

HOUSE BILL 531¹: ELECTIONS; NO ELECTION SUPERINTENDENTS OR
BOARDS OF REGISTRARS SHALL ACCEPT PRIVATE FUNDING; PROVIDE

First Signature: Representative Barry Fleming (121st)

Co-Sponsors: Representative Jan Jones (47th), Representative Alan Powell (32nd), Representative Shaw Blackmon (146th), Representative Lynn Smith (70th), and Representative Rick Williams (145th)

Summary: “[T]o amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide that no election superintendents or boards of registrars shall accept private funding; to provide for related matters; to repeal conflicting laws; and for other purposes.”²

Status: Senate Recommitted on January 10, 2022.³

TEXT OF HOUSE BILL 531⁴ (COMMITTEE SUBSTITUTE LC 280340S)

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by revising Code Section 21-2-3, which was previously reserved as follows:

“21-2-3.

The Attorney General shall establish and maintain a telephone hotline for the use of electors of this state to file complaints and allegations of voter intimidation and illegal election activities. Such hotline shall, in addition to complaints and reports from identified persons, also accept anonymous tips regarding voter intimidation and election fraud. The Attorney General shall review each complaint or allegation of voter intimidation

¹ H.B. 531, 156th Gen. Assemb., 1st Reg. Sess. (Ga. 2021), *available at* <https://www.legis.ga.gov/api/legislation/document/20212022/201156> (last visited Feb. 23, 2022).

² *2021-2022 Regular Session-HB 531, Elections; No election superintendents or boards of registrars shall accept private funding; provide*, GA. GEN. ASSEMB., <https://www.legis.ga.gov/legislation/59831> (last visited Feb. 26, 2022) [hereinafter H.B. 531 Status Sheet].

³ *Id.*

⁴ H.B. 531 (Committee Substitute), *supra* note 1.

or illegal election activities within three business days and determine if such complaint or report should be investigated or prosecuted. Reserved.

SECTION 2.

Said chapter is further amended in Subpart 1 of Part 1 of Article 2, relating to the State Election Board, by adding a new Code section to read as follows: Code Section 21-2-33.1 relating to enforcement of the chapter, by adding a new subsection to read as follows:

“21-2-35.

The State Election Board, the members thereof, the Secretary of State, and any of their attorneys or staff shall not have any authority to enter into any consent agreement with any other person that limits, alters, or interprets any provision of this chapter without obtaining the approval of the General Assembly through a joint resolution.”

SECTION 3.

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

“21-2-78.

(a) Notwithstanding any law to the contrary, the State Election Board, after due notice to the affected person or persons and the opportunity for a hearing before the State Election Board, may recommend in writing to the legislative delegation representing the jurisdiction involved that a county or municipal election superintendent be temporarily removed from exercising the duties of election superintendent on the basis of malfeasance, misfeasance, neglect of duty, incompetence, or inability to perform the duties of election superintendent for the duration of the period from the time of the removal until January 1 following the next election in such county or municipality and the conclusion of any run-off election from such election, if any.

(b) Within 15 days after receiving a recommendation of the superintendent's removal from office from the State Election Board in accordance with subsection (a) of this Code section, the legislative delegation by majority vote may temporarily remove such election superintendent from exercising his or her duties in accordance with this Code section. The duties of such election superintendent shall be filled

for the period of suspension by the legislative delegation's appointment of a temporary election superintendent. In making such appointment, the legislative delegation by majority vote shall select a person or persons who have experience or training in managing and conducting elections to serve as temporary election superintendent. (c) In making the temporary appointment under subsection (b) of this Code section, the legislative delegation shall be authorized to appoint any qualified elector of this state, regardless of the county of residence of such elector.”

SECTION 4.

Said chapter is further amended in Code Section 21-2-221.2, relating to voter registration application for electronic voter registration, by adding a new subsection to read as follows:

“(g) The Secretary of State shall maintain a master list of electors registered each week pursuant to this Code Section. Such master list of elector registrations shall be made available electronically, at no cost, for public inspection on the Monday following the end of the previous week that is the subject of the master list of registrations. Such master list of registrations shall contain, at a minimum, the elector’s name, residential address, mailing address, if different, race, gender, registration date, and the assigned voter identification number.”

SECTION 5.

Said chapter is further amended in subsection (b) of Code Section 21-2-232, relating to the removal of elector’s name from list of electors, by adding a new paragraph to read as follows: Part 3 of Article 2, relating to superintendents, by adding a new Code section to read as follows:

“(3) Once becoming a member of the nongovernmental entity described in subsection (d) of Code Section 21-2-225, the Secretary of State shall obtain regular information from such entity regarding electors who may have moved to another state, died or otherwise become ineligible to vote in Georgia. The Secretary of State shall use such information to conduct list maintenance on the list of eligible electors.”

SECTION 6.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-266, relating to the use of public buildings as polling places, use of

portable or movable facilities, and unrestricted access to residential communities as follows:

“(b) The superintendent of a county or the governing authority of a municipality shall have discretion to procure and provide portable or movable polling facilities of adequate size ~~for any precinct~~ to replace any existing polling place, if needed. Portable or movable polling facilities shall only be deployed and used to replace an existing polling place when the existing polling place has been deemed to be unsafe for human occupation by a licensed commercial building inspector employed or contracted by the county or municipality or has suffered a failure of utility services that provide water or electricity. Portable or movable polling places shall be located within 2,640 feet of the existing polling place that has been deemed unsafe or suffered a loss of utility services that provide water or electricity. Any replacement of an existing polling place with a portable or movable polling place shall be presented before and approved by a superior court judge of the circuit in which the existing polling place is located prior to such replacement being used for elections. The superintendent of a county or the governing authority of a municipality shall be solely responsible for ensuring that all portable or movable polling facilities used by such county or municipality meet all safety and licensing requirements currently applicable under the law related to the operations of commercial vehicles and all applicable state, county, and municipal codes related to the accessibility and safety of portable and temporary structures.”

SECTION 6A.

Said chapter is further amended by revising Code Section 21-2-280, relating to requirement as to conduct of primaries and elections by ballot and requirement as to use of official ballots only, as follows:

“21-2-280.

