

House Bill 479

By: Representatives Holmes of the 53rd, Hudson of the 120th, DeLoach of the 172nd and Watson of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 provide that certain persons are not eligible for party nomination, public office, or the
3 performance of certain official acts; to provide that the Secretary of State shall not serve in
4 a fiduciary role in any campaign of a candidate for an office which must be certified by the
5 Secretary of State; to require that the municipal superintendent must be appointed in a public
6 meeting and the appointment recorded on the minutes of the meeting; to provide for a
7 municipal superintendent when the governing authority fails to appoint; to prohibit certain
8 persons from serving as municipal superintendents; to require superintendents to instruct all
9 poll officers and workers in election procedures and issue certifications and notify the
10 Secretary of State of the completion of such training; to prohibit a poll officer or worker who
11 has not been trained in election procedures from serving except in limited circumstances; to
12 require county election superintendents and registrars to receive 12 hours' training annually;
13 to provide that all state and county executive committees of political parties shall file a list
14 of their members with the appropriate election official; to provide that all run-off elections
15 shall be held on the twenty-first day after the preceding election; to provide that qualifying
16 fees shall be fixed at least 35 days prior to a special primary or special election; to provide
17 for the apportioning of qualifying fees under certain circumstances; to provide that the word
18 "withdrawn" shall be stamped across the name of a withdrawn candidate on printed ballots
19 if reprinting the ballots is not practicable; to provide that a candidate cannot seek certain
20 offices in the same primary or election; to require that the minimum time for qualifying for
21 a special primary or election shall be two and one-half days; to provide that the election
22 superintendent shall qualify county political party candidates under certain circumstances;
23 to provide that a copy of each candidate's declaration of candidacy and affidavit accompany
24 the certification of party candidates for a primary; to require that persons signing a
25 nominating petition provide their dates of birth for use in verifying the petition; to provide
26 that registrars and deputy registrars shall be electors of the state and have not been convicted
27 of certain crimes; to authorize the appointing authority to investigate the criminal history of
28 a registrar or deputy registrar prior to making such appointment; to require registrars at

1 certain education institutions to receive training annually; to provide that the Secretary of
2 State may make voter registration forms available through printed forms, electronic means,
3 and otherwise; to provide that disabled and illiterate individuals may receive assistance in
4 completing voter registration applications; to provide that persons assisting disabled and
5 illiterate individuals in completing voter registration forms shall sign such forms; to provide
6 that certain additional voter registration locations transmit completed voter registration
7 applications on a weekly basis except in the 15 days prior to a registration deadline when
8 they shall be transmitted daily; to require municipalities to reimburse county registrars for
9 the costs of postage when the county registrars must send out new registration cards to voters
10 as a result of changes in municipal districts or precincts; to provide that the Secretary of State
11 shall purge the electors list of deceased voters and notify the registrars of the removal of the
12 names; to authorize the Secretary of State to obtain lists of deceased Georgians from other
13 states; to require that registrars send a voter registration application to voters who are
14 removed from the electors list for moving to a new address in a different county and notify
15 the voter that the voter must reregister; to authorize certain counties to establish polling
16 places outside of the boundaries of a precinct to better serve the needs of the voters; to
17 authorize the printing on the ballots or ballot labels of the address of candidates having the
18 same or similar names; to provide that no special or general election shall be held in a
19 municipality where there is no opposed candidate on the ballot unless more than one write-in
20 candidate has qualified; to provide that the Secretary of State may reexamine voting
21 machines, vote recorders, tabulating machines, optical scanning voting systems, and direct
22 electronic recording voting systems if it appears that such devices cannot be safely or
23 accurately used because of any problem concerning the ability of the devices to accurately
24 record or tabulate votes; to require superintendents to certify to the Secretary of State prior
25 to each primary or election that all voting in the primary or election will take place on
26 properly certified voting equipment; to establish penalties for vendors selling uncertified
27 equipment and to provide for the State Election Board to impose such penalties; to provide
28 for the testing of voting equipment prior to special primaries, special elections, and
29 referendum elections; to authorize the printing on the ballot of the residence addresses of
30 candidates with similar names under certain circumstances; to provide that municipal
31 governing authorities shall appoint absentee ballot clerks; to require that absentee ballot
32 applications distributed by persons, entities, or organizations shall list all acceptable
33 categories of absentee voters and require the voter to select the category which qualifies the
34 voter to vote by absentee ballot; to provide that absentee ballot applications may be certified
35 by the signature or initials of the registrar or absentee ballot clerk; to change the form of the
36 voter's certificate; to authorize the registrars to make such corrections as necessary to the
37 electors list; to provide for assistance to disabled or illiterate voters in federal elections; to

1 prohibit the use of cellular telephones, electronic communication devices, and other
 2 photographic or electronic recording devices at polling places under certain conditions; to
 3 eliminate the inclusion of those persons who received assistance in voting on the electors list;
 4 to raise the age of children accompanying voters in the enclosed space from 12 to 18 years
 5 of age; to provide for when municipal officers shall be sworn in under certain circumstances;
 6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
 10 striking Code Section 21-2-8, relating to the eligibility for party nomination, public office,
 11 or performance of certain official acts of persons convicted and sentenced for certain crimes,
 12 in its entirety and inserting in lieu thereof a new Code Section 21-2-8 to read as follows:

13 "21-2-8.

14 No person shall be eligible for party nomination for or election to public office, nor shall
 15 he or she perform any official acts or duties as a superintendent, registrar, deputy registrar,
 16 poll officer, or party officer, as set forth in this chapter, in connection with any election or
 17 primary held under this chapter, if under the laws of this state, any other state, or the United
 18 States he or she has been convicted and sentenced, in any court of competent jurisdiction,
 19 for fraudulent violation of primary or election laws, malfeasance in office, or felony
 20 involving moral turpitude, unless such person's civil rights have been restored and at least
 21 ten years have elapsed from the date of the completion of the sentence without a
 22 subsequent conviction of another felony involving moral turpitude. Additionally, the
 23 person shall not be holding illegally any public funds. In the event of the disqualification
 24 of the superintendent as described in this Code section, the clerk of the superior court shall
 25 act in his or her stead. Notwithstanding the above, the governing authority shall appoint an
 26 individual to serve as superintendent for municipal elections or municipal primaries in the
 27 event of the disqualification of the municipal superintendent, unless the municipality has
 28 contracted with a county government for the provision of election services, in which event
 29 the clerk of the superior court shall act in place of a disqualified superintendent."

