the polls or end at least two hours prior to the closing of the
587 polls, then the time off for voting as provided for in this Code section shall not be available.
588 The employer may specify the hours during which the employee may absent himself or
589 herself as provided in this Code section."

590 **SECTION 10.**

591 Said chapter is further amended in Code Section 21-2-408, relating to poll watchers,
592 designation, duties, removal for interference with election, reports of infractions or
593 irregularities, ineligibility of candidates to serve, and training, by revising subsections (b),
594 (c), (d), and (e) as follows:

595 "(b)(1) In an election or run-off election, each political party and political body that has
596 a candidate whose name appears on the ballot shall each be entitled to designate, at least

597 seven days prior to such election or run-off election, no more than two official poll
598 watchers in each precinct to be selected by the appropriate party or body executive
599 committee. Each independent candidate shall be entitled to designate one poll watcher
600 in each precinct. In addition, candidates running in a nonpartisan election shall be
601 entitled to designate one poll watcher in each precinct. Each poll watcher shall be given
602 a letter signed by the appropriate political party or body chairperson and secretary, if a
603 party or body designates same, or by the independent or nonpartisan candidate, if named
604 by the independent or nonpartisan candidate. Such letter shall contain the following
605 information: name of official poll watcher, address, precinct in which he or she shall
606 serve, and date of election or run-off election. At least three days prior to the election,
607 a copy of the letter shall be delivered to the superintendent of the county or municipality
608 in which the poll watcher is to serve.

609 (2) In an election or run-off election, each political party and political body, which body
610 is registered pursuant to Code Section 21-2-110 and has nominated a candidate for
611 state-wide office whose name shall appear on the ballot, shall additionally be entitled to
612 designate, at least 14 days prior to such election or run-off election, no more than 25
613 official state-wide poll watchers to be selected by the appropriate party or body executive
614 committee. Each independent candidate shall also be entitled to designate no more
615 than 25 official state-wide poll watchers. In addition, candidates running in a state-wide
616 nonpartisan election shall be entitled to designate no more than 25 official state-wide poll
617 watchers. All such designations of state-wide poll watchers shall be in writing and made
618 and submitted to the State Election Board. A state-wide poll watcher shall have the same
619 powers and duties as poll watchers and shall be entitled to watch the polls in any precinct
620 in the state but shall otherwise be subject to all limitations and prohibitions placed on poll
621 watchers; provided, however, that no more than two state-wide poll watchers of a
622 political party or body, of an independent candidate, or of a nonpartisan candidate shall
623 be in the same polling place simultaneously. Each state-wide poll watcher shall be given

624 a letter signed by the chairperson of the State Election Board. Such letter shall contain
625 the following information: name of official state-wide poll watcher, address, a statement
626 that such poll watcher is a state-wide poll watcher, and date of election or run-off
627 election. At least three days prior to the election, a copy of the letter shall be delivered
628 to the superintendent of each county in which the poll watcher might serve.

629 (3)(A) In an election or run-off election, each political party and political body that has
630 a candidate whose name appears on the ballot shall each be entitled to designate, at
631 least seven days prior to the beginning of the advance voting period for such election
632 or run-off election, no more than two official poll watchers for each location at which
633 advance voting is conducted pursuant to subsection (b) of Code Section 21-2-380 to be
634 selected by the appropriate party or body executive committee. Each independent
635 candidate shall be entitled to designate one poll watcher for each location at which
636 advance voting is conducted pursuant to subsection (b) of Code Section 21-2-380. In
637 addition, candidates running in a nonpartisan election shall be entitled to designate one
638 poll watcher for each location at which advance voting is conducted pursuant to
639 subsection (b) of Code Section 21-2-380. Each poll watcher shall be given a letter
640 signed by the appropriate political party or body chairperson and secretary, if a party
641 or body designates same, or by the independent or nonpartisan candidate, if named by
642 the independent or nonpartisan candidate. Such letter shall contain the following
643 information: name of official poll watcher, address, precinct in which he or she shall
644 serve, and date of election or run-off election. At least three days prior to the beginning
645 of the advance voting period for such election, a copy of the letter shall be delivered to
646 the superintendent and the chief registrar of the county or municipality in which the poll
647 watcher is to serve.

