

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1213:

ADOPTED SENATE

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 elections and primaries generally, so as to clarify the definition of precinct; to change the
3 requirements concerning the electronic filing of election returns by precinct; to change the
4 information required on candidate affidavits; to change the qualifications of county registrars
5 and deputy registrars; to provide that persons who move their residence outside a county or
6 municipality may not continue to vote in elections in that county or municipality; to change
7 the qualifications for voting by absentee ballot; to prohibit distribution of absentee ballot
8 applications under certain circumstances; to provide for the use of direct electronic recording
9 voting systems for voting by absentee ballot in certain circumstances; to require that absentee
10 ballots returned too late to be counted shall be delivered to the appropriate clerk for storage
11 as provided by law; to prohibit certain persons from providing assistance in voting; to require
12 that optical scan tabulators return or reject ballots with overvotes in certain circumstances;
13 to provide for a vote review panel to examine rejected optical scan ballots to determine voter
14 intent; to authorize the Secretary of State to correct election returns when errors are found
15 in the certified returns or in the tabulation, computation, or canvassing of the returns; to
16 authorize the extension of deadlines to certify returns under certain circumstances; to require
17 that appeals of election contests be heard by the Supreme Court; to provide for special
18 election dates in the even-numbered year immediately following the official release of the
19 United States decennial census data to the states for the purpose of redistricting of the
20 legislatures and the United States House of Representatives; to amend Code Section
21 21-5-34.1 of the Official Code of Georgia Annotated, relating to filing campaign contribution
22 disclosure reports electronically, so as to delay the effective date of electronic filing of
23 reports relative to candidates for county and municipal offices; to provide for related matters;
24 to provide an effective date; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by striking paragraph (28) of Code Section 21-2-2, relating to definitions, and inserting in lieu thereof a new paragraph (28) to read as follows:

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

SECTION 2.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-77, relating to electronic election returns, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Beginning with the election cycle in the year ~~2002~~ 2004, the superintendent of elections of each county shall provide electronically to the Secretary of State, within 45 days after the close of voting, election returns divided by precinct for each precinct in their respective counties for all primaries, elections, special primaries, special elections, and runoffs for such elections for federal, state, ~~or~~ and county offices held in that year or any following year."

SECTION 3.

Said chapter is further amended by striking subsection (f) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and inserting in lieu thereof a new subsection (f) to read as follows:

"(f) Each candidate required by this Code section to file a notice of candidacy shall accompany his or her notice of candidacy with an affidavit stating:

(1) His or her full name and the name as the candidate desires it to be listed on the ballot;

~~(1)~~(2) His or her residence, with street and number, if any, and his or her post office address;

~~(2)~~(3) His or her profession, business, or occupation, if any;

~~(3)~~(4) The name of his or her precinct;

~~(4)~~(5) That he or she is an elector of the county or municipality of his or her residence eligible to vote in the election in which he or she is a candidate;

~~(5)~~(6) The name of the office he or she is seeking;

~~(6)~~(7) That he or she is eligible to hold such office;

~~(7)~~(8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance

1 in office, or felony involving moral turpitude or conviction of domestic violence under
 2 the laws of this state or any other state or of the United States, or that the candidate's civil
 3 rights have been restored and that at least ten years have elapsed from the date of the
 4 completion of the sentence without a subsequent conviction of another felony involving
 5 moral turpitude; and

6 ~~(8)~~(9) That he or she will not knowingly violate this chapter or rules and regulations
 7 adopted under this chapter.

8 The affidavit shall contain such other information as may be prescribed by the officer with
 9 whom the candidate files his or her notice of candidacy."

10 SECTION 4.

11 Said chapter is further amended by striking subsection (e) of Code Section 21-2-153, relating
 12 to qualification of candidates for party nomination in a state or county primary, and inserting
 13 in lieu thereof a new subsection (e) to read as follows:

14 "(e) Each candidate for party nomination described in subsection (a) of this Code section
 15 shall file an affidavit with the political party at the time of his or her qualifying stating:

16 (1) His or her full name and the name as the candidate desires it to be listed on the ballot;

17 ~~(1)~~(2) His or her residence, with street and number, if any, and his or her post office
 18 address;

19 ~~(2)~~(3) His or her profession, business, or occupation, if any;

20 ~~(3)~~(4) The name of his or her precinct;

21 ~~(4)~~(5) That he or she is an elector of the county of his or her residence eligible to vote
 22 in the primary election in which he or she is a candidate for nomination;