30 **SECTION 2.**

31 Said title is further amended by striking Code Section 21-2-50, relating to the powers and
 32 duties of the Secretary of State, and inserting in lieu thereof a new Code Section 21-2-50 to
 33 read as follows:

34 "21-2-50.

1 (a) The Secretary of State shall exercise all the powers granted to the Secretary of State
2 by this chapter and shall perform all the duties imposed by this chapter, which shall include
3 the following:

4 (1) To determine the forms of nomination petitions, ballots, and other forms the
5 Secretary of State is required to determine under this chapter;

6 (2) To receive registration statements from political parties and bodies and to determine
7 their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes
8 concerning such statements;

9 (3) To receive and determine the sufficiency of nomination petitions of candidates filing
10 notice of their candidacy with the Secretary of State in accordance with this chapter;

11 (4) To certify to the proper superintendent official lists of all the political party
12 candidates who have been certified to the Secretary of State as qualified candidates for
13 the succeeding primary and to certify to the proper superintendent official lists of all the
14 candidates who have filed their notices of candidacy with the Secretary of State, both
15 such certifications to be in substantially the form of the ballots to be used in the primary
16 or election. The Secretary of State shall add to such form the language to be used in
17 submitting any proposed constitutional amendment or other question to be voted upon at
18 such election;

19 (5) To furnish to the proper superintendent all blank forms, including tally and return
20 sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions
21 for marking ballots, tally sheets, precinct returns, recap sheets, consolidated returns, oaths
22 of managers and clerks, oaths of assisted electors, voters certificates and binders,
23 applications for absentee ballots, envelopes and instruction sheets for absentee ballots,
24 and such other supplies as the Secretary of State shall deem necessary and advisable from
25 time to time, for use in all elections and primaries. Such forms shall have printed thereon
26 appropriate instructions for their use;

27 (6) To receive from the superintendent the returns of primaries and elections and to
28 canvass and compute the votes cast for candidates and upon questions, as required by this
29 chapter;

30 (7) To furnish upon request a certified copy of any document in the Secretary of State's
31 custody by virtue of this chapter and to fix and charge a fee to cover the cost of furnishing
32 same;

33 (8) To perform such other duties as may be prescribed by law;

34 (9) To determine and approve the form of ballots for use in special elections;

35 (10) To prepare and provide a notice to all candidates for federal or state office advising
36 such candidates of such information, to include requirements of this chapter, as may, in
37 the discretion of the Secretary of State, be conducive to the fair, legal, and orderly

1 conduct of primaries and elections. A copy of such notice shall be provided to each
2 superintendent for further distribution to candidates for county and militia district offices;

3 (11) To conduct training sessions at such places as the Secretary of State deems
4 appropriate in each year, for the training of registrars and superintendents of elections;

5 (12) To prepare and publish, in the manner provided in this chapter, all notices and
6 advertisements in connection with the conduct of elections which may be required by
7 law;

8 (13) To prepare and furnish information for citizens on voter registration and voting; and

9 (14) To maintain the official list of registered voters for this state and the list of inactive
10 voters required by this chapter.

11 (b) As the state's chief election official, the Secretary of State shall not serve in any
12 fiduciary capacity for the campaign of any candidate whose election will be certified by the
13 Secretary of State. Nothing in this subsection shall prohibit the Secretary of State from
14 organizing and operating his or her own campaign for election to public office."

15 SECTION 3.

16 Said title is further amended by striking subsection (b) of Code Section 21-2-70.1, relating
17 to the eligibility of municipal superintendents, in its entirety and inserting in lieu thereof a
18 new subsection (b) to read as follows:

19 "(b) The municipal superintendent shall be a person or committee selected in the manner
20 prescribed by the governing authority of the municipality with compensation fixed and paid
21 by the governing authority of the municipality from municipal funds. The appointment
22 shall be made in a public meeting and the appointment shall be recorded in the minutes of
23 said meeting. In the event that a municipality fails to make an appointment, the city clerk
24 shall serve as the municipal superintendent. A parent, spouse, child, brother, sister,
25 father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law
26 of a candidate shall not be eligible to serve as a municipal superintendent in any precinct
27 election in which such candidate's name appears on the ballot in any primary or election."

28 SECTION 4.

29 Said title is further amended by striking Code Section 21-2-99, relating to instruction of poll
30 officers as to use of voting machines or vote recorders, and inserting in lieu thereof a new
31 Code Section 21-2-99 to read as follows:

32 "21-2-99.

33 (a) The election superintendent shall provide adequate training to all poll officers and poll
34 workers regarding the use of voting equipment, voting procedures, all aspects of state and
35 federal law applicable to conducting elections, and the poll officers' or poll workers' duties

1 in connection therewith before the first election in each election cycle. ~~In precincts in~~
 2 ~~which voting machines or vote recorders are to be used, the superintendent, the custodians~~
 3 ~~appointed by him or her, or a qualified poll officer shall give instructions regarding the use~~
 4 ~~of the voting machines or vote recorders, and regarding their duties in connection~~
 5 ~~therewith, to all poll officers who are to serve at the primary or election and who have not~~
 6 ~~been previously instructed and found qualified.~~ Upon successful completion of such
 7 instruction, the superintendent shall give to each poll officer and poll worker a certificate
 8 to the effect that such poll officer person has been found qualified to conduct such primary
 9 or election with the particular type of voting machine or vote recorder equipment in use in
 10 that jurisdiction. Additionally, the superintendent shall notify the Secretary of State on
 11 forms to be provided by the Secretary of State of the date when such instruction was held
 12 and the number of persons attending and completing such instruction. For the purpose of
 13 giving such instructions, the superintendent shall call such meeting or meetings of poll
 14 officers and poll workers as shall be necessary. Each poll officer shall, upon notice, attend
 15 such meeting or meetings called for his or her instruction ~~and receive such instructions as~~
 16 ~~shall be necessary for the proper conduct of the primary or election with voting machines~~
 17 ~~or vote recorders.~~

