A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide for regulation of private donations for election administration; to provide for the qualifications of members of performance review boards; to provide for the quantity of voting booths in state-wide elections; to provide for chain of custody documentation and procedures; to provide for storage and sealing of unused security paper; to provide for certain disclosures on certain absentee ballot applications; to provide for the distribution of absentee ballots; to provide for the circumstances in which state write-in ballots are required to be mailed to electors; to provide for time off for employees to vote; to provide for the circumstances in which poll watchers may be appointed; to revise the information to be posted following the close of the polls; to revise provisions related to the retention and preservation of ballots and other election documents; to remove provisions for keeping such ballots and documents under seal; to revise the crime of interfering with poll officers; to provide a definition; to amend Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Bureau of Investigation, so as to provide the Georgia Bureau of Investigation with original jurisdiction to investigate election fraud and election crimes; to provide the Georgia Bureau of Investigation with subpoena power to further such investigations; to
provide for penalty; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising Code Section 21-2-71, relating to payment by county or municipality of superintendent's expenses and study and report on acceptance and equitable distribution of donations, as follows:

"21-2-71.
(a) The governing authority of each county or municipality shall appropriate annually and from time to time, to the superintendent of such county or municipality, the funds that it shall deem necessary for the conduct of primaries and elections in such county or municipality and for the performance of his or her other duties under this chapter, including:

(1) Compensation of the poll officers, custodians, and other assistants and employees provided for in this chapter;
(2) Expenditures and contracts for expenditures by the superintendent for polling places;
(3) Purchase or printing, under contracts made by the superintendent, of all ballots and other election supplies required by this chapter, or which the superintendent shall consider necessary to carry out the provisions of this chapter;
(4) Maintenance of all voting equipment required by this chapter, or which the superintendent shall consider necessary to carry out this chapter; and
(5) All other expenses arising out of the performance of his or her duties under this chapter.
(b) No superintendent shall take or accept any funding, grants, or gifts from any source other than from the governing authority of the county or municipality, the State of Georgia, or the federal government.

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

SECTION 2.

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

"(a) The following officials may request that a performance review of a local election official be conducted:
(1) The governing authority of the same jurisdiction as the local election official;
(2) For counties represented by more than three members of the Georgia House of Representatives and Georgia Senate, at least two members of the Georgia House of Representatives and two members of the Georgia Senate who represent the county; and
(3) For counties represented by fewer than four members of the Georgia House of Representatives and Georgia Senate, at least one member of the Georgia House of Representatives and one member of the Georgia Senate who represent the county.

Such request shall be transmitted to the State Election Board which shall appoint an independent performance review board within 30 days after receiving such resolution. The State Election Board shall appoint three competent persons to serve as members of the performance review board, one of whom shall be an employee of the elections division of the Secretary of State and two of whom shall be local election officials; or members of a county board of elections or county board of elections and registration, provided that no such appointee shall be a local election official or member of a county board of elections or county board of elections and registration for the county or municipality, as applicable, under review."

SECTION 3.
Said chapter is further amended in Code Section 21-2-212, relating to county registrars, appointment, certification, term of service, vacancies, compensation and expenses of chief registrar, registrars, and other officers and employees, and budget estimates, by revising subsection (f) and by adding a new subsection to read as follows:
"(f) The board of registrars of each county shall prepare annually a budget estimate in which it shall set forth an itemized list of its expenditures for the preceding two years and an itemized estimate of the amount of money necessary to be appropriated for the ensuing year and shall submit the same at the time and in the manner and form other county budget estimates are required to be filed. No board of registrars shall take or accept any funding;
grants, or gifts from any source other than from the governing authority of the county, the State of Georgia, or the federal government.

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

SECTION 4.

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

"(b)(1) In each precinct in which optical scanning voting systems are used in a state-wide general election, the county election superintendent shall provide at least one voting booth or enclosure for each 250 electors therein who have not yet cast a ballot in the current election, or fraction thereof."
SECTION 5.

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

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

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

(C)(I) Any person applying for an absentee-by-mail ballot shall make application in writing on the form made available by the Secretary of State. In order to confirm the identity of the voter, such form shall require the elector to provide his or her name, date of birth, address as registered, address where the elector wishes the ballot to be mailed, and the number of his or her Georgia driver's license or identification card.
issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the elector shall affirm this fact in the manner prescribed in the application and the elector shall provide a copy of a form of identification listed in subsection (c) of Code Section 21-2-417. The form made available by the Secretary of State shall include a space to affix a photocopy or electronic image of such identification. The Secretary of State shall develop a method to allow secure electronic transmission of such form. The application shall also include the identity of the primary, election, or runoff in which the elector wishes to vote; the name and relationship of the person requesting the ballot if other than the elector; and an oath for the elector or relative to write his or her usual signature with a pen and ink affirming that the elector is a qualified Georgia elector and the facts presented on the application are true. Submitting false information on an application for an absentee ballot shall be a violation of Code Sections 21-2-560 and 21-2-571.

