U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Chris Harvey
Title	Election Director
Office/Agency Name	Georgia Secretary of State - Elections Division
Address 1	2 MLK Jr. Drive, SE
Address 2	STE 802 West Tower
City	Atlanta
State	GA
Zip Code	30334
E-mail Address	wharvey@sos.ga.gov
Telephone (area Code and number)	404-657-5380
Fax Number (area code and number)	404-657-5380

DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

☐ **Changed since 2014**

b) Under-vote

☐ **No Change since 2014**

This term has no legal definition.

☒ **Changed since 2014**

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "overvote" is discussed in O.C.G.A. § 21-2-483; Ga. Comp. R. & Regs. r. 183-1-15-.02 (3)(b)(c)(d).
The Georgia Election Code does not statutorily define the term, "over-vote." Georgia no longer offers straight party ticket voting. When Georgia did allow straight party ticket voting, the Georgia Court of Appeals defined "over-vote" as follows:
An "over-vote" occurs when the voter appropriately marks the indicated space at the head of a party column on a ballot, indicating an intention to vote for all of that party's candidates, and also places marks opposite the names of an opposing candidate or candidates, indicating an intent to vote also for them, or when he marks a straight party ticket and additionally writes in the name of a candidate for one of the offices for which there is a candidate by that party. Where an over-vote has occurred, as to that office, or those offices, the ballot is invalid, but it is valid as to others.
Blackburn v. Hall, 115 Ga. App. 235, 246 (1967).

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Georgia Election Code does not statutorily define the term, "under-vote." In the Voter Verifiable Paper Audit Trail Pilot Project Report, Submitted to Governor Sonny Perdue and Members of the Georgia General Assembly, March 2007, the term "undervote" is defined as the difference between the number of ballots cast and the number of votes recorded in an individual race. An "undervote" may be created when a voter deliberately chooses not to vote in a race, when a voter attempts to make a choice but makes an error that causes the vote not to be read, or when a voter makes a proper and valid choice but, because of mechanical or system failure, it is not read by the counting equipment. On November 18, 2004, then Secretary of State Cathy Cox issued a press release defining the "undervote rate" (sometimes called the residual vote rate) with respect to the 2000 General Election as the percentage of ballots that registered no choice in the Presidential race.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Georgia Election Code does not statutorily define the term, “blank ballot.” The term “ballot” is defined statutorily as the instrument, whether paper, mechanical, or electronic, which is furnished by the superintendent or governing authority, including ballots read by optical scanning tabulators, by which an elector casts his or her vote. O.C.G.A. § 21-2-2(1), (18) & (19). The Georgia State Election Board defines the term "ballot" as the offices, candidates, and questions to be submitted to the voters at a primary, election, or runoff for each county or municipality. Ga. Comp. R. & Regs. r. 183-1-12-.02(1)(b).
In the Voter Verifiable Paper Audit Trail Pilot Project Report, Submitted to Governor Sonny Perdue and Members of the Georgia General Assembly, March 2007, the term “blank ballot (no vote)” is defined as an instance when a voter did not make a selection for a candidate or issue that appeared on the ballot.
Once the voter casts his or her ballot, even if the ballot is blank with no votes cast, such voter shall be deemed to have voted and may not thereafter vote again in the same primary, election, or runoff on that Election Day. Ga. Comp. R. &

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Provisional ballots" are discussed in O.C.G.A. §§ 21-2-379.11, 21-2-385, 21-2-386, 21-2-417, 21-2-418, 21-2-419; Ga. Comp. R. & Regs. r. 183-1-12-.06.
A provisional ballot is the same type of ballot that is utilized for mail-in absentee ballots. O.C.G.A. § 21-2-419(a). Primaries and elections conducted by counties use optical scan absentee ballots for provisional voting. Municipalities use the same type of ballots as the municipality uses for mail-in absentee voting. Ga. Comp. R. & Regs. r. 183-1-12-.06(3).
In the Voter Verifiable Paper Audit Trail Pilot Project Report, Submitted to Governor Sonny Perdue and Members of the Georgia General Assembly, March 2007, the term provisional ballot was defined as votes that are not counted until the voter's eligibility has been verified by the voter's county Board of Elections.
"Challenged ballots" are discussed in O.C.G.A. §§ 21-2-224, 21-2-230, 21-2-386.
Where an elector's right to vote in an election is challenged and such challenge cannot be resolved prior to the close of the polls, the elector votes using the same type of ballot that is utilized for mail-in absentee and provisional ballots and having the word "Challenge" and the elector's name written across the back of the outer envelope within which the ballot

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "absentee" is used in O.C.G.A. §§ 21-2-31, 21-2-40, 21-2-45, 21-2-50, 21-2-215, 21-2-216, 21-2-218 through 21-2-220, 21-2-224, 21-2-230, 21-2-287, 21-2-380 through 21-2-390, , 21-2-401, 21-2-414, , 21-2-418, 21-2-419, 21-2-452, 21-2-482, 21-2-483, 21-2-493, 21-2-496, 21-2-573.
The term "absentee elector" means an elector who casts a ballot in a primary, election, or runoff other than in person at the polls on the day of such primary, election, or runoff. O.C.G.A. § 21-2-380(a).

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Georgia Election Code does not statutorily define the term, “early voting.” In practice, “early voting” refers to the period of time prior to an election when voters may cast an in-person absentee ballot.
The Georgia State Election Board defines “early voting” to mean that period of time preceding a primary, election, or run-off in which the board of registrars or absentee ballot clerk must mail or issue official absentee ballots to all eligible applicants. Ga. Comp. R. & Regs. r. 183-1-12-.02(1)(g).
Absentee ballots must be mailed or issued not more than 49 days but not less than 45 days prior to any presidential preference primary, general primary other than a municipal general primary, general election other than a municipal general election, or special primary or special election in which there is a candidate for a federal office on the ballot; 22 days prior to any municipal general primary or municipal general election; and as soon as possible prior to any runoff. In the case of all other special primaries or special elections, the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots to all eligible applicants within