18 (b) No poll officer or poll worker shall serve at any primary or election at which a voting
 19 ~~machine or vote recorder is used unless he or she shall have received such instructions, as~~
 20 described in subsection (a) of this Code Section; shall have been found qualified to perform
 21 his or her duties in connection with the ~~machine or recorder, type of voting equipment to~~
 22 be used in that jurisdiction; and shall have received a certificate to that effect from the
 23 superintendent; provided, however, that this shall not prevent the appointment of a poll
 24 officer or poll worker to fill a vacancy arising on the day of a primary or election or on the
 25 preceding day."

26 SECTION 5.

27 Said title is further amended by striking subsection (a) of Code Section 21-2-100, relating
 28 to training of local election officials, in its entirety and inserting in lieu thereof a new
 29 subsection (a) to read as follows:

30 "(a) The election superintendent and at least one registrar of the county ~~or municipality~~ or,
 31 in counties with boards of election or combined boards of election and registration, at least
 32 one member of the board or a designee of the board shall attend a minimum of 12 hours´
 33 training ~~biennially~~ annually as may be selected by the Secretary of State. The election
 34 superintendent and at least one registrar of each municipality shall attend a minimum of 12
 35 hours´ training biennially as may be selected by the Secretary of State."

1 (2) Within the same time limitation as provided in paragraph (1) of this subsection, the
2 Secretary of State shall fix and publish a qualifying fee for any candidate qualifying by
3 this method with a state political party and for any candidate qualifying with the
4 Secretary of State for a nonpartisan primary and for any candidate filing with the
5 Secretary of State his or her notice of candidacy for a general or special election. Such
6 fee shall be 3 percent of the annual salary of the office if a salaried office, except that
7 the fee for members of the General Assembly shall be \$400.00. If not a salaried office,
8 a reasonable fee shall be set by the Secretary of State, such fee not to exceed 3 percent
9 of the income derived from such office by the person holding the office for the
10 preceding year;

11 (3) A reasonable qualifying fee may be set according to party rule for each political
12 party office to be filled in a primary. Such fees shall be set and published by the county
13 or state political party not later than February 1 of the year in which the primary is to
14 be held for the filling of such party office."

15 "(c) Qualifying fees shall be prorated and distributed as follows:

16 (1) Fees paid to the county political party: 50 percent to be retained by the county
17 political party with which the candidate qualified; 50 percent to be transmitted to the
18 superintendent of the county with the party's certified list of candidates not later than
19 12:00 Noon of the third day after the deadline for qualifying in the case of a general
20 primary and by 12:00 Noon of the day following the closing of qualifications in the case
21 of a special primary. Such fees shall be transmitted as soon as practicable by the
22 superintendent to the governing authority of the county, to be applied toward the cost of
23 the primary and election;

24 (2) Fees paid to the state political party: 75 percent to be retained by the state political
25 party; 25 percent to be transmitted to the Secretary of State with the party's certified list
26 of candidates not later than 12:00 Noon of the third day after the deadline for qualifying
27 in the case of a general primary and by 12:00 Noon of the day following the closing of
28 qualifications in the case of a special primary. Such fees shall be transmitted as soon as
29 practicable by the Secretary of State as follows: one-third to the state treasury and
30 two-thirds divided among the governing authorities of the counties in the candidate's
31 district in proportion to the population of each such county according to the last United
32 States decennial census, such fees to be applied to the cost of holding the election;

33 (3) Qualification fees paid to the superintendent of the county:

34 (A) If the person qualifies as a candidate of a political body, 50 percent shall be
35 transmitted to the state executive committee of the appropriate political body and 50
36 percent shall be retained by the superintendent of the county; and

(B) If the person qualifies directly with the election superintendent as a candidate of a political party in accordance with subsection (c) of Code Section 21-2-153, 25 percent shall be transmitted to the state executive committee of the appropriate political party and 75 percent shall be retained by the superintendent of the county; and

~~(B)~~ (C) If the person qualifies as an independent or nonpartisan candidate, the superintendent of the county shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the county, to be applied toward the cost of holding the election;

(4) Qualification fees paid to the Secretary of State shall be prorated and distributed as follows:

(A) If the person qualifies as the candidate of a political body, 75 percent shall be transmitted to the appropriate political body and 25 percent shall be retained by the Secretary of State; and

(B) If the person qualifies as an independent or nonpartisan candidate, the Secretary of State shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the Secretary of State as follows: one-third to the state treasury and two-thirds divided among the governing authorities of the counties in proportion to the population of each county according to the last United States decennial census, such fees to be applied to the cost of holding the election;

(5) Qualification fees paid to the superintendent of a municipality:

(A) If the person qualifies as a candidate of a political body, 50 percent shall be transmitted to the state executive committee of the appropriate political body and 50 percent shall be retained by the superintendent of the municipality; and

(B) If the person qualifies as an independent or nonpartisan candidate, the superintendent of the municipality shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the municipality, to be applied toward the cost of holding the election."

SECTION 8.

