

Senate Bill 414

By: Senators Hill of the 4th, Thomas of the 10th and Ragan of the 11th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 primaries and elections generally, so as to revise certain definitions; to repeal certain  
3 provisions of law regarding vote recorders; to provide for the Secretary of State to provide  
4 by rule and regulation for certain instructions for ballots and voting equipment; to provide  
5 that the state shall provide a uniform system of direct recording electronic voting equipment  
6 for use by counties in the state by 2004; to provide for municipalities to acquire such systems  
7 and counties to acquire additional such equipment; to provide for use of bonds for acquiring  
8 such systems; to provide for provisional ballots; to provide for the method of voting and  
9 counting such ballots; to provide for certain notifications to persons voting provisional  
10 ballots; to provide for related matters; to provide an effective date; to repeal conflicting laws;  
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
15 elections generally, is amended by striking Code Section 21-2-2, relating to definitions, in  
16 its entirety and inserting in lieu thereof a new Code Section 21-2-2 to read as follows:

17 "21-2-2.

18 As used in this chapter, the term:

19 (1) 'Ballot card' means ~~the tabulating or punch card upon~~ 'official ballot' or 'paper ballot'  
20 and shall include the instrument, whether paper, mechanical, or electronic, by which an  
21 elector records casts his or her vote by the use of a vote recorder. 'Ballot card' also means  
22 ~~a ballot upon which an elector records his or her vote for tabulation by an optical scan~~  
23 ~~tabulating machine.~~

24 (2) 'Ballot labels' means the cards, paper, or other material placed on the front of a voting  
25 machine ~~or vote recorder~~ containing the names of offices and candidates and statements  
26 of questions to be voted on.

1 (3) 'Call' or 'the call,' as used in relation to special elections or special primaries, means  
2 the affirmative action taken by the responsible public officer to cause a special election  
3 or special primary to be held. The date of the call shall be the date of the first publication  
4 in a newspaper of appropriate circulation of such affirmative action.

5 (4) 'Custodian' means the person charged with the duty of testing and preparing the  
6 voting machine or vote recorder for the primary or election and with instructing the poll  
7 officers in the use of same.

8 (5) 'Election' means any general or special election and shall not include a primary.

9 (6) 'Election district' is synonymous with the terms 'precinct' and 'voting precinct.'

10 (7) 'Elector' means any person who shall possess all of the qualifications for voting now  
11 or hereafter prescribed by the laws of this state, including applicable charter provisions,  
12 and shall have registered in accordance with this chapter.

13 (8) 'General election' means an election recurring at stated intervals fixed by law or by  
14 the respective municipal charters; and the words 'general primary' mean a primary  
15 recurring at stated intervals fixed by law or by the respective municipal charters.

16 (9) 'Governing authority' means the governing authority of a municipality.

17 (10) 'Independent' means a person unaffiliated with any political party or body and  
18 includes candidates in a special election for a partisan office for which there has not been  
19 a prior special primary.

20 (11) 'Managers' means the chief manager and the assistant managers required to conduct  
21 primaries and elections in any precinct in accordance with this chapter.

22 (12) 'Municipal office' means every municipal office to which persons can be elected by  
23 a vote of the electors under the laws of this state and the respective municipal charters.

24 (13) 'Municipality' means an incorporated municipality.

25 (14) 'Nomination' means the selection, in accordance with this chapter, of a candidate for  
26 a public office authorized to be voted for at an election.

27 (15) 'November election' means the general election held on the Tuesday next following  
28 the first Monday in November in each even-numbered year.

29 (16) 'Numbered list of voters' means one or more sheets of uniform size containing  
30 consecutively numbered blank spaces for the insertion of voters' names at the time of and  
31 in the order of receiving their ballots or number slips governing admissions to the voting  
32 machines.

33 (17) 'Oath' shall include affirmation.

34 (18) 'Official ballot' means a ~~paper~~ ballot, whether paper, mechanical, or electronic,  
35 which is furnished by the superintendent or governing authority in accordance with Code  
36 Section 21-2-280, including ballots read by optical scanning tabulators.