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The terms “active voter” and “official list of electors” are discussed generally in O.C.G.A. §§ 21-2-211, 21-2-224, 21-2-232, 21-2-233, 21-2-235, 21-2-236, 21-2-264, 21-2-290, 21-2-419, 21-2-522.1, 21-2-587.
“Elector" means any person who has registered to vote and possesses all of the qualifications for voting as prescribed by the laws of Georgia. O.C.G.A. § 21-2-2(7). The term “voter” is synonymous with the term “elector.” O.C.G.A. § 21-2-2(39).
The Georgia Election Code does not statutorily define the term, “active voter.” In practice, an active voter is an elector who appears on the official list of electors.
The Georgia Secretary of State is tasked with maintaining the official list of electors and a list of inactive electors. O.C.G.A. §§ 21-2-50(a)(14), 21-2-211(a), 21-2-235(a). The official list of electors is the list of all eligible and qualified registered electors in this State. O.C.G.A. § 21-2-211(a). With respect to municipal elections, the official list of electors is discussed in O.C.G.A. §§ 21-2-432, 21-2-453.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term “inactive voter” is discussed in O.C.G.A. §§ 21-2-50, 21-2-224, 21-2-233, 21-2-234, 21-2-235, 21-2-236, 21-2-401.
“Elector" means any person who has registered to vote and possesses all of the qualifications for voting as prescribed by the laws of Georgia. O.C.G.A. § 21-2-2(7). The term “voter” is synonymous with the term “elector.” O.C.G.A. § 21-2-2(39).
In addition to the official list of electors, the Georgia Secretary of State also maintains a list of inactive electors. O.C.G.A. §§ 21-2-50(a)(14); 21-2-235(a). Those individuals on the inactive list of electors are not counted in computing the number of ballots required for an election, the number of voting devices needed for a precinct, the number of electors required to divide or constitute a precinct, or the number of signatures needed on any petition. O.C.G.A. § 21-2-235(a).
If it appears from information supplied by the United States Postal Service that an elector has moved to a different address outside of the county or municipality in which the elector is presently registered, such elector is sent a

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Legislative Enactments
O.C.G.A. § 21-2-266 (2013)
This section was amended relating to precincts and polling places. Subsection (c) now authorizes the use of the boundaries of a restricted access residential community as the boundaries of a precinct.
House Bill 310 (2013) amended O.C.G.A. §§ 21-2-132; 21-2-150; 21-2-153; 21-2-172; 21-2-187; 21-2-385; 21-2-501; 21-2-540; and 21-5-34 to revise qualifying dates, and dates for primaries, general elections, runoffs, special elections, and filing disclosures so as to allow for at least nine weeks between elections and runoff elections to meet federal guidelines for sending and receiving UOCAVA ballots.
State Election Board Rules
Ga. Comp. R. & Regs. r. 183-1-13-.06
Poll Watchers for Advance Voting (2014)
All Georgia State Election Board rules may be accessed online at:
http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=STATE_ELECTION_BOARD%2Findex.html&d=1.

2016 Response:

Legislative Enactments
House Bill 927 (2015)
Transferred appellate jurisdiction from the Georgia Supreme Court to the Georgia Court of Appeals in civil cases of an application for writ of mandamus regarding a nomination petition rejection and election contests (amended O.G.C.A. §§ 21-2-171 and 21-2-528).

Senate Bill 199 (2015)
Changed the notice of candidacy and nonpartisan qualifying period start date for municipal offices to the third Monday in August (amended O.G.C.A. § 21-2-132(c) and (d)). Authorized governing authorities to reopen qualifying for nonpartisan municipal offices if no one qualifies (amended O.G.C.A. § 21-2-132(c)). Required early voting to be held on the third Saturday prior to a primary, election or runoff if the second Saturday prior to a primary, election or runoff is, follows or precedes a public/legal holiday (amended O.G.C.A. § 21-2-385 (d)).

No Changes to the State Election Board Rules

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

According to the information contained in this question, Georgia's statewide voter registration database can best be described as top-down. The Secretary of State has the statutory duty to establish and maintain the list of all eligible and qualified registered electors, which is the official list of electors, for use in all elections in Georgia. The county boards of registrars are permitted to access and utilize the official list of electors maintained by the Secretary of State. O.C.G.A. § 21-2-211.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not applicable.

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If it appears from information supplied by the United States Postal Service that an elector has moved to a different address outside of the county or municipality in which the elector is presently registered, such elector is sent a confirmation notice. If the elector fails to respond to the notice within 30 days after the date of the notice, the elector is transferred to the list of inactive voters. O.C.G.A. § 21-2-233(c).
Additionally, in the first six months of each odd-numbered year, the Secretary of State identifies all electors with whom there has been no contact during the preceding three calendar years and who were not identified as moving to a different address outside of the boundaries of the county or municipality. Each such elector is sent a confirmation notice card by forwardable, first-class mail. If the elector fails to return the card within 30 days after the date of the notice, the elector is transferred to the list of inactive voters. O.C.G.A. § 21-2-234(a)(2), (c), (g).
When mailings to electors whose names appear on the list of

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence. O.C.G.A. § 21-2-216(b), State of Georgia Constitution Article II, Section I, Paragraph III(a).

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes. Georgia law allows a citizen with a valid Georgia driver's license or ID card to submit a voter registration application online at the Secretary of State website. O.C.G.A. § 21-2-221.2. The voter's electronic application is then submitted into the voter registration system and sent to the voter's county for processing. The online form can be accessed at: https://registertovote.sos.ga.gov/GAOLVR/. The platform also supports a smartphone app "GA Votes" that links to the OLVR system to submit voter registration applications.
The Georgia Department of Driver Services (DDS) provides online services, such as change of address and driver's license renewal. While utilizing these online services, a customer of DDS may update his or her registration information or register to vote online. O.C.G.A. § 21-2-221.

2016 Response:

Yes. Georgia law allows a citizen with a valid Georgia driver's license or ID card to submit a voter registration application online at the Secretary of State website. O.C.G.A. § 21-2-221.2. The voter's electronic application is then submitted into the voter registration system and sent to the voter's county for processing. The online form can be accessed at: https://registertovote.sos.ga.gov/GAOLVR/. The platform also supports a smartphone app "GA SOS" that links to the OLVR system to submit voter registration applications.
The Georgia Department of Driver Services (DDS) provides online services, such as change of address and driver's license renewal. While utilizing these online services, a customer of DDS may update his or her registration information or register to vote online. O.C.G.A. § 21-2-221.

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. All absentee ballots are counted and tabulated in such a manner that returns may be reported by precinct; and separate returns are made for each precinct in which absentee ballots were cast showing the results by each precinct in which the electors reside. O.C.G.A. §§ 21-2- 386(d), 21-2- 493(j).

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Election Day, mail-in absentee, in-person absentee, and provisional/challenged votes are reported separately for each precinct. O.C.G.A. §§ 21-2- 386(d), 21-2- 493(j).