All primaries and elections in this state shall be conducted by ballot, except when voting machines are used as provided by law. A ballot ~~may be electronic or printed on paper~~ shall contain a paper component, even if produced on an electronic ballot marking device. All ballots used in any primary or election shall be provided by the superintendent or municipal governing authority in accordance with this article, and only official ballots furnished by the superintendent or governing authority shall be cast or counted in any primary or election in any precinct in which ballots are used.”

SECTION 7.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-284, relating to form of official primary ballot and attestation regarding receiving value in exchange for vote, as follows:

“(a) In each primary separate official ballots shall be prepared for the political party holding the primary. At the top of each ballot shall be printed in prominent type the words ‘OFFICIAL PRIMARY BALLOT OF _____ PARTY FOR,’ followed by the name and designation of the precinct for which it is prepared and the name and date of the primary.”

SECTION 8.

Said chapter is further amended by revising Code Section 21-2-284.1, relating to form of ballot in nonpartisan municipal primaries, as follows:

“21-2-284.1.

In the case of nonpartisan municipal primaries, the form of the official nonpartisan primary ballot shall conform insofar as practicable to the form of the official primary ballot as detailed in Code Section 21-2-284, including the printing of the name and designation of the precinct on the top of the ballot, except that:

(1) The following shall be printed at the top of each ballot in prominent type:

‘OFFICIAL NONPARTISAN PRIMARY BALLOT OF

(Name of Municipality)

(2) There shall be no name or designation of any political organization nor any words, designation, or emblems descriptive of a candidate’s political affiliation printed under or after any candidate’s name which is printed on the ballot; and

(3) The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot.”

SECTION 9.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-285, relating to form of official election ballot, attestation on receipt of benefit in exchange for vote, and when an election is not required as follows:

“(a) At the top of each ballot for an election shall be printed in prominent type the words ‘OFFICIAL BALLOT,’ followed by the name and designation of the precinct for which it is prepared and the name and date of the election.”

SECTION 10.

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

“21-2-285.1.

The names of all candidates for offices which the General Assembly has by general law or local Act provided for election in a nonpartisan election shall be printed on each official primary ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall be separated from the names of candidates for party nomination to other offices by being listed last on each ballot, with the top of that portion of each official primary ballot relating to the nonpartisan election to have printed in prominent type the words ‘OFFICIAL NONPARTISAN ELECTION BALLOT.’ In addition, there shall be a ballot that contains just the official nonpartisan election ballot available for electors who choose not to vote in a party primary. Such ballot shall have printed at the top the name and designation of the precinct. Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall appear immediately under the caption, as specified by rule or regulation of the State Election Board. Immediately under the directions, the name of each such nonpartisan candidate shall be arranged alphabetically by last name under the title of the office for which they are candidates and be printed thereunder. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. In the event that no candidate in such nonpartisan election receives a majority of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes; and the names of such candidates shall be placed on the official ballot at the general primary runoff in the same manner as prescribed in this Code section for the nonpartisan election and there shall be a separate official nonpartisan election runoff ballot for those electors who do not choose or are not eligible to vote in the general

primary runoff. Such ballot shall have printed at the top the name and designation of the precinct. In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be as prescribed by the Secretary of State or election superintendent in essentially the same format as prescribed for the nonpartisan election, including the name and designation of the precinct. The candidate having a majority of the votes cast in the nonpartisan election or the candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office.”

SECTION 11.

Said chapter is further amended by revising paragraph (3) of subsection (b) of Code Section 21-2-286, relating to printing specifications, numbering and binding of ballots as follows:

“(3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the Secretary of State to ensure ease of reading by electors, providing that each ballot shall have the name and designation of the precinct printed at the top.”

SECTION 12.

Said chapter is further amended by revising Code Section 21-2-287, relating to form of absentee ballot, as follows:

“21-2-287.

The form for the absentee ballot shall be in substantially the same form as the official ballots used in the precincts, except it shall be printed with only the name stub and without a number strip and ~~may~~shall have the precinct name and designation printed or stamped thereon.”

SECTION 13.

Said chapter is further amended in Article 8, relating to voting by ballot, by adding a new Code section to read as follows:

“21-2-295.

Every ballot used in primaries and elections in this state, including paper ballots, ballots used in optical scanning voting systems, and ballots produced by electronic ballot markers shall have overt, covert, and forensic elements embedded in the ballots of which some of these security elements can be validated at the polling place at the time of voting. Such

devices or seals shall not be capable of identifying the elector who cast the ballot but shall be designed to restore voter confidence in the ballot and to prevent fraud.”

SECTION 13A.

Said chapter is further amended by revising Code Section 21-2-300, relating to provision of new voting equipment by state, uniform system for all elections to be conducted with use of scanning ballots marked by electronic ballot markers, pilot programs authorized, county responsibilities, education, and county and municipal contracts for equipment, as follows:

“21-2-300.

(a)(1) As used in this Code section, the term 'election system' means any voter registration, ballot marking or casting device, or election tabulation system, along with the corresponding election ballots. The State Election Board shall establish minimum standards by which any election system shall be tested prior to being certified for use in this state. The Secretary of State shall establish and manage a program to conduct the certification testing and approval of any such election systems. Once such election systems are certified by the Secretary of State, such election systems shall be authorized for use ~~The equipment used for casting and counting votes in county, state, and federal elections shall be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State.~~

(2) Any vendor of an election system covered by this Code section may apply to the Secretary of State to have its election system examined and certified as to its compliance with the requirements established for certification by the Secretary of State. Examination shall not be required of every individual machine or device, but only of each type of election system before its adoption, use, or purchase and before its continued use after significant changes have been made in an approved election system. The examination shall include the ballot programming; electronic ballot marking, including all assistive technologies intended to be used with the system; vote counting; and vote accumulation functions of each voting system ~~As soon as possible, once such equipment is certified by the Secretary of State as safe and practicable for use, all federal, state, and county general primaries and general elections as well as special primaries and special elections in the State of Georgia shall be conducted with the use of scanning ballots marked by electronic ballot markers and~~

~~tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in person, unless otherwise authorized by law; provided, however, that such electronic ballot markers shall produce paper ballots which are marked with the elector's choices in a format readable by the elector.~~

~~(3) Before it may be tested and certified for use in the State of Georgia, an election system shall first be The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition. At its own expense, the governing authority of a county may purchase, lease, or otherwise acquire additional electronic ballot markers and ballot scanners of the type furnished by the state, if the governing authority so desires. Additionally, at its own expense, the governing authority of a municipality may choose to acquire its own electronic ballot markers and ballot scanners by purchase, lease, or other procurement process.~~

