

**APPENDIX ITEMS
REQUIRED BY SUPREME
COURT RULE 14(1)(I)(V)**

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CONSTITUTIONAL PROVISIONS

1. U.S. CONST. ART. II, ART. 1:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

STATUTES

2. 28 U.S.C. § 1254:

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1)

By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2)

By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

3. 3 U.S.C. § 5:

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the

electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

4. 42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

5. **42 U.S.C. § 1988(A)**

(a)Applicability of statutory and common law

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

6. **O.C.G.A. § 1-3-1(D)(3)**

(3) Computation of time. Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to

discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in Code Section 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

7. **O.C.G.A. § 21-2-10 ELECTION OF PRESIDENTIAL ELECTORS**

At the November election to be held in the year 1964 and every fourth year thereafter, there shall be elected by the electors of this state persons to be known as electors of President and Vice President of the United States and referred to in this chapter as **presidential electors**, equal in number to the whole number of senators and representatives to which this state may be entitled in the Congress of the United States.

8. **O.C.G.A. § 21-2-11 MEETING OF PRESIDENTIAL ELECTORS, DUTIES**

The presidential electors chosen pursuant to Code Section 21-2-10 shall assemble at the seat of government of this state at 12:00 Noon of the day which is, or may be, directed by the Congress of the United States and shall then and there perform the duties required of them by the Constitution and laws of the United States.

9. **§ 21-2-12. FILLING OF VACANCIES EXISTING IN PRESIDENTIAL ELECTORS**

If any such presidential elector shall die, or for any cause fail to attend at the seat of

government at the time appointed by law, the presidential electors present shall proceed to choose by voice vote a person of the same political party or body, if any, as such deceased or absent presidential elector, to fill the vacancy occasioned thereby; and immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall immediately cause notice of his or her election in writing to be given to such person. The person so elected, and not the person in whose place he or she shall have been chosen, shall be a presidential elector and shall, with the other presidential electors, perform the duties required of them by the Constitution and laws of the United States.

10. § 21-2-13. COMPENSATION OF PRESIDENTIAL ELECTORS; EXPENSES OF ELECTORAL COLLEGE

Each presidential elector shall receive from the state treasury the sum of \$50.00 for every day spent in traveling to, remaining at, and returning from the place of meeting and shall be entitled to mileage at the rate of 10¢ per mile to and from his or her home. The reasonable expenses of the electoral college shall likewise be paid by the state treasurer, in both cases upon warrants drawn by the presiding officer of the college.

11. § 21-2-132(A). FILING NOTICE OF CANDIDACY, GENERALLY; QUALIFYING FEES; AFFIDAVITS

(a) The names of nominees of political parties nominated in a primary and the names of nominees of political parties for the office of

presidential elector shall be placed on the election ballot without their filing the notice of candidacy otherwise required by this Code section.

12. § 21-2-132.1. PRESIDENTIAL ELECTORS FOR INDEPENDENT

(a) An independent candidate for the office of President or Vice President of the United States shall file with the Secretary of State not later than the Friday before the opening of qualifying for such office as provided in subsection (d) of Code Section 21-2-132 a slate of candidates for the office of presidential elector which such independent candidate has certified as being the presidential electors for such independent candidate.

(b) The candidates for presidential electors certified by an independent candidate for the office of President or Vice President of the United States shall then qualify for election to such office in accordance with Code Section 21-2-132.

(c) An independent candidate for the office of President or Vice President of the United States may certify a number of candidates for the office of presidential elector that is equal to or less than the number of presidential electors who may be elected from the State of Georgia.

13. § 21-2-216. ELECTOR'S QUALIFICATIONS; APPLICANTS ACQUIRING AGE QUALIFICATIONS WITHIN SIX MONTHS PERMITTED TO REGISTER; ELECTORS NOT

**REQUIRED TO REREGISTER; ELECTORS
MOVING TO ANOTHER STATE**

(e) If any citizen of this state begins residence in another state after the thirtieth day next preceding any election for President and Vice President and, for that reason, does not satisfy the registration requirements of that state, such citizen shall be allowed to vote for presidential and vice presidential electors, in that election, in person in this state if such citizen satisfied, as of the date of such citizen's change of residence, the requirements to vote in this state, or by absentee ballot in this state if such citizen satisfies, but for such citizen's nonresident status and the reason for such citizen's absence, the requirements for absentee voting in this state.