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The board of registrars tracks within the statewide voter registration system: (1) the number of absentee ballots requested, (2) the date on which the ballots are made available to voters, (3) the date on which the ballots are sent to the voters, (4) the date on which the ballots are received in the office of the board of registrars from the voter, (5) the number of ballots returned undeliverable, and (6) the number of ballots counted or rejected and the reason for any rejection. Tabulating, counting, and reporting of UOCAVA ballots is

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An elector who votes by absentee ballot (either in-person or vote-by-mail) is not required to provide a reason in order to cast an absentee ballot in any primary, election, or runoff. O.C.G.A. § 21-2-380(b).

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes. While the Georgia Election Code does not statutorily define the term, "early voting," the Georgia State Election Board defines "early voting" to mean that period of time preceding a primary, election, or run-off in which the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots to all eligible applicants. Ga. Comp. R. & Regs. r. 183-1-12-.02(1)(g).
Absentee ballots are counted at a central tabulating center.

2016 Response:

Yes. While the Georgia Election Code does not statutorily define the term, "early voting," the Georgia State Election Board defines "early voting" to mean that period of time preceding a primary, election, or run-off in which the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots to all eligible applicants. Ga. Comp. R. & Regs. r. 183-1-12-.02(1)(g).

Absentee ballots are counted at a central tabulating center.

The advance in-person voting period is set forth in O.C.G.A. § 21-2-385(d)(1) as follows:
There shall be a period of advance voting that shall commence:
(A) On the fourth Monday immediately prior to each primary or election;
(B) On the fourth Monday immediately prior to a runoff from a

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No. Vote-by-mail and in-person absentee voting is an option for Georgia voters, but does not replace at-the-precinct voting on Election Day. O.C.G.A. § 21-2-381.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If an elector is unable to produce proper identification when voting in person, such elector shall be allowed to vote a provisional ballot upon swearing or affirming that the elector is the person identified in the elector's voter certificate. O.C.G.A. § 21-2-417(b) & (c); Ga. Comp. R. & Regs. r. 183-1-12-.06(5).
If a person presents himself or herself at a polling place, absentee polling place, or registration office for the purpose of casting a ballot in a primary or election believing that he or she has timely registered to vote in such primary or election and the person's name does not appear on the list of registered electors, the person shall be entitled to cast a provisional ballot. 42 U.S.C. § 15482(a); O.C.G.A. § 21-2-418(a); Ga. Comp. R. & Regs. r. 183-1-12-.06(4).
When voting absentee by mail for the first time after registering to vote by mail, if the person did not provide current and valid identification with the voter registration application, with the request for absentee ballot, or with the absentee ballot, such person's absentee ballot shall be deemed to be a provisional ballot. O.C.G.A. § 21-2-386(A)(1)(D); Ga. Comp. R. & Regs. r. 183-1-12-.06.
In primaries and elections in which there is a federal candidate on the ballot, in the event that the time for closing

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In situations where the voter believes and affirms that he or she registered to vote in a timely manner and that he or she is in the correct polling place, if the poll officer is able to determine that the voter is registered within the same county, but in a different precinct, then the voter is directed to his or her correct polling place. If the correct polling place is located too far away, so that the voter would be unable to make it to the correct polling place during normal polling hours, then the voter is allowed to vote a provisional ballot. The board of registrars may not automatically reject such provisional ballot. If a voter is found to have been registered within the county, but not at the polling place at which he or she cast a provisional ballot, that provisional ballot shall be counted. The board of registrars duplicates the ballot if necessary to count only those races that are applicable to that voter's residence. Voting at the incorrect precinct is not a reason for rejection of a provisional ballot. 42 U.S.C. § 15482 (a); O.C.G.A. § 21-2-419; Ga. Comp. R. & Regs. r. 183-1-12-.06(11)(d)-(e).

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Other than to fill a vacancy arising on the day of a primary or election or on the preceding day, no poll officer or poll worker may serve at any primary or election unless he or she receives instructions, is found qualified to perform his or her duties in connection with the type of voting equipment to be used in that jurisdiction, and receives a certificate to that effect from the superintendent. The election superintendent must provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conducting elections, and the poll officers' or poll workers' duties in connection therewith prior to each general primary and general election and each special primary and special election; provided, however, such training is not required for a special election held between the date of the general primary and the general election. Upon successful completion of such instruction, the superintendent gives to each poll officer and poll worker a certificate to the effect that such person has been found qualified to conduct such primary or election with the particular type of voting equipment in use in that jurisdiction. Additionally, the superintendent notifies the Secretary of State of the date when such instruction was held and the number of persons attending and completing such instruction. For the purpose of giving such instructions, the superintendent calls a meeting or meetings of poll officers and poll workers as is necessary. Each poll officer must, upon notice, attend such meeting or meetings. O.C.G.A. § 21-2-99.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Georgia Election Code does not statutorily define the terms, "over-vote" and "undervote". Direct recording electronic (DRE) voting units are programmed so as not to allow over-votes.
When votes are cast using an optical scan ballot, the central tabulator is programmed to reject any ballot, including absentee and provisional ballots, on which an over-vote is detected and any ballot so rejected must be manually reviewed by a vote review panel to determine the voter's intent. O.C.G.A. § 21-2-483; Ga. Comp. R. & Regs. r. 183-1-15-.02(3).

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Electors who register to vote for the first time by mail must present current and valid identification or a legible copy thereof either when registering to vote by mail or when voting for the first time after registering to vote by mail. The identification must be in the form of:
(1) A Georgia driver's license which was properly issued by the appropriate state agency;
(2) A valid Georgia voter identification card or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;
(3) A valid United States passport;
(4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Each elector must present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification consists of any one of the following:
(1) A Georgia driver's license which was properly issued by the appropriate state agency;
(2) A valid Georgia voter identification card or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;
(3) A valid United States passport;
(4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of the State of Georgia;
(5) A valid United States military identification card, provided that such identification card contains a photograph of the elector; or
(6) A valid tribal identification card containing a photograph

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In order to cast an absentee vote, a voter who is a first time voter, who registered to vote by mail and at the time of registration did not provide proper identification, is required to provide proper identification: (a) at the time of submitting an application for an absentee ballot, or (b) in the outer oath envelope of his or her absentee ballot when the ballot is sent back in to the board of registrars office, or (c) if voting in person at the board of registrars office. O.C.G.A. §§ 21-2-386 (a)(1)(D), 21-2-417; Ga. Comp. R. & Regs. r. 183-1-12-.06 (5). Otherwise, no identification is required when casting a mail-in absentee ballot.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The requirement to submit identification does not apply to persons who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq. O.C.G.A § 21-2-220(c)(2).

