

SB 241

Omnibus Senate Election Bill

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STAFF CONTACT

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Summary of SB 241 (LC 28 0292S) Feb. 25, 2021

Section 1

- Requires the Attorney General to establish and maintain a telephone hotline for electors to file complaints of voter intimidation and illegal election activities. The AG shall review each complaint within three business days to determine whether it be investigated or prosecuted.

Section 2

- Prohibits the State Election Board (SEB) or the Secretary of State (SOS) from entering into any consent agreement with any other person that limits, alters or interprets any provision of election law without first obtaining the approval of the General Assembly via a joint resolution.

Section 3

- Authorizes the SEB to recommend the temporary removal of election superintendent to their local legislative delegation – the superintendent may request a hearing prior to his or her removal.
 - Removal of county election officials or entire boards of election can be due to malfeasance, misfeasance, neglect of duty, incompetence or inability to perform the duties of the office.

Section 4

- Requires the SOS to participate in ERIC, a multistate voter registration system, to obtain information on whether folks are eligible to vote in Georgia and to maintain the state's voter list.

Section 5

- Requires that portable and movable polling locations be used only to replace existing polling places that are deemed unsafe for human occupation by a licensed commercial building inspector or does not have utilities (water or electricity).
 - Must be located within 2,640 feet of the existing polling place.
 - Must be approved by superior court judge.

Section 6

- In order to vote by absentee ballot (not early voting) an elector:
 - Must be absent day of election, performing official acts or duties in connection with the election, have a physical disability, be a caregiver of a disabled person, is recognizing a religious holiday, is required to remain on duty in their place of employment the entire time the polls are open, is an active duty/military/overseas citizen, or 65+ years of age, or is entitled to vote absentee under the federal Uniformed and Overseas Citizens Absentee Voting Act.
 - Electors may cast absentee ballots in person at a registrar's or absentee ballot clerk's office during the early voting period.

Section 7

- Absentee ballot applications must be on forms made available by the SOS.
 - Elector must provide a GA driver's license or state identification number, or a photocopy of a state-accepted ID application.
 - If above ID is not included with application, absentee ballot clerk must inform elector if time allows.
 - Upon receipt of absentee ballot, ballot clerks must verify oath of elector with enclosed signature document.
 - If not included, treat as provisional ballot and attempt to get missing information.
- SOS is authorized to create a web portal whereby folks can apply for an absentee ballot.
 - Applicants must submit either a driver's license or state identification number and must swear that they are legal GA voter.
 - Prohibits the state or counties from automatically sending out absentee ballot applications – ballot must be requested.

Section 8

- Amends current law to ensure that county ballot clerks check that all the above conditions are met in approving absentee ballot applications and issuing absentee ballots.

Section 9

- Requires groups sending out absentee ballot applications to prominently display a disclaimer that the form is NOT an official government publication and was NOT provided by any government entity – remember, state and counties would now be prohibited from automatically sending out absentee ballot applications.

Section 10

- Authorizes registrars to add additional locations to receive absentee ballots, but they must be buildings (this appears to be a concession to not allowing for absentee ballot drop boxes).

Section 11

- Alters absentee ballot envelopes to comport with the above ID requirements.

Section 12 – Keep on Reporting

- More on revised absentee ballot envelopes to comport with new ID requirements.
- Limits early voting to only the main office of the board of elections and registration, the main office of the board of registrars, or other government buildings.

- Requires counties, on each day of early voting by 10:00 a.m., to report to the SOS and on their Web site the number of persons to whom absentee ballots have been issued, the number of absentee ballots returned, and the number of absentee ballots rejected.
- Counties must also report, to the SOS and on their Web site, the number of folks who have early voted daily.
- During the early voting period (and for three days following an elections), counties must report daily, to the SOS and on their Web site, the number of persons who voted by provisional ballot, the number of provisional ballots that have been verified or cured and accepted for counting, and the number of provisional ballots that have been rejected.

Section 13

- More on revised absentee ballot envelopes to comport with new ID requirements.
- More on counties verifying the new ID requirements.
- Addresses the curing for those not having met the new ID requirements.
- Authorizes counties to begin processing and scanning (not tabulating) absentee ballots on the second Monday prior to an election (an ACCG agenda item request).
- Provides that counties must notify SOS seven days before they begin processing and scanning absentee ballots.
 - The SOS must publish this notice on his or her Web site.
- Notice shall include dates, start and end times, and locations of processing and scanning
- This notice must also be provided to the public via a prominent location in the superintendent's office and on the county Web site.
- Provides that processing and scanning process must be open to public view.
- Those processing and scanning ballots must take an oath.
- Monitors are to be appointed by the political parties for observing the process.
- Conditions are spelled out for the monitors.
- Election superintendents must report absentee ballot returns "as soon as possible" following the close of the polls on election day.

Section 14

- The SOS is authorized to inspect and audit the information in the absentee ballot applications or envelopes and any time during their 24-month retention period.
 - Such audit may be statewide or in select counties.

Section 15

- Provides that poll hours at a precinct may be extended only by order of superior court judge upon good cause being shown.

Section 16

- At the closing of the polls
 - More on poll officials reporting the total numbers of ballots casts and total provisional ballots
 - Provides that they must begin the counting and tabulating immediately at the closing, and shall not cease until all ballots are counted with vote totals obtained (except provisional ballots)
 - Requires posting of tabulated results on precinct doors
 - Requires delivery of all required documentation and election materials to the election superintendent immediately upon tabulation completion

- After completing required accounting and documentation for such precinct, the chief manager plus at least 1 assistant shall immediately deliver all ballots, documentation, and election materials to election superintendent
- Election superintendent shall ensure that ballots are processed, counted, and tabulated ASAP, not ceasing until all ballots are counted and tabulated
- Election superintendent shall ensure that each precinct notifies the election superintendent of the number of ballots and number of provisional ballots cast ASAP after the time for the closing of the polls and the last elector votes. Election superintendent shall post such information publicly

Section 17

- Strikes language providing that, under discretion of the superintendent, poll officers may stop counting and resume the following day

Section 18

- Amends current law to provide that superintendents shall begin computation of totals at the closing of the polls

Section 19

- Amends current law to provide that superintendents shall begin the computation and canvassing of the returns at the closing of the polls and shall not stop until all absentee ballots and ballots cast on the day of the election/primary have been counted and results released to the public
 - Then shall continue with provisional ballots and absentee ballots with ID discrepancies

Section 20

- Provides that a felony shall be committed if any person intentionally observes for whom an elector is casting their ballots

Section 21

- Provides that emergency rules relative to public health emergencies adopted by the State Election Board shall be submitted not later than 20 days prior to rule taking effect
 - Any such rule may be suspended with a majority vote of the House or Senate Judiciary Committees within 10 days of receipt of such rule

Section 22

- Act is severable