**14. § 21-2-285(E). FORM OF OFFICIAL ELECTION
BALLOT**

(e) When presidential electors are to be elected, the ballot shall not list the individual names of the candidates for presidential electors but shall list the names of each political party or body and the names of the candidates of the party or body for the offices of President and Vice President of the United States. The individual names or the nominees of each political party or body for such offices shall be posted at each polling place arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States. A vote for the candidates for President and Vice President of a political party or body shall be deemed to be a vote for each of the candidates for presidential electors of such political party or body.

15. § 21-2-322(2). GENERAL REQUIREMENTS AS TO VOTING MACHINES

(2) It shall permit each elector, in one operation, to vote for all the candidates of one party or body for presidential electors;

16. § 21-2-365(2). GENERAL REQUIREMENTS AS TO OPTICAL SCANNING VOTING SYSTEMS

(2) It shall permit each elector, in one operation per ballot, to vote for all the candidates of one party or body for presidential electors;

17. § 21-2-379.5(E). INFORMATION TO APPEAR ON BALLOTS

(e) When presidential electors are to be elected, the ballot shall not list the individual names of the candidates for presidential electors but shall list the names of each political party and body and the names of the political party or body candidates for the office of President and Vice President. The individual names or the nominees of each political party or body for such offices shall be posted at each polling place with the sample ballots required by subsection (d) of Code Section 21-2-379.7 arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States. A vote for the candidates for President and Vice President of a political party or body shall be deemed to be a vote for each of the candidates for presidential electors of such political party or body.

18. § 21-2-381. APPLICATION FOR BALLOT

(d)(1) A citizen of the United States permanently residing outside the United States is entitled to make application for an absentee ballot from Georgia and to vote by absentee ballot in any election for presidential electors and United States senator or representative in Congress:

19. O.C.G.A. § 21-2-386. SAFEKEEPING, CERTIFICATION, AND VALIDATION OF ABSENTEE BALLOTS; REJECTION OF BALLOT; DELIVERY OF BALLOTS TO MANAGER; DUTIES OF MANAGERS; PRECINCT RETURNS; NOTIFICATION OF CHALLENGED ELECTOR

(a) (1) (A) The board of registrars or absentee ballot clerk shall keep safely, unopened, and stored in a manner that will prevent tampering and unauthorized access all official absentee ballots received from absentee electors prior to the closing of the polls on the day of the primary or election except as otherwise provided in this subsection.

(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for

absentee ballot or a facsimile of said signature or mark taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.

(C) If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope "Rejected," giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years. Such elector shall have until the end of the period for verifying provisional ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection of

the ballot. The elector may cure a failure to sign the oath, an invalid signature, or missing information by submitting an affidavit to the board of registrars or absentee ballot clerk along with a copy of one of the forms of identification enumerated in subsection (c) of Code Section 21-2-417 before the close of such period. The affidavit shall affirm that the ballot was submitted by the elector, is the elector's ballot, and that the elector is registered and qualified to vote in the primary, election, or runoff in question. If the board of registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be counted.

(D) An elector who registered to vote by mail, but did not comply with subsection (c) of Code Section 21-2-220, and who votes for the first time in this state by absentee ballot shall include with his or her application for an absentee ballot or in the outer oath envelope of his or her absentee ballot either one of the forms of identification listed in subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not

provide any of the forms of identification listed in this subparagraph with his or her application for an absentee ballot or with the absentee ballot, such absentee ballot shall be deemed to be a provisional ballot and such ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subparagraph within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify the elector that such ballot is deemed a provisional ballot and shall provide information on the types of identification needed and how and when such identification is to be submitted to the board of registrars or absentee ballot clerk to verify the ballot.

(E) Three copies of the numbered list of voters shall also be prepared for such rejected absentee electors, giving the name of the elector and the reason for the rejection in each case. Three copies of the numbered list of certified absentee voters and three copies of the numbered list of rejected absentee voters for each precinct shall be turned over to the poll manager in charge of counting the absentee ballots and shall be

distributed as required by law for numbered lists of voters.

