

3-1-2000

ELECTIONS Elections and Primaries Generally: Require Election Superintendents to Provide Election Returns Electronically to the Secretary of State Within a Specified Amount of Time for All Elections or Primaries Held Within That Precinct Beginning in the Current Year and Each Year to Follow

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Recommended Citation

September Guy, *ELECTIONS Elections and Primaries Generally: Require Election Superintendents to Provide Election Returns Electronically to the Secretary of State Within a Specified Amount of Time for All Elections or Primaries Held Within That Precinct Beginning in the Current Year and Each Year to Follow*, 17 GA. ST. U. L. REV. (2000).

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ELECTIONS

Elections and Primaries Generally: Require Election Superintendents To Provide Election Returns Electronically to the Secretary of State Within a Specified Amount of Time for All Elections or Primaries Held Within That Precinct Beginning in the Current Year and Each Year To Follow

CODE SECTION: O.C.G.A. § 21-2-77 (new)
BILL NUMBER: HB 1113
ACT NUMBER: 459
GEORGIA LAWS: 2000 Ga. Laws 13
SUMMARY: The Act creates a new Code section to require that, beginning in the 2000 election year, each county's superintendent of elections must electronically provide the Secretary of State, within forty-five days after the closing of the election, results for every federal and state primary, election, special primary, special election, and runoff. Beginning in 2002, the superintendents of election must also report county and local election results electronically to the Secretary of State's office.
EFFECTIVE DATE: February 8, 2000¹

History

Prior to the passage of HB 1113, there was no uniformity in how the superintendent of elections for each district was required to report election results.² HB 1113 was initially

1. See 2000 Ga. Laws 13, § 3, at 14. The Act took effect February 8, 2000, for administrative purposes and July 1, 2000, for all other purposes. See *id.*

2. See Telephone Interview with Sara Lynn Skinner, Office of Director of Elections, Office of the Secretary of State (July 11, 2000) [hereinafter Skinner Interview]. This bill was known to the Secretary of State's office as the Reapportionment Bill (or the Linda Meggers' Bill). See *id.* Linda Meggers uses election results to assist the legislature in redistricting. See Telephone Interview with Linda Meggers, Reapportionment Committee (July 11, 2000) [hereinafter Meggers Interview]. Voter registration is an

proposed by the Director of Elections at the Secretary of State's office, who hoped that the creation of this bill would establish a reasonable mandate by which all superintendents of elections would conform in submitting the election results from their respective regions.³

HB 1113

Upon introduction, the House assigned the bill to the Committee on Governmental Affairs, which favorably reported the bill, as substituted.⁴ The legislation, as introduced, allowed seventy-five days following the close of voting for the precincts to electronically report election results to the Secretary of State's office.⁵ The House Committee on Governmental Affairs amended the proposed seventy-five days to forty-five days in which the county superintendents must report election returns to the Secretary of State's office.⁶

The House adopted the Committee substitute and unanimously passed the bill on January 13, 2000.⁷ The House then sent HB 1113 to the Senate on January 14, 2000.⁸

Senator Don Thomas of the 54th District presented HB 1113 to the Senate, and the Senate assigned the bill to the Ethics Committee.⁹ The Ethics Committee made no changes to the bill

essential tool for redistricting the state. *See id.* Additionally, the 2000 census made it critical that the results from the 2000 election be available quickly for the 2001 redistricting. *See id.* Prior to this bill, the State of Georgia had no set manner in which election results were transmitted to the Secretary of State's office, and it would take nearly six months to collect all the necessary data. *See id.* This resulted in the 159 counties reporting the results in 159 different ways. *See Telephone Interview with Rep. Bob Holmes, House District No. 53 (July 5, 2000) [hereinafter Holmes Interview].* The purpose of the bill was to create a reasonable basis by which the Board of Elections could promptly receive the results of all local, state, and national elections. *See id.*

3. *See Skinner Interview, supra note 2.*

4. *See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.*

5. *See HB 1113, as introduced, 2000 Ga. Gen. Assem.*

6. *Compare HB 1113, as introduced, 2000 Ga. Gen. Assem., with HB 1113 (HCS), 2000 Ga. Gen. Assem. See also Holmes Interview, supra note 2.* Representative Holmes stated that the House Committee's change from seventy-five days to forty-five days within which to report the election results was based primarily on what was considered to be a reasonable time requirement. *See id.*

7. *See Georgia House of Representatives Voting Record, HB 1113 (Jan. 13, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.*

8. *See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.*

9. *See id.*

and favorably reported it to the Senate on January 27, 2000.¹⁰ The Senate unanimously passed the bill on February 3, 2000, without any changes.¹¹ Governor Roy Barnes signed HB 1113 into law on February 8, 2000.¹²

The Act

The Act adds new Code section 21-2-77.¹³ Section 1 of the Act creates Code section 21-2-77(a), which establishes that beginning in the 2000 election year, the superintendent of elections of each county shall provide the election results electronically within forty-five days after the close of voting, by precinct, for any federal or state election or primary held in that region.¹⁴ The Act also creates Code section 21-2-77(b).¹⁵ This section mandates that beginning in the 2002 election year, the superintendent of elections for each county shall also provide the results of the county and local elections or primaries.¹⁶ Finally, the Act adds Code section 21-2-77(c), which authorizes the Secretary of State to promulgate rules and regulations to specify the type of electronic format superintendents of elections must use to submit election results to the Secretary of State's office.¹⁷

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10. *See id.*

11. *See* Georgia Senate Voting Record, HB 1113 (Feb. 3, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

12. *See* 2000 Ga. Laws 13, § 3, at 14; *see also* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

13. *See* O.C.G.A. § 21-2-77 (Supp. 2000).

14. *See id.* § 21-2-77(a). Representative Holmes stated on the House floor that the primary purpose for the creation of this bill was to allow for timely redistricting of the voting precincts. *See* Audio Recording of House Proceedings, Jan. 13, 2000 (remarks by Rep. Bob Holmes) <<http://www.ganet.org/services/leg/audio/2000archive.html>>. The implementation of this bill will be of little to no cost to local governments because the Secretary of State's office will provide the computers and programs necessary to implement electronic reporting, made possible by the Motor Voter Program. *See id.*; *see also* Meggers Interview, *supra* note 2.

15. *See* O.C.G.A. § 21-2-77(b) (Supp. 2000).

16. *See id.*

17. *See id.* § 21-2-77(c).