~~(4) The governing authority of a county may purchase, lease, or otherwise acquire any election system that has been certified as eligible for use in this state by the State Election Board Notwithstanding any provision of law to the contrary, the Secretary of State is markers and ballot scanners in primaries and elections in this state. ~~authorized to conduct pilot programs to test and evaluate the use of electronic ballot~~~~

~~(b) Each county shall, prior to being provided with voting equipment by the state, provide polling places that are adequate for the operation of such equipment including, if necessary, the placement within the polling places of a sufficient number of electrical outlets and telephone lines.~~

~~(c) Each county shall, prior to being provided with voting equipment by the state, provide or contract for adequate technical support for the installation, set up, and operation of such ~~voting equipment~~ election system for each primary, election, and special primary and special election as the Secretary of State shall determine by rule or regulation.~~

~~(d) The Secretary of State shall be responsible for the development, implementation, and provision of a continuing program to educate voters, election officials, and poll workers in the proper use of such voting equipment. Each county shall bear the costs, including transportation, subsistence, and lodging, incurred by its election and registration officials in attending courses taught by or arranged by the Secretary of State for instruction in the use of the voting equipment.~~

(e)(d)(1) Counties shall be authorized to contract with municipal governments for the use of such voting equipment in municipal elections under terms and conditions specified by the Secretary of State to assure that the equipment is properly used and kept secure.
(2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee for use of state owned voting equipment but may require municipalities to reimburse the county for the actual expenses related to the election or elections that are subject to the county and municipal contract.”

SECTION 13B.

Said chapter is further amended in Code Section 21-2-322, relating to general requirements as to voting machines, by striking “and” at the end of paragraph (19), striking the period at the end of paragraph (20) and inserting in lieu thereof “; and”, and by adding a new paragraph to read as follows:

“(21) It shall produce a verifiable paper trail.”

SECTION 13C

Said chapter is further amended by revising subsections (a) and (c) of Code Section 21-2-323, relating to installation of voting machines, discontinuance of use of paper ballots, minimum number, different types and requirements as to working order and capacity, as follows:

“(a) When the use of voting machines has been authorized in the manner prescribed by Code Section 21-2-320 or 21-2-321, such voting machines shall be installed, either simultaneously or gradually, within the municipality. ~~Upon the installation of voting machines in any precinct, the use of paper ballots therein shall be discontinued, except as otherwise provided by this chapter.”~~

“(c) Voting machines of different kinds may be used for different precincts in the same municipality so long as all voting machines produce a verifiable paper trail.”

SECTION 14.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-369, relating to printing of ballots for optical scanning voting systems and arrangement, as follows:

~~“(a) The ballots shall be printed in black ink upon clear, white, or colored on material, of such size and arrangement as will suit the construction of the ballot scanner, and in plain. The ballot text shall be easily read in clear type with good contrast so as to be easily readable by persons with normal vision; provided, however, that red material shall not be used except that all ovals appearing on the ballot to indicate where a voter should mark to cast a vote may be printed in red ink.”~~

SECTION 14A.

Said chapter is further amended by repealing Code Section 21-2-379.1, relating to requirements for use of direct recording electronic voting systems, in its entirety.

SECTION 15.

Said chapter is further amended in Code Section 21-2-379, relating to requirements for ballot display for electronic ballot markers, role of Secretary of State, and printed paper ballot controls during recount, by adding a new subsection to read as follows:

“(e) Each ballot printed by an electronic ballot marker shall include the name and designation of the precinct at the top.”

SECTION 16.

Said chapter is further amended by revising subparagraphs (a)(1)(C) and (a)(1)(D) of 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 applications as follows:

“(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 elector, 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 elector's Georgia driver's license number or

identification card number 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 swear or 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. In addition to the web application described in this paragraph, the Secretary of State shall develop a method to allow secure electronic transmission of such application form. The application shall be in writing and shall contain sufficient information for proper identification of the elector; the permanent or temporary address of the elector to which the absentee ballot shall be mailed; also include the identity of the primary, election, or runoff in which the elector wishes to vote; and the name and relationship of the person-requesting the ballot if other than the elector; and an oath for the elector or relative making application on behalf of such elector to sign swearing or affirming that the elector is a qualified elector of this state and that the facts presented in 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) The Secretary of State shall be authorized to create a web application that allows an elector to submit an absentee ballot application via an online portal. Such application shall verify the identity of the elector by matching the elector's name, date of birth, and Georgia driver's license or identification card number issued pursuant to Article 5 of Chapter 5 of Title 40 contained in the state voter registration system with the name, date of birth, and Georgia driver's license or identification card number issued pursuant to Article 5 of Chapter 5 of Title 40 entered into the web application. Such application shall require the elector to swear or affirm that he or she is a qualified elector of this state and that the facts presented on the application are true. (iii) The blank application for absentee ballot shall be made available online by the Secretary of State, but neither the Secretary of State nor any election superintendent, registrar, absentee ballot clerk, or employee or agent thereof shall send absentee ballot applications directly to any elector except upon request of such elector or relative of such elector 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 personal identifying information, in whole or in part. Any blank application for absentee ballot sent by any person or entity shall utilize the form made available by the Secretary of State.

(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 an absentee ballot pursuant to this Code section.”

SECTION 17.

Said chapter is further amended by revising subsection (b) of Code Section 21-20-382, 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 as follows:

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

information on the application with the information on file in the registrar's office.

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

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

(B) If the application is made in person, shall issue the ballot to the elector within the confines of the registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the ballot is issued during the advance voting period established pursuant to subsection (d) of Code Section 21-2-385; or

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

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

(4) If the registrar or clerk is unable to determine the identity of the elector from information given on the application or if the application is not complete or if the oath on the application is not signed, the registrar or

clerk should promptly ~~write~~ contact the elector in writing to request the necessary additional information and a signed copy of the oath.

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

SECTION 18.

Said chapter is further amended by revising 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 adding a new subsection to read as follows:

“(f) Other than the Secretary of State or a county election or registration official, any person, organization, or other entity which distributes or publishes any document or material to electors that purports to be an application for an absentee ballot shall prominently display a disclaimer thereon in at least 20 point type which occupies at least 25 percent of the area on the front and back of such document or material and which shall state:

‘This is NOT an official government publication and was NOT provided to you by any governmental entity. It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material].’”