(F) All absentee ballots returned to the board or absentee ballot clerk after the closing of the polls on the day of the primary or election shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk for storage for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election. The board of registrars or absentee ballot clerk shall promptly notify the elector by first-class mail that the elector's ballot was returned too late to be counted and that the elector will not receive credit for voting in the primary or election. All such late absentee ballots shall be delivered to the appropriate clerk and stored as provided in Code Section 21-2-390.

(G) Notwithstanding any provision of this chapter to the contrary, until the United States Department of Defense notifies the Secretary of State that the Department of Defense has implemented a system of expedited absentee voting for those electors covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by

eligible absentee electors who reside outside the county or municipality in which the primary, election, or runoff is held and are members of the armed forces of the United States, members of the merchant marine of the United States, spouses or dependents of members of the armed forces or merchant marine residing with or accompanying such members, or overseas citizens that are postmarked by the date of such primary, election, or runoff and are received within the three-day period following such primary, election, or runoff, if proper in all other respects, shall be valid ballots and shall be counted and included in the certified election results.

(2) After the opening of the polls on the day of the primary, election, or runoff, the registrars or absentee ballot clerks shall be authorized to open the outer envelope on which is printed the oath of the elector in such a manner as not to destroy the oath printed thereon; provided, however, that the registrars or absentee ballot clerk shall not be authorized to remove the contents of such outer envelope or to open the inner envelope marked "Official Absentee Ballot," except as otherwise provided in this Code section. At least three persons who are registrars, deputy registrars, poll workers, or absentee ballot clerks must be present before commencing; and three persons who are

registrars, deputy registrars, or absentee ballot clerks shall be present at all times while the outer envelopes are being opened. After opening the outer envelopes, the ballots shall be safely and securely stored until the time for tabulating such ballots.

(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the day of the primary, election, or runoff open the inner envelopes in accordance with the procedures prescribed in this subsection and begin tabulating the absentee ballots. If the county election superintendent chooses to open the inner envelopes and begin tabulating such ballots prior to the close of the polls on the day of the primary, election, or runoff, the superintendent shall notify in writing, at least seven days prior to the primary, election, or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot tabulation prior to the close of the polls. The county executive committee or, if there is no organized county executive committee, the state executive committee of each political party and political body having candidates whose names appear on the ballot for such election in such county shall have the right to designate two persons and each independent and nonpartisan candidate whose name appears on the ballot for such election in such county shall have the right to designate one person to act as monitors for such process. In the event that the only issue to be voted upon in an

election is a referendum question, the superintendent shall also notify in writing the chief judge of the superior court of the county who shall appoint two electors of the county to monitor such process.

(4) The county election superintendent shall publish a written notice in the superintendent's office of the superintendent's intent to begin the absentee ballot tabulation prior to the close of the polls and publish such notice at least one week prior to the primary, election, or runoff in the legal organ of the county.

(5) The process for opening the inner envelopes of and tabulating absentee ballots on the day of a primary, election, or runoff as provided in this subsection shall be a confidential process to maintain the secrecy of all ballots and to protect the disclosure of any balloting information before 7:00 P.M. on election day. No absentee ballots shall be tabulated before 7:00 A.M. on the day of a primary, election, or runoff.

(6) All persons conducting the tabulation of absentee ballots during the day of a primary, election, or runoff, including the vote review panel required by Code Section 21-2-483, and all monitors and observers shall be sequestered until the time for the closing of the polls. All such persons shall have no contact with the news media; shall have no contact with other persons not involved in monitoring, observing, or conducting the tabulation;

shall not use any type of communication device including radios, telephones, and cellular telephones; shall not utilize computers for the purpose of e-mail, instant messaging, or other forms of communication; and shall not communicate any information concerning the tabulation until the time for the closing of the polls; provided, however, that supervisory and technical assistance personnel shall be permitted to enter and leave the area in which the tabulation is being conducted but shall not communicate any information concerning the tabulation to anyone other than the county election superintendent; the staff of the superintendent; those persons conducting, observing, or monitoring the tabulation; and those persons whose technical assistance is needed for the tabulation process to operate.