648 (B) In an election or run-off election, each political party and political body, which
649 body is registered pursuant to Code Section 21-2-110 and has nominated a candidate
650 for state-wide office whose name shall appear on the ballot, shall additionally be

651 entitled to designate, at least 14 days prior to the beginning of the advance voting
652 period for such election or run-off election, no more than 25 official state-wide poll
653 watchers for such advance voting period to be selected by the appropriate party or body
654 executive committee. Each independent candidate shall also be entitled to designate
655 no more than 25 official state-wide poll watchers for such advance voting period. In
656 addition, candidates running in a state-wide nonpartisan election shall be entitled to
657 designate no more than 25 official state-wide poll watchers for such advance voting
658 period. All such designations of state-wide poll watchers shall be in writing and made
659 and submitted to the State Election Board. A state-wide poll watcher shall have the
660 same powers and duties as poll watchers and shall be entitled to watch any advance
661 voting location in the state but shall otherwise be subject to all limitations and
662 prohibitions placed on poll watchers; provided, however, that no more than two
663 state-wide poll watchers of a political party or body, of an independent candidate, or of
664 a nonpartisan candidate shall be in an advance voting location simultaneously. Each
665 state-wide poll watcher shall be given a letter signed by the chairperson of the State
666 Election Board. Such letter shall contain the following information: name of official
667 state-wide poll watcher, address, a statement that such poll watcher is a state-wide poll
668 watcher for advance voting, and date of election or run-off election. At least three days
669 prior to the beginning of the advance voting period for such election, a copy of the letter
670 shall be delivered to the superintendent and chief registrar of each county in which the
671 poll watcher might serve.

672 (c) In counties or municipalities using ~~direct recording electronic (DRE) voting systems~~
673 ~~or~~ optical scanning voting systems, each political party may appoint two poll watchers in
674 each primary or election, each political body that has a candidate whose name appears on
675 the ballot may appoint two poll watchers in each election, each nonpartisan candidate may
676 appoint one poll watcher in each nonpartisan election, and each independent candidate may
677 appoint one poll watcher in each election to serve in the locations designated by the

678 superintendent within the tabulating center. Such designated locations shall include the
679 check-in area, the computer room, the duplication area, and such other areas as the
680 superintendent may deem necessary to the assurance of fair and honest procedures in the
681 tabulating center. The locations designated by the superintendent shall ensure that each
682 poll watcher can fairly meaningfully observe the procedures set forth in this Code section.
683 The poll watchers provided for in this subsection shall be appointed and serve in the same
684 manner as other poll watchers.

685 (d) As described in this Code section and subject to reasonable regulations to prevent
686 overcrowding and interference with official duties, certified poll watchers shall be entitled
687 to meaningful access to polling places, advance voting locations, tabulation centers, and
688 locations where absentee ballots are being verified, processed, adjudicated, and scanned.
689 Notwithstanding any other provisions of this chapter, a poll watcher may be permitted
690 behind the enclosed space for the purpose of observing the conduct of the election and the
691 counting and recording of votes. Such poll watcher shall in no way interfere with the
692 conduct of the election, and the poll manager, registrar, or election superintendent, or the
693 designees of such officials, may make reasonable regulations to avoid such interference.
694 Without in any way limiting the authority of poll managers, poll watchers are prohibited
695 from talking to voters, checking electors lists, using photographic or other electronic
696 monitoring or recording devices, using cellular telephones, or participating in any form of
697 campaigning while they are behind the enclosed space. If a poll watcher persists in
698 interfering with the conduct of the election or in violating any of the provisions of this
699 Code section after being duly warned by the poll manager or superintendent, he or she may
700 be removed by such official. Any infraction or irregularities observed by poll watchers
701 shall be reported directly to the superintendent, not to the poll manager. The
702 superintendent shall furnish a badge to each poll watcher bearing the words 'Official Poll
703 Watcher,' the name of the poll watcher, the primary or election in which the poll watcher
704 shall serve, and either the precinct or tabulating center in which the poll watcher shall serve

705 or a statement that such poll watcher is a state-wide poll watcher. The poll watcher shall
706 wear such badge at all times while serving as a poll watcher.