(ii) A blank application for an absentee ballot shall be made available online by the Secretary of State and each election superintendent and registrar, but neither the Secretary of State election superintendent, board of registrars, other governmental entity, nor employee or agent thereof shall send absentee ballot applications directly to any elector except upon request of such elector or a relative authorized to request an absentee ballot for such elector. No person or entity other than a relative authorized to request an absentee ballot for such elector or a person signing as assisting an illiterate or physically disabled elector shall send any elector an absentee ballot application that is prefilled with the elector's required information set forth in this subparagraph. No person or entity other than the elector, a relative authorized to request an absentee ballot for such elector, a person signing as assisting an illiterate or physically disabled elector with his or her application, a common carrier charged with returning the ballot application, an absentee ballot clerk, a registrar, or a law
enforcement officer in the course of an investigation shall handle or return an elector's completed absentee ballot application. Handling a completed absentee ballot application by any person or entity other than as allowed in this subsection shall be a misdemeanor. Any application for an absentee ballot sent to any elector by any person or entity shall utilize the form of the application made available by the Secretary of State, and any application for an absentee ballot mailed to any elector by a nongovernmental entity shall clearly and prominently disclose on the face of the form:

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

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

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

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

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

(D) Except in the case of physically disabled electors residing in the county or municipality or electors in custody in a jail or other detention facility in the county or municipality, no absentee ballot shall be mailed to an address other than the permanent mailing address of the elector as recorded on the elector's voter registration record or a temporary out-of-county or out-of-municipality address. Upon request, electors held
in jails or other detention facilities who are eligible to vote shall be granted access to
the necessary personal effects for the purpose of applying for and voting an absentee
ballot pursuant to this chapter.

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

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

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

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

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

H. B. 1464 (SUB)
request an absentee ballot for such elector, that send mail unsolicited applications for absentee ballots to electors in a primary, election, or runoff shall mail such applications only to individuals who have not already requested, received, or voted an absentee ballot in the primary, election, or runoff. Any such person or entity shall compare its mail distribution list with the most recent information available about which electors have requested, been issued, or voted an absentee ballot in the primary, election, or runoff and shall remove the names of such electors from its mail distribution list. A person or entity shall not be liable for any violation of this subparagraph if such person or entity relied upon information made available by the Secretary of State within five business days prior to the date such applications are mailed. Nothing in this Code section shall prevent a person or entity from making blank absentee ballot applications available to electors or directing electors to an electronic location where an elector can obtain an absentee ballot application.

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

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

SECTION 6.

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

SECTION 7.

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

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

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

(3) The board of registrars or absentee ballot clerk shall arrange for the collecting and return of ballots deposited at each drop box at the conclusion of each day where advance voting takes place. Collection of ballots from a drop box shall be made by a team of at least two people. Any person collecting ballots from a drop box shall have sworn an oath in the same form as the oath for poll officers set forth in Code Section 21-2-95. The collection team shall complete and sign a ballot transfer form as specified by the Secretary of State upon removing the ballots from the drop box which shall include the date, time, location, number of ballots, confirmation that the drop box was locked after the removal of the ballots, and the identity of each person collecting the ballots. The ballot transfer form shall also serve as an initial chain of custody document on which each person who takes possession of the ballots shall sign for such ballots. The ballots shall be placed in a locked transfer case upon being removed from the drop box. Such transfer case shall be sealed and signed by the collection team in a manner such that it cannot be opened without breaking the seal. The collection team shall then immediately
transfer the ballots to the board of registrars or absentee ballot clerk, who shall process and store the ballots in the same manner as absentee ballots returned by mail are processed and stored. The board of registrars, absentee ballot clerk, or a designee of the board of registrars or absentee ballot clerk shall verify that such seal has not been broken or otherwise tampered with or compromised and shall sign the ballot transfer form upon receipt of the ballots from the collection team and shall include the date and time of signing and verification under this provision. Such form shall be considered a public record pursuant to Code Section 50-18-70.

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

SEC 8.