1 (19) 'Official ballot label' means a ballot label prepared in accordance with Article 9 of  
2 this chapter and delivered by the superintendent to the poll officers in accordance with  
3 Code Sections 21-2-328 and ~~21-2-360~~.

4 (20) 'Paper ballot' or 'ballot' means the forms described in Article 8 of this chapter. The  
5 term 'paper ballot' shall not include a ballot card.

6 (21) 'Party nomination' means the selection by a political party, in accordance with this  
7 chapter, of a candidate for a public office authorized to be voted for at an election.

8 (22) 'Plurality' means the receiving by one candidate alone of the highest number of  
9 votes cast for eligible candidates in an election among the candidates for the same office,  
10 provided that such number of votes exceeds 45 percent of the total number of votes cast  
11 in such election for such office. In the case where two or more persons tie in receiving  
12 the highest number of votes or no candidate receives more than 45 percent of the total  
13 votes cast for eligible candidates in the election for the office sought there is no plurality.

14 (23) 'Political body' or 'body' means any political organization other than a political  
15 party.

16 (24) 'Political organization' means an affiliation of electors organized for the purpose of  
17 influencing or controlling the policies and conduct of government through the nomination  
18 of candidates for public office and, if possible, the election of its candidates to public  
19 office, except that the term 'political organization' shall not include a 'subversive  
20 organization' as defined in Part 2 of Article 1 of Chapter 11 of Title 16, the 'Sedition and  
21 Subversive Activities Act of 1953.'

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

23 (A) Gubernatorial election nominated a candidate for Governor and whose candidate  
24 for Governor at such election polled at least 20 percent of the total vote cast in the state  
25 for Governor; or

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

29 (26) 'Poll officers' means the chief manager, assistant managers, and clerks required to  
30 conduct primaries and elections in any precinct in accordance with this chapter.

31 (27) 'Polling place' means the room provided in each precinct for voting at a primary or  
32 election.

33 (28) 'Precinct' is synonymous with the term 'voting precinct' and means a geographical  
34 area, established in accordance with this chapter, within which all electors vote at one  
35 polling place.

36 (29) 'Primary' means any election held for the purpose of electing party officers or  
37 nominating candidates for public offices to be voted for at an election.

1 (30) 'Public office' means every federal, state, county, and municipal office to which  
 2 persons can be elected by a vote of the electors under the laws of this state or the  
 3 respective municipal charters, except that the term shall not include the office of soil and  
 4 water conservation district supervisor.

5 (31) 'Question' means a brief statement of such constitutional amendment, charter  
 6 amendment, or other proposition as shall be submitted to a popular vote at any election.

7 (32) 'Residence' means domicile.

8 (33) 'Special election' means an election that arises from some exigency or special need  
 9 outside the usual routine.

10 (34) 'Special primary' means a primary that arises from some exigency or special need  
 11 outside the usual routine.

12 (35) 'Superintendent' means:

13 (A) Either the judge of the probate court of a county or the county board of elections,  
 14 the county board of elections and registration, the joint city-county board of elections,  
 15 or the joint city-county board of elections and registration, if a county has such;

16 (B) In the case of a municipal primary, the municipal executive committee of the  
 17 political party holding the primary within a municipality or its agent or, if none, the  
 18 county executive committee of the political party or its agent;

19 (C) In the case of a nonpartisan municipal primary, the person appointed by the proper  
 20 municipal executive committee; and

21 (D) In the case of a municipal election, the person appointed by the governing  
 22 authority pursuant to the authority granted in Code Section 21-2-70.

23 (36) 'Swear' shall include affirm.

24 ~~(37) 'Tabulating machine' means any data processing machine used in counting ballot~~  
 25 ~~cards and tabulating votes thereon~~ Reserved.

26 ~~(38) 'Vote recorder' means a device into which a ballot card may be inserted so that an~~  
 27 ~~elector may record his or her vote for any candidate and for or against any question by~~  
 28 ~~punching or marking the ballot card~~ Reserved.

