

# HB 531

## As Passed the House Special Committee on Election Integrity (LC 28 0264S)

Published February 26, 2021

### STAFF CONTACT

Deputy Legislative Director Todd Edwards  
[tedwards@accg.org](mailto:tedwards@accg.org)

### SUMMARY

#### State Board of Elections (Section 1)

- Chairperson elected by General Assembly (not the SOS), shall be nonpartisan
- SOS will serve as ex officio nonvoting member
- Section 2- SOS will provide any and all necessary support that State Board of Elections deems necessary
- Section 3- State Elections Board may only declare emergency rule under certain conditions

#### Receipt of funding

- Payment by county or municipality of superintendent’s expenses (Section 4)
  - No superintendent shall take or accept funding/grants/gifts from any source other than from the governing authority of the county, State of GA, or federal government
- Budgeting estimates for board of registrars (Section 8)
  - No board of registrars shall take or accept any funding/grants/gifts from any source other than from the governing authority of the county, State of Georgia, or federal government

#### Vacancy in office of probate court judge in a county with no board of elections (Section 5)

- If there is a vacancy or the judge is incapacitated and cannot act as election superintendent
- Deferral to chief just of the superior court in circuit will appoint a qualified individual to act as election superintendent
- Either the sole commissioner or board of county commissioners will fix compensation, to be paid by the county

#### Poll workers and polling locations

- Qualification of poll officers (Section 6)
  - Poll officers can serve in a county adjoining the one in which they reside if the county elections superintendent of the county in which they reside waives the requirement and this waiver does not adversely affect the ability of the county to staff elections
- Provision of additional voting equipment or poll workers (Section 9)
  - If during previous general election, the precinct had more than 2,000 electors and if electors had to wait in line more than an hour on election day, then the superintendent shall reduce precinct to be less than 2,000 electors or provide extra voting equipment or poll workers
    - Must be done no later than 60 days before next general election
    - Time in line measuring must be done at least 3 times throughout the day, to be recorded on Secretary of State form
- Number of machines available for use (Section 12)
  - For state-wide general elections, election superintendents shall provide at least one voting booth for each 250 electors
  - For any other election, the superintendent may provide more or less booths depending on the expected turnout, number of electors already voted by absentee or in advance, and other relevant info

### Polling locations

- Use of public buildings as polling places, use of portable/movable facilities (Section 10)
  - Expands selection criteria from polling to places to include “advance voting locations”
  - Movable facilities only to be used in emergency situations to supplement existing polling places

### Ballot specifications

- Security paper (Section 13)
  - Ballots shall be printed on security paper that has features identifying the ballot as official/authentic but not identifying the elector to whom it is issued
- Testing (Section 14)
  - At least three days before the primary or election, the superintendent shall test each electronic ballot marker to ensure accuracy of markings
  - Superintendent shall publish a notice of the meeting on their website and in a prominent location at least five days prior to the test (including date, time, and place)
  - Superintendent shall also notify the Secretary of State, who shall publish this info on their website

### Absentee voting

- Applications for, eligibility for (Section 15)
  - Elector must apply for absentee ballot between 78 and 11 days before the date of the election (change from 180 days)
  - Application must be received no later than 11 days prior to election
  - Must provide: name, date of birth, address as registered, mailing address, DL number or ID number, photocopy of that ID

- Must sign an oath affirming they are a qualified GA elector
  - Blank application for an absentee ballot shall be made available by the SoS and each election superintendent and registrar
  - No govt entity shall be allowed to send applications for absentee ballots directly to electors unless requested by such elector
    - Includes: SoS, election superintendents, board of registrars, other governmental entities, or employee or agent thereof
    - Exception: someone assisting an illiterate or physically disabled elector
  - Applications sent by any person or entity shall use the SoS form and prominently disclose that the mailing entity is not a govt, application is not a ballot, and completion of the form is not required to vote
- Signature match (Section 15)
  - Registrar or absentee ballot clerk shall verify signature of applicant by comparing name, DOB, DL/ID number with information on file
  - If ineligible or not received on time, clerk shall deny the application and notify the applicant
  - Shall not be rejected solely due to mismatch between identifying information of elector on application and that on file
    - Removes references to “signature” matching
  - If registrar cannot identify elector from info on application, or if app is incomplete, or if oath is not signed → contact the elector in writing to request necessary information
  - Section 17- updating other Code sections to reflect ID number match
- Additional registrar’s office or place of registration for absentee ballots (Section 16)
  - Shall establish at least one drop box, with potential for additional with a max of one box per 100,000 active registered voters OR number of advance voting locations
    - At office of board of registrars or inside locations where there is advance voting: boxes must be closed when advance voting is not happening, have sufficient lighting, be under constant surveillance by an election official, law enforcement official, or licensed security guard
  - Opening slot of a drop box shall not allow tampering or removal, minimize risk of liquid/other substances being dropped in. Shall be labeled “Official Absentee Ballot Drop Box”
  - Board of registrars/absentee ballot clerk shall arrange the collection and return of ballots at the end of each day where advance voting takes place
    - Team of at least 2 people, who have sworn an oath similar to that of poll workers
    - Team shall complete and sign a ballot transfer form upon moving of ballots
    - Board of registrars or absentee ballot clerk or designee shall sign the form upon receipt of ballots and storage
  - At beginning of voting where drop box is present, manager of said location shall open the box to confirm emptiness.
    - If not empty, manager shall secure contents and immediately inform the election superintendent, board of registrars, or absentee ballot clerk, who shall notify the SoS
- Mailing of absentee ballots (Section 17)
  - Board of registrars or absentee ballot clerk shall mail or issue ballots between 29 and 25 days prior to the day of a presidential primary
    - Electors who qualify under the Uniformed and Overseas Citizen Absentee Voting Act shall be issued ballots beginning 49 days prior to a federal primary or election and no later than 45 days prior