(7) The absentee ballots shall be tabulated in accordance with the procedures of this chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be placed into locked ballot boxes and may be transferred to locked ballot bags, if needed, for security. The persons conducting the tabulation of the absentee ballots shall not cause the tabulating equipment to produce any count, partial or otherwise, of the absentee votes cast until the time for the closing of the polls.

(b) As soon as practicable after 7:00 A.M. on the day of the primary, election, or runoff, in precincts other than those in which optical scanning tabulators are used, a registrar or

absentee ballot clerk shall deliver the official absentee ballot of each certified absentee elector, each rejected absentee ballot, applications for such ballots, and copies of the numbered lists of certified and rejected absentee electors to the manager in charge of the absentee ballot precinct of the county or municipality, which shall be located in the precincts containing the county courthouse or polling place designated by the municipal superintendent. In those precincts in which optical scanning tabulators are used, such absentee ballots shall be taken to the tabulation center or other place designated by the superintendent, and the official receiving such absentee ballots shall issue his or her receipt therefor. Except as otherwise provided in this Code section, in no event shall the counting of the ballots begin before the polls close.

(c) Except as otherwise provided in this Code section, after the close of the polls on the day of the primary, election, or runoff, a manager shall then open the outer envelope in such manner as not to destroy the oath printed thereon and shall deposit the inner envelope marked "Official Absentee Ballot" in a ballot box reserved for absentee ballots. In the event that an outer envelope is found to contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person sealing the inner envelope, and deposited in the ballot box and counted in the same manner as other absentee ballots, provided that such ballot is otherwise proper. Such manager with two assistant managers, appointed by the superintendent, with such clerks as the manager deems necessary shall count the absentee ballots following the

procedures prescribed by this chapter for other ballots, insofar as practicable, and prepare an election return for the county or municipality showing the results of the absentee ballots cast in such county or municipality.

(d) All absentee ballots shall be counted and tabulated in such a manner that returns may be reported by precinct; and separate returns shall be made for each precinct in which absentee ballots were cast showing the results by each precinct in which the electors reside.

(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall write "Challenged," the elector's name, and the alleged cause of challenge on the outer envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted as other challenged ballots are counted. Where direct recording electronic voting systems are used for absentee balloting and a challenge to an elector's right to vote is made prior to the time that the elector votes, the elector shall vote on a paper or optical scanning ballot and such ballot shall be handled as provided in this subsection. The board of registrars or absentee ballot clerk shall promptly notify the elector of such challenge.

(f) It shall be unlawful at any time prior to the close of the polls for any person to disclose or for any person to receive any information regarding the results of the tabulation of absentee ballots except as expressly provided by law.

**20. § 21-2-435(C)4). METHOD OF MARKING
BALLOTS AND DEPOSITING SAME IN
PRECINCTS IN WHICH BALLOTS ARE USED**

(c) At elections, the elector shall prepare his or her ballot in the following manner: ...

(4) If he or she desires to vote for the presidential electors nominated by any party or body, he or she may make a cross (X) or check (✓) mark in the appropriate square at the left of the names of the candidates for President and Vice President of such party or body;

**21. § 21-2-438(B). WHAT BALLOTS SHALL BE
COUNTED; MANNER OF COUNTING;
DEFECTIVE BALLOTS**

(b) At elections, any ballot marked by any other mark than a cross (X) or check (✓) mark in the spaces provided for that purpose shall be void and not counted; provided, however, that no vote recorded thereon shall be declared void because a cross (X) or check (✓) mark thereon is irregular in form. A cross (X) or check (✓) mark in the square opposite the names of the nominees of a political party or body for the offices of President and Vice President shall be counted as a vote for every candidate of that party or body for the offices of presidential electors. Any ballot indicating a write-in for any person whose name is not printed on the ballot and who properly gave notice of intent to run as a write-in candidate pursuant to [Code Section 21-2-133](#) shall be counted as a vote for such person, if written in the proper space or spaces provided for that purpose, whether or not a cross (X) or

check (✓) mark is placed before the name of such person.