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not applicable.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

A1d. Void/Spoiled ballot

"Void ballots" are discussed in O.C.G.A. §§ 21-2-379.10; 21-2-500. If an elector leaves the voting booth without having pressed the appropriate button or location on the screen of a direct recording electronic (DRE) unit to finally cast his or her ballot and cannot be located to return to the booth to complete the voting process, then a poll worker must cancel or void the ballot that was not completed by the elector without attempting in any manner to see how the voter voted and make an appropriate record of such event in the election records for the precinct. O.C.G.A. § 21-2-379.10(c); Ga. Comp. R. & Regs. r. 183-1-12-.02(4)(h).

If a voter discovers that the ballot presented on a DRE unit is not correct or is not the ballot that the voter desired to vote, the voter must immediately notify a poll officer. The poll officer then cancels or voids the ballot on the DRE unit without attempting in any manner to see how the voter has voted and takes the necessary steps to provide the voter with the correct ballot by encoding and issuing a new voter access card to the voter and making any necessary corrections to the voter's certificate of the voter, the electors list, and the numbered list of voters. If the voter presses the "cast ballot" button prior to notifying the poll officials of the error in the ballot, the voter is deemed to have voted and cannot be permitted to cast another ballot in the same primary, election, or runoff on that election day. Ga. Comp. R. & Regs. r. 183-1-12-.02(4)(j)

With respect to municipal elections, "void ballots" are discussed in O.C.G.A. §§ 21-2-437(d) & (e), 21-2-438, 21-2-440(a), 21-2-452(d), 21-2-500(c).

The Georgia Court of Appeals recognized the general rule that anything on a ballot which would identify the elector would render it void. Nobles v. Osborne, 124 Ga. App. 454, 455 (1971).

The Georgia Election Code does not statutorily define the term, "spoiled ballots." However, "spoiled ballots" are discussed in O.C.G.A. §§ 21-2-284, 21-2-285, 21-2-285.1, 21-2-379.11, 21-2-390, 21-2-433, 21-2-587.

The Georgia State Election Board defines a "spoiled ballot" to include any ballot:

1. that has been torn, defaced, or physically deformed;

2. on which there are cast more than the permitted number of votes;

3. that has been completed in a manner which is illegible or incomprehensible;

4. that contains writing which compromises the secrecy of the ballot;

5. that is marked improperly, inappropriately, or in such a way that it would be rejected;

6. that was issued in error by the election official; or

7. that contains the wrong precinct, party, or style. Ga. Comp. R. & Regs. r. 183-1-14-.07.

A ballot can be spoiled before, during, or after an election if (a) the election official makes an error on issuing the ballot, (b) the wrong precinct, party, or style is on the ballot, (c) the voter makes an error on the ballot, or (d) invalid markings are on the ballot.

With respect to municipal elections, "spoiled ballots" are discussed in O.C.G.A. §§ 21-2-434, 21-2-436, 21-2-437, 21-2-440, 21-2-480, 21-2-483, 21-2-484, 21-2-493(e).

B3. An elector may request to have his or her name removed from the list of electors by making a written request to the appropriate county board of registrars. Upon receipt of such request, the board of registrars removes the elector's name from the list of electors and confirms such removal by written notice sent first-class mail to the address on the elector's registration records. O.C.G.A. § 21-2-232(a).

When an elector moves to another county or state and registers to vote and the registration officials send a notice of cancellation reflecting the registration of the elector in the other county or state, the Secretary of State or the board of registrars, as the case may be, removes such elector's name from the list of electors. O.C.G.A. § 21-2-232(b). An elector placed on the inactive list of electors remains on that list until the day after the second November general election held after the elector is placed on the inactive list of

electors. If the elector makes no contact during that period, the elector is removed from the

inactive list of electors. O.C.G.A. § 21-2-235(b).

If the elector returns a confirmation notice card and represents that he or she has changed residence to a place outside of the boundaries of the county or municipality in which the elector is currently registered, the elector's name is removed from the appropriate list of electors and information is sent to the elector explaining how the elector can continue to be eligible to vote. O.C.G.A. § 21-2-234(d).

If an applicant submits false information on the voter registration application to the board of registrars and the false information is not discovered until after the application has been approved and the applicant's name added to the list of electors, the giving of such false information is cause to challenge the applicant's right to remain on the list of electors. If the challenge is sustained, such applicant's name is removed from the list and the application is submitted to the district attorney of the county for criminal prosecution. O.C.G.A. § 21-2-220(e).

If it appears from information supplied by the United States Postal Service that an elector has moved to a different address outside of the county or municipality in which the elector is presently registered, such elector is sent a confirmation notice. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered, the elector's name is removed from the appropriate list of electors. O.C.G.A. § 21-2-233(c). Whenever an elector's name is removed from the list of electors because the elector has furnished in writing to the board of registrars a residence address that is located outside of the elector's present county of registration, the board of registrars notifies the elector in writing at the elector's new address that the elector's name is being deleted from the list of electors for that county and that the elector must reregister in the new county of residence in order to be eligible to vote. Along with the notice, the board of registrars provides the person with the appropriate form for registration. O.C.G.A. § 21-2-233(d).

Each month, the Secretary of State, by agreement with the commissioner of the department of corrections, obtains criminal information relating to the conviction, sentencing, and completion of sentencing requirements of felonies. The Secretary of State also receives such criminal information relating to Georgia electors convicted of felonies, from other states. In addition, the Secretary of State receives lists of persons convicted of felonies in federal courts. Upon receipt of the lists described above, the Secretary of State transmits the names of such persons whose names appear on the list of electors to the appropriate county board of registrars who, within 60 days of receipt of the information, removes all such names from the list of electors and mails a notice of such action and the reason therefor to the last known address of such persons by first-class mail. O.C.G.A. § 21-2-231(a) & (c).

The clerk of the superior court of each county prepares and transmits to the Secretary of State a complete list of all persons, including addresses, ages, and other identifying information, who identify themselves as not being citizens of the United States during their qualification to serve as a juror during the preceding calendar month in that county. Upon receipt of such lists, the Secretary of State transmits the names of such persons whose names appear on the list of electors to the appropriate county board of registrars who, within 60 days of receipt of the information, removes all such names from the list of electors and mails a

notice of such action and the reason therefor to the last known address of such persons by first-class mail. O.C.G.A. § 21-2-231(a.1) & (c).