29 (39) 'Voter' is synonymous with the term 'elector.'

30 (40) 'Voting machine' ~~shall not include a vote recorder or tabulating machine~~ is a  
 31 mechanical device on which an elector may cast a vote and which tabulates those votes  
 32 by its own devices and is also known as a 'lever machine.'

33 (41) 'Write-in ballot' means the paper or other material on which a vote is cast for  
 34 persons whose names do not appear on the official ballot or ballot labels."

**SECTION 2.**

Said chapter is further amended by striking Code Section 21-2-280, relating to requirement as to conduct of primaries and elections by ballot, in its entirety and inserting in lieu thereof a new Code Section 21-2-280 to read as follows:

"21-2-280.

All primaries and elections in this state shall be conducted by ballot, except when voting machines ~~or vote recorders~~ are used as provided by law. A ballot may be electronic or printed on paper. All ballots used in any primary or election shall be provided by the superintendent or governing authority in accordance with this article, and only official ballots furnished by the superintendent or governing authority shall be cast or counted in any primary or election in any precinct in which ballots are used."

**SECTION 3.**

Said chapter is further amended by striking Code Section 21-2-281, relating to voting by paper ballot when use of voting machine impossible or impracticable, in its entirety and inserting in lieu thereof a new Code Section 21-2-281 to read as follows:

"21-2-281.

In any primary or election in which the use of voting ~~machines~~ equipment is impossible or impracticable, for the reasons set out in Code Section 21-2-334, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-334."

**SECTION 4.**

Said chapter is further amended by striking Code Section 21-2-282, relating to voting by paper ballot when use of vote recorders impossible or impracticable, in its entirety and inserting in lieu thereof a new Code Section 21-2-282 to read as follows:

"21-2-282.

~~In any primary or election in which the use of vote recorders is impossible or impracticable, for the reasons set out in Code Section 21-2-364, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-364~~  
Reserved."

**SECTION 5.**

Said chapter is further amended by striking subsection (b) of Code Section 21-2-284, relating to form of official primary ballot, and inserting in lieu thereof a new subsection (b) to read as follows:

~~"(b) Immediately under this caption, the following directions shall be printed: 'Place a cross (X) or check (✓) mark in the square opposite the name of each candidate for whom~~

1 ~~you choose to vote. If you spoil your ballot, do not erase, but ask for a new ballot. Use only~~  
 2 ~~pen or pencil.' The Secretary of State shall by rule and regulation determine the appropriate~~  
 3 ~~wording for directions as to how a vote should be cast on each type of voting equipment~~  
 4 ~~used in the state and how a new ballot should be issued when a ballot is spoiled.'~~

## 5 SECTION 6.

6 Said chapter is further amended by striking Code Section 21-2-285.1, relating to form of  
 7 ballot in nonpartisan elections, in its entirety and inserting in lieu thereof a new Code Section  
 8 21-2-285.1 to read as follows:

9 "21-2-285.1.

10 The names of all candidates for offices which were covered on July 1, 2001, by a local Act  
 11 of the General Assembly which provided for election in a nonpartisan election without a  
 12 prior nonpartisan primary shall be printed on each official election ballot; and insofar as  
 13 practicable such offices to be filled in the nonpartisan election shall be separated from the  
 14 names of candidates for other offices by being listed last on each ballot, with the top of that  
 15 portion of each official election ballot relating to the nonpartisan election to have printed  
 16 in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'  
 17 ~~Immediately under this caption the following directions shall be printed: 'Place a cross (X)~~  
 18 ~~or check (✓) mark in the square opposite the name of each nonpartisan candidate for whom~~  
 19 ~~you choose to vote. To vote for a person whose name is not on the ballot, manually write~~  
 20 ~~his or her name, accompanied by the title of the office involved, in the write-in column. If~~  
 21 ~~you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil.'~~  
 22 Directions that explain how to register a vote, how to write in a candidate, and how to  
 23 obtain a new ballot after the elector spoils his or her ballot shall appear immediately under  
 24 the caption, as specified by the Secretary of State by rule or regulation. Immediately under  
 25 the directions, the name of each such nonpartisan candidate shall be arranged alphabetically  
 26 by last name under the title of the office for which they are candidates and be printed  
 27 thereunder ~~in alphabetical order~~. The incumbency of a candidate seeking election for the  
 28 public office he or she then holds shall be indicated on the ballot. No party designation or  
 29 affiliation shall appear beside the name of any candidate for nonpartisan office. An  
 30 appropriate space shall also be placed on the ballot for the casting of write-in votes for such  
 31 offices. In the event that no candidate in such nonpartisan election receives a plurality of  
 32 the total votes cast for such office, there shall be a nonpartisan election runoff between the  
 33 candidates receiving the two highest numbers of votes; and the names of such candidates  
 34 shall be placed on the official ballot at the general election runoff in the same manner as  
 35 prescribed in this Code section for the nonpartisan election. In the event that only  
 36 nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be