Said title is further amended by striking subsection (a) of Code Section 21-2-134, relating to the withdrawal, death, or disqualification of candidate for office, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a)(1) A candidate nominated at any primary election or nonpartisan primary or nominated by means other than a primary may withdraw as a candidate at the ensuing general election by filing a notarized affidavit of withdrawal with the Secretary of State, if nominated for a state office; the county superintendent, if nominated for a county

1 office; or the municipal superintendent, if nominated for a municipal office. The
 2 qualifying fee shall not be returned to the candidate. If the ballots have been printed, the
 3 Secretary of State or the county or municipal superintendent may reprint the ballots to
 4 omit the name of the withdrawn candidate, and, if reprinting is not practicable, the word
 5 'withdrawn' shall be stamped over the name of the candidate who has withdrawn on all
 6 types of printed ballots. All votes cast for the withdrawn candidate shall be void and shall
 7 not be counted. Prominent notices shall be posted in all polling places in which the name
 8 of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn
 9 and that all votes cast for such withdrawn candidate shall be void and shall not be
 10 counted. No vacancy on the ballot for a general election or for a nonpartisan election shall
 11 be filled except by reason of the withdrawal, death, or disqualification of a candidate.

12 (2) A candidate in a general, special, or nonpartisan primary may withdraw as a
 13 candidate after qualifying but prior to the date of the general, special, or nonpartisan
 14 primary by filing a notarized affidavit of withdrawal with the Secretary of State, if
 15 qualifying for a state office; the county election superintendent, if qualifying for a county
 16 office; or the municipal superintendent, if qualifying for a municipal office. A candidate
 17 of a political body or an independent candidate in a general or special election may
 18 withdraw as a candidate after qualifying but prior to the date of the general or special
 19 election by filing a notarized affidavit of withdrawal with the Secretary of State, if
 20 qualifying for a state office; the county election superintendent, if qualifying for a county
 21 office; or the municipal superintendent, if qualifying for a municipal office. The
 22 qualifying fee shall not be returned to the candidate. If the ballots have been printed, the
 23 Secretary of State, the county election superintendent, or the municipal superintendent
 24 may reprint the ballots to omit the name of the withdrawn candidate, and, if reprinting is
 25 not practicable, the word 'withdrawn' shall be stamped over the name of the candidate
 26 who has withdrawn on all types of printed ballots. All votes cast for the withdrawn
 27 candidate shall be void and shall not be counted. Prominent notices shall be posted in all
 28 polling places in which the name of the withdrawn candidate appears on the ballot stating
 29 that the candidate has withdrawn and that all votes cast for such withdrawn candidate
 30 shall be void and shall not be counted."

31 SECTION 9.

32 Said title is further amended by striking Code Section 21-2-136, relating to restriction on
 33 number of offices for which an individual may be nominated or be a candidate at any one
 34 election, in its entirety and inserting in lieu thereof a new Code Section 21-2-136 to read as
 35 follows:

1 "21-2-136.

2 No person shall be nominated, nor shall any person be a candidate in a primary, election,
 3 or special election, for more than one of the following public offices to be filled at any one
 4 election or special election: Governor, Lieutenant Governor, Secretary of State, Attorney
 5 General, State School Superintendent, Commissioner of Insurance, Commissioner of
 6 Agriculture, Commissioner of Labor, United States senator or representative in Congress,
 7 Public Service Commissioner, Justice of the Supreme Court, Judge of the Court of
 8 Appeals, members of the Senate and House of Representatives of the General Assembly,
 9 judge of superior court, district attorney, any elected county officer, and any elected
 10 municipal officer."

11 SECTION 10.

12 Said title is further amended by striking subsections (c) and (d) of Code Section 21-2-153,
 13 relating to the qualification of candidates for party nomination in a state or county primary,
 14 in their entirety and inserting in lieu thereof a new subsections (c) and (d) to read as follows:

15 "(c)(1) In the case of a general state or county primary, the candidates or their agents
 16 shall commence qualifying at 9:00 A.M. on the fourth Monday in April immediately prior
 17 to the state or county primary and shall cease qualifying at 12:00 Noon on the Friday
 18 following the fourth Monday in April, notwithstanding the fact that any such days may
 19 be legal holidays. In the case of a special primary, the candidate shall qualify no earlier
 20 than the date of the call for the special primary and no later than 25 days prior to the date
 21 of such primary, and such qualifying period shall be open for a minimum of two and
 22 one-half days.

23 (2) If a political party has not designated at least 14 days prior to the beginning of
 24 qualifying a party official in a county with whom the candidates of such party for county
 25 elective offices shall qualify, the election superintendent of the county shall qualify
 26 candidates on behalf of such party. The election superintendent shall give notice in the
 27 legal organ of the county at least three days before the beginning of qualifying giving the
 28 dates, times, and location for qualifying candidates on behalf of such political party.

29 (d)(1) Within two hours after the qualifications have ceased, the county executive
 30 committee of each political party shall post at the county courthouse a list of all
 31 candidates who have qualified with such executive committee, and the state executive
 32 committee of each political party shall post a list of all candidates who have qualified
 33 with such committee at the courthouse of the county in which such executive committee's
 34 office is located. If the election superintendent qualifies the candidates for a political
 35 party in accordance with subsection (c) of this Code section, the election superintendent

1 shall post at the county courthouse a list of all the candidates who have qualified with
 2 such superintendent for such political party.

3 (2) Except as otherwise provided in Code Section 21-2-154, it shall be unlawful for any
 4 person to add or remove any candidates from either of the lists provided for in paragraph
 5 (1) of this subsection following the posting of such lists unless such candidates have died,
 6 withdrawn, or been disqualified. Any person who violates this paragraph shall be guilty
 7 of a misdemeanor."

8 **SECTION 11.**

9 Said title is further amended by striking subsection (a) of Code Section 21-2-153.1, relating
 10 to the qualification of candidates for party nomination in a municipal primary, in its entirety
 11 and inserting in lieu thereof a new subsection (a) to read as follows:

12 "(a) Unless otherwise provided by law, all candidates for party nomination in a municipal
 13 primary shall qualify as such candidates in accordance with the rules of their party. In the
 14 case of a general municipal primary, the candidates, or their agents, shall qualify at least
 15 15 but not more than 45 days prior to the date of such primary, and such qualifying period
 16 shall be open for a minimum of two and one-half days. In the case of a special municipal
 17 primary, the candidates, or their agents, shall qualify at least ten but not more than 30 days
 18 prior to the date of such primary, and such qualifying period shall be open for a minimum
 19 of two and one-half days. The executive committee or other rule-making body of the party
 20 shall fix the qualifying date within the limitations provided in this Code section."