The judge of the probate court of each county prepares and transmits to the Secretary of State a complete list of all persons, including addresses, ages, and other identifying information, who were declared mentally incompetent during the preceding calendar month in the county and whose voting rights were removed. Upon receipt of such lists, the Secretary of State transmits the names of such persons whose names appear on the list of electors to the appropriate county board of registrars who, within 60 days of receipt of the information, removes all such names from the list of electors and mails a notice of such action and the reason therefor to the last known address of such persons by first-class mail. O.C.G.A. § 21-2-231(b) & (c).

The Secretary of State, by agreement with the commissioner of community health, obtains a complete list of all persons, including addresses, ages, and other identifying information, who died during the preceding calendar month from the state registrar of vital statistics. The Secretary of State also receives such lists of deceased Georgia electors from other states. The Secretary of State removes all such names of deceased persons from the list of electors and notifies the appropriate board of registrars. O.C.G.A. § 21-2-231(d) & (e).

Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Upon the filing of such challenge, the board of registrars immediately considers such challenge and determines whether probable cause exists to sustain the challenge. If the board of registrars finds probable cause, the board of registrars, if practical, notifies the challenged elector and affords such elector an opportunity to answer. If the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the board of registrars conducts a hearing on the challenge. If the board of registrars upholds the challenge, the name of the challenged elector is removed from the list of electors. Either party may appeal the decision by filing a petition with the clerk of superior court within ten days after the date of the decision of the board of registrars. O.C.G.A. § 21-2-230.

Any elector of a county or municipality may challenge the qualifications of any elector of the county or municipality whose name appears on the list of electors. Upon such challenge being filed, the board of registrars must set a hearing on the challenge. Notice of the hearing is served upon the person whose qualifications are being challenged along with a copy of such challenge and upon the elector making the challenge. The person being challenged must receive at least three-days' notice of the date, time, and place of the hearing. Such notice is served either by first-class mail addressed to the mailing address shown on the person's voter registration records or by the sheriff, deputy sheriff, or lawful constable of such county or peace officer of such municipality. The burden is on the elector making the challenge to prove that the person being challenged is not qualified to remain on the list of electors. The board of registrars has the authority to issue subpoenas for the attendance of witnesses and the production of books, papers, and other material upon application by the person whose qualifications are being challenged or the elector making the challenge. After the hearing, the board of registrars makes a determination and notifies the parties. If the board of registrars upholds the challenge, the person's name is removed from the list of electors. The elector is notified in writing either by first-class mail addressed to the mailing address shown on the person's voter registration records or by the sheriff, deputy sheriff, or lawful constable of such county or peace officer of such municipality. Either party has a right of appeal to the superior court by filing a petition with the clerk of the superior court within ten days after the date of the determination of the board of registrars. O.C.G.A. § 21-2-229.

The board of registrars of each county or municipality has the right and is charged with the duty of examining from time to time the qualifications of each elector of the county or municipality whose name is entered upon the list of electors. For the purpose of determining the qualification or disqualification of electors, the board of registrars may, upon at least three days' notice, require the production of books,

papers, and other material and, upon like notice, may subpoena witnesses. The board may swear any witness appearing before it. If the registrars differ among themselves upon any question coming before them, the concurrent votes of a majority of the registrars controls. If the right of any person to remain on the list of electors is questioned by the board of registrars, the board gives such person at least threedays' written notice of the date, time, and place of a hearing to determine such right which is served upon such person either by first-class mail addressed to the mailing address shown on the person's voter registration records or by the sheriff, deputy sheriff, or lawful constable of such county or peace officer of such municipality. If, after conducting a hearing, the board of registrars finds that the elector is not qualified to remain on the list of electors, the board of registrars removes the name of such elector from the list of electors. The elector is notified of such decision in writing either by first-class mail addressed to the mailing address shown on the person's voter registration records or by the sheriff, deputy sheriff, or lawful constable of such county or peace officer of such municipality. An elector whose name is removed from the list of electors in this manner has a right of appeal to the superior court by filing a petition with the clerk of the superior court within ten days after the date of the determination of the board of registrars. O.C.G.A. § 21-2-228.

There is no differentiation among Georgia voters regarding the process for removing voters from the voter registration rolls.

B4. The Secretary of State can and does share and compare information contained within Georgia's statewide voter registration database with electronic information maintained by the Georgia Department of Driver Services, Georgia Department of Community Health, Georgia Department of Revenue, Georgia Administrative Office of the Courts, and Georgia Department of Corrections.

Administrative Office of the Courts At the beginning of each June and the beginning of each December, the Secretary of State sends two files, all eligible voters (active and inactive) and felons, to the Georgia Administrative Office of the Courts.

Department of Community Health (Vital Records) Vital Records, a division of the Department of Community Health, creates a daily HyperText Markup Language (HTML) interface file of all deceased Georgia residents.

Department of Revenue

The Georgia Department of Revenue (DOR) receives the voter registration file on a quarterly basis with the complete data set of active voter registrations provided in each file. DOR keeps the data within its secure data warehouse. The data warehouse contains Internal Revenue Service (IRS) data in addition to voter registration and DOR data and has been certified compliant with IRS Pub. 1075. All data transfers are conducted through a secure data transfer process.

Department of Corrections

The Georgia Department of Corrections (DOC) provides lists of active felons who are on probation or incarcerated to the Secretary of State via File Transfer Protocol (FTP) to a secure Secretary of State site, using credentials supplied by the Secretary of State. The files are processed within the voter registration system and reports are posted for elector list maintenance activities by the appropriate county board of registrars in accordance with O.C.G.A. § 21-2-231(c).

Department of Driver Services

Daily, the Department of Driver Services (DDS) transmits both a demographic data file and electronic signature file of each Motor Voter registration application via secure File Transfer Protocol (FTP) to a Secretary of State server. The statewide voter registration system is loaded with the demographic data provided by DDS. The appropriate county board of registrars then may confirm the applicant's eligibility and electronically add the applicant to the official list of electors. The Secretary of State creates an

electronic facsimile of a Motor Voter registration application combining the demographic data and the signature. The Motor Voter registration application may be printed by the appropriate county board of registrars and is stored electronically. The electronic facsimile of the Motor Voter registration application is automatically stored within the statewide voter registration system. O.C.G.A. § 21-2-221.

