



HB1464 SUGGESTED SENATE ETHICS IMPROVEMENTS

Strikes:

- 1. Retain requirement to make known the number of Election Day ballots cast on Election Night**
(Sec. 13)
- 2. Retain non-partisan poll watching for those whose parties have qualified write-in candidates**
(Sec. 10)
- 3. Retain SB202 ban on private money influencing elections**
(Sec. 1)

Improvements:

- 1. Prohibit indirect private funding and complimentary resources from interfering with Georgia elections**
(Sec. 1 and 3)
- 2. Preserve outer envelopes with ballots**
(Sec. 16)
- 3. Ban drop boxes.** Current loopholes that have not been closed:
 - a. Prohibit governor from re-establishing outdoor drop boxes;
 - b. Mandate equal protection of drop boxes for voters across counties;
 - c. Prohibit voters from dropping more than one ballot into drop box;
 - d. Ensure that opening is large enough for only one ballot at a time to be deposited.
(Sec. 7)
- 4. Upgrade ballot security paper to help prevent ballot counterfeiting:**
 - a. Numerical control
 - b. Currency grade paper
 - c. Blacklight watermarking
 - d. Mylar Hologram
 - e. Micron printing
 - f. Private voter stubs
(Sec. New)

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STRIKES

Retain requirement to make known the number of Election Day ballots cast on Election night

Keep (a) (1) code section as is: (Sec. 13, Ln. 775-776)

21-2-421. (a) As soon as possible but not later than 10:00 P.M. following the close of the polls on the day of a primary, election, or runoff, the election superintendent shall report to the Secretary of State and post in a prominent public place the following information: (1) The number of ballots cast at the polls on the day of the primary, election, or runoff, including provisional ballots cast;

Retain SB202 ban on private money influencing elections

Strike HB1464 additions to allow State Election Board to control private funding of elections
(Sec. 1, Ln. 47-61, Sec. 3 Ln. 96-109)

Retain non-partisan poll watching for those whose parties have qualified write-in candidates

Strike HB1464 addition: *“that has a candidate whose name appears on the ballot”*
(Sec. 10, Ln. 596, 611, 630, 650, 674)



ADDITIONS

1. Prohibit indirect funding and complimentary resources from influencing elections

Said chapter is further amended by revising Code Section 21-2-71, relating to payment by county or municipality of superintendent's expenses, as follows:

"21-2-71.

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

- (1) Compensation of the poll officers, custodians, and other assistants and employees provided for in this chapter;
- (2) Expenditures and contracts for expenditures by the superintendent for polling places;
- (3) Purchase or printing, under contracts made by the superintendent, of all ballots and other election supplies required by this chapter, or which the superintendent shall consider necessary to carry out the provisions of this chapter;
- (4) Maintenance of all voting equipment required by this chapter, or which the superintendent shall consider necessary to carry out this chapter; and
- (5) All other expenses arising out of the performance of his or her duties under this chapter.

(b) No superintendent shall take or accept any direct or indirect funding, nor paid or unpaid human resources, grants, or gifts from any source other than from the governing authority of the county or municipality, the State of Georgia, or the federal government."



2. Preserve outer envelopes with ballots

Said chapter is further amended by revising Code Section 21-2-500, relating to delivery of voting materials, presentation to grand jury in certain cases, preservation and destruction, and destruction of unused ballots, as follows:

"21-2-500.

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

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

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



3. Close Drop Box Loopholes for Ballot Harvesting (strike 21-2-382 or change)

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

~~"21-2-382.~~

~~(a) Any other provisions of this chapter to the contrary notwithstanding, the board of registrars may establish 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 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 building that is used as an election day polling place, notwithstanding that such 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 advance voting under Code Section 21-2-385.~~

~~(c)~~

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

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

~~(3) The board of registrars or absentee ballot clerk shall arrange for the collecting and return of ballots deposited at each drop box at the conclusion of each day where advance voting takes place. Collection of ballots from a drop box shall be made by a team of at least two people. Any person collecting ballots from a drop box shall have sworn an oath in the same form as the oath for poll officers set forth in Code Section 21-2-95. The collection team shall complete and sign a ballot transfer form upon removing the ballots from the drop box which shall include the date, time, location, number of ballots, confirmation that the drop box was locked after the removal of the ballots, and the identity of each person collecting the ballots. The 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.~~

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



4. Upgrade Ballot Security Paper to Help Prevent Ballot Counterfeiting

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by adding a new Code section to read as follows:

"21-2-391.

(a) Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., whenever a physical absentee ballot is used pursuant to this chapter, such ballot shall meet the requirements of this Code section.

(b) Absentee ballots shall be printed on unique, controlled-supply security paper that incorporates features which can be used to authenticate the ballot as an official ballot, but which do not make the ballot identifiable to a particular elector. Such security paper shall have at least one watermark revealed by black light and include a serial number that shall individually identify each sheet of security paper.

(c) The State Election Board shall be authorized to promulgate rules, regulations, and procedures to implement and administer the provisions of subsections (a) and (b) of this Code section.

(d) Election superintendents shall only be obligated to obtain the ballots required by this Code section if, for the applicable year, the General Assembly appropriates funds to the office of the Secretary of State in amounts sufficient for such office to reimburse each election superintendent, county, or municipality for the costs of acquiring the ballots and associated equipment provided for in this Code section."