707 (e) No person shall be appointed or be eligible to serve as a poll watcher in any primary
708 or election in which such person is a candidate. No person shall be eligible to serve as a
709 poll watcher unless he or she has completed training provided by the political party,
710 political body, or candidate designating the poll watcher. Upon request, the Secretary of
711 State shall make available material to each political party, political body, or candidate that
712 can be utilized in such training but it shall be the responsibility of the political party,
713 political body, or candidate designating the poll watcher to instruct poll watchers in their
714 duties and in applicable laws and rules and regulations. Each political party, political body,
715 or candidate shall, in their written designation of poll watchers, certify under oath that the
716 named poll watchers have completed the training required by this Code section."

717

SECTION 11.

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

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

728 **SECTION 12.**

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

732 "(a) After the time for the closing of the polls and the last elector voting, the poll officials
733 in each precinct shall complete the required accounting and related documentation for the
734 precinct and shall advise the election superintendent of the total number of ballots cast at
735 such precinct and the total number of provisional ballots cast. The chief manager and at
736 least one assistant manager shall post a copy of the tabulated results for the precinct on the
737 door of the precinct and then immediately deliver all required documentation and election
738 materials to the election superintendent in sealed containers accompanied by chain of
739 custody forms on which are recorded and witnessed the names and signatures of each
740 person having custody of such ballots. ~~The~~ Upon receipt of such ballots, the election
741 superintendent shall verify that the containers are sealed and contain the appropriate chain
742 of custody documentation. The election superintendent shall then ensure that such ballots
743 are processed, counted, and tabulated as soon as possible and shall not cease such count
744 and tabulation until all such ballots are counted and tabulated."

745 "(c) No ballots shall be handled without a poll official being present and without
746 documentation on the chain of custody documentation forms of who is handling such
747 ballots and when and why such ballots are being handled. After the activity requiring the
748 handling of ballots is completed, such ballots shall be resealed in ballot boxes or other
749 secure containers which shall be recorded and witnessed on chain of custody
750 documentation forms as specified by the Secretary of State and shall be signed by the
751 persons having custody of such ballots. Such chain of custody documentation forms shall
752 remain with the ballots until such ballots are destroyed in accordance with law.

753 (d) At the time the security paper is delivered to the election superintendent from the
754 supplier of such paper, the security paper shall be placed in locked containers. Such

755 containers shall be sealed with a numbered seal, the number of which shall be recorded on
 756 a tracking form maintained by the superintendent. Each person who takes possession of
 757 a container in which the security paper is enclosed shall provide written confirmation with
 758 date, time, and signature that the number of the seal on the container matches the number
 759 recorded on the tracking forms and that such seal has not been broken or otherwise
 760 tampered with or compromised. The tracking form shall also serve as a chain of custody
 761 document on which each person who takes possession of a container shall sign for the
 762 security paper therein. Such form shall remain with such containers until the security paper
 763 is used or destroyed in accordance with law.
 764 (e) Security paper shall only be removed from a locked container for use as ballots or for
 765 necessary training or maintenance on election equipment. Any time security paper is
 766 removed from a locked container the removal, amount of paper removed, and the reason
 767 for such removal shall be noted on the tracking form."

768

SECTION 13.

769 Said chapter is further amended by revising Code Section 21-2-421, relating to posting of
 770 required information after closing of polls and reporting to Secretary of State, as follows:

771 "21-2-421.

772 (a) As soon as possible but not later than 10:00 P.M. following the close of the polls on
 773 the day of a primary, election, or runoff, the election superintendent shall report to the
 774 Secretary of State and post in a prominent public place the following information:

775 ~~(1) The number of ballots cast at the polls on the day of the primary, election, or runoff,~~
 776 ~~including provisional ballots cast;~~

777 ~~(2)~~(1) The number of ballots cast at advance voting locations during the advance voting
 778 period for the primary, election, or runoff; and

779 ~~(3)~~(2) The total number of absentee ballots returned to the board of registrars by the
 780 deadline to receive such absentee ballots on the day of the primary, election, or runoff.

781 (b) Upon the completion of the report provided for in subsection (a) of this Code section,
782 the election superintendent shall compare the total number of absentee ballots received as
783 reported in subsection (a) of this Code section and the counting of the absentee ballots in
784 the primary, election, or runoff minus any rejected and uncured absentee ballots, ~~uncounted~~
785 ~~provisional ballots, and any other uncounted ballots,~~ with the total number of absentee
786 ballots cast in the primary, election, or runoff. The results of such comparison and all
787 explanatory materials shall be reported to the Secretary of State. The reason for any
788 discrepancy shall be fully investigated and reported to the Secretary of State."

