

Senate Bill 30

By: Senators Kirkpatrick of the 32nd, Thompson of the 14th, Robertson of the 29th, Dugan of the 30th, Harbison of the 15th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide that the State Election Board shall provide
3 by rule or regulation for the electronic return of absentee ballots of Uniformed and Overseas
4 Citizens Absentee Voting Act electors by fax or by email, in addition to regular mail; to
5 update a cross-reference; to provide for requirements and procedures; to provide for the
6 counting of such ballots; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
11 elections generally, is amended by revising subsection (e) of Code Section 21-2-384, relating
12 to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and
13 persons assisting absentee electors, master list of ballots sent, challenges, and electronic
14 transmission of ballots, as follows:

15 "(e)(1) The State Election Board shall by rule or regulation establish procedures for the
16 transmission of blank absentee ballots by mail and by electronic transmission ~~for~~ to all
17 electors who are entitled to vote by absentee ballot under the federal Uniformed and
18 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff, et seq.~~ 50 U.S.C.
19 Section 20301, et seq., as amended, and by which such electors may designate whether
20 the elector prefers the transmission of such ballots by mail or electronically. If no
21 preference is stated, the ballot shall be transmitted by mail. The State Election Board
22 shall by rule or regulation establish procedures to ensure to the extent practicable that the
23 procedures for transmitting such ballots shall protect the security and integrity of such
24 ballots and shall ensure that the privacy of the identity and other personal data of such
25 electors who are entitled to vote by absentee ballot under the federal Uniformed and
26 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff, et seq.~~ 50 U.S.C.

27 Section 20301, et seq., as amended, to whom a blank absentee ballot is transmitted under
 28 this Code section is protected throughout the process of such transmission.

29 (2) Not later than January 1, 2020, the State Election Board shall by rule or regulation
 30 establish procedures for electors who are entitled to vote by absentee ballot under the
 31 federal Uniformed and Overseas Citizens Absentee Voting Act, 50 U.S.C. Section 20301,
 32 et seq., to return such voted absentee ballots electronically by fax or by email, in addition
 33 to regular mail. Such rules and regulations shall provide for:

34 (A) To the extent practicable, the protection of the privacy, anonymity, and integrity
 35 of the ballots cast;

36 (B) The prevention of the casting of multiple ballots by the same elector in a primary,
 37 election, or runoff;

38 (C) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of
 39 such electronic return of voted ballots; and

40 (D) The capability of the elector to determine if the electronic transmission of the voted
 41 ballot by fax or email was successful.

42 Such rules or regulations shall provide that ballots returned electronically by fax or by
 43 email pursuant to this paragraph shall be processed and counted in a similar fashion to
 44 absentee ballots returned by regular mail."

45 **SECTION 2.**

46 Said chapter is further amended by repealing Code Section 21-2-387, relating to pilot
 47 program for electronic handling of absentee ballots, requirements for pilot program,
 48 reporting, and termination of pilot program, in its entirety.

49 **SECTION 3.**

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