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

"21-2-386.

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

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

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

(D) An elector who registered to vote by mail, but did not comply with subsection (c)
of Code Section 21-2-220, and who votes for the first time in this state by absentee
ballot shall include with his or her application for an absentee ballot or in the outer oath
envelope of his or her absentee ballot either one of the forms of identification listed in
subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
statement, government check, paycheck, or other government document that shows the
name and address of such elector. If such elector does not provide any of the forms of
identification listed in this subparagraph with his or her application for an absentee
ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
provisional ballot and such ballot shall only be counted if the registrars are able to
verify current and valid identification of the elector as provided in this subparagraph
within the time period for verifying provisional ballots pursuant to Code
Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
the elector that such ballot is deemed a provisional ballot and shall provide information
on the types of identification needed and how and when such identification is to be
submitted to the board of registrars or absentee ballot clerk to verify the ballot.
(E) Three copies of the numbered list of voters shall also be prepared for such rejected
absentee electors, giving the name of the elector and the reason for the rejection in each
case. Three copies of the numbered list of certified absentee voters and three copies of
the numbered list of rejected absentee voters for each precinct shall be turned over to
the poll manager in charge of counting the absentee ballots and shall be distributed as
required by law for numbered lists of voters.
(F) All absentee ballots returned to the board or absentee ballot clerk after the closing
of the polls on the day of the primary or election shall be safely kept unopened by the
board or absentee ballot clerk and then transferred to the appropriate clerk with the
chain of custody documents provided for in subparagraph (a)(1)(A) of this Code section
for storage in a manner that will prevent tampering for the period of time required for
the preservation of ballots used at the primary or election and shall then, without being
opened, be destroyed in like manner as the used ballots of the primary or election. The
board of registrars or absentee ballot clerk shall promptly notify the elector by
first-class mail that the elector's ballot was returned too late to be counted and that the
elector will not receive credit for voting in the primary or election. All such late
absentee ballots shall be delivered to the appropriate clerk and stored as provided in
Code Section 21-2-390.
(G) Notwithstanding any provision of this chapter to the contrary, until the United
States Department of Defense notifies the Secretary of State that the Department of
Defense has implemented a system of expedited absentee voting for those electors
covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
eligible absentee electors who reside outside the county or municipality in which the
primary, election, or runoff is held and are members of the armed forces of the United

H. B. 1464 (SUB)
- 16 -
States, members of the merchant marine of the United States, spouses or dependents of members of the armed forces or merchant marine residing with or accompanying such members, or overseas citizens that are postmarked by the date of such primary, election, or runoff and are received within the three-day period following such primary, election, or runoff, if proper in all other respects, shall be valid ballots and shall be counted and included in the certified election results.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The superintendent shall cause the verified and accepted absentee ballots to be opened and tabulated as provided in this Code section. A manager shall then open the outer envelope in such manner as not to destroy the oath printed thereon and shall deposit the inner envelope marked 'Official Absentee Ballot' in a secure, sealed ballot box reserved for absentee ballots with accompanying chain of custody documentation forms. In the event that an outer envelope is found to contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person.
sealing the inner envelope, and deposited in the ballot box and counted in the same manner
as other absentee ballots, provided that such ballot is otherwise proper. Such manager with
two assistant managers, appointed by the superintendent, with such clerks as the manager
deems necessary shall count the absentee ballots following the procedures prescribed by
this chapter for other ballots, insofar as practicable.

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

(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be
a chain of custody form as specified by the Secretary of State on which is recorded and
witnessed the name and signature of each person taking custody of such ballots; and it shall
be counted as other challenged ballots are counted. Where direct recording electronic
voting systems are used for absentee balloting and a challenge to an elector's right to vote
is made prior to the time that the elector votes, the elector shall vote on a paper or optical
scanning ballot and such ballot shall be handled as provided in this subsection. The board
of registrars or absentee ballot clerk shall promptly notify the elector of such challenge.
(f) It shall be unlawful at any time prior to the close of the polls for any person to disclose or for any person to receive any information regarding the results of the tabulation of absentee ballots except as expressly provided by law."

SECTION 9.
Said chapter is further amended by revising Code Section 21-2-404, relating to affording employees time off to vote, as follows:

"21-2-404.
Each employee in this state shall, upon reasonable notice to his or her employer, be permitted by his or her employer to take any necessary time off from his or her employment to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote either on one of the day days that are designated for advance in-person voting or the day on which such primary or election is held; provided, however, that such necessary time off shall not exceed two hours; and provided, further, that, if the hours of work of such employee commence at least two hours after the opening of the polls or end at least two hours prior to the closing of the polls, then the time off for voting as provided for in this Code section shall not be available. The employer may specify the hours during which the employee may absent himself or herself as provided in this Code section."