23 ~~(5)~~(6) The name of the office he or she is seeking;

24 ~~(6)~~(7) That he or she is eligible to hold such office;

25 ~~(7)~~(8) That the candidate has never been convicted and sentenced in any court of
 26 competent jurisdiction for fraudulent violation of primary or election laws, malfeasance
 27 in office, or felony involving moral turpitude under the laws of this state or any other
 28 state or of the United States, or that the candidate's civil rights have been restored and
 29 that at least ten years have elapsed from the date of the completion of the sentence
 30 without a subsequent conviction of another felony involving moral turpitude; and

31 ~~(8)~~(9) That he or she will not knowingly violate this chapter or rules or regulations
 32 adopted under this chapter."

33 SECTION 5.

1 Said chapter is further amended by striking subsection (a) of Code Section 21-2-214, relating
 2 to qualifications of registrars and deputy registrars, and inserting in lieu thereof a new
 3 subsection (a) to read as follows:

4 "~~(a) County registrars and deputy registrars~~ Members of the board of registrars shall be
 5 electors of the state and county in which they serve, and any deputy registrars shall be
 6 electors of the state. All registrars shall be able to read, write, and speak the English
 7 language. Municipal registrars shall be registered Georgia voters and shall be able to read,
 8 write, and speak the English language. Registrars and deputy registrars shall have never
 9 been convicted of a felony or of any crime involving fraud or moral turpitude, and the
 10 appointing authority shall be authorized to investigate the applicant's criminal history
 11 before making such appointment."

12 SECTION 6.

13 Said chapter is further amended by striking subsection (d) of Code Section 21-2-224, relating
 14 to registration deadlines, and inserting in lieu thereof a new subsection (d) to read as follows:

15 "(d) Each elector who makes timely application for registration, is found eligible by the
 16 board of registrars and placed on the official list of electors, and is not subsequently found
 17 to be disqualified to vote shall be promptly entered on the list of registered electors and
 18 shall be entitled to vote in any primary or election; provided, however, that an elector,
 19 voting in the primary or primaries held by a single party for the nomination of candidates
 20 to seek public offices to be filled in an election, shall not vote in a primary held by any
 21 other party for the nomination of candidates to seek public offices to be filled in the same
 22 such election."

23 SECTION 7.

24 Said chapter is further amended by adding a new subsection (e) to Code Section 21-2-300,
 25 relating to provision of new voting equipment by state, to read as follows:

26 "(e) At such time as the General Assembly appropriates funds to implement this Code
 27 section, county governments shall utilize the voting equipment furnished to them by the
 28 state in all future county, state, and federal elections under terms and conditions specified
 29 by the Secretary of State. Counties shall be authorized to contract with municipal
 30 governments for the use of such voting equipment in municipal elections under terms and
 31 conditions specified by the Secretary of State to assure that the equipment is properly used
 32 and kept secure."

33 SECTION 8.

1 Said chapter is further amended by striking Code Section 21-2-301, relating to a pilot
2 program, in its entirety and inserting in lieu thereof a new Code Section 21-2-301 to read as
3 follows:

4 "21-2-301.

5 ~~(a) The Secretary of State is authorized to conduct a pilot project to test and evaluate the~~
6 ~~use of electronic recording voting systems during the 2001 municipal elections. The~~
7 ~~Secretary of State in his or her discretion may select a number of municipalities to~~
8 ~~participate in such pilot program.~~

9 ~~(b) Electronic recording voting systems used in the pilot program shall meet the~~
10 ~~requirements contained in Part 5 of Article 9 of this chapter and shall have been certified~~
11 ~~by the Secretary of State as provided in Code Section 21-2-379.2. Such voting systems~~
12 ~~shall be required to have an independent audit trail for each vote cast.~~

13 ~~(c) The Secretary of State shall furnish the electronic recording voting systems to the~~
14 ~~selected municipalities for use in the pilot project, provided that the municipalities provide~~
15 ~~polling places with adequate electrical outlets, telephone lines, and other facilities~~
16 ~~necessary to operate such electronic recording voting systems.~~

17 ~~(d) The Secretary of State is authorized to use different types of electronic recording~~
18 ~~voting systems in the pilot project. However, the same type system must be used in all~~
19 ~~precincts within a municipality and there shall not be any other voting systems used in that~~
20 ~~municipality for voting at the polling places on election day unless there is an emergency~~
21 ~~declared by the Secretary of State due to the failure of the system or due to the inability for~~
22 ~~any reason of the electors to be able to cast their ballots on the system. In the event of such~~
23 ~~declared emergency situation, the Secretary of State may direct the use of any method of~~
24 ~~voting authorized by this chapter in the municipal election.~~