789

SECTION 14.

790 Said chapter is further amended by revising Code Section 21-2-496, relating to preparation
791 and filing by superintendent of four copies of consolidated return of primary, electronic
792 filing, and superintendent to furnish final copy of each ballot used for primary, as follows:
793 "21-2-496.

794 (a) Each county and municipal superintendent shall prepare four copies of the consolidated
795 return of the primary to be certified by the superintendent on forms furnished by the
796 Secretary of State, such consolidated returns to be filed immediately upon certification as
797 follows:

798 (1) One copy to be posted at the office of the election superintendent for the information
799 of the public;

800 (2) One copy to be filed in the superintendent's office;

801 (3) One copy to be forwarded to the Secretary of State together with a copy of each
802 precinct return, the numbered list of voters of each precinct, and the returns and the
803 numbered list of voters for absentee electors; and

804 (4) One copy to be ~~sealed and~~ filed with the clerk of the superior court, in the case of a
805 county election, or with the city clerk, in the case of a municipal election, as required by
806 Code Section 21-2-500.

807 (b) The Secretary of State is authorized to provide a method by which the election
808 superintendent can file the results of primaries and elections electronically. Once the
809 Secretary of State provides such a method of filing, the election superintendent shall file
810 a copy of the election returns electronically in the manner prescribed by the Secretary of
811 State in addition to the filing provided in subsection (a) of this Code section. The Secretary
812 of State is authorized to promulgate such rules and regulations as necessary to provide for
813 such an electronic filing.

814 (c) Each county and municipal superintendent shall, upon certification, furnish to the
815 Secretary of State in a manner determined by the Secretary of State a final copy of each
816 ballot used for such primary."

817 **SECTION 15.**

818 Said chapter is further amended by revising Code Section 21-2-497, relating to preparation
819 and filing by superintendent of four copies of consolidated return of elections, and
820 superintendent to furnish final copy of each ballot used for election, as follows:

821 "21-2-497.

822 (a) Each county and municipal superintendent shall prepare four copies of the consolidated
823 return of the election to be certified by the superintendent on forms furnished by the
824 Secretary of State, such consolidated returns to be filed immediately upon certification as
825 follows:

826 (1) One copy to be posted at the office of the election superintendent for the information
827 of the public;

828 (2) One copy to be filed and recorded as a permanent record in the minutes of the
829 superintendent's office;

830 (3) One copy to be ~~sealed and~~ filed with the clerk of the superior court, in the case of a
831 county election, or with the city clerk, in the case of a municipal election, as required by
832 Code Section 21-2-500; and

833 (4) One copy to be returned immediately to the Secretary of State unless required as
834 follows:

835 (A) In the case of election of federal and state officers, a separate return showing totals
836 of the votes cast for each of such officers respectively shall be forwarded by the
837 superintendent to the Secretary of State on forms furnished by the Secretary of State;

838 (B) In the case of referendum elections provided for by an Act of the General
839 Assembly, the returns shall immediately be certified by the authority holding such
840 election to the Secretary of State, along with the precinct returns and numbered list of
841 voters for each precinct. In addition thereto, the official citation of the Act involved
842 and the purpose of such election shall be sent to the Secretary of State at the same time.
843 The Secretary of State shall maintain a permanent record of such certifications;

844 (C) In the case of elections on constitutional amendments, the returns shall be certified
845 immediately to the Secretary of State. Upon receiving the certified returns from the
846 various superintendents, the Secretary of State shall immediately proceed to canvass
847 and tabulate the votes cast on such amendments and certify the results to the Governor;
848 and

849 (D) In the case of election for presidential electors, a separate return shall be prepared
850 by each superintendent and certified immediately to the Secretary of State.

851 (b) Each county and municipal superintendent shall, upon certification, furnish to the
852 Secretary of State in a manner determined by the Secretary of State a final copy of each
853 ballot used for such election."

854 **SECTION 16.**

855 Said chapter is further amended by revising Code Section 21-2-500, relating to delivery of
856 voting materials, presentation to grand jury in certain cases, preservation and destruction, and
857 destruction of unused ballots, as follows:

858 "21-2-500.