21 **SECTION 12.**

22 Said title is further amended by striking subsection (a) of Code Section 21-2-154, relating
 23 to the certification of political party candidates, in its entirety and inserting in lieu thereof
 24 a new subsection (a) to read as follows:

25 "(a) At or before 12:00 Noon on the third day after the deadline for qualifying, the county
 26 executive committee of each political party shall certify to the superintendent and the state
 27 executive committee of each political party shall certify to the Secretary of State, on forms
 28 prescribed by the Secretary of State, all those candidates who have qualified with such
 29 committee for the succeeding primary election. Such certification shall be accompanied by
 30 the appropriate amount of the qualifying fees paid by such candidates as prescribed in
 31 paragraph (1) or (2) of subsection (c) of Code Section 21-2-131 and a copy of the
 32 declaration of candidacy and affidavit of each such candidate. Such certification shall not
 33 be accepted if the political party has not registered with the Secretary of State as required
 34 in Article 3 of this chapter. When the election superintendent qualifies candidates on
 35 behalf of a political party pursuant to subsection (c) of Code Section 21-2-153, the election

1 superintendent shall certify at or before 12:00 Noon on the third day after the deadline for
 2 qualifying, on forms provided by the Secretary of State, all those candidates of such
 3 political party who qualified with the election superintendent."

4 **SECTION 13.**

5 Said title is further amended by striking subsection (c) of Code Section 21-2-170, relating
 6 to the nomination of candidates by petition, in its entirety and inserting in lieu thereof a new
 7 subsection (c) to read as follows:

8 "(c) Each person signing a nomination petition shall declare therein that he or she is a duly
 9 qualified and registered elector of the state, county, or municipality entitled to vote in the
 10 next election for the filling of the office sought by the candidate supported by the petition
 11 and shall add to his or her signature his or her residence address, giving municipality, if
 12 any, and county, with street and number, if any, and the person's date of birth which shall
 13 be used for verification purposes. No person shall sign the same petition more than once.
 14 Each petition shall support the candidacy of only a single candidate, except any political
 15 body seeking to have the names of its candidates for the offices of presidential electors
 16 placed upon the ballot through nomination petitions shall not compile a separate petition
 17 for each candidate for such office, but such political body shall compile its petitions so that
 18 the entire slate of candidates of such body for such office shall be listed together on the
 19 same petition. A signature shall be stricken from the petition when the signer so requests
 20 prior to the presentation of the petition to the appropriate officer for filing, but such a
 21 request shall be disregarded if made after such presentation."

22 **SECTION 14.**

23 Said title is further amended by striking subsection (a) of Code Section 21-2-214, relating
 24 to the qualifications of registrars and deputy registrars, in its entirety and inserting in lieu
 25 thereof a new subsection (a) to read as follows:

26 "(a) Registrars and deputy registrars shall be electors of the state ~~county or municipality~~
 27 ~~in which they are appointed~~ and shall be able to read, write, and speak the English
 28 language. Registrars and deputy registrars shall have never been convicted of a felony or
 29 of any crime involving fraud or moral turpitude, and the appointing authority shall be
 30 authorized to investigate the applicant's criminal history before making such appointment."

31 **SECTION 15.**

32 Said title is further amended by striking subsection (g) of Code Section 21-2-215, relating
 33 to the main office of board of registrars, in its entirety and inserting in lieu thereof a new
 34 subsection (g) to read as follows:

1 shall sign the voter registration form in the space provided to identify the person offering
2 assistance."

3 SECTION 18.

4 Said title is further amended by striking subsection (i) of Code Section 21-2-222, relating to
5 designated voter registration agencies and offices, in its entirety and inserting in lieu thereof
6 a new subsection (i) to read as follows:

7 "(i) Each office shall transmit the completed voter registration application forms to the
8 Secretary of State at least once per week, except that, during the 15 days leading up to a
9 registration deadline for a primary or election, such applications shall be transmitted to the
10 Secretary of State at the conclusion of each business day. The Secretary of State shall
11 forward the applications to the appropriate county board of registrars to determine the
12 eligibility of the applicant and, if found eligible, to add the applicant's name to the list of
13 electors and to place the applicant in the correct precinct and voting districts."

14 SECTION 19.

15 Said title is further amended by adding a new subsection (g) to Code Section 21-2-226,
16 relating to the duties of the county board in determining eligibility of voters, to read as
17 follows:

18 "(g) In the event that the registrars of a county, serving as registrars for a municipality, are
19 required to issue voters in a municipality new cards under subsection (e) of this Code
20 section due to changes in municipal districts or precincts, the municipality shall reimburse
21 the county registrars for the cost of postage in mailing such cards to the voters."

22 SECTION 20.

23 Said title is further amended by striking Code Section 21-2-231, relating to lists of persons
24 convicted of felonies, persons declared mentally incompetent, and deceased persons provided
25 to Secretary of State, in its entirety and inserting in lieu thereof a new Code Section 21-2-231
26 to read as follows:

27 "21-2-231.

28 (a) The clerk of the superior court of each county shall, on or before the tenth day of each
29 month, prepare and transmit to the Secretary of State, in a format as prescribed by the
30 Secretary of State, a complete list of all persons, including addresses, ages, and other
31 identifying information as prescribed by the Secretary of State, who were convicted of a
32 felony involving moral turpitude during the preceding calendar month in the county.

33 (b) The judge of the probate court of each county shall, on or before the tenth day of each
34 month, prepare and transmit to the Secretary of State, in a format as prescribed by the

1 Secretary of State, a complete list of all persons, including addresses, ages, and other
2 identifying information as prescribed by the Secretary of State, who were declared mentally
3 incompetent during the preceding calendar month in the county and whose voting rights
4 were removed.