SECTION 10.
Said chapter is further amended in Code Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with election, reports of infractions or irregularities, ineligibility of candidates to serve, and training, by revising subsections (b), (c), (d), and (e) as follows:

"(b)(1) In an election or run-off election, each political party and political body that has a candidate whose name appears on the ballot shall each be entitled to designate, at least
seven days prior to such election or run-off election, no more than two official poll
watchers in each precinct to be selected by the appropriate party or body executive
committee. Each independent candidate shall be entitled to designate one poll watcher
in each precinct. In addition, candidates running in a nonpartisan election shall be
entitled to designate one poll watcher in each precinct. Each poll watcher shall be given
a letter signed by the appropriate political party or body chairperson and secretary, if a
party or body designates same, or by the independent or nonpartisan candidate, if named
by the independent or nonpartisan candidate. Such letter shall contain the following
information: name of official poll watcher, address, precinct in which he or she shall
serve, and date of election or run-off election. At least three days prior to the election,
a copy of the letter shall be delivered to the superintendent of the county or municipality
in which the poll watcher is to serve.

(2) In an election or run-off election, each political party and political body, which body
is registered pursuant to Code Section 21-2-110 and has nominated a candidate for
state-wide office whose name shall appear on the ballot, shall additionally be entitled to
designate, at least 14 days prior to such election or run-off election, no more than 25
official state-wide poll watchers to be selected by the appropriate party or body executive
committee. Each independent candidate shall also be entitled to designate no more
than 25 official state-wide poll watchers. In addition, candidates running in a state-wide
nonpartisan election shall be entitled to designate no more than 25 official state-wide poll
watchers. All such designations of state-wide poll watchers shall be in writing and made
and submitted to the State Election Board. A state-wide poll watcher shall have the same
powers and duties as poll watchers and shall be entitled to watch the polls in any precinct
in the state but shall otherwise be subject to all limitations and prohibitions placed on poll
watchers; provided, however, that no more than two state-wide poll watchers of a
political party or body, of an independent candidate, or of a nonpartisan candidate shall
be in the same polling place simultaneously. Each state-wide poll watcher shall be given
a letter signed by the chairperson of the State Election Board. Such letter shall contain
the following information: name of official state-wide poll watcher, address, a statement
that such poll watcher is a state-wide poll watcher, and date of election or run-off
election. At least three days prior to the election, a copy of the letter shall be delivered
to the superintendent of each county in which the poll watcher might serve.

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

(B) In an election or run-off election, each political party and political body, which
body is registered pursuant to Code Section 21-2-110 and has nominated a candidate
for state-wide office whose name shall appear on the ballot, shall additionally be
entitled to designate, at least 14 days prior to the beginning of the advance voting period for such election or run-off election, no more than 25 official state-wide poll watchers for such advance voting period to be selected by the appropriate party or body executive committee. Each independent candidate shall also be entitled to designate no more than 25 official state-wide poll watchers for such advance voting period. In addition, candidates running in a state-wide nonpartisan election shall be entitled to designate no more than 25 official state-wide poll watchers for such advance voting period. All such designations of state-wide poll watchers shall be in writing and made and submitted to the State Election Board. A state-wide poll watcher shall have the same powers and duties as poll watchers and shall be entitled to watch any advance voting location in the state but shall otherwise be subject to all limitations and prohibitions placed on poll watchers; provided, however, that no more than two state-wide poll watchers of a political party or body, of an independent candidate, or of a nonpartisan candidate shall be in an advance voting location simultaneously. Each state-wide poll watcher shall be given a letter signed by the chairperson of the State Election Board. Such letter shall contain the following information: name of official state-wide poll watcher, address, a statement that such poll watcher is a state-wide poll watcher for advance voting, and date of election or run-off election. At least three days prior to the beginning of the advance voting period for such election, a copy of the letter shall be delivered to the superintendent and chief registrar of each county in which the poll watcher might serve.