Each new application for voter registration may include a Georgia driver's license number, Georgia identification card number, or the last four digits of the applicant's Social Security number. Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. § 15483(a)(5)(A)(i). These numbers are then verified by the Secretary of State against the Department of Driver Services (DDS) or Social Security Administration (SSA) databases. The board of registrars enters every new voter registration application into the statewide voter registration system in an expedited manner. 42 U.S.C. § 15483(a)(1)(A)(vi). Nightly, the Secretary of State batches the information entered into the SVRS from all new voter registration applications submitted to the board of registrars, with the exception of applications received from DDS, and transmits such information to DDS for verification. If an applicant supplies a Georgia driver's license number or a Georgia identification card number, DDS verifies the following information from the voter registration application against the information contained in the

DDS database:

• First name

• Last name

• Date of birth

• Georgia driver's license number/identification card number

• Last four digits of Social Security number

• United States citizenship

In order to be verified, the information contained in the statewide voter registration system database must exactly match the information in the DDS database. If an applicant supplies only the last four digits of the Social Security number, DDS will access federal information through SSA. SSA verifies the following information from the voter registration application against the information contained in the SSA database:

• First name

• Last name

• Date of birth

• Last four digits of Social Security number

The statewide voter registration system is then updated with the results from DDS of the verification process and reports are posted for the appropriate county board of registrars.

B5. The Secretary of State is authorized to cause at his or her discretion the official list of electors to be compared periodically to the change of address information supplied by the United States Postal Service through its licensees for the purpose of identifying those electors whose addresses have changed. If it appears from the change of address information that an elector has moved to a different address in the county in which the elector is presently registered, the list of electors is changed to reflect the new address and the elector is sent a notice of the change by forwardable mail at the elector's old address with a postage prepaid, preaddressed return form by which the elector may verify or correct the address information. The board of registrars may also send a notice of the change by forwardable mail to the elector's new address with a postage prepaid, preaddressed return form by which the elector may verify or

correct the address information. If it appears from the change of address information that an elector has moved to a different address outside of the boundaries of the county or municipality in which the elector is presently registered, such elector is sent a confirmation notice at the elector's old address. The board of registrars may also send a confirmation notice to the elector's new address. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered, the elector's name is removed from the appropriate list of electors. If the elector responds to the notice and affirms that the elector has not moved, the elector remains on the list of electors at the elector's current address. If the elector fails to respond to the notice within thirty days after the date of the notice, the elector is transferred to the inactive list. Whenever an elector's name is removed from the list of electors by the board of registrars because the elector furnishes in writing to the board of registrars a residence address that is located outside of the elector's present county of registration, the board of registrars notifies the elector in writing at the elector's new address that the elector's name is being deleted from the list of electors for that county and that the elector must reregister in the new county of residence in order to be eligible to vote. The board of registrars provides the person with the appropriate form for registration at the time of such notice. O.C.G.A. § 21-2-233.

Currently, the Secretary of State contracts with VeriMove/Pitney Bowes Software Inc. for National Change of Address services and information.

C1a. Absentee ballots are counted at a central tabulating center under the direction of the superintendent. All mail-in absentee, provisional/challenged, and in-person absentee votes cast on optical scan ballot forms are tabulated using an optical scan tabulator. All in-person absentee votes cast using direct recording electronic (DRE) voting equipment are captured on memory cards in each unit. After the polls have closed and all voting in the precinct has ceased, the poll manager shuts down the DRE units, obtains the results tape from each DRE unit and verifies that the number of ballots cast as recorded on the tape matches the public count number as displayed on the DRE unit, and then extracts the memory card from each DRE unit. Upon completion of shutting down each DRE unit and extracting the election results, the manager causes to be completed and signed a ballot recap form showing the number of valid ballots, spoiled and invalid ballots, provisional ballots, and unused provisional ballots and any other unused ballots. The poll manager causes each DRE unit to print a minimum of three tapes showing the vote totals as cast on that DRE unit. The poll manager and the assistant managers sign each of the tapes. One copy of the results tape for each DRE unit is posted on the door of the absentee ballot precinct for the information of the public. The memory card, the zero tape, and two signed results tapes from each DRE unit are placed in an envelope supplied by the election superintendent which is sealed and initialed by the poll manager and at least one assistant manager such that the envelope cannot be opened without breaking the seal. The memory cards, results tapes, voter access cards, supervisor's card, ballot encoder devices, numbered lists of absentee voters, absentee ballot precinct recap forms, and other relevant paperwork are transported to the office of the election superintendent by the poll manager and at least one other poll officer. Upon receipt of the sealed envelope containing the zero tapes, results tapes, and memory cards, the election superintendent verifies the signatures on the envelope and verifies that the seals are intact, that the envelopes have not been opened, and that there is no evidence of tampering with the envelopes or their contents. Once verified, the superintendent breaks the seal of the envelope and removes its contents. The superintendent then downloads the results stored on the memory card from each DRE unit into the election management system located at the central tabulation point of the county in order to obtain election results for certification. O.C.G.A. § 21-2-379.11; Ga. Comp. R. & Regs. r. 183-1-14-.02(12); Ga. Comp. R. & Regs. r. 183-1-12-.02(5).

At the tabulating center, the seal on each container of paper ballots is inspected, and the superintendent certifies that the seal has not been broken before the container is opened. The ballots and other contents of

the container are then removed, and the ballots prepared for processing by the tabulating machines. The official returns of the votes cast on ballots at each polling place are printed by the tabulating machine. The returns thus prepared are certified and promptly posted. O.C.G.A. § 21-2-483.

The superintendent arranges for the computation and canvassing of the returns of all votes cast at each primary and election at his or her office or at some other convenient public place at the county seat or municipality with accommodations for those present insofar as space permits. O.C.G.A. § 21-2-492. Upon the completion of such computation and canvassing, the superintendent tabulates the figures for the entire county or municipality and signs, announces, and attests the same. The superintendent, before computing the votes cast in any precinct, compares the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. As the returns from each precinct are read, computed, and found to be correct or corrected, they are recorded until all the returns from the various precincts which are entitled to be counted have been duly recorded; then they are added together, announced, and attested by the assistants who made and computed the entries respectively and are signed by the superintendent. O.C.G.A. § 21-2-493.