- As additional applicants are deemed eligible, ballot shall be issued and mailed immediately
  - All mailing/issuing of absentee or provisional ballots and notices of rejection shall be made within 3 days of receipt of timely application
- Electors in hospital (Section 17)
  - Electors confined in a hospital shall be allowed to apply for an absentee ballot on the day of an election or during a 10-day period beforehand
    - Such application shall immediately be processed and if eligible, board of registrars/ballot clerk may deliver ballot to elector
- Two envelopes (Section 17)
  - Larger of the two envelopes in the mailing envelope shall contain the form of oath of elector, a place for elector to print name, sign name, print DL or ID number, place to mark if do not have a DL or ID, DOB, and last four digits of elector's SSN if does not have DL or ID
    - Envelope shall be designed so the DL/ID number, SSN, and DOB are hidden when envelope is correctly sealed
  - Section 18- Code updated to reflect above changes to envelope in absentee ballot voting procedures
- Special absentee ballots for those electors who qualify under the Uniformed and Overseas Citizens Absentee Voting Act (Section 17)
  - Shall list the titles of all offices being contested at the general primary and the candidates for each
    - Elector will rank preference for each candidate for each office
  - Separate ballot shall be prepared for each political party but elector shall only be mailed appropriate ballot
  - Ballots shall be of a distinctive color, different than that used in general primary or election
  - Same thing for general election, rank ordered preference
  - Elector does not have to indicate preference for more than one candidate
  - A special absentee ballot shall be enclosed with each general primary absentee and general election absentee ballot
- Collecting of absentee ballots (Section 31)
  - Accepting an absentee ballot from an elector for return to board of registrars is a felony

## Advance voting times

- (Section 18)
  - Advance voting shall start
    - On the fourth Monday immediately before each primary or election; and
    - As soon as possible prior to a runoff from a primary or general, but no later than the second Monday immediately prior to such runoff
  - Times
    - Between 9am and 5pm on weekdays, except observed state holidays
    - Between 9am and 5pm on either the third Saturday or third Sunday prior to the election
    - Registrars may extend hours to permit voting from 7am to 7pm, providing that voting shall only occur on days specified above. Counties and municipalities shall not be allowed to conduct advance voting on other days

- Board of registrar shall publish dates, times, and locations of available advance voting on homepage of website or in a prominent newspaper, and in a prominent location in county no later than 14 days prior to beginning of advance voting
  - Any new locations added after shall be published in same manner ASAP
  - Board of registrars shall not remove any locations after posting, except in the case of an emergency or unavoidable event
- Opening and scanning of ballots (Section 19)
  - Beginning at 8am on third Monday prior to and no prior than the second Monday prior to the election, election superintendent shall open the outer oath envelope, remove the inner absentee ballot envelope, and being scanning the absentee ballots
    - This will not constitute tallying or tabulating, which is only permitted to start at the closing of the polls on election or primary day
    - Public is permitted to observe this process
- Poll watchers (Section 20)
  - Poll watchers must complete training by a political party, political body, or candidate designating the poll watched- SOS must make this training available

### Provisional ballots

- Validation of (Section 22)
  - Provisional ballots shall only be counted if cast in the correct precinct- if the elector is determined to have voted in the wrong precinct, the ballot will not be counted

### Counting of ballots

- Duplication panel for damaged ballots (Section 25)
  - In a partisan election, shall be composed of the election superintendent, appointee by county executive committee of each political party with names on ballot
  - In a nonpartisan election, shall be composed election superintendents and two electors of the county/municipality
  - In a nonpartisan election with only a referendum, shall be composed of two elector members appointed by chief judge of the superior court
  - May be more than one duplication panel for efficiency
- Certification of votes (Section 26)
  - Must be completed by Monday 5pm following the election

### Activities in the vicinity of a polling place

- Section 21- no person shall give or offer to give any money or gifts, including food and water, to any electors

### Death of a candidate on the ballot (Section 7)

- For nonpartisan elections
  - If the candidate dies prior to the election, their name shall remain on the ballot
  - If they are elected, will be handled as a “failure to fill the office”, Code Section 21-5-504
  - If they qualify for a run-off, will be handled as per Code Section 21-2-501

- **Section 11** adjusts code to account for Section 4 change
- **Section 23** adjusts code language for Section 4 change
- **Section 24** adjusts code language for Section 4 change

### Runoff elections

- Date of runoff (**Section 27**)
  - Runoffs shall be conducted on the 28<sup>th</sup> day after the preceding general, special primary, general, or special election

### Special Elections

- **Section 28**
  - Every special primary and special election will be held in accordance with the provisions relating to general primary and general elections
  - If a vacancy occurs in a partisan office in which the Governor is authorized to appoint until next general election, a special primary shall precede special election
  - Candidates in special primaries shall be listed alphabetically on the ballot
- **Section 29**- Code adjustments for Section 28 changes
- **Section 30**- Code adjustments for Section 28 changes

### Reapportionment

- **Section 32**- if publication of census data occurs within 120 days of next general or special municipal election, reapportionment shall be effective for the subsequent special election and subsequent general municipal election