(c) In counties or municipalities using direct recording electronic (DRE) voting systems or optical scanning voting systems, each political party may appoint two poll watchers in each primary or election, each political body that has a candidate whose name appears on the ballot may appoint two poll watchers in each election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan election, and each independent candidate may appoint one poll watcher in each election to serve in the locations designated by the
superintendent within the tabulating center. Such designated locations shall include the check-in area, the computer room, the duplication area, and such other areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center. The locations designated by the superintendent shall ensure that each poll watcher can fairly meaningfully observe the procedures set forth in this Code section. The poll watchers provided for in this subsection shall be appointed and serve in the same manner as other poll watchers.

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

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

SECTION 11.

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

"(a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the county or municipality. Such provisional ballot shall be sealed in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot in a secure, sealed ballot box for which the number of the seal shall be recorded and witnessed on a chain of custody form as specified by the Secretary of State and the name and signature of the person or persons having custody of such ballots shall also be documented on such form. Such form shall remain with such ballots until such ballots are destroyed in accordance with law.”
SECTION 12.

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

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

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

(d) At the time the security paper is delivered to the election superintendent from the supplier of such paper, the security paper shall be placed in locked containers. Such
containers shall be sealed with a numbered seal, the number of which shall be recorded on a tracking form maintained by the superintendent. Each person who takes possession of a container in which the security paper is enclosed shall provide written confirmation with date, time, and signature that the number of the seal on the container matches the number recorded on the tracking forms and that such seal has not been broken or otherwise tampered with or compromised. The tracking form shall also serve as a chain of custody document on which each person who takes possession of a container shall sign for the security paper therein. Such form shall remain with such containers until the security paper is used or destroyed in accordance with law.

(e) Security paper shall only be removed from a locked container for use as ballots or for necessary training or maintenance on election equipment. Any time security paper is removed from a locked container the removal, amount of paper removed, and the reason for such removal shall be noted on the tracking form."

SECTION 13.

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

"21-2-421.

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

(1) The number of ballots cast at the polls on the day of the primary, election, or runoff, including provisional ballots cast;
(2)(1) The number of ballots cast at advance voting locations during the advance voting period for the primary, election, or runoff; and
(3)(2) The total number of absentee ballots returned to the board of registrars by the deadline to receive such absentee ballots on the day of the primary, election, or runoff.
(b) Upon the completion of the report provided for in subsection (a) of this Code section, the election superintendent shall compare the total number of absentee ballots received as reported in subsection (a) of this Code section and the counting of the absentee ballots in the primary, election, or runoff minus any rejected and uncured absentee ballots, uncounted provisional ballots, and any other uncounted ballots, with the total number of absentee ballots cast in the primary, election, or runoff. The results of such comparison and all explanatory materials shall be reported to the Secretary of State. The reason for any discrepancy shall be fully investigated and reported to the Secretary of State."

SECTION 14.

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

"21-2-496.

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

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

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

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

(4) One copy to be sealed and filed with the clerk of the superior court, in the case of a county election, or with the city clerk, in the case of a municipal election, as required by Code Section 21-2-500.
(b) The Secretary of State is authorized to provide a method by which the election superintendent can file the results of primaries and elections electronically. Once the Secretary of State provides such a method of filing, the election superintendent shall file a copy of the election returns electronically in the manner prescribed by the Secretary of State in addition to the filing provided in subsection (a) of this Code section. The Secretary of State is authorized to promulgate such rules and regulations as necessary to provide for such an electronic filing.

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

SECTION 15.
Said chapter is further amended by revising Code Section 21-2-497, relating to preparation and filing by superintendent of four copies of consolidated return of elections, and superintendent to furnish final copy of each ballot used for election, as follows:

"21-2-497.

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

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

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

(3) One copy to be sealed and filed with the clerk of the superior court, in the case of a county election, or with the city clerk, in the case of a municipal election, as required by Code Section 21-2-500; and
(4) One copy to be returned immediately to the Secretary of State unless required as follows:

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

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

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

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

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

SECTION 16.

Said chapter is further amended by revising Code Section 21-2-500, relating to delivery of voting materials, presentation to grand jury in certain cases, preservation and destruction, and destruction of unused ballots, as follows:
Immediately upon completing the returns required by this article, in the case of elections other than municipal elections, the superintendent shall deliver in sealed containers to the clerk of the superior court or, if designated by the clerk of the superior court, to the county records manager or other office or officer under the jurisdiction of a county governing authority which maintains or is responsible for records, as provided in Code Section 50-18-99, the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the superintendent shall deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and similar items or an electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. The clerk, county records manager, or the office or officer designated by the clerk shall hold retain and preserve such ballots and other documents for at least 24 months under seal, unless otherwise directed by the superior court, in a manner so as to prevent such ballots or other documents from being altered, amended, damaged, modified, or mutilated, after which time they shall be presented to the grand jury for inspection at its next meeting. Such ballots and other documents shall be retained and preserved in the office of the clerk, county records manager, or officer designated by the clerk until the adjournment of such grand jury, and then they may be destroyed, unless otherwise provided by order of the superior court.