5 (c) Upon receipt of the lists described in subsections (a) and (b) of this Code section and
6 the lists of persons convicted of felonies in federal courts received pursuant to 42 U.S.C.
7 Section 1973gg-6(g), the Secretary of State shall transmit the names of such persons whose
8 names appear on the list of electors to the appropriate county board of registrars who shall
9 remove all such names from the list of electors and shall mail a notice of such action and
10 the reason therefor to the last known address of such persons by first-class mail.

11 ~~(c)~~(d) The local registrar of vital statistics of each county shall, on or before the tenth day
12 of each month, prepare and transmit to the Secretary of State, in a format as prescribed by
13 the Secretary of State, a complete list of all persons, including addresses, ages, and other
14 identifying information as prescribed by the Secretary of State, who died during the
15 preceding calendar month in the county. The Secretary of State may, by agreement with
16 the commissioner of human resources, obtain such information from the state registrar of
17 vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of
18 deceased Georgia electors, if possible, from other states.

19 ~~(d) Upon receipt of such lists and the lists of persons convicted of felonies in federal courts~~
20 ~~received pursuant to 42 U.S.C. Section 1973gg-6(g), the Secretary of State shall transmit~~
21 ~~the names of such persons whose names appear on the list of electors to the appropriate~~
22 ~~county board of registrars who shall remove all such names from the list of electors and~~
23 ~~shall mail a notice of such action and the reason therefor to the last known address of such~~
24 ~~persons, other than those persons who are deceased, by first-class mail.~~

25 (e) Upon receipt of the lists described in subsection (d) of this Code section, the Secretary
26 of State shall remove all such names of deceased persons from the list of electors and shall
27 notify the registrar in the county where the deceased person was domiciled at the time of
28 his or her death.

29 ~~(e)~~(f) County registrars shall initiate appropriate action regarding the right of an elector to
30 remain on the list of qualified registered voters within 60 days after receipt of the
31 information described in this Code section. Failure to take such action may subject the
32 registrars or the governing authority for whom the registrars are acting to a fine by the State
33 Election Board."

SECTION 21.

Said title is further amended by striking Code Section 21-2-233, relating to the comparison of change of address information supplied by United States Postal Service with electors list, in its entirety and inserting in lieu thereof a new Code Section 21-2-233 to read as follows:

"21-2-233.

(a) The Secretary of State is authorized to cause at his or her discretion the official list of electors to be compared to the change of address information supplied by the United States Postal Service through its licensees periodically, but not more often than once each year, for the purpose of identifying those electors whose addresses have changed.

(b) If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address in the county in which the elector is presently registered, the list of electors shall be changed to reflect the new address and the elector shall be sent a notice of the change by forwardable mail at both the old address and the new address with a postage prepaid, preaddressed return form by which the elector may verify or correct the address information.

(c) If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address outside of the boundaries of the county or municipality in which the elector is presently registered, such elector shall be sent a confirmation notice as provided in Code Section 21-2-234 at both the old and new addresses. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered, the elector's name shall be removed from the appropriate list of electors. If the elector responds to the notice and affirms that the elector has not moved, the elector shall remain on the list of electors at the elector's current address. If the elector fails to respond to the notice within 30 days after the date of the notice, the elector shall be transferred to the inactive list provided for in Code Section 21-2-235.

(d) Whenever an elector's name is removed from the list of electors by the county registrars because the elector has furnished in writing to the registrar a residence address that is located outside of the elector's present county of registration, the registrars shall notify the elector in writing at the elector's new address that the elector's name is being deleted from the list of electors for that county and that the elector must reregister in the new county of residence in order to be eligible to vote. The registrars shall provide the person with the appropriate form for registration at the time of such notice.

~~(d)~~(e) Nothing in this Code section shall prevent the removal from the list of electors of an elector for ineligibility to vote."

SECTION 22.

Said title is further amended by striking subsection (e) of Code Section 21-2-265, relating to the duty of superintendents to fix polling places, in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

"(e) ~~Notwithstanding any other provision of law to the contrary, for the 1996 general primary, in counties with a population of 400,000 or more persons according to the United States decennial census of 1990 or any future such census, the~~ The superintendent may establish the polling place for a precinct outside the boundaries of the precinct if there is no suitable facility within the precinct which could be used as a polling place and if, by so doing, such polling place would better serve the needs of the voters ~~for that primary.~~"

SECTION 23.

Said title is further amended by striking Code Section 21-2-291, relating to procedure as to unopposed candidates, in its entirety and inserting in lieu thereof a new Code Section 21-2-291 to read as follows:

"21-2-291.

Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special or general election, no special or general election shall be held in such precinct unless a more than one write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate. Each such unopposed candidate shall be deemed to have voted for himself or herself. Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that no special or general election is to be conducted. The superintendent shall certify such unopposed candidate as elected in the same manner as he or she certifies other candidates as elected pursuant to Code Section 21-2-493."

SECTION 24.

Said title is further amended by striking Code Section 21-2-324, relating to the examination and approval of voting machines by Secretary of State, in its entirety and inserting in lieu thereof a new Code Section 21-2-324 to read as follows:

"21-2-324.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any voting machine may request the Secretary of State to examine the machine. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any voting machine previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of

1 State the reasonable expenses of such examination; provided, however, that in the case of
 2 a request by ten or more electors the examination fee shall be \$250.00. The Secretary of
 3 State may, at any time, in his or her discretion, reexamine any voting machine.

4 (b) The Secretary of State shall thereupon require such machine to be examined or
 5 reexamined by three examiners whom he or she shall appoint for the purpose, of whom one
 6 shall be an expert in patent law and the other two shall be experts in mechanics, and shall
 7 require of them a written report on such machine, attested by their signatures; and the
 8 Secretary of State shall examine the machine and shall make and file, together with the
 9 reports of the appointed examiners, his or her own report, attested by his or her signature
 10 and the seal of his or her office, stating whether, in his or her opinion and in consideration
 11 of the reports of the examiners aforesaid, the kind of machine so examined can be safely
 12 and accurately used by electors at primaries and elections as provided in this chapter. If his
 13 or her report states that the machine can be so used, the machine shall be deemed approved;
 14 and machines of its kind may be adopted for use at primaries and elections as provided in
 15 this chapter.