The election superintendent must transmit to the Secretary of State unofficial election results for all races for state offices in any primary, election, or runoff as soon as possible after the closing of the polls for such primary, election, or runoff. At a minimum, the results must be transmitted upon one-third of the precincts reporting results, upon two-thirds of the precincts reporting results, and upon all precincts reporting results, including absentee ballots within all precincts. Except upon notice to and consultation with the Secretary of State, no election superintendent may conclude the tabulation of votes on election night in any primary, election, or runoff in which there are contested races for federal and state offices until and unless all such unofficial results, including absentee ballots, have been transmitted to the Secretary of State. Ga. Comp. R. & Regs. r. 183-1-12-.02(5)(d). The consolidated returns are then certified by the superintendent. Such returns must be certified by the superintendent not later than 5:00 P.M. on the seventh day following the date on which the election was held and immediately transmitted to the Secretary of State. O.C.G.A. § 21-2-493; Ga. Comp. R. & Regs. r. 183-1-12-.02(5)(c)(7) & (9). Upon receiving the certified returns of any election from the various superintendents, the Secretary of State immediately proceeds to tabulate, compute, and canvass the votes cast for all candidates for election to federal and state office and upon all questions voted for by the electors of more than one county and thereupon certifies and files the tabulation thereof. Similarly, upon receiving the certified returns for presidential electors, the Secretary of State proceeds to tabulate, compute, and canvass the votes cast for each slate of presidential electors. Not later than 5:00 P.M. on the fourteenth day following the date on which such election was conducted, the Secretary of State certifies the votes cast for all candidates for election to federal and state office and upon all questions voted for by the electors of more than one county and, as appropriate, lays the returns for presidential electors before the Governor.

The Governor enumerates and ascertains the number of votes for each person so voted and certifies the slates of presidential electors receiving the highest number of votes. The Governor certifies the slates of presidential electors no later than 5:00 P.M. on the fifteenth day following the date on which the election was conducted. O.C.G.A. § 21-2-499.

C7. Georgia provides for post–election audits in the form of a recount and recanvass. Before computing the votes cast in any precinct, the superintendent compares the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it should appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds

the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess is deemed a discrepancy and palpable error and must be investigated by the superintendent. No votes may be recorded from such precinct until an investigation is completed. Such excess authorizes the summoning of the poll officers to appear immediately with any primary or election papers in their possession. The superintendent then examines all the registration and primary or election documents whatever relating to such precinct in the presence of representatives of each party, body, and interested candidate. The examination may, if the superintendent deems it necessary, include a recount or recanvass of the votes of that precinct and a report of the facts of the case to the district attorney where such action appears to be warranted. With respect to paper ballots, the superintendent may require the production of the ballot box and the recount of the ballots contained in such ballot box, either generally or respecting the particular office, nomination, or question as to which the excess exists, in the discretion of the superintendent, and may require the correction of the returns in accordance with the result of such recount. O.C.G.A. § 21-2-493(b) & (c).

In precincts where paper ballots have been used, the superintendent may, either of his or her own motion or upon petition of any candidate or political party, order the recount of all the ballots for a particular precinct or precincts for one or more offices in which it shall appear that a discrepancy or error, although not apparent on the face of the returns, has been made. Such recount may be held at any time prior to the certification of the consolidated returns by the superintendent and must be conducted under the direction of the superintendent. Before making such recount, the superintendent gives notice in writing to each candidate and to the county or municipal chairperson of each party or body affected by the recount. Each such candidate may be present in person or by representative, and each such party or body may send two representatives to be present at such recount. If upon completion of the recount, it appears that the original count by the poll officers was incorrect, the returns and all papers being prepared by the superintendent must be corrected accordingly. O.C.G.A. § 21-2-495(a); see also O.C.G.A. § 21-2-493(d).

Whenever the difference between the number of votes received by a candidate who has been declared nominated for an office in a primary election or who has been declared elected to an office in an election or who has been declared eligible for a run-off primary or election and the number of votes received by any other candidate or candidates not declared so nominated or elected or eligible for a runoff is equal to or less than one percent of the total votes which were cast for such office therein, any such candidate or candidates receiving a sufficient number of votes so that the difference between his or her vote and that of a candidate declared nominated, elected, or eligible for a runoff is equal to or less than one percent of the total votes cast, within a period of two business days following the certification of the election results, has the right to a recount of the votes cast, if such request is made in writing by the losing candidate. If the office sought is a federal or state office voted upon by the electors of more than one county, the request must be made to the Secretary of State who directs that the recount be performed in all counties in which electors voted for such office and notifies the superintendents of the request. In all other cases, the request must be made to the superintendent. The superintendent(s) order the recount of such votes to be made immediately. If, upon such recount, it is determined that the original count was incorrect, the returns and all papers prepared by the superintendent(s) or the Secretary of State must be corrected accordingly and the results recertified. O.C.G.A. § 21-2-495(c).

A candidate for a federal or state office voted upon by the electors of more than one county may petition the Secretary of State for a recount or recanvass of votes, as appropriate, when it appears that a discrepancy or error, although not apparent on the face of the returns, has been made. The recount or recanvass may be ordered in the discretion of the Secretary of State in any and all counties in which electors voted for such office, and said recount or recanvass may be held at any time prior to the certification of the consolidated returns by the Secretary of State. The appropriate superintendent(s) conduct the recount or recanvass. The petition must be in writing, signed by the person or persons requesting the recount or recanvass, verified, and must set forth the discrepancies or errors and any evidence in support of the petitioner's request for a recount or recanvass. The Secretary of State may

require the petitioner or other persons to furnish additional information concerning the apparent discrepancies or errors in the counting or canvassing of votes. O.C.G.A. § 21-2-495(d).

In precincts where direct recording electronic (DRE) units have been used, the superintendent must, either of his or her own motion or upon petition of any candidate or political party or three electors of the county or municipality, as may be the case, order a recanvass of all the memory cards for a particular precinct or precincts for one or more offices in which it shall appear that a discrepancy or error, although not apparent on the face of the returns, has been made. Such recanvass may be held at any time prior to the certification of the consolidated returns by the election superintendent. Before making such recanvass, the election superintendent must give notice in writing to each candidate and to the county chairperson of each party or body affected by the recanvass. Each such candidate may be present in person or by representative and each such political party or body may send two representatives to be present at such recanvass. The election superintendent conducts the recanvass by breaking the seal, if the ballots cards have been sealed, on the container containing the memory cards and removing those memory cards for the precinct(s) for which the recanvass is being conducted. The election superintendent then causes the vote totals on each of the memory cards to be transferred to either an accumulator DRE unit or to the election management system computer. After all of the vote totals from the memory cards for the precinct(s) for which the recanvass is being conducted have been entered, the election superintendent causes a printout to be made of the results and compares the results to the results previously obtained. If upon such recanvass, it appears that the original vote count was incorrect, the returns and all papers being prepared by the election superintendent are corrected accordingly. Ga. Comp. R. & Regs. r. 183-1-12.02(7).