(b) The superintendent shall retain all unused ballots for 30 days after the election or primary and, if no challenge or contest is filed prior to or during that period that could require future use of such ballots, may thereafter destroy such unused ballots. If a challenge or contest is filed during that period that could require the use of such ballots,
they shall be retained until the final disposition of the challenge or contest and, if remaining unused, may thereafter be destroyed.

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

SECTION 17.

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

"21-2-569.

(a) As used in this Code section, the term 'acts in any other manner to intimidate' means to undertake or pursue a knowing and willful course of conduct which causes emotional distress by placing another person in reasonable fear for such person's safety or for the safety of another person and which serves no legitimate purpose.
(b) Any person, including any poll officer, who willfully prevents any poll officer or other election official from performing the duties imposed on him or her by this chapter, who uses or threatens force or violence in a manner that would prevent a reasonable poll officer or election official from executing his or her duties, who materially interrupts or improperly interferes with the execution of a poll officer's or election official's duties, or acts in any other manner to intimidate any poll officer or election official from faithfully performing his or her duties as required by law shall be guilty of a felony."

SECTION 18.

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

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

(1) Take, receive, and forward fingerprints, photographs, descriptions, and measurements of persons in cooperation with the bureaus and departments of other states and of the United States;

(2) Exchange information relating to crime and criminals;

(3) Keep permanent files and records of such information procured or received;

(4) Provide for the scientific investigation of articles used in committing crimes or articles, fingerprints, or bloodstains found at the scene of a crime;

(5) Provide for the testing and identification of weapons and projectiles fired therefrom;

(6) Acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(7) Acquire, collect, classify, and preserve immediately any information which would assist in the location of any missing person, including any minor, and provide
confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person and the bureau shall acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin;

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

(9) Identify and investigate violations of Article 4 of Chapter 7 of Title 16;
(10) Identify and investigate violations of Part 2 of Article 3 of Chapter 12 of Title 16, relating to offenses related to minors;
(11) Identify and investigate violations of Article 8 of Chapter 9 of Title 16;
(12) Identify and investigate violations of Article 5 of Chapter 8 of Title 16;
(13) Identify and investigate violations of Code Section 16-5-46;
(14) Identify and investigate violations of Article 8 of Chapter 5 of Title 16;

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

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

(I) 'Board' means the Sexual Offender Registration Review Board.
(ii) 'Criminal history record information' has the same meaning as set forth in Code Section 35-3-30.
(iii) 'Risk assessment classification' means the level into which a sexual offender is placed based on the board's assessment.
(iv) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and

(16) Identify and investigate violations of Chapter 2 of Title 21 involving elections; and
(H6)(17) Attorneys employed by the Legal Division of the bureau may serve at the request of a district attorney, solicitor-general, or United States Attorney in the prosecution of any civil or criminal case within the jurisdiction of such district attorney, solicitor-general, or United States Attorney and, while providing such assistance to such district attorney, solicitor-general, or United States Attorney, such attorneys shall have the same authority and power as an attorney employed by such district attorney, solicitor-general, or United States Attorney."

SECTION 19.

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

"35-3-4.5.
(a) In any investigation of a violation of Chapter 2 of Title 21 involving elections, the director, assistant director, or deputy director for investigations shall be authorized to issue a subpoena, with the consent of the Attorney General, to compel the production of books, papers, documents, or other tangible items, including records and documents contained within or generated by a computer or any other electronic device, unless such records are wholly owned by the federal government and to undertake, at the discretion of the bureau, an audit of materials produced in response to such subpoena in a form deemed necessary by the bureau.

(b) Upon failure of a person without lawful excuse to obey a subpoena, the director, assistant director, or deputy director for investigations, through the prosecuting attorney, may apply to a superior court having jurisdiction for an order compelling compliance. Such person may object to the subpoena on the grounds that it fails to comply with this Code section or upon any constitutional or other legal right or privilege of such person. The court may issue an order modifying or setting aside such subpoena or directing compliance with the original subpoena. Failure to obey a subpoena issued under this Code section may be punished by the court as contempt of court."
SECTION 20.

This Act shall become effective on July 1, 2022.

SECTION 21.

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