1 as prescribed by the Secretary of State or election superintendent in essentially the same  
 2 format as prescribed for the nonpartisan election. The candidate having a plurality of the  
 3 votes cast in the nonpartisan election or the candidate receiving the highest number of votes  
 4 cast in the nonpartisan election runoff shall be declared duly elected to such office."

#### 5 **SECTION 7.**

6 Said chapter is further amended by striking subsection (b) of Code Section 21-2-286, relating  
 7 to printing specifications, numbering, and binding of ballots, and inserting in lieu thereof a  
 8 new subsection (b) to read as follows:

9 "(b)(1) Ballots Paper ballots other than those printed for optical scanning voting systems  
 10 shall be at least six inches long and four inches wide and shall have a margin extending  
 11 beyond any printing thereon. They shall be printed with the same kind of type, which shall  
 12 not be smaller than the size known as 'brevier' or 'eight-point body,' upon white paper of  
 13 uniform quality, without any impression or mark to distinguish one from another, and with  
 14 sufficient thickness to prevent the printed matter from showing through, except that ballots  
 15 being used in primaries held by more than one party may be of different colors if the parties  
 16 so agree. Each ballot shall be attached to a name stub, and all the ballots for the same  
 17 precinct shall be bound together in books of 25, 50, or 100, in such manner that each ballot  
 18 may be detached from its stub and removed separately. The ballots for each party to be  
 19 used at a primary shall be bound separately. The name stubs of the ballots shall be  
 20 consecutively numbered; and, in the case of primary ballots, the number shall be preceded  
 21 by an initial or abbreviation designating the party name. The number and initial or  
 22 abbreviation which appears upon the stub shall also be printed in the upper portion of the  
 23 front of the ballot, separated from the remainder of the ballot by a horizontal perforated line  
 24 so as to constitute a number strip and so prepared that the upper portion of the front of the  
 25 ballot containing the number may be detached from the ballot before it is deposited in the  
 26 ballot box. The number strip on the ballot shall also have the following words printed  
 27 thereon: 'Tear off before depositing ballot in ballot box.'

28 (2) Ballots for direct recording electronic voting systems shall be designed as prescribed  
 29 by rule or regulation by the Secretary of State to assure easy reading by electors."

#### 30 **SECTION 8.**

31 Said chapter is amended by striking Part 3 of Article 9, relating to voting machines and vote  
 32 recorders generally, in its entirety and inserting a new Part 3 to read as follows:

## "Part 3

21-2-350.

No direct recording electronic (DRE) voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;

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

(3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

(4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, whether or not the name of such person or persons appears as a candidate for election; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;

(5) It shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;

(6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he or she has assisted or is assisting in voting, as prescribed by law;

(7) It shall be constructed of material of good quality in a neat and workmanlike manner;

(8) It shall, when properly operated, record correctly and accurately every vote cast;

(9) It shall be so constructed that an elector may readily learn the method of operating it; and

(10) It shall be safely transportable.