25 ~~(e)~~(1) There is created the Twenty-first Century Voting Commission. The commission
26 shall be composed of two members appointed by the Speaker of the House of
27 Representatives, two members appointed by the Lieutenant Governor, two members
28 appointed by the Governor, the chief information officer for the State of Georgia or his
29 or her designee, eight members appointed by the Secretary of State of which six shall be
30 county or municipal election officials, the director of the Elections Division of the office
31 of the Secretary of State, one member designated by each political body that qualified
32 candidates in the 2000 November general election, and the Secretary of State, who shall
33 be the chairperson of the commission. In appointing members to such commission, the
34 Speaker of the House of Representatives, the President of the Senate, the Governor, and
35 the Secretary of State shall ensure equal representation on the commission by each
36 political party in their respective appointments; provided, however, that nothing

1 contained herein shall prohibit the Secretary of State from appointing election officials
 2 to the commission who have no political party affiliation or who are nonpartisan. The
 3 commission shall ~~coordinate and oversee the pilot project authorized by this Code section~~
 4 evaluate improvements to the state's elections and voter registration systems and
 5 processes.

6 (2) The commission may work with the Board of Regents of the University System of
 7 Georgia and the Department of Education in seeking avenues and incentives to encourage
 8 student participation as poll workers and in other areas of the election process.

9 (3) The commission shall make a report to the Governor and the General Assembly by
 10 December 31, ~~2001~~, of each year the commission is in existence on the results of the ~~pilot~~
 11 ~~project and shall further advise the Secretary of State on the choice of voting equipment~~
 12 ~~to be used state wide in all counties pursuant to Code Section 21-2-300~~ work of the
 13 commission.

14 (4) Any members of the General Assembly serving on the commission shall receive the
 15 allowances authorized for legislative members of interim legislative committees. The
 16 public members of the commission who are not public employees shall receive a daily
 17 expense allowance as provided in subsection (b) of Code Section 45-7-21. Any public
 18 employee serving on the commission shall receive no compensation but may be
 19 reimbursed for expenses.

20 (5) The commission shall continue its work through December 31, 2002, after which
 21 time it shall stand abolished unless reauthorized and continued by the General Assembly.

22 (6) The ~~Commission~~ commission shall have at least one meeting in North Georgia
 23 (outside of Atlanta), one meeting in Central Georgia, and one meeting in South Georgia."

24 SECTION 9.

25 Said chapter is further amended by striking Code Section 21-2-380, relating to definition of
 26 absentee elector, in its entirety and inserting in lieu thereof a new Code Section 21-2-380 to
 27 read as follows:

28 "21-2-380.

29 As used in this article, the term 'absentee elector' means an elector of this state or a
 30 municipality thereof who:

31 (1) Is required to be absent from his or her precinct during the time of the primary or
 32 election he or she desires to vote in;

33 (2) Will perform any of the official acts or duties set forth in this chapter in connection
 34 with the primary or election he or she desires to vote in;

1 (3) Because of physical disability or because of being required to give constant care to
 2 someone who is physically disabled, will be unable to be present at the polls on the day
 3 of such primary or election;

4 (4) Because the election or primary falls upon a religious holiday observed by such
 5 elector, will be unable to be present at the polls on the day of such primary or election;

6 (5) Is required to remain on duty in his or her place of employment for the protection of
 7 the health, life, or safety of the public during the entire time the polls are open when such
 8 place of employment is within the precinct in which the voter resides; or

9 (6) Is 75 years of age or older; or

10 (7) Has a limited proficiency in reading the English language but is proficient in reading
 11 and speaking another language."

12 SECTION 10.

13 Said chapter is further amended by striking paragraph (3) of subsection (a) of Code Section
 14 21-2-381, relating to making of application for absentee ballot, and inserting in lieu thereof
 15 a new paragraph (3) to read as follows:

16 "(3) All applications for an official absentee ballot that are distributed by a person, entity,
 17 or organization shall list thereon all of the legally acceptable categories of absentee
 18 electors contained in Code Section 21-2-380 and shall require the elector to select the
 19 category which qualifies the elector to vote by absentee ballot. Applications for an
 20 official absentee ballot may not be physically attached to a publication when such
 21 publication is distributed by any person, entity, or organization which advocates for or
 22 against a particular candidate, issue, or political party or body."