SECTION 19.

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

“21-2-382.

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

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

(c)(1) Absentee ballots voted by an elector shall be kept safely, unopened, and stored in a manner that will prevent tampering and unauthorized access as required by Code Section 21-2-386. In the event that a secured receptacle is utilized to collect or store absentee ballots which have been voted by electors, such receptacle shall be placed inside an advance voting location as described in Code Section 21-2-385, shall be open during the hours of advance voting at that location, shall be closed when advance voting is not taking place at that location, and shall at all times be under the constant surveillance of law enforcement, a licensed security guard, or an election official or his or her designee. Any such person shall have sworn an oath for poll officers set forth in Code Section 21-2-95.

(2) The board of registrars or absentee ballot clerk shall arrange for the collecting and return of ballots deposited at each secure receptacle at the conclusion of each day where advance voting takes place. Collection of ballots from a secure receptacle shall be made by a team of at least two people. Any person collecting ballots from a secure receptacle 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 upon removing the ballots from the secure receptacle which shall include the date, time, location, number of ballots, confirmation that the secure receptacle was locked after the removal of the ballots, and the identity of each person collecting the ballots. 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 sign the ballot transfer form upon receipt of the ballots from the collection team. Such form shall be considered a public record pursuant to Code Section 50-18-70.

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

SECTION 20.

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

“(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's office, in addition to the mailing envelope addressed to the elector, the superintendent, board of registrars, or absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such size and shape as shall be determined by the Secretary of State, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed the words 'Official Absentee Ballot' and nothing else. ~~On the back of the~~ The larger of the two envelopes to be enclosed within the mailing envelope shall be printed contain the form of oath of the elector and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations of oaths; a place for the elector to print his or her name; a signature line; a space for the elector to print his or her Georgia driver's license or state identification card number issued pursuant to Article 5 of Chapter 5 of Title 40; a space for the elector to mark to affirm that he or she does not have a Georgia driver's license or

identification card issued pursuant to Article 5 of Chapter 5 of Title 40; a space for the elector to print his or her date of birth; and a space for the elector to print the last four digits of his or her social security number, if the elector does not have a Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40. The envelope shall be designed so that the elector's Georgia driver's license or identification card number issued pursuant to Article 5 of Chapter 5 of Title 40, last four digits of social security number, and date of birth shall be hidden from view when the envelope is correctly sealed. Any person other than the elector who requested the ballot, an authorized person who is assisting an elector entitled to assistance under Code Section 21-2-381, absentee ballot clerk, registrar, or law enforcement officer in the course of an investigation who knowingly unseals a sealed absentee ballot envelope shall be guilty of a felony. On ~~and on~~ the face of such envelope shall be printed the name and address of the board of registrars or absentee ballot clerk. The larger of the two envelopes shall also display the elector's name and voter registration number. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, the uniform instructions for the manner of preparing and returning the ballot, in form and substance as provided by the Secretary of State, provisional absentee ballot information, if necessary, and a notice in the form provided by the Secretary of State of all withdrawn, deceased, and disqualified candidates and any substitute candidates pursuant to Code Sections 21-2-134 and 21-2-155 and nothing else. The uniform instructions shall include information specific to the voting system used for absentee voting concerning the effect of overvoting or voting for more candidates than one is authorized to vote for a particular office and information concerning how the elector may correct errors in voting the ballot before it is cast including information on how to obtain a replacement ballot if the elector is unable to change the ballot or correct the error.”

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

SECTION 21.

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

“(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed ‘Official Absentee Ballot.’ This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector; the name and oath of the person assisting, if any; and other required identifying information. The elector shall then fill out, subscribe, and swear to the oath printed on such envelope. In order to verify that the absentee ballot was voted by the elector who requested the ballot, the elector shall print his or her Georgia driver's license or identification card number issued pursuant to Article 5 of Chapter 5 of Title 40 in the space provided on the envelope. The elector shall also print his or her date of birth in the space provided in the envelope. If the elector does not have a Georgia driver's license or state identification card number issued pursuant to Article 5 of Chapter 5 of Title 40, the elector shall so swear or affirm in the space provided on the envelope and print the last four digits of his or her social security number in the space provided on the envelope. If the elector does not have a Georgia driver's license or identification card or a social security number, the elector shall so affirm in the space provided on the envelope and place a copy of identification set forth in subsection (c) of Code Section 21-2-417. Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first time in this state by mail and has not

previously provided the identification required by Code Section 21-2-220 and votes for the first time by absentee ballot and fails to provide the identification required by Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be counted only if the registrars are able to verify the identification and registration of the elector during the time provided pursuant to Code Section 21-2-419.”

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

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

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

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

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

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted ~~during normal business hours beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second Saturday and third Saturdays and, at the registrar's or absentee ballot clerk's choosing, the second Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M. beginning at 9:00 A.M. and ending at 5:00 P.M.; provided, however, that in primaries and elections in which there are no federal or state candidates on the ballot, no Saturday voting hours shall be required; and provided, further, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this paragraph, counties and municipalities the registrars may extend the hours for voting beyond regular business hours to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional~~

voting locations in buildings authorized pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; provided, however, that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days. Advance voting shall be allowed only in the main office of the board of elections and registration, the main office of the board of registrars, or a building authorized pursuant to Code Section 21-2-382.

(e) On each day of an absentee voting period, each county board of registrars or municipal absentee ballot clerk shall report for the county or municipality to the Secretary of State and post on the county or municipal website not later than 10:00 A.M. on each business day the number of persons to whom absentee ballots have been issued, the number of persons who have returned absentee ballots, the number of absentee ballots that have been rejected, and the number of ballots that have been rejected. Additionally, on each day of an advance voting period, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website not later than 10:00 A.M. on each business day the number of persons who have voted at the advance voting sites in the county or municipality. During the absentee voting period and for a period of three days following a primary, election, or runoff, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website not later than 10:00 A.M. on each business day the number of persons who have voted provisional ballots, the number of provisional ballots that have verified or cured and accepted for counting, and the number of provisional ballots that have been rejected.”

SECTION 22.