21-2-351.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any direct recording electronic (DRE) voting system may request the Secretary of State to examine the system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any such system previously

1 examined and approved by him or her. Before any such examination or reexamination, the  
2 person, persons, or organization requesting such examination or reexamination shall pay  
3 to the Secretary of State the reasonable expenses of such examination. The Secretary of  
4 State may, at any time, in his or her discretion, reexamine any such system.

5 (b) The Secretary of State shall thereupon examine or reexamine such direct recording  
6 electronic (DRE) voting system and shall make and file in his or her office a report, attested  
7 by his or her signature and the seal of his or her office, stating whether, in his or her  
8 opinion, the kind of system so examined can be safely and accurately used by electors at  
9 primaries and elections as provided in this chapter. If this report states that the system can  
10 be so used, the system shall be deemed approved; and systems of its kind may be adopted  
11 for use at primaries and elections as provided in this chapter.

12 (c) No kind of direct recording electronic (DRE) voting system not so approved shall be  
13 used at any primary or election and if, upon the reexamination of any such system  
14 previously approved, it shall appear that the system so reexamined can no longer be safely  
15 or accurately used by electors at primaries or elections as provided in this chapter because  
16 of any problem concerning its ability to accurately record or tabulate votes, the approval  
17 of the same shall immediately be revoked by the Secretary of State; and no such system  
18 shall thereafter be purchased for use or be used in this state.

19 (d) At least ten days prior to any primary or election, including special primaries, special  
20 elections, and referendum elections, the election superintendent shall verify and certify in  
21 writing to the Secretary of State that all voting will occur on equipment certified by the  
22 Secretary of State.

23 (e) Any vendor who completes a sale of a direct voting electronic (DRE) system that has  
24 not been certified by the Secretary of State to a governmental body in this state shall be  
25 subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement  
26 of all costs and expenses incurred by the governmental body in connection with the sale.  
27 The State Election Board shall have authority to impose such penalty upon a finding that  
28 such a sale has occurred.

29 (f) When a direct recording electronic (DRE) voting system has been so approved, no  
30 improvement or change that does not impair its accuracy, efficiency, or capacity shall  
31 render necessary a reexamination or reapproval of such system, or of its kind.

32 (g) Neither the Secretary of State, nor any custodian, nor the governing authority of any  
33 county or municipality or a member of such authority nor any other person involved in the  
34 examination process shall have any pecuniary interest in any direct recording electronic  
35 (DRE) voting system or in the manufacture or sale thereof.

1 21-2-352.

2 (a) The state shall furnish a uniform system of direct recording electronic (DRE)  
3 equipment for use in each county by 2004. The governing authority of a municipality may  
4 elect to acquire its own DRE equipment by purchase, lease, rental, or other procurement  
5 process at its own expense. The governing authority of a county may purchase, lease, or  
6 otherwise acquire more DRE equipment than that furnished by the state, if the governing  
7 authority so desires, at its own expense.

8 (b) The governing authority of a municipality or a county desiring to acquire such  
9 equipment may at any regular meeting or at a special meeting called for the purpose, by a  
10 majority vote, authorize and direct the acquisition of such equipment. Bonds or other  
11 evidence of indebtedness may be issued in accordance with the provisions of law relating  
12 to the increase of indebtedness of counties and municipalities to meet all or any part of the  
13 cost of such DRE voting systems."

14

#### SECTION 9.

15 Said chapter is further amended by adding a new Code Section 21-2-418 to read as follows:

16 "21-2-418.

17 (a) If a person presents himself or herself at a polling place or election office for the  
18 purpose of casting a ballot in a primary or election believing that he or she has timely  
19 registered to vote in such primary or election and the person's name does not appear on the  
20 list of registered electors and it cannot be immediately determined that the person did  
21 timely register to vote in such primary or election, the person shall be entitled to cast a  
22 provisional ballot was provided in this Code section.

23 (b) Such person voting a provisional ballot shall complete an official voter registration  
24 form and a provisional ballot voting certificate which shall include information about the  
25 place, manner, and approximate date on which the person registered to vote. The person  
26 shall swear or affirm in writing that he or she previously registered to vote in such primary  
27 or election, is eligible to vote in such primary or election, has not voted previously in such  
28 primary or election, and meets the criteria for registering to vote in such primary or  
29 election. The form of the provisional ballot voting certificate shall be prescribed by rule  
30 or regulation by the Secretary of State. The person shall also present the identification  
31 required by Code Section 21-2-417.