23 SECTION 11.

24 Said chapter is further amended by striking Code Section 21-2-383, relating to preparation
 25 and delivery of absentee ballots, in its entirety and inserting in lieu thereof a new Code
 26 Section 21-2-383 to read as follows:

27 "21-2-383.

28 (a) Ballots for use by absentee electors shall be prepared sufficiently in advance by the
 29 superintendent and shall be delivered to the board of registrars or absentee ballot clerk as
 30 provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot'
 31 and shall be in substantially the form for ballots required by Article 8 of this chapter,
 32 except that in counties using voting machines or vote recorders the ballots may be in
 33 substantially the form for the ballot labels required by Article 9 of this chapter or in such

1 form as will allow the ballot to be machine tabulated. Every such ballot shall have printed
2 with other instructions thereon the following:

3 'I understand that the offer or acceptance of money or any other object of value to vote
4 for any particular candidate, list of candidates, issue, or list of issues included in this
5 election constitutes an act of voter fraud and is a felony under Georgia law.'

6 The form for either ballot shall be determined and prescribed by the Secretary of State,
7 except in municipal primaries or elections, in which the form of absentee ballots which
8 follows the paper ballot format shall be determined and prescribed by the superintendent.

9 (b) Notwithstanding any other provision of this Code section, direct recording electronic
10 (DRE) voting systems may be used for casting absentee ballots in person at a registrar's
11 office or in accordance with Code Section 21-2-382 providing for additional sites. In such
12 cases, the absentee ballots shall be coded in such a way that the ballot of a challenged voter
13 can be separated from other valid ballots at the time of tabulation until the challenge is
14 resolved."

15 SECTION 12.

16 Said chapter is further amended by striking paragraph (1) of subsection (a) and striking
17 subsection (e) of Code Section 21-2-386, relating to safekeeping, certification, and validation
18 of absentee ballots, and inserting in lieu thereof a new paragraph (1) and a new subsection
19 (e) to read as follows:

20 "(a)(1) The board of registrars or absentee ballot clerk shall keep safely and unopened
21 all official absentee ballots received from absentee electors prior to the closing of the
22 polls on the day of the primary or election except as otherwise provided in this
23 subsection. Upon receipt of each ballot, a registrar or clerk shall write the day and hour
24 of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the
25 identifying information on the oath with the information on file in his or her office, shall
26 compare the signature or mark on the oath with the signature or mark on the absentee
27 elector's application for absentee ballot or a facsimile of said signature or mark taken
28 from said application, and shall, if the information and signature appear to be valid, so
29 certify by signing or initialing his or her name below the voter's oath. Each elector's
30 name so certified shall be listed by the registrar or clerk on the numbered list of absentee
31 voters prepared for his or her precinct. If the elector has failed to sign the oath, or if the
32 signature does not appear to be valid, or if the elector has failed to furnish required
33 information or information so furnished does not conform with that on file in the
34 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the
35 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason

1 therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector
 2 of such rejection, a copy of which notification shall be retained in the files of the board
 3 of registrars or absentee ballot clerk for at least one year. Three copies of the numbered
 4 list of voters shall also be prepared for such rejected absentee electors, giving the name
 5 of the elector and the reason for the rejection in each case. Three copies of the numbered
 6 list of certified absentee voters and three copies of the numbered list of rejected absentee
 7 voters for each precinct shall be turned over to the poll manager in charge of counting the
 8 absentee ballots and shall be distributed as required by law for numbered lists of voters.
 9 All absentee ballots returned to the board or absentee ballot clerk after the closing of the
 10 polls on the day of the primary or election shall be safely kept unopened by the board or
 11 absentee ballot clerk and then transferred to the appropriate clerk for storage for the
 12 period of time required for the preservation of ballots used at the primary or election and
 13 shall then, without being opened, be destroyed in like manner as the used ballots of the
 14 primary or election. The board of registrars or absentee ballot clerk shall promptly notify
 15 the elector by first-class mail that the elector's ballot was returned too late to be counted
 16 and that the elector will not receive credit for voting in the primary or election. All such
 17 late absentee ballots shall be delivered to the appropriate clerk and stored as provided in
 18 Code Section 21-2-390."