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 manager, duties of managers, precinct returns, and notifications of challenged elector, 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 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 ~~identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or mark taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct,~~ elector's Georgia driver's license number or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40 entered on the absentee ballot envelope with the same information contained in the elector's voter registration records. If the elector has sworn or 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 absentee ballot 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 absentee ballot clerk shall also confirm that the elector signed the oath and the person assisting the elector, if any, signed the oath of assistance. If the elector has signed the oath, the person assisting such elector, if any, has signed the oath of assistance, 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 absentee ballot 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.

(C) If the elector has failed to sign the oath, or if the ~~signature identifying information entered on the absentee ballot envelope does not appear to be valid~~ 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 absentee ballot clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or absentee ballot 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, ~~an invalid signature~~ 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 for storage 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 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 second Monday prior to ~~After the opening of the polls~~ on the day of the primary, election, or runoff, the ~~registrars or absentee ballot clerks~~ superintendent shall be authorized to open the outer envelope ~~on which is printed the oath of the elector of~~ absentee ballots that have been verified and accepted pursuant to subparagraph (a)(1)(B) of this Code section in such a manner as not to destroy the oath printed thereon; ~~provided, however, that the registrars or absentee ballot clerk shall not be authorized to~~ remove the contents of such outer envelope, or to open the inner envelope marked 'Official Absentee Ballot,' ~~except as otherwise provided in this Code section 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 ~~outer~~ absentee ballot envelopes are being opened and the absentee ballots are being scanned. ~~After opening the outer envelopes, the ballots shall be safely and securely stored until the time for tabulating such ballots. 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 tabulation, 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 subsection, the superintendent shall provide written notice to the Secretary of State in writing at least seven days prior to processing absentee ballots. Such notice shall contain the dates, start and end times, and location or locations where absentee ballots will be processed. The superintendent shall also post such notice publicly in a prominent and public location in the superintendent's office and on the home page of the county or municipal website regarding elections. The Secretary of State shall publish on his or her website the information he or she receives from counties and municipalities stating the dates, times, and locations where absentee ballots will be processed. (B) The proceedings set forth in this subsection shall be open to the view of the public, but no person except a person employed and designated by the superintendent shall touch any ballot or ballot container. Any person involved in processing absentee ballots shall swear or affirm an oath, in the same form as the oath for poll officers set forth in Code Section 21-2-95, prior to beginning the processing and scanning of the absentee ballots. The state or county executive committee of each political party and political body having candidates whose names appear on the ballot for such election in such county or municipality 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 or municipality 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 or municipality to monitor such process. While viewing or monitoring the process set forth in this subsection, monitors and observers are prohibited from:

- (i) In any way interfering with the processing of absentee ballots or the conduct of the primary, election, or runoff;
- (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 absentee 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, 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 and regulations requiring reconciliation procedures and other protections to protect the integrity of the process set forth in this subsection.

(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 open the inner envelopes in accordance with the procedures prescribed in this subsection and 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 state or 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 the inner envelopes of 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 a confidential process 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 ~~e-mail~~ 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. 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 second Monday prior to a primary, election, or runoff ~~As soon as practicable after 7:00 A.M. on the day of the primary, election, or runoff, in precincts other than those in which optical scanning tabulators are used,~~ 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 manager in charge of the absentee ballot precinct of the county or municipality, which shall be located in the precincts containing the county courthouse or polling place designated by the municipal superintendent. In those precincts in which optical scanning tabulators are used, such absentee ballots shall be taken to the tabulation center or other place designated by the superintendent, and the official receiving such absentee ballots shall issue his or her receipt therefor. Except as otherwise provided in this Code section, in no event shall the counting of the ballots begin before the polls close.

(c) The superintendent shall cause the certified absentee ballots to be opened and tabulated as provided in this Code section. ~~A Except as otherwise provided in this Code section, after the close of the polls on the day of the~~

~~primary, election, or runoff~~, 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 ballot box reserved for absentee ballots. 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, and prepare an election return for the county or municipality showing the results of the absentee ballots cast in such county or municipality.~~

(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 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.

(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; 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.

(g) The ballots shall be subject to security review at all times by authorized security auditors trained and equipped to detect ballot fraud. Upon the conclusion of the counting, the absentee ballots shall be sorted and stored by precinct in security sealed containers. Best practices of chain of custody for such containers shall be maintained and subject to authorized security auditors inspection and review until such ballots can be legally disposed of."

SECTION 23.

Said chapter is further amended by revising subsection Code Section 21-2-390, relating to delivery of election materials to clerk of superior court or city clerk after primary or election and accounting for ballots by registrars or municipal absentee ballot clerks, as follows:

“21-2-390.

(a) All official absentee ballots and envelopes on which the forms of affidavits and jurats appear shall be delivered to the clerk of the superior court or the city clerk upon the conclusion of the primary or election in security sealed containers maintaining a chain of custody for such documents and shall be safely kept by him or her for the period required by law and then shall be destroyed. The applications for such ballots shall be retained by the board of registrars or the municipal absentee ballot clerk shall transmit all canceled, spoiled, and rejected absentee ballots and copies of requests for cancellation of absentee ballots in security sealed containers maintaining a chain of custody for such documents to the clerk of the superior court or the city clerk to be held with other election materials as provided in Code Section 21-2-500. The registrars or the municipal absentee ballot clerk shall also transmit an accounting of all absentee ballots, including the number furnished by the registrars or the municipal absentee ballot clerk, the number issued to electors, the number spoiled, and the number rejected.

(b) The Secretary of State shall be authorized to inspect and audit the information contained in the absentee ballot applications or envelopes at his or her discretion at any time during the 24-month retention period. Such audit may be conducted statewide or in selected counties or cities and may include the auditing of a statistically significant same of the envelopes or a full audit of all of such envelopes. For this purpose, the Secretary of State or his or her authorized agents shall have access to such envelopes in the custody of the clerk of superior court or city clerk.”

SECTION 24.

Said chapter is further amended by revising Code Section 21-2-403, relating to time for opening and closing of polls, by redesignating the existing text as subsection (a) and adding a new sub section to read as follows:

“(b) Poll hours at a precinct may be extended only by order of a judge of the superior court of the county in which the precinct is located upon good cause being shown.”

SECTION 25.

Said chapter is further amended in Part 1 of Article II, relating to general provisions regarding preparation for and conduct of primaries and elections, by adding a new Code section to read as follows:

“21-2-420.