22. O.C.G.A. § 21-2-452(E). ADMISSION OF ELECTORS TO ENCLOSED SPACE; VOTING PROCEDURE GENERALLY; PROCEDURE AS TO WRITE-IN VOTES; VOTING BY ELECTORS WHOSE RIGHT TO VOTE IS CHALLENGED; DISABLED VOTERS

(e) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the name of the party or body and followed by the names of the candidates thereof for the office of President and Vice President, and the corresponding counter or registering device shall register votes cast for such presidential electors when thus voted for collectively. If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, or wholly of names of persons not in nomination by any party or body, he or she may write or deposit a paper ballot prepared by himself or herself in the receptacle provided in or on the machine for the purpose. The machine shall be so constructed that it will not be possible for any one elector to vote a straight party or body ticket for presidential electors and at the same time to deposit a ballot for presidential electors in such

receptacle. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body; and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as provided in this Code section.

23. **§ 21-2-455(B). CANVASS AND RETURN OF VOTES**

(b) The vote as registered shall be entered by the poll officers, in ink, on duplicate return sheets and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the poll officers. If any poll officer shall refuse to sign or certify the general or duplicate return sheets or statement, he or she shall write his or her reasons therefor upon such sheets. The vote for **presidential electors** shall be computed and returned as provided in subsection (e) of Code Section 21-2-452. If more than one voting machine is used in any precinct, the vote registered on each machine shall be ascertained in like manner and separately entered in appropriate spaces on the general and duplicate return sheets and statement. The total vote cast for each candidate and for and against each question shall then be computed and entered on the general and duplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of electors who have voted, as shown by the numbered list of voters,

electors list, and voter's certificates, and the number on each machine, as shown by the public counters. The number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine and the number or other designation of each machine used shall also be entered thereon. In the case of primaries, duplicate return sheets shall be prepared as for other elections. The registering counters of the voting machine or the paper proof sheets, as the case may be, shall remain exposed to view until the said returns and all other reports have been fully completed and checked by the poll officers. During such time, anyone who may desire to be present shall be admitted to the polling place.

24. § 21-2-480(G). FORM AND ARRANGEMENT OF BALLOTS

(g) When presidential electors are to be elected, the ballot shall not list the individual names of the candidates for presidential electors but shall list the names of each political party and body and the names of the political party or body candidates for the office of President and Vice President. The individual names or the nominees of each political party or body for such offices shall be posted at each polling place with the sample ballots required by subsection (c) of Code Section 21-2-375 arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States. A vote for the candidates for President and Vice President of a political party or body shall be deemed to be a vote for each of the candidates for presidential electors of such political party or body.

25. **§ 21-2-483(B). COUNTING OF BALLOTS; PUBLIC ACCESSIBILITY TO TABULATING CENTER AND PRECINCTS; EXECUTION OF BALLOT RECAP FORMS; PREPARATION OF DUPLICATE BALLOTS**

(b) All proceedings at the tabulating center and precincts shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container.

26. **§ 21-2-498. CONSTITUTIONAL OFFICERS ELECTION BOARD**

(a) As used in this Code section, the term:

(1) "Incorrect outcome" is when the winner of a contest or the answer to a proposed constitutional amendment or question would be different from the results found in a manual recount of paper official ballots.

(2) "Risk limit" means the largest statistical probability that an incorrect outcome is not detected or corrected in a risk-limiting audit.

(3) "Risk-limiting audit" means an audit protocol that makes use of statistical methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome.

(b) As soon as possible, but no later than the November, 2020, general election, the local

election superintendents shall conduct precertification tabulation audits for any federal or state general election in accordance with requirements set forth by rule or regulation of the State Election Board. Audits performed under this Code section shall be conducted by manual inspection of random samples of the paper official ballots.

(c) In conducting each audit, the local election superintendents shall:

(1) Complete the audit prior to final certification of the contest;

(2) Ensure that all types of ballots are included in the audit, whether cast in person, by absentee ballot, advance voting, provisional ballot, or otherwise;

(3) Provide a report of the unofficial final tabulated vote results for the contest to the public prior to conducting the audit;

(4) Complete the audit in public view; and

(5) Provide details of the audit to the public within 48 hours of completion.

(d) The State Election Board shall be authorized to promulgate rules, regulations, and procedures to implement and administer the provisions of this Code section. The procedures prescribed by the State Election Board shall include security procedures to ensure that collection of validly cast ballots is complete, accurate, and trustworthy throughout the audit.