19 "(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
 20 open the envelopes and write 'Challenged,' the elector's name, and the alleged cause of
 21 challenge on the back of the ballot, without disclosing the markings on the face thereof, and
 22 shall deposit the ballot in the box; and it shall be counted as other challenged ballots are
 23 counted. In the case of absentee votes cast on direct recording electronic (DRE) voting
 24 systems, the ballots shall be coded in such a way that the ballot of a challenged voter can
 25 be separated from other valid ballots at the time of tabulation and the ballots shall be
 26 counted or rejected in accordance with Code Section 21-2-230. The board of registrars or
 27 absentee ballot clerk shall promptly notify the elector of such challenge."

28 SECTION 13.

29 Said chapter is further amended by striking paragraph (2) of subsection (b) of Code Section
 30 21-2-409, relating to assisting electors who cannot read English or who have physical
 31 disabilities, and inserting in lieu thereof a new paragraph (2) to read as follows:

32 "(2) In all other elections, any elector who is entitled to receive assistance in voting under
 33 this Code section shall be permitted by the managers to select (1) any elector, except a
 34 poll officer or poll watcher, who is a resident of the precinct in which the elector
 35 requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse,

1 or child of the elector entitled to receive assistance, to enter the voting compartment or
 2 booth with him or her to assist in voting, such assistance to be rendered inside the voting
 3 compartment or booth. No person shall assist more than ten such electors in any primary,
 4 election, or runoff covered by this paragraph. No person whose name appears on the
 5 ballot as a candidate at a particular election nor the mother, father, grandparent, aunt,
 6 uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
 7 daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of that
 8 candidate may offer assistance during that particular election under the provisions of this
 9 Code section to any voter who is not related to such candidate. For the purposes of this
 10 paragraph, 'related to such candidate' shall mean the candidate's mother, father,
 11 grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild,
 12 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or
 13 sister-in-law."

14 SECTION 14.

15 Said chapter is further amended by striking subsection (g) of Code Section 21-2-483, relating
 16 to counting of ballots, and inserting in lieu thereof a new subsection (g) to read as follows:

17 "(g)(1) The precinct tabulator shall be programmed to return to the voter at the time that
 18 the voter inserts the ballot any ballot on which an overvote is indicated, along with any
 19 ballot that cannot be processed by the tabulator for reevaluation or correction or spoiling
 20 of the ballot, and a new ballot shall be issued if ~~needed~~ the voter desires to vote another
 21 ballot in order to correct mistakes, overvotes, or other problems.

22 (2)(A) The central tabulator shall be programmed to reject any ballot, including
 23 absentee ballots, on which an overvote is detected and any ballot so rejected shall be
 24 manually reviewed by the vote review panel described in this Code section to determine
 25 the voter's intent as described in subsection (c) of Code Section 21-2-438.

26 (B) A vote review panel shall be composed of the election superintendent and one
 27 person appointed by the county executive committee of each political party and body
 28 having candidates whose names appear on the ballot for such election, provided that,
 29 if there is no organized county executive committee for a political party or body, the
 30 person shall be appointed by the state executive committee of the political party or
 31 body. The panel shall manually review all ballots rejected by the tabulator under
 32 subparagraph (A) of this paragraph and shall determine by majority vote whether the
 33 elector's intent can be determined as described in subsection (c) of Code Section
 34 21-2-438 and, if so, said vote shall be counted as the elector intended. In the event of

1 a tie vote by the vote review panel, the vote of the election superintendent shall control."

2 **SECTION 15.**

3 Said chapter is further amended by striking Code Section 21-2-499, relating to duty of
4 Secretary of State as to tabulation, computation, and canvassing of votes for state and federal
5 officers, in its entirety and inserting in lieu thereof a new Code Section 21-2-499 to read as
6 follows:

7 "21-2-499.

8 (a) Upon receiving the certified returns of any election from the various superintendents,
9 the Secretary of State shall immediately proceed to tabulate, compute, and canvass the
10 votes cast for all candidates described in subparagraph (A) of paragraph (4) of Code
11 Section 21-2-497 and upon all questions voted for by the electors of more than one county
12 and shall thereupon certify and file in his or her office the tabulation thereof. In the event
13 an error is found in the certified returns presented to the Secretary of State or in the
14 tabulation, computation, or canvassing of votes as described in this Code section, the
15 Secretary of State shall notify the county submitting the incorrect returns and direct the
16 county to correct and recertify such returns. Upon receipt by the Secretary of State of the
17 corrected certified returns of the county, the Secretary of State shall issue a new
18 certification of the results and shall file the same in his or her office.