(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. In precincts using precinct-based counting or tabulation, the poll officials shall proceed to count and tabulate the ballots cast. Such poll officials shall not cease such count until all ballots have been counted or tabulated and vote totals obtained, with the exception of provisional ballots. 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 precincts using central counting or tabulation, the chief manager and at least one assistant manager shall, after completing the required accounting and related documentation for such precinct, immediately deliver all ballots and required documentation and election materials to the election superintendent or the counting and tabulating center designated by the election superintendent for processing, counting, and tabulation. 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.

(b) The election superintendent shall ensure that each precinct notifies the election superintendent of the number of ballots cast and number of provisional ballots cast as soon as possible after the time for the closing of the polls and the last elector votes. The election superintendent shall post such information publicly.”

SECTION 26.

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

“(a) After the polls close and as soon as all the ballots have been properly accounted for and those outside the ballot box as well as the voter's certificates, numbered list of voters, and electors list have been sealed,

the poll officers shall open the ballot box and take therefrom all ballots contained therein. In primaries in which more than one ballot box is used, any ballots or stubs belonging to another party holding its primary in the same polling place shall be returned to the ballot box for the party for which they were issued. In primaries, separate tally and return sheets shall be prepared for each party, and separate poll officers shall be designated by the chief manager to count and tally each party's ballot. Where the same ballot box is being used by one or more parties, the ballots and stubs shall first be divided by party before being tallied and counted. The ballots shall then be counted one by one and a record made of the total number. Then the chief manager, together with such assistant managers and other poll officers as the chief manager may designate, under the scrutiny of one of the assistant managers and in the presence of the other poll officers, shall read aloud the names of the candidates marked or written upon each ballot, together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any; and the other assistant manager and clerks shall carefully enter each vote as read and keep account of the same in ink on a sufficient number of tally papers, all of which shall be made at the same time. All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person, while handling the ballots, shall have in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot. The poll officers shall immediately proceed to canvass and compute the votes cast and shall not adjourn or postpone the canvass or computation until it shall have been fully completed, ~~except that, in the discretion of the superintendent, the poll officers may stop the counting after all contested races and questions are counted, provided that the results of these contested races and questions are posted for the information of the public outside the polling place and the ballots are returned to the ballot box and deposited with the superintendent until counting is resumed on the following day.~~

SECTION 27.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-480, relating to caption for ballots, party designation, and form and arrangement as follows:

“(a) At the top of each ballot for an election in a precinct using optical scanning voting equipment shall be printed in prominent type the words ‘OFFICIAL BALLOT,’ followed by the name and designation of the precinct for which it is prepared and the name and date of the election.

SECTION 28.

Said chapter is further amended by revising Code Section 21-2-482, relating to absentee ballots for precincts using optical scanning voting equipment, as follows:

“21-2-482.

Ballots in a precinct using optical scanning voting equipment for voting by absentee electors

shall be prepared sufficiently in advance by the superintendent and shall be delivered to the

board of registrars as provided in Code Section 21-2-384. Such ballots shall be marked

‘Official Absentee Ballot’ and shall be in substantially the form for ballots required by Article

8 of this chapter, except that in counties or municipalities using voting machines, direct

recording electronic (DRE) units, or ballot scanners, the ballots may be in substantially the

form for the ballot labels required by Article 9 of this chapter or in such form as will allow the

ballot to be machine tabulated. Every such ballot shall have printed on the face thereof the

following:

‘I understand that the offer or acceptance of money or any other object of value to vote

for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.’

The form for either ballot shall be determined and prescribed by the Secretary of State and shall have printed at the top the name and designation of the precinct.”

SECTION 29

Said chapter is further amended in Code Section 21-2-483, relating to counting of ballots, public accessibility to tabulating center and precincts, execution of ballot recap forms, and preparation of duplicate ballots, by adding a new subsection to read as follows:

“(g.1) When counting ballots and it becomes necessary for processing purposes to prepare a duplicate of the ballot, the original ballot shall be given a unique serial number which shall also be entered on the duplicate ballot and, other than when such duplicate ballot is being processed, such ballots shall be kept together and retained as with other official ballots.”

SECTION 30

Said chapter is further amended by revising Code Section 21-2-492, relating to computation and canvassing of returns, notice of when and where returns will be computed and canvassed, blank forms for making statements of returns, and swearing of assistants, as follows:

“21-2-492.

The superintendent shall arrange for the computation and canvassing of the returns of votes cast at each primary and election at his or her office or at some other convenient public place at the county seat or municipality following the close of the polls on the day of such primary or election with accommodations for those present insofar as space permits. An interested candidate or his or her representative shall be permitted to keep or check his or her own computation of the votes cast in the several precincts as the returns from the same are read, as directed in this article. The superintendent shall give at least one week's notice prior to the primary or election by publishing same in a conspicuous place in the superintendent's office, of the ~~time and place when and~~ where he or she will commence and hold his or her sessions for the computation and canvassing of the returns; and he or she shall keep copies of such notice posted in his or her office during such period. The superintendent shall procure a sufficient number of blank forms of returns made out in the proper manner and headed as the nature of the primary or election may require, for making out full and fair statements of all votes which shall have been cast within the county or any precinct therein, according to the returns from the several precincts thereof, for any person voted for therein, or upon any question voted upon therein. The assistants of the superintendent in the computation and canvassing of the votes shall be first sworn by the superintendent to perform their duties impartially and not to read, write, count, or certify any return or vote in a false or fraudulent manner.”

SECTION 31.

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

“(a) The superintendent shall, ~~at or before 12:00 Noon~~ after the close of the polls on the day ~~following the~~ of a primary or election, at his or her office or at some other convenient public place at the county seat or in the municipality, of which due notice shall have been given as provided by Code Section 21-2-492, publicly commence the computation and canvassing of the returns and continue ~~the same~~ until all absentee ballots received by the close of the polls, including those cast by advance voting, and all ballots cast on the day of the primary or election have been counted and tabulated and the results of such tabulation released to the public and, then, continuing with provisional ballots as provided in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For this purpose, the superintendent may organize his or her assistants into sections, each of which whom may simultaneously proceed with the computation and canvassing of the returns from various precincts of the county or municipality in the manner provided by this Code section. Upon the completion of such computation and canvassing, the superintendent shall tabulate the figures for the entire county or municipality and sign, announce, and attest the same, as required by this Code section.”

SECTION 32.