16 (c) No kind of voting machine not so approved shall be used at any primary or election and
 17 if, upon the reexamination of any voting machine previously approved, it shall appear that
 18 the machine so reexamined can no longer be safely or accurately used by electors at
 19 primaries or elections as provided in this chapter because of ~~a substantial defect in design~~
 20 any problem concerning its ability to accurately record or tabulate votes, the approval of
 21 the same shall immediately be revoked by the Secretary of State; and no such voting
 22 machine shall thereafter be purchased for use or be used in this state.

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

27 (e) Any vendor who completes a sale of voting machines that have not been certified by
 28 the Secretary of State to a governmental body in this state shall be subject to a penalty of
 29 \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs and expenses
 30 incurred by the governmental body in connection with the sale. The State Election Board
 31 shall have authority to impose such penalty upon a finding that such a sale has occurred.

32 ~~(d)~~(f) When a machine has been so approved, no improvement or change that does not
 33 impair its accuracy, efficiency, or capacity shall render necessary a reexamination or
 34 reapproval of the machine or of its kind.

35 ~~(e)~~(g) Neither the Secretary of State, nor any examiner appointed by him or her for the
 36 purpose prescribed by this Code section, nor any superintendent, nor the governing
 37 authority of any county or municipality or a member of such authority, nor any other

1 person involved in the examination process shall have any pecuniary interest in any voting
2 machine or in the manufacture or sale thereof.

3 ~~(f)~~(h) The compensation of each examiner appointed under this Code section shall be fixed
4 and paid by the Secretary of State."

5 **SECTION 25.**

6 Said title is further amended by inserting a new Code Section 21-2-325.1 to read as follows:

7 "21-2-325.1.

8 If two or more candidates for the same nomination or office shall have the same or similar
9 names, the Secretary of State, in the case of federal or state offices, the superintendent of
10 elections, in the case of county offices, or the official with whom such candidates qualify,
11 in the case of municipal elections, shall print or cause to be printed the residence of all
12 candidates for such nomination or office on the ballot labels under their names. The
13 designated official shall determine whether the names of the candidates are of such a
14 similar nature as to warrant printing the residence of all candidates for that office on the
15 ballot labels; and the decision of the designated official shall be conclusive."

16 **SECTION 26.**

17 Said title is further amended by striking subsection (c) of Code Section 21-2-327, relating
18 to preparation of voting machines, in its entirety and inserting in lieu thereof a new
19 subsection (c) to read as follows:

20 "(c) On or before the twelfth day preceding a primary or election, including special
21 primaries, special elections, and referendum elections, the superintendent shall mail to the
22 foreperson of the grand jury, the chairperson of the county executive committee of each
23 political party which shall be entitled under existing laws to participate in primaries within
24 the county, and to the chairperson or presiding officer of any organization of citizens within
25 the county having as its purpose or among its purposes the investigation or prosecution of
26 primary and election frauds, which has registered its name and address and the names of
27 its principal officers with the superintendent at least 30 days before such primary or
28 election, and, in the case of an election, to the appropriate committee of each political body
29 which shall be entitled to have the names of its candidates entered on the voting machines,
30 and to each independent candidate who shall be entitled to have his or her name printed on
31 the voting machines, a written notice stating the times when and the place or places where
32 preparation of the machines for use in the several precincts in the county will be started.
33 The grand jury shall appoint a committee, consisting of three of its members, which shall
34 inspect the machines and see that the machines are properly prepared and are placed in
35 proper condition and order for use. In the event the committee of the grand jury fails to be

1 present, the superintendent shall immediately appoint a panel consisting of three electors
 2 to perform the duties of the committee of the grand jury set forth in this Code section.
 3 Further, one representative of each political party or body, certified by the chairperson of
 4 such political party or body, and one representative of each aforementioned organization
 5 of citizens, certified by the chairperson or presiding officer of such organization, and any
 6 such independent candidate or his or her certified agent shall be entitled to be present
 7 during the preparation of the machines and to see that the machines are properly prepared
 8 and are placed in proper condition and order for use. Such committee of the grand jury,
 9 representatives, or candidates shall not, however, interfere with the preparation of the
 10 machines; and the superintendent may make such reasonable rules and regulations
 11 concerning the conduct of such representatives and candidates."

12 SECTION 27.

13 Said title is further amended by striking Code Section 21-2-353, relating to examination and
 14 approval of vote recorders and tabulating machines by Secretary of State, in its entirety and
 15 inserting in lieu thereof a new Code Section 21-2-353 to read as follows:

16 "21-2-353.

17 (a) Any person or organization owning, manufacturing, or selling, or being interested in
 18 the manufacture or sale of, any vote recorder or tabulating machine may request the
 19 Secretary of State to examine the vote recorder or tabulating machine. Any ten or more
 20 electors of this state may, at any time, request the Secretary of State to reexamine any vote
 21 recorder or tabulating machine previously examined and approved by him or her. Before
 22 any such examination or reexamination, the person, persons, or organization requesting
 23 such examination or reexamination shall pay to the Secretary of State the reasonable
 24 expenses of such examination. The Secretary of State may, at any time, in his or her
 25 discretion, reexamine any vote recorder or tabulating machine.

26 (b) The Secretary of State shall thereupon examine or reexamine such vote recorder or
 27 tabulating machine and shall make and file in his or her office a report, attested by his or
 28 her signature and the seal of his or her office, stating whether, in his or her opinion, the
 29 kind of vote recorder or tabulating machine so examined can be safely and accurately used
 30 by electors at primaries and elections as provided in this chapter. If this report states that
 31 the vote recorder or tabulating machine can be so used, the recorder or tabulating machine
 32 shall be deemed approved; and vote recorders and tabulating machines of its kind may be
 33 adopted for use at primaries and elections as provided in this chapter.