19 (b) The Secretary of State shall also, upon receiving the certified returns for presidential
20 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
21 presidential electors and shall immediately lay them before the Governor. Not later than
22 5:00 P.M. on the fourteenth day following the date on which such election was conducted,
23 the Secretary of State shall certify the votes cast for all candidates described in
24 subparagraph (A) of paragraph (4) of Code Section 21-2-497 and upon all questions voted
25 for by the electors of more than one county and shall no later than that same time lay the
26 returns for presidential electors before the Governor. The Governor shall enumerate and
27 ascertain the number of votes for each person so voted and shall certify the slates of
28 presidential electors receiving the highest number of votes. The Governor shall certify the
29 slates of presidential electors no later than 5:00 P.M. on the fifteenth day following the date
30 on which such election was conducted. Notwithstanding the deadlines specified in this
31 Code section, such times may be altered for just cause by an order of a judge of superior
32 court of this state.

33 (b)(c) The Secretary of State shall not count, tabulate, or publish the names of any write-in
34 candidates for whom the notice of intention of candidacy has not been provided in
35 compliance with Code Section 21-2-133."

SECTION 16.

Said chapter is further amended by striking Code Section 21-2-528, relating to appeals from court's determination on contest petition, in its entirety and inserting in lieu thereof a new Code Section 21-2-528 to read as follows:

"21-2-528.

An appeal from the final determination of the court may be taken within ten days from the rendition thereof to the Supreme Court ~~or the Court of Appeals~~ as in other civil cases. The filing of a notice of appeal shall not act as a stay or supersedeas. The appellant may apply to the Supreme Court ~~or the Court of Appeals, as appropriate,~~ for a stay or supersedeas, and such ~~courts~~ court shall consider applications for stays or supersedeas in such cases without regard to whether any notice of appeal has been filed or the record docketed in such cases."

SECTION 17.

Said chapter is further amended by striking paragraph (1) of subsection (c) of Code Section 21-2-540, relating to conduct of special elections generally, and inserting in lieu thereof a new paragraph (1) to read as follows:

"(c)(1) Notwithstanding any other provision of law to the contrary, a special election to present a question to the voters or a special primary or special election to fill a vacancy in a county or municipal office shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:

(A) In odd-numbered years any such special election shall only be held on:

- (i) The third Tuesday in March;
- (ii) The third Tuesday in June;
- (iii) The third Tuesday in September; or
- (iv) The Tuesday after the first Monday in November; ~~and~~

(B) In even-numbered years any such special election shall only be held on:

- (i) The third Tuesday in March; provided, however, that in the event that a special election is to be held under this provision in a year in which a presidential preference primary is to be held, then any such special election shall be held on the date of and in conjunction with the presidential preference primary;
- (ii) The date of the general primary;
- (iii) The third Tuesday in September; or
- (iv) The Tuesday after the first Monday in November; and

(C) In the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the

1 legislatures and the United States House of Representatives, any such special election
2 shall only be held on:

3 (i) The third Tuesday in March; provided, however, that in the event that a special
4 election is to be held under this provision in a year in which a presidential preference
5 primary is to be held, then any such special election shall be held on the date of and
6 in conjunction with the presidential preference primary;

7 (ii) The third Tuesday in June;

8 (iii) The date of the general primary; or

9 (iv) The Tuesday after the first Monday in November."

10 **SECTION 18.**

11 Code Section 21-5-34.1 of the Official Code of Georgia Annotated, relating to filing
12 campaign contribution disclosure reports electronically, is amended by striking subsection
13 (c) and inserting in lieu thereof a new subsection (c) to read as follows:

14 "(c) Beginning January 1, ~~2003~~ 2005, candidates seeking election to county or municipal
15 offices shall use electronic means to file their campaign contribution disclosure reports
16 with the election superintendent of their county or the municipal clerk or chief executive
17 officer of their municipality, as specified in Code Section 21-5-34, upon having raised or
18 spent a minimum of \$10,000.00 in an election cycle, but contributions and expenditures
19 received or made prior to reaching such threshold need not be electronically filed if
20 previously reported, except as cumulative totals. Under that threshold, electronic filing is
21 permitted and encouraged but not required."

22 **SECTION 19.**

23 This Act shall become effective upon its approval by the Governor or upon its becoming law
24 without such approval.

25 **SECTION 20.**

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