859 (a) Immediately upon completing the returns required by this article, in the case of
860 elections other than municipal elections, the superintendent shall deliver in sealed
861 containers to the clerk of the superior court or, if designated by the clerk of the superior
862 court, to the county records manager or other office or officer under the jurisdiction of a
863 county governing authority which maintains or is responsible for records, as provided in
864 Code Section 50-18-99, the used and void ballots and the stubs of all ballots used; one copy
865 of the oaths of poll officers; and one copy of each numbered list of voters, tally paper,
866 voting machine paper proof sheet, and return sheet involved in the primary or election. In
867 addition, the superintendent shall deliver copies of the voting machine ballot labels,
868 computer chips containing ballot tabulation programs, copies of computer records of ballot
869 design, and similar items or an electronic record of the program by which votes are to be
870 recorded or tabulated, which is captured prior to the election, and which is stored on some
871 alternative medium such as a CD-ROM or floppy disk simultaneously with the
872 programming of the PROM or other memory storage device. The clerk, county records
873 manager, or the office or officer designated by the clerk shall ~~hold~~ retain and preserve such
874 ballots and other documents for at least 24 months ~~under seal, unless otherwise directed by~~
875 ~~the superior court,~~ in a manner so as to prevent such ballots or other documents from being
876 altered, amended, damaged, modified, or mutilated, after which time they shall be
877 presented to the grand jury for inspection at its next meeting. Such ballots and other
878 documents shall be retained and preserved in the office of the clerk, county records
879 manager, or officer designated by the clerk until the adjournment of such grand jury, and
880 then they may be destroyed, unless otherwise provided by order of the superior court.

881 (b) The superintendent shall retain all unused ballots for 30 days after the election or
882 primary and, if no challenge or contest is filed prior to or during that period that could
883 require future use of such ballots, may thereafter destroy such unused ballots. If a
884 challenge or contest is filed during that period that could require the use of such ballots,

885 they shall be retained until the final disposition of the challenge or contest and, if remaining
886 unused, may thereafter be destroyed.

887 (c) Immediately upon completing the returns required by this article, the municipal
888 superintendent shall deliver in sealed containers to the city clerk the used and void ballots
889 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
890 each numbered list of voters, tally paper, voting machine paper proof sheet, and return
891 sheet involved in the primary or election. In addition, the municipal superintendent shall
892 deliver copies of the voting machine ballot labels, computer chips containing ballot
893 tabulation programs, copies of computer records of ballot design, and similar items or an
894 electronic record of the program by which votes are to be recorded or tabulated, which
895 is captured prior to the election, and which is stored on some alternative medium such as
896 a CD-ROM or floppy disk simultaneously with the programming of the PROM or other
897 memory storage device. Such ballots and other documents shall be retained and
898 preserved under seal in the office of the city clerk for at least 24 months; and then they
899 may be destroyed unless otherwise provided by order of the mayor and council if a
900 contest has been filed or by court order, provided that the electors list, voter's certificates,
901 and duplicate oaths of assisted electors shall be immediately returned by the
902 superintendent to the county registrar."

903 **SECTION 17.**

904 Said chapter is further amended by revising Code Section 21-2-569, relating to interfering
905 with poll officers, as follows:

906 "21-2-569.

907 (a) As used in this Code section, the term 'acts in any other manner to intimidate' means
908 to undertake or pursue a knowing and willful course of conduct which causes emotional
909 distress by placing another person in reasonable fear for such person's safety or for the
910 safety of another person and which serves no legitimate purpose.

911 (b) Any person, including any poll officer, who willfully prevents any poll officer or other
912 election official from performing the duties imposed on him or her by this chapter, who
913 uses or threatens force or violence in a manner that would prevent a reasonable poll officer
914 or election official from executing his or her duties, who materially interrupts or
915 improperly interferes with the execution of a poll officer's or election official's duties, or
916 acts in any other manner to intimidate any poll officer or election official from faithfully
917 performing his or her duties as required by law shall be guilty of a felony."

918

SECTION 18.