Said chapter is further amended in Article 15, relating to miscellaneous offenses, by adding a new Code Section to read as follows:

“21-2-568.1.

(a) Except while providing authorized assistance in voting under Code Section 21-2-409, no person shall intentionally observe an elector while casting a ballot in a manner that would allow such person to see for whom or what the elector is voting.

(b) Any person who violates the provisions of subsection (a) of this Code section shall be guilty of a felony.”

SECTION 32A.

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

“(a) Subject to the limitations provided by this Code section, the governing authority of any municipal corporation is authorized to reapportion the election districts from which members of the municipal governing authority are elected following publication of the United States decennial census of 1980 or any future such census. Such reapportionment of districts shall be effective for the election of members to the municipal governing authority at the next regular general municipal election following the publication of the decennial census; provided, however, that, if the publication of the decennial census occurs within 120 days of the next general or special municipal election, such reapportionment of districts shall be effective for any subsequent special election and the subsequent general municipal election.”

SECTION 33.

Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding administrative procedure, is amended by revising subsection (b) of Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest rule, and legislative override, as follows:

“(b) If any agency finds that an imminent peril to the public health, safety, or welfare, including but not limited to, summary processes such as quarantines, contrabands, seizures, and the like authorized by law without notice, requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable to adopt an emergency rule. Any such rule adopted relative to a public health emergency shall be submitted as promptly as reasonably practicable to the House of Representatives and Senate Committees on Judiciary, provided that any such rule adopted relative to a public health emergency by the State Election Board shall be submitted as soon as practicable but not later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State Election Board pursuant to the provisions of this subsection may be suspended upon the majority vote of the House of Representatives or Senate Committees on Judiciary within ten days of the receipt of such rule by the committees. The rule may be effective for a period of not longer than 120 days but the adoption of an identical rule under paragraphs (1) and (2) of subsection (a) of this Code

section is not precluded; provided, however, that such a rule adopted pursuant to discharge of responsibility under an executive order declaring a state of emergency or disaster exists as a result of a public health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of the emergency or disaster and for a period of not more than 120 days thereafter.”

SECTION 34.

This Act shall be severable in accordance with Code Section 1-1-3.

SECTION 35.

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

SPONSOR’S RATIONALE

Representative Barry Fleming (“Representative Fleming”) sponsors House Bill 531 (“the Bill”), which creates tighter restrictions on in-person voting, vote counting, and particularly absentee voting.⁵ The Bill adds an identification requirement for absentee votes and limits the number of absentee-ballot drop boxes.⁶ Legislators proposed the changes to the election rules in hopes of reforming the current system.⁷ Supporters of the Bill believe that security vulnerabilities in identification requirements exist in Georgia’s current voting system, necessitating a change.⁸ Specifically, Georgia’s current system only requires photo identification for in-person voting.⁹ The new proposal adds an identification requirement for absentee voting as well.¹⁰ With the new proposed Bill, absentee voters are required to provide a

⁵ Doug Richards, *Georgia House Passes GOP Election Bill That Would Add Restrictions to Voting Process*, 11 ALIVE (Mar. 2, 2021, 12:49 AM), <https://www.11alive.com/article/news/politics/Ga-House-passes-GOP-election-bill/85-bce0e5a4-12e3-4006-ae40-c4263c706912>.

⁶ *Id.*

⁷ Hans A. von Spakovsky, *Georgia Legislators Addressing Election Vulnerabilities That Fueled Controversy*, THE HERITAGE FOUNDATION (Mar. 23, 2021), <https://www.heritage.org/election-integrity/commentary/Georgia-Legislators-Addressing-Election-Vulnerabilities-Fueled#.pdf>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

photocopy of their Georgia driver's license, the serial number of that license, or alternatively, a photocopy of their non-driver photo identification card.¹¹

The Bill also seeks to prohibit third parties, who may have “a stake in the outcome of the election,” from assisting with absentee ballot submissions.¹² Supporters state that the current system allows interested parties such as campaign staffers and party activists to help obtain and assist with both completion and delivery of absentee ballots.¹³ The Bill will allow only relatives or a person assisting a disabled or illiterate voter to help complete and submit an absentee ballot.¹⁴ Those who are in favor of this change, cite to the 2018 Ninth Congressional District Race of North Carolina, which was overturned because of these types of submissions that allegedly made that election unfair.¹⁵

Additionally, supporters of the Bill note their concerns with “risks posed by unsecured and unguarded drop boxes for absentee ballots.”¹⁶ The Bill limits the number of drop boxes allowed per county and requires that these drop boxes be located at specifically described locations.¹⁷ Further, the proposed Bill requires that all drop-off locations be monitored by the appropriate identified official.¹⁸ Advocates of the Bill assert that these recommended changes are needed to safeguard both voter access and dependability on the system.¹⁹

Representative Fleming states that the Bill is “designed to begin to bring back the confidence of our voters back into our elections system[.]”²⁰ Supporters of the Bill believe that the Bill will provide more security and trust in the voting system.²¹ Governor Brian Kemp supports the Bill and indicates

¹¹ *Id.*

¹² *Id.*

¹³ Spakovsky, *supra* note 7.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Spakovsky, *supra* note 7.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Claire Simms, *Georgia House Approves Election Reform Legislation*, FOX 5 ATLANTA (Mar. 1, 2021), <https://www.fox5atlanta.com/news/Georgia-house-approves-election-reform-legislation>.

²¹ 13WMAZ, *Central Georgia State Representatives Divided on GOP Election Bill* (beginning at 0:27), YOUTUBE (Mar. 2, 2021), <https://www.youtube.com/watch?v=OFNrI0p1B1M>.

that voting reform is needed in order to restore the public's faith in the voting system.²²

OPPOSITION'S RATIONALE

Critics of the Bill say that the Bill restricts voter access and disproportionately affects people of color.²³ Democratic Representative Renitta Shannon opposes the Bill and indicates that the Bill is aimed at silencing the voices of Black and Brown voters in response to Georgia "flipping the Senate" in the last election.²⁴ The Bill limits Sunday voting, and Fair Fight Action voting rights advocates, as well as the Georgia Legislative Black Caucus, state that limiting specifically harms efforts of "Souls to the Polls," which is a voting initiative that Black churches created in attempt to get Black voters to the polls.²⁵

Democrats voted in a bloc to oppose the Bill.²⁶ Representative Calvin Smyre remarks that the Bill "takes away the ability to have uniformity in every county."²⁷ He further emphasizes that this lack of uniformity leads to confusion, which in turn deters voting and "brings about voter suppression."²⁸ Democrats believe that the changes proposed for absentee voting are in "direct response to COVID-19[,]" especially since absentee voting was more prevalent during this time and those absentee votes brought in more Democratic votes.²⁹ There were five times more absentee ballots in

²²Archith Seshadri, *Georgia Gov. Kemp Discusses Election Bills in Legislature, Voter Reform*, WJBF (Mar. 2, 2021, 5:57 PM), <https://www.wjbf.com/news/georgia-news/Georgia-Gov-Gemp-discusses-election-bills-in-legislature-voter-reform/>.