32 (c) When the person has provided the information as required by this Code section, the  
33 person shall be issued a provisional ballot and allowed to cast such ballot as any other duly  
34 registered elector subject to the provisions of Code Section 21-2-419."

**SECTION 10.**

Said chapter is further amended by adding a new Code Section 21-2-419 to read as follows:

"21-2-419.

(a)(1) If the county or municipality in which a person votes by provisional ballot utilizes a direct recording electronic voting system that has the capability of coding a ballot for separation from other duly cast ballots at the time of tabulation, then the person shall cast a provisional ballot on such direct recording electronic voting system and the poll official shall properly code such ballot for later review prior to tabulating such ballot.

(2) If the county or municipality in which a person votes by provisional ballot utilizes a voting method or voting equipment other than direct recording electronic voting systems that have the capability of coding a ballot for separation from other duly cast ballots at the time of tabulation, then the person shall cast a provisional ballot on the same type of ballot that is utilized by the county or municipality for mail-in absentee ballots. Such provisional ballot shall be sealed in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot in a secure, sealed ballot box.

(b) At the earliest time possible after the casting of a provisional ballot, but no later than the day after the primary or election in which such provisional ballot was cast, the board of registrars of the county or municipality, as the case may be, shall be notified by the election superintendent that provisional ballots were cast in the primary or election and the registrars shall be provided with the documents completed by the person casting the provisional ballot as provided in Code Section 21-2-418. Provisional ballots cast on direct recording electronic voting systems or other systems or methods shall be securely maintained by the election superintendent until a determination has been made concerning their status. The board of registrars shall immediately examine the information contained on such documents and make a good faith effort to determine whether the person casting the provisional ballot was entitled to vote in the primary or election.

(c)(1) If the registrars determine not later than two days following the primary or election that the person casting the provisional ballot timely registered to vote and was eligible and entitled to vote in such primary or election, the registrars shall notify the election superintendent and the provisional ballot shall be counted and included in the county or municipality's certified election results. For those counties or municipalities using direct recording electronic voting systems that have the capability of coding a ballot for separation from other duly cast ballots at the time of tabulation, the election superintendent shall, after receiving notice from the registrars, include the provisional ballot in the totals of votes cast on such system.

1 (2) If the registrars determine that the person voting the provisional ballot timely  
2 registered and was eligible and entitled to vote in the primary or election, but in the  
3 wrong precinct, then the board of registrars shall notify the election superintendent. The  
4 superintendent shall count such person's votes which were cast for candidates in those  
5 races for which the person was entitled to vote, but shall not count the votes cast for  
6 candidates in those races in which such person was not entitled to vote.

7 (3) If the registrars determine that the person casting the provisional ballot did not timely  
8 register to vote or was not eligible or entitled to vote in such primary or election or shall  
9 be unable to determine within two days following such primary or election whether such  
10 person timely registered to vote and was eligible and entitled to vote in such primary or  
11 election, the registrars shall so notify the election superintendent and such ballot shall not  
12 be counted. The election superintendent shall mark or otherwise document that such  
13 ballot was not counted and shall deliver and store such ballots with all other ballots and  
14 election materials as provided in Code Section 21-2-500.

15 (d) The board of registrars shall notify in writing those persons whose provisional ballots  
16 were not counted that their ballots were not counted because of the inability of the  
17 registrars to verify that the persons timely registered to vote or other proper reason. The  
18 registrars shall process the official voter registration form completed by such persons  
19 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found  
20 qualified."

#### 21 **SECTION 11.**

22 Sections 1 through 8 of this Act shall become effective on October 1, 2002. The remaining  
23 sections of this Act shall become effective upon its approval by the Governor or upon its  
24 becoming law without such approval.

#### 25 **SECTION 12.**

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