919 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
920 general provisions regarding the Georgia Bureau of Investigation, is amended in Code
921 Section 35-3-4, relating to powers and duties of bureau generally, by revising subsection (a)
922 as follows:

923 "(a) It shall be the duty of the bureau to:

- 924 (1) Take, receive, and forward fingerprints, photographs, descriptions, and measurements
925 of persons in cooperation with the bureaus and departments of other states and of the
926 United States;
- 927 (2) Exchange information relating to crime and criminals;
- 928 (3) Keep permanent files and records of such information procured or received;
- 929 (4) Provide for the scientific investigation of articles used in committing crimes or
930 articles, fingerprints, or bloodstains found at the scene of a crime;
- 931 (5) Provide for the testing and identification of weapons and projectiles fired therefrom;
- 932 (6) Acquire, collect, classify, and preserve any information which would assist in the
933 identification of any deceased individual who has not been identified after the discovery
934 of such deceased individual;
- 935 (7) Acquire, collect, classify, and preserve immediately any information which would
936 assist in the location of any missing person, including any minor, and provide

937 confirmation as to any entry for such a person to the parent, legal guardian, or next of kin
938 of that person and the bureau shall acquire, collect, classify, and preserve such
939 information from such parent, guardian, or next of kin;

940 (8) Exchange such records and information as provided in paragraphs (6) and (7) of this
941 subsection with, and for the official use of, authorized officials of the federal government,
942 the states, cities, counties, and penal and other institutions. With respect to missing
943 minors, such information shall be transmitted immediately to other law enforcement
944 agencies;

945 (9) Identify and investigate violations of Article 4 of Chapter 7 of Title 16;

946 (10) Identify and investigate violations of Part 2 of Article 3 of Chapter 12 of Title 16,
947 relating to offenses related to minors;

948 (11) Identify and investigate violations of Article 8 of Chapter 9 of Title 16;

949 (12) Identify and investigate violations of Article 5 of Chapter 8 of Title 16;

950 (13) Identify and investigate violations of Code Section 16-5-46;

951 (14) Identify and investigate violations of Article 8 of Chapter 5 of Title 16;

952 (15)(A) Upon request, provide to the board an analysis of criminal history record
953 information to assist the board in determining a sexual offender's risk assessment
954 classification in accordance with the board's duties as specified in Code
955 Section 42-1-14.

956 (B) As used in this paragraph, the term:

957 (I) 'Board' means the Sexual Offender Registration Review Board.

958 (ii) 'Criminal history record information' has the same meaning as set forth in Code
959 Section 35-3-30.

960 (iii) 'Risk assessment classification' means the level into which a sexual offender is
961 placed based on the board's assessment.

962 (iv) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; ~~and~~

963 (16) Identify and investigate violations of Chapter 2 of Title 21 involving elections; and

964 ~~(16)~~(17) Attorneys employed by the Legal Division of the bureau may serve at the
965 request of a district attorney, solicitor-general, or United States Attorney in the
966 prosecution of any civil or criminal case within the jurisdiction of such district attorney,
967 solicitor-general, or United States Attorney and, while providing such assistance to such
968 district attorney, solicitor-general, or United States Attorney, such attorneys shall have
969 the same authority and power as an attorney employed by such district attorney,
970 solicitor-general, or United States Attorney."

971 **SECTION 19.**

972 Said article is further amended by adding a new Code section to read as follows:

973 "35-3-4.5.

974 (a) In any investigation of a violation of Chapter 2 of Title 21 involving elections, the
975 director, assistant director, or deputy director for investigations shall be authorized to issue
976 a subpoena, with the consent of the Attorney General, to compel the production of books,
977 papers, documents, or other tangible items, including records and documents contained
978 within or generated by a computer or any other electronic device, unless such records are
979 wholly owned by the federal government and to undertake, at the discretion of the bureau,
980 an audit of materials produced in response to such subpoena in a form deemed necessary
981 by the bureau.

982 (b) Upon failure of a person without lawful excuse to obey a subpoena, the director,
983 assistant director, or deputy director for investigations, through the prosecuting attorney,
984 may apply to a superior court having jurisdiction for an order compelling compliance.
985 Such person may object to the subpoena on the grounds that it fails to comply with this
986 Code section or upon any constitutional or other legal right or privilege of such person.
987 The court may issue an order modifying or setting aside such subpoena or directing
988 compliance with the original subpoena. Failure to obey a subpoena issued under this Code
989 section may be punished by the court as contempt of court."

990 **SECTION 20.**

991 This Act shall become effective on July 1, 2022.

992 **SECTION 21.**

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