²³ Ben Nadler and Anila Yoganathan, *Georgia House Passes GOP Bill Rolling Back Voting Access*, AP NEWS (Mar. 1, 2021), <https://apnews.com/article/senate-elections-bills-legislation-elections-georgia-842d9ad16a78901322f4b952f6c0d8dd>.

²⁴ *Id.*

²⁵ *Georgia House Passes Voter Suppression Bill*, DEMOCRACY DOCKET (Mar. 1, 2021), <https://www.democracymarket.com/alerts/legislation-alert-Ga-House-Passes-Voter-Suppression-Bill/> ("Souls to the Polls" is an initiative organized by Black churches to get Black voters to go out and vote after Sunday church service. *Id.*).

²⁶ Ito N. Umontuen, *Georgia Politics; House Bill 531 Passes Along Party Lines Amid Fierce Opposition*, THE ATLANTA VOICE (Mar. 1, 2021), <https://www.theatlantavoices.com/articles/voting-restrictions-Bill-passes-along-party-lines-amid-fierce-opposition/>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

the 2020 General Election; two thirds of those voted Democratic.³⁰ Democrats also note that while the restrictions appear to be targeted towards minority voter suppression, many rural white voters who tend to vote Republican may also find it more difficult to vote if it becomes harder to vote through absentee and mail ballots.³¹

Several large companies within the state of Georgia have also expressed their opposition to the Bill.³² Among many, the Atlanta Falcons, Home Depot, Porsche Cars North America, as well as UPS have all issued statements affirming the importance of equitable voting access in response to the proposed Bill.³³ For example, Delta CEO, Ed Bastian, stated that the rationale for the Bill was “based on a lie: that there was widespread voter fraud in Georgia in the 2020 elections.”³⁴ He further states the provisions in the Bill make it particularly difficult for underrepresented voters to “exercise their constitutional right to elect their representatives.”³⁵ Furthermore, the Major League Baseball organization decided to move its All-Star game out of Atlanta due to its criticism of the proposed Bill.³⁶

Outside of Georgia, a significant number of Black executives published an open letter entitled “The Fierce Urgency IS Now” in the New York Times in which the Bill is denounced because it is “intended to make it harder for Americans to vote.”³⁷

IMPLICATIONS IN GEORGIA

The Bill shortens the window to request an absentee ballot from 180 days prior to election to seventy-eight.³⁸ Further, it shortens the deadline to

³⁰ *Id.*

³¹ Richard Fausset, Nick Corasaniti and Mark Leibovich, *Georgia Takes Center Stage with New Battles Over Voting Rights*, NEW YORK TIMES, (Mar. 3, 2021), <https://www.nytimes.com/2021/03/03/us/politics/georgia-voting-laws.html>.

³² Rachel Treisman, ‘Based On A Lie’ Georgia Voting Law Faces Wave of Corporate Backlash, NPR (Apr. 1, 2021, 12:48 PM), <https://www.npr.org/2021/04/01/983450176/Based-On-A-Lie-Georgia-Voting-Law-Faces-Wave-Of-Corporate-Backlash>.

³³ *Id.* (Delta CEO, Ed Bastian, states that the suggested provisions make it harder for underrepresented voters to exercise their constitutional rights, thus suggesting there will be inequality in the voting process should the Bill be passed. *Id.*).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Simms, *supra* note 20.

submit an application to eleven days before Election Day.³⁹ The Bill makes it a misdemeanor to hand out food or drinks to voters that are waiting in line within 150 feet from the polls.⁴⁰ The Bill would also change the early voting period.⁴¹ Additionally, provisional ballots would no longer be available when someone shows up at the wrong precinct on Election Day.⁴² The Bill would also ban private funding of election officials and election officers.⁴³

Reducing the number of hours that in-person voting can take place could have an impact on Georgia and its citizens, as it may lead to much longer lines at the polls during high-volume times, specifically on Election Day.⁴⁴ Litigation costs within the state of Georgia may increase, as three groups have already filed suit claiming that the Bill is discriminatory and unconstitutional.⁴⁵ These same types of impacts could be seen in other states, as several states have proposed similar bills since the 2020 Election.⁴⁶ The Voting Rights Act has subsequently been challenged, resulting in Supreme Court involvement as well.⁴⁷

LEGISLATIVE GENEALOGY

The Bill was introduced into the House Hopper on February 18, 2021.⁴⁸ The Bill was first read in the House on February 18, 2021, as well.⁴⁹ The second House reading took place on February 22, 2021.⁵⁰ The Bill was reported favorably by substitute in Committee on February 25, 2021.⁵¹ A third House Reading took place on March 1, 2021, where the House subsequently passed by Substitute on that same day.⁵² The Senate read and

³⁹ *Id.*

⁴⁰ Richards, *supra* note 5.

⁴¹ *Id.*

⁴² Simms, *supra* note 20.

⁴³ Spakovsky, *supra* note 7.

⁴⁴ Fausset, *supra* note 31.

⁴⁵ Treisman, *supra* note 32.

⁴⁶ Fausset, *supra* note 31.

⁴⁷ See *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321 (2021) (The Democratic National Convention filed suit claiming that Arizona's refusal to include votes cast from the wrong precinct targeted minorities in violation of the Voting Rights Act and 15th Amendment).

⁴⁸ H.B. 531 Status Sheet, *supra* note 2.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

referred the Bill on March 3, 2021.⁵³ On March 25, 2021 the Bill was reported favorably by substitute in Senate Committee and read a second time.⁵⁴

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⁵³ *Id.*

⁵⁴ H.B. 531 Status Sheet, *supra* note 2.