(e) The Secretary of State shall conduct a risk-limiting audit pilot program with a risk limit of

not greater than 10 percent in one or more counties by December 31, 2021. The Secretary of State shall review the results of the pilot program and, within 90 days following the election in which such pilot program is used, shall provide the members of the General Assembly with a comprehensive report, including a plan on how to implement risk-limiting audits state wide. If such risk-limiting audit is successful in achieving the specified confidence level within five business days following the election for which it was conducted, then all audits performed pursuant to this Code section shall be similarly conducted, beginning not later than November 1, 2024.

27. O.C.G.A. § 21-2-499(B) DUTY OF SECRETARY OF STATE AS TO TABULATION, COMPUTATION, AND CANVASSING OF VOTES FOR STATE AND FEDERAL OFFICERS; CERTIFICATION OF PRESIDENTIAL ELECTORS BY GOVERNOR

(b) The Secretary of State shall also, upon receiving the certified returns for presidential electors, proceed to tabulate, compute, and canvass the votes cast for each slate of presidential electors and shall immediately lay them before the Governor. Not later than 5:00 P.M. on the seventeenth day following the date on which such election was conducted, the Secretary of State shall certify the votes cast for all candidates described in subparagraph (a)(4)(A) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall no later than that same time lay the returns for presidential electors before the Governor. The Governor shall enumerate and ascertain the number of votes for

each person so voted and shall certify the slates of presidential electors receiving the highest number of votes. The Governor shall certify the slates of presidential electors no later than 5:00 P.M. on the eighteenth day following the date on which such election was conducted.

Notwithstanding the deadlines specified in this Code section, such times may be altered for just cause by an order of a judge of superior court of this state.

28. § 21-2-501(F). VOTE REQUIREMENTS FOR NOMINATION OR ELECTION; RUN-OFF ELECTIONS

(f) Except for **presidential electors**, to be elected to public office in a general election, a candidate must receive a majority of the votes cast in an election to fill such public office. To be elected to the office of **presidential electors**, no slate of candidates shall be required to receive a majority of the votes cast, but that slate of candidates shall be elected to such office which receives the highest number of votes cast.

29. § 21-2-502(E). CERTIFICATES OF ELECTION; COMMISSIONS; PROCLAMATIONS

(e) Presidential electors. The Secretary of State, on receiving and computing the returns of presidential electors, shall lay them before the Governor, who shall enumerate and ascertain the number of votes for each person so voted for and shall cause a certificate of election to be delivered to each person so chosen.

30. O.C.G.A. § 21-2-524(A). FILING AND ALLEGATIONS OF PETITION TO CONTEST PRIMARY OR ELECTION; SERVICE OF

**PETITION; VERIFICATION; NOTICE OF
PROCEEDINGS TO ANSWER PETITION;
SERVICE OF SPECIAL PROCESS; AMENDMENT**

(a) A petition to contest the result of a primary or election shall be filed in the office of the clerk of the superior court having jurisdiction within five days after the official consolidation of the returns of that particular office or question and certification thereof by the election official having responsibility for taking such action under this chapter or within five days after the official consolidation and certification of the returns of that particular office or question by the election official having responsibility for taking such action under this chapter following a recount pursuant to Code Section 21-2-495 and shall allege:

- (1) The contestant's qualification to institute the contest;
- (2) The contestant's desire to contest the result of such primary or election and the name of the nomination, office, or question involved in the contest;
- (3) The name of the defendant;
- (4) The name of each person who was a candidate at such primary or election for such nomination or office in the case of a contest involving same;
- (5) Each ground of contest;
- (6) The date of the official declaration of the result in dispute;
- (7) The relief sought; and

(8) Such other facts as are necessary to provide a full, particular, and explicit statement of the cause of contest.

31. O.C.G.A. § 21-2-527(D PRONOUNCEMENT OF JUDGMENT; EFFECT OF FINDING OF MISCONDUCT BY POLL OFFICERS; CALLING OF SECOND PRIMARY, ELECTION, OR RUNOFF BY COURT UPON FINDING OF DEFECTS

(d) Whenever the court trying a contest shall determine that the primary, election, or runoff is so defective as to the nomination, office, or eligibility in contest as to place in doubt the result of the entire primary, election, or runoff for such nomination, office, or eligibility, such court shall declare the primary, election, or runoff to be invalid with regard to such nomination, office, or eligibility and shall call for a second primary, election, or runoff to be conducted among all of the same candidates who participated in the primary, election, or runoff to fill such nomination or office which was declared invalid and shall set the date for such second primary, election, or runoff.

