

The Election Integrity Act of 2021 – State of Georgia

Section 1: Overview – issues with recent elections, need to clarify and tighten up rules.

Name of Bill: Election Integrity Act of 2021

Section 2: Reasons for needing the law which changes Chapter 2 of Title 21 of the Official Code of Georgia: <http://ga.elaws.us/law/21-2>

Section 3: Specific changes. I have read the 98-page document and have summarized the changes below.

Sect.	Pg.	Code Section	Notes
3	6	21-2-2	Defines the Superintendent of Elections
4	8	21-2-3	AG can estab. a hotline for voter intimidation, fraud, illegalities
5	8	21-2-30	State Election Bd (SEB), election of chair (non-partisan), SecState is an ex-officio non-voting mbr
6	11	21-2-33.1	Appt. of a temp. Superintendent (re procedures in next CS)
7	12	21-2-33.2	New Section: Superintendent can be suspended based on malfeasance in 2+ elections. Vote to suspend must be made in open. Right to petition.
8	15	21-2-35	New Section: SEB Can adopt emergency rules/regulations. Advance notice of meeting req'd.
9	17	21-2-71	Payment of Superintendent's fees. Adds subpara b: Sups can't take gifts and c: SEB will research and recommend proposed method for accepting donations by 10/01/2021
10	18	21-2-74.1	Added method for selecting acting Superintendent
11	19	21-2-92	Qualifications for poll officers, waiver to serve in adjacent co.
12	20	21-2-105	New: definition of a local elected official
12	20	21-2-106	New: who may request a performance review
12	20	21-2-107	New: appointment of a performance review board
12	20	21-2-108	New: rules for administration of section
13	22	21-2-134	Death of a candidate – what happens to votes
14	23	21-2-212	Co. registrars can't take gifts
15	23	21-2-229	Challenging the qualification of a person registering to vote. Must be in writing with specific grounds. Failure to comply goes to SEB.
16	25	21-2-230	Changes deadline for challenging the qualification from "election" to "when absentee ballots are counted." Failure to comply goes to SEB.
17	28	21-2-232	Maintaining updated voting lists
18	28	21-2-263	In precincts with >2000 electors and voting is not completed by the end of the day, the precinct boundaries may be changed to decrease the number or additional voting equipment may be obtained
19	30	21-2-265	Notice required of precinct place changes

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20	31	21-2-266	Voting precincts must be buildings. Only uses busses for voting locations in emergencies.
20A 20B 20C	31 32 33	21-2-284 21-2-284.1 21-2-285	Add name of precinct polling place on ballot
21	33	21-2-285.1	Add name and designation of polling place on ballot
21A 21B	34 35	21-2-286 21-2-287	Add to absentee ballots
22	35	21-2-367	# of voting booths: 1 for every 250 electors in precinct
23	36	21-2-372	Ballot printing requirements + ability to authenticate ballots
23A	36	21-2-379.23	Name and designation of precinct on elec. scanned ballots
24	36	21-2-379.25	Test of elec. scanned ballots must be 3+ days before election, with 5 days' notice of date/time. Test is open to all.
25	37	21-2-381	Request for absentee ballot must be received between 78 – 11 days prior to election. Requires: name, DOB, address, DL # or ID #, which election it's for, oath + signature. No one unauthorized may handle absentee ballot application. If a 3 rd party requests, must have notice "This is NOT an official government publication" and must ID the 3 rd party in large enough print to be easily readable. Electors in jail must be granted access to their personal effects to be able to request absentee ballot. Cannot send more than one absentee ballot to each elector. Check for duplicates. Check GA DL # for match. Absentee ballot cannot be denied solely because a mismatch in ID info. Registrar shall follow up to confirm info.
26	46	21-2-382	Additional sites. At least one drop box for absentee votes (more ok) for each 100K registered voters geographically distributed. Can be in government building or early voting locations. Mandates the size of the slot to not allow other items from being introduced. Collection of ballots from drop box by team of 2+ members who have sworn an oath to the State. Collected ballots stored with absentee ballot clerk.
27	49	21-2-384	Absentee ballots mailed out 29 – 25 days prior to election (was 49-45 days). Overseas 49-45 days prior or when determined eligible. If confirmed in the hospital 10 days prior through election day, ballot can be delivered to elector. Ballots shall be filled out in private. Any elector can contest another's eligibility to request absentee ballot before 5pm on day before election. On run-off elections, 1 st choice, 2 nd choice, 3 rd choice.