D3. In a primary or run-off primary, each candidate on the ballot may submit the name of one poll watcher for each precinct in which he or she wishes to have an observer to the appropriate party executive committee. From the list submitted by party candidates, the party executive committee may designate no more than two poll watchers for each precinct. Official poll watchers are given a letter signed by the party chairperson and secretary containing the name and address of the official poll watcher, precinct in which he or she is to serve, and name and date of primary or run-off primary. A copy of the letter must be delivered to the superintendent of the county or municipality in which the poll watcher is to serve. O.C.G.A. § 21-2-408(a)(1).

In a primary or run-off primary, each candidate on the ballot may submit the name of one poll watcher for each location at which early voting is conducted in which he or she wishes to have an observer to the appropriate party executive committee. From the list submitted by party candidates, the party executive committee may designate no more than two poll watchers for each early voting location. Official poll watchers are given a letter signed by the party chairperson and secretary containing the name and address of the official poll watcher, precinct in which he or she shall serve, and name and date of primary or run-off primary. A copy of the letter must be delivered to the superintendent and the chief registrar of the county or municipality in which the poll watcher is to serve. O.C.G.A. § 21-2-408(a)(2).

In an election or run-off election, the executive committee of each political party and political body may designate no more than two official poll watchers in each precinct. Each independent candidate and non-partisan candidate may designate one poll watcher in each precinct. Each poll watcher is given a letter signed by the appropriate political party or body chairperson and secretary or by the independent or nonpartisan candidate containing the name and address of the official poll watcher, precinct in which he or she shall serve, and date of election or run-off election. A copy of the letter must be delivered to the superintendent of the county or municipality in which the poll watcher is to serve. O.C.G.A. § 21-2-408(b)(1).

In an election or run-off election, the executive committee of each political party and political body, which body has nominated a candidate for statewide office, is entitled to designate no more than twenty-five official statewide poll watchers. Each independent and nonpartisan candidate is entitled to designate no more than twenty-five official statewide poll watchers. All such designations of statewide poll watchers shall be in writing and made and submitted to the State Election Board. A statewide poll watcher has the same powers, duties, limitations, and prohibitions as poll watchers. Statewide poll watchers are entitled to watch the polls in any precinct in the State. No more than two statewide poll watchers of a political party or body, of an independent candidate, or of a nonpartisan candidate may be in the same polling place simultaneously. Each statewide poll watcher must be given a letter signed by the chairperson of the State Election Board containing the name and address of the official statewide poll watcher, a statement that such poll watcher is a statewide poll watcher, and date of election or run-off election. A copy of the letter must be delivered to the superintendent of each county in which the poll watcher might serve. O.C.G.A. § 21-2-408(b)(2).

In an election or run-off election, the executive committee of each political party and political body is entitled to designate no more than two official poll watchers for each location at which early voting is conducted. Each independent and nonpartisan candidate is entitled to designate one poll watcher for each location at which early voting is conducted. Each poll watcher must be given a letter signed by the appropriate political party or body chairperson and secretary or by the independent or nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter must contain the name and address of the official poll watcher, precinct in which he or she shall serve, and date of election or run-off election. A copy of the letter must be delivered to the superintendent and the chief registrar of the county or municipality in which the poll watcher is to serve. O.C.G.A. § 21-2-408(b)(3)(A).

In an election or run-off election, the executive committee of each political party and political body, which has nominated a candidate for statewide office, is entitled to designate no more than 25 official statewide poll watchers for the early voting period. Each independent and nonpartisan candidate is entitled to designate no more than 25 official statewide poll watchers for such early voting period. All such designations of statewide poll watchers shall be in writing and made and submitted to the State Election Board. A statewide poll watcher has the same powers and duties as poll watchers and is entitled to watch any early voting location in the State but shall otherwise be subject to all limitations and prohibitions placed on poll watchers. No more than two statewide poll watchers of a political party or body, of an independent candidate, or of a nonpartisan candidate may be in an early voting location simultaneously. Each statewide poll watcher shall be given a letter signed by the chairperson of the State Election Board containing the name and address of the official statewide poll watcher, a statement that such poll watcher is a statewide poll watcher for early voting, and date of election or run-off election. A copy of the letter must be delivered to the superintendent and chief registrar of each county in which the poll watcher might serve. O.C.G.A. § 21-2-408(b)(3)(B).

A poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher must not in any way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election, after being duly warned by the poll manager or superintendent, the poll watcher may be removed by such official. Any infraction or irregularities observed by poll watchers must be reported directly to the superintendent, not to the poll manager. The superintendent furnishes a badge to each poll watcher bearing the words "Official Poll Watcher," the name of the poll watcher, the primary or election in which the poll watcher is serving, and the precinct in which the poll watcher shall serve or a statement that such poll watcher is a statewide poll watcher. The poll watcher must wear such badge at all times while serving as a poll watcher. O.C.G.A. § 21-2-408(d).

A candidate in any primary or election may not be appointed or be eligible to serve as a poll watcher for that primary or election. O.C.G.A. § 21-2-408(e).

No person is allowed to solicit votes in any manner or by any means or method, nor may any person distribute or display any campaign literature, newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter of any kind, nor may any person solicit signatures for any petition or conduct any exit poll or public opinion poll with voters on any day in which ballots are being cast:

(1) within one hundred fifty feet of the outer edge of any building within which a polling place is established; (2) within any polling place; or

(3) within twenty-five feet of any voter standing in line to vote at any polling place.

Additionally, any person whose name appears as a candidate on the ballot being voted upon at a primary, election, special primary, or special election, except a judge of the probate court serving as the election superintendent, is not allowed to enter any polling place other than the polling place at which that candidate is authorized to cast his or her ballot for that primary, election, special primary, or special election. After casting his or her ballot, a candidate is not allowed to return to such polling place until after the poll has closed and voting has ceased or other than to transact business with the board of registrars. O.C.G.A. § 21-2-414.

For the purposes of applying O.C.G.A. § 21-2-408(a)(2) and (b)(3)(A), a political party, a political body, or independent or non-partisan candidate may designate, or a candidate may submit to a political party, a different poll observer or set of poll observers for each day of advance voting. Ga. Comp. R. & Regs. r. 183-1-13-.06