32. O.C.G.A. § 21-2-2(25)(B). DEFINITIONS

(25) "Political party" or "party" means any political organization which at the preceding:

(B) Presidential election nominated a candidate for President of the United States and whose candidates for presidential electors at such election polled at least 20 percent of the total vote cast in the nation for that office.

33. O.C.G.A. § 21-2-521. PRIMARIES AND ELECTIONS WHICH ARE SUBJECT TO CONTEST; PERSONS WHO MAY BRING CONTEST

The nomination of any person who is declared nominated at a primary as a candidate for any federal, state, county, or municipal office; the election of any person who is declared elected to any such office (except when otherwise prescribed by the federal Constitution or the Constitution of Georgia); the eligibility of any person declared eligible to seek any such nomination or office in a run-off primary or election; or the approval or disapproval of any question submitted to electors at an election may be contested by any person who was a candidate at such primary or election for such nomination or office, or by any aggrieved elector who was entitled to vote for such person or for or against such question.

34. § 21-2-522. GROUNDS FOR CONTEST

A result of a primary or election may be contested on one or more of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls

sufficient to change or place in doubt the result;

(4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result; or

(5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

35. GA. SEC. STATE RULE 183-1-14-0.9*.15

183-1-14-0.9-.15 Processing Absentee Ballots
Prior to Election Day

RULE 183-1-14-0.9-.15 Processing Absentee
Ballots Prior to Election Day

(1) Beginning at 8:00 a.m. on the third Monday prior to Election Day, county election superintendents shall be authorized to open the outer envelope of accepted absentee ballots, remove the contents including the absentee ballot, and scan the absentee ballot using one or more ballot scanners, in accordance with this rule, and may continue until all accepted absentee ballots are processed. All county election superintendents shall begin processing and scanning absentee ballots the second Monday before Election Day. However, no person shall tally, tabulate, estimate or attempt to tally, tabulate or estimate or cause the voting equipment to produce any tally or tabulation, partial or otherwise, of the absentee votes cast until the time for the closing of the polls on Election Day.

(2) Absentee ballots shall be processed in batches of not more than 100. At least three persons who are registrars, deputy registrars, poll workers, or absentee ballot clerks must be present at all times during the processing of a batch of absentee ballots.

(3) Outer envelopes shall be opened in such a manner as not to destroy the oath and signature of the voter.

(4) All outer envelopes in a batch shall be counted and recorded on a reconciliation form prior to opening the outer envelopes of a batch. Upon opening the outer envelopes of a batch, the contents shall be removed in a manner that ensures that the contents of the envelope cannot be matched back to the outer envelope. Once all of the outer envelopes of a batch have been opened and the contents removed, the inner envelopes and/or secrecy sleeves shall be opened and the absentee ballots removed. Once all of the absentee ballots have been removed, the number of ballots shall be counted and recorded on a reconciliation form and compared to the original count of outer envelopes in the batch. Any discrepancy shall be investigated and recorded on a reconciliation form. The form shall be signed by the officials processing the batch of ballots. The absentee ballots shall then be scanned on a ballot scanner. A batch number assigned by the ballot scanner shall be recorded on the reconciliation form for that batch. Any ballot that is so torn, bent, or otherwise defective that it cannot be processed by the scanner shall be duplicated pursuant to O.C.G.A. § 21-2-483. Vote review panels shall be established, as needed, to adjudicate any rejected ballots per O.C.G.A. § 21-2-483 and Rule

183-1-15-.02. Once successfully scanned, the batch of ballots shall be bound together with the reconciliation form (or a copy thereof) and the official who scanned the ballots shall notate on the reconciliation form that the batch has been scanned, including the date and location of the scanning, and initial the notation. The scanned absentee ballots shall then be secured in a container. More than one batch of scanned absentee ballots may be placed in the container, but the individual batches must be separately bound. A security seal shall be placed on the container. The batch number(s), the number of scanned absentee ballots in each batch, and the security seal number shall be recorded on the container.