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28	57	21-2-385	Must include GA DL # or ID # on absentee ballot or state none and use the last 4 of SSN. Advance voting: 4 th Monday prior and as soon as possible prior to run off but no later than the 2 nd Monday prior. 9-5 M-F and on Saturdays and Sundays if registrar chooses, can expand to 7-7 + additional voting locations. Shall publish times and locations 14 days prior. Update # of persons voting absentee, in advance, and provision.
29	61	21-2-386	Verifying ID, GA DL + Absentee Ballot + signed oath. If ID doesn't match, "rejected + reason" on envelope. Contact elector to correct. 3 rd Monday prior to election, superintendent can open outer oath envelope of accepted votes and open inner envelope and scan ballot. 3 persons (registrar, deputy registrar, poll workers) must be present. No tabulations made until election day. All processing shall be noticed publicly and shall be open to the public. Monitors shall not photograph, campaign, interfere, touch ballots, or tally votes. Tabulations may begin at 7:00 a.m. on election day. Report to public as soon as possible following closing of the polls. If Superintendent fails to report returns of verified and accepted absentee ballots by 5pm on the day after the election, SEB may convene independent performance review board.
30	71	21-2-390	Sec. State may review, inspect or audit absentee ballots within 24-month retention period.
31	72	21-2-403	Extension of voting hours only by order of Superior Court of County only for time for those unable to vote within regular hours.
32	72	21-2-408	Poll watchers must be able to fairly observe. Poll watchers must complete and certify training complete. Sec State provides training materials.
33	73	21-2-414	No soliciting of votes "nor shall any person give, offer to give, or participate in giving of any money or gifts, including but not limited to food and drink, to an elector" nor solicit signatures for petitions, etc. within 150 feet of polling place. This does "not prohibit making available self-service water from an unattended receptacle to an elector waiting in line to vote."
34	74	21-2-418	If an elector votes at the wrong precinct, poll officials will inform the elector of correct precinct and location. If after 5pm, may vote a provisional ballot if unable to get to the correct precinct by close of voting.

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35	75	21-2-419	If voting a provisional ballot (see section 34) a sworn statement stating that the elector is unable to get to correct polling place prior to closing must be kept with the ballot.
36	78	21-2-420	As soon after the polls close, polling officials shall advise election Superintendent of the total # of ballots cast at the precinct and total # of provisional ballots. Post this info on the door. Superintendent shall ensure ballots are processed ASAP and shall not cease until complete.
		21-2-421	No later than 10:00 PM on election night # ballots cast at precinct, # cast in advance, # of absentee must be posted
37	79	21-2-437	Poll officers immediately start count and continue without adjourning/postponing until completed
38	81		Votes for candidates who have died or been disqualified will be void or not counted
39	83	21-2-483	Torn or bent ballots will be duplicated. Duplicate Panel is bipartisan/non-partisan. Duplicated ballots will be marked as such.
40	84	21-2-492	Supervisor will give notice of where she/he will commence and hold sessions for computation of returns
41	85	21-2-493	Start computation and canvassing of returns after polls close and continue until all absentee and advance voting and all ballots have been calculated
42	86	21-2-501	Majority of the votes wins. If no majority, run-off held 28 days later
43	90	21-2-540	Special election rules same as general election rules
44	93	21-2-541	Defines special elections
45	94	21-2-542	Defines special election for Senator
46	94	21-2-546	Vacancies in office of Chief Judge
47	95	21-2-568	Interfering with voter or accepting absentee ballot for elector for delivery is a felony
48	95	21-2-568.1	No observation of elector when casting vote
		21-2-568.2	No photography of elector casting vote – misdemeanor
49	96	36-35-4.1	Reapportionment of districts publication on census occurs within 120 days of next general/special municipal election is in effect for subsequent special and general elections
50	97	50-13-4	Rules for Public Health Emergency: State Election Board may suspend by majority vote in House or Senate
51	98	50-18-71	Scanned ballot images created by voting system become public records subject to disclosure
52	98		Sections 21, 23, 25, 27, 28, 29 become effective 07/01/2021. All other sections become effective when signed by governor

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53	98		All laws or parts of laws in conflict are repealed

If you want to read the law yourself:

<https://www.legis.ga.gov/api/legislation/document/20212022/201498>