(5) If the county election superintendent chooses to prepare and/or scan absentee ballots prior to Election Day according to this Rule, the superintendent shall notify the Secretary of State in writing at least seven days prior to processing absentee ballots.

(6) The proceedings described in this rule shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent shall touch any ballot or ballot container. The state executive committee of each political party and political body having candidates whose names appear on the ballot in such county shall have the right to have two properly designated persons present to act as monitors for such process and each independent and nonpartisan candidate whose name appears on the ballot in such county shall have the right to have one properly designated

person present to act as a monitor for such process. The designated monitors shall be given a letter by the designating entity containing the name of the monitor, his or her address, and the county in which he or she may monitor the process. A copy of the letter designating the monitor shall be delivered to the county elections superintendent prior to the monitor being allowed to monitor the process. Each monitor shall wear a name tag indicating their name and the entity that designated them while monitoring the process. Any other observer shall be required to wear a name tag that indicates their name and that they are a public observer. The superintendent may make reasonable regulations, including regulations regarding social distancing measures and required personal protective equipment, that designated monitors and observers shall follow so that they do not interfere in any way with the processing of ballots or conduct of the election. If a monitor or observer interferes with the processing of the ballots or conduct of the election after being duly warned by an election official or superintendent, or if he or she violates any of the prohibited activities in this rule, the superintendent may revoke the person's designation to monitor the process, remove them from any further monitoring or observing, and refer the incident to the Secretary of State's office for investigation. Any infraction or irregularity observed by a monitor or observer shall be reported to the superintendent or to the Secretary of State. No person whose name is on the ballot shall be eligible to serve as a designated monitor.

(7) While viewing the process set forth in this rule, monitors and observers are prohibited from:

(a) In any way interfering with the processing of absentee ballots or conduct of the election;

(b) Using or bringing in to the room any photographic or other electronic monitoring or recording devices, cellular telephones, or computers;

(c) Engaging in any form of campaigning or campaign activity;

(d) Taking any action that endangers the secrecy and security of the ballots;

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(e) Touching any ballot or ballot container;

(f) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate, whether partial or otherwise, any of the votes on the absentee ballots cast; and

(g) Communicating any information that they see, whether intentionally or inadvertently, about any ballot, vote, or selection to anyone other than to an election official who needs to such information to lawfully carry out his or her official duties.

(8) Before being allowed to view the process set forth in this rule, each designated monitor and observer shall execute an oath swearing or affirming, under penalty of perjury, that they understand the prohibitions set forth above, that they will not engage in any prohibited activity, and that they understand any violations of this rule will be punishable by the State Election Board.

(9) The county election superintendent shall publish a written notice, containing the dates, start and end times, and location(s) where absentee ballots will be processed and any rejected ballots will be adjudicated. Such notice shall be posted in the superintendent's office, on the home page of the county election website, and sent to the Secretary of State's office at least seven days prior to scanning ballots in accordance with this rule. The Secretary of State shall publish on his website the information he receives from counties stating the dates, times and locations where absentee ballots will be processed and adjudicated.

(10) Any person involved in processing absentee ballots according to this rule shall swear an oath, in the same form as the oath for poll officers set forth in O.C.G.A. § 21-2-95, prior to beginning the processing of absentee ballots.

(11) All cell phones, laptops, audio or video recording devices, and other communication devices shall be prohibited from the room where processing of absentee ballots is taking place, except for county election computers necessary to carry out this rule or otherwise conduct the election. No information concerning the tally of votes, or any partial tally of votes, shall be communicated until the time for the closing of the polls on Election day.

(12) The county superintendent shall be permitted to designate locations where public observers may view the process described in this rule to protect the security and secrecy of the ballots. Monitors designated by political parties, political bodies, and independent and non-partisan candidates shall be allowed to monitor

the process described in this rule, but they must do so in a way that does not interfere with election officials. The superintendent may designate locations that allow designated monitors to monitor the process set forth in this rule, and such locations shall include areas that allow credentialed monitors to view the batching of the ballots, reconciliation of envelopes to ballots, scanning the ballots, duplication of ballots, adjudication of ballots by vote review panels, sealing the ballots after scanning, and other such areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the carrying out of the procedures set forth in this rule.

Authority: O.C.G.A. § 21-2-31.