34 (c) No kind of vote recorder or tabulating machine not so approved shall be used at any
 35 primary or election and if, upon the reexamination of any vote recorder or tabulating
 36 machine previously approved, it shall appear that the vote recorder or tabulating machine

1 so reexamined can no longer be safely or accurately used by electors at primaries or
 2 elections as provided in this chapter because of any problem concerning its ability to
 3 accurately record or tabulate votes, the approval of the same shall immediately be revoked
 4 by the Secretary of State; and no such vote recorder or tabulating machine shall thereafter
 5 be purchased for use or be used in this state.

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

10 (e) Any vendor who completes a sale of vote recorders or tabulating machines that have
 11 not been certified by the Secretary of State to a governmental body in this state shall be
 12 subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement
 13 of all costs and expenses incurred by the governmental body in connection with the sale.
 14 The State Election Board shall have authority to impose such penalty upon a finding that
 15 such a sale has occurred.

16 ~~(d)~~(f) When a vote recorder or tabulating machine has been so approved, no improvement
 17 or change that does not impair its accuracy, efficiency, or capacity shall render necessary
 18 a reexamination or reapproval of the vote recorder or tabulating machine, or of its kind.

19 ~~(e)~~(g) Neither the Secretary of State, nor any custodian, nor the governing authority of any
 20 county or municipality or a member of such authority nor any other person involved in the
 21 examination process shall have any pecuniary interest in any vote recorder or tabulating
 22 machine or in the manufacture or sale thereof.

23 ~~(f)~~(h) The compensation of each examiner appointed under this Code section shall be fixed
 24 and paid by the Secretary of State."

25 SECTION 28.

26 Said title is further amended by inserting a new Code Section 21-2-354.1 to read as follows:

27 "21-2-354.1.

28 If two or more candidates for the same nomination or office shall have the same or similar
 29 names, the Secretary of State, in the case of federal or state offices, the superintendent of
 30 elections, in the case of county offices, or the official with whom such candidates qualify,
 31 in the case of municipal elections, shall print or cause to be printed the residence of all
 32 candidates for such nomination or office on the ballot labels under their names. The
 33 designated official shall determine whether the names of the candidates are of such a
 34 similar nature as to warrant printing the residence of all candidates for that office on the
 35 ballot labels; and the decision of the designated official shall be conclusive."

SECTION 29.

Said title is further amended by striking subsection (c) of Code Section 21-2-359, relating to the preparation of vote recorders, in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have the tabulating machines tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballot cards so punched or marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the tabulating machine to reject such votes. The tabulating machine shall not be approved unless it produces an errorless count. If any error is detected, the cause therefor shall be ascertained and corrected; and an errorless count shall be made before the machine is approved. The same test shall be repeated immediately before the start of the official count of the ballot cards and at the conclusion of such count. The superintendent or custodian shall also prepare the vote recorders for voting at the various polling places to be used in the primary or election. In preparing the vote recorders, he or she shall arrange the recorders and the ballot labels so that they meet all requirements of voting and counting at such primary or election, thoroughly inspect and test the vote recorders, and file a certificate in the office of the superintendent of the county or the city clerk of the municipality that the recorders are in proper order with correct ballot labels."

SECTION 30.

Said title is further amended by striking Code Section 21-2-368, relating to review of optical scanning voting systems by Secretary of State, in its entirety and inserting in lieu thereof a new Code Section 21-2-368 to read as follows:

"21-2-368.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any optical scanning voting system may request the Secretary of State to examine the optical scanning voting system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any optical scanning voting system previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such

1 examination or reexamination shall pay to the Secretary of State the reasonable expenses
 2 of such examination. The Secretary of State may, at any time, in his or her discretion,
 3 reexamine any optical scanning voting system.

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

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

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

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

30 ~~(d)~~(f) When an optical scanning voting system has been so approved, no improvement or
 31 change that does not impair its accuracy, efficiency, or capacity shall render necessary a
 32 reexamination or reapproval of the optical scanning voting system, or of its kind.

33 ~~(e)~~(g) Neither the Secretary of State, nor any custodian, nor the governing authority of any
 34 county or municipality or a member of such authority nor any other person involved in the
 35 examination process shall have any pecuniary interest in any optical scanning voting
 36 system or in the manufacture or sale thereof."

SECTION 31.

Said title is further amended by inserting a new Code Section 21-2-369.1 to read as follows:

"21-2-369.1.

If two or more candidates for the same nomination or office shall have the same or similar names, the Secretary of State, in the case of federal or state offices, the superintendent of elections, in the case of county offices, or the official with whom such candidates qualify, in the case of municipal elections, shall print or cause to be printed the residence of all candidates for such nomination or office on the ballot under their names. The designated official shall determine whether the names of the candidates are of such a similar nature as to warrant printing the residence of all candidates for that office on the ballot; and the decision of the designated official shall be conclusive."

SECTION 32.

Said title is further amended by striking subsection (b) of Code Section 21-2-374, relating to proper programming of optical scanning voting systems, in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have the optical scanning tabulators tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which are improperly marked and one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning tabulator to reject such votes. The optical scanning tabulator shall not be approved unless it produces an errorless count. If any error is detected, the cause therefor shall be ascertained and corrected; and an errorless count shall be made before the tabulator is approved. The superintendent shall cause the pretested tabulators to be placed at the various polling places to be used in the primary or election. The superintendent shall require that each optical scanning tabulator be thoroughly tested and inspected prior to each primary and election in which it is used and shall keep such tested material as certification of an errorless count on each tabulator. In counties using central count optical scanning tabulators, the same test shall be repeated immediately before the start of the official count of the ballots and at the conclusion of such count. Precinct tabulators shall produce a zero tape prior to any ballots being inserted on the day of any primary or election."

SECTION 33.

Said title is further amended by striking Code Section 21-2-379.2, relating to review of manufacturer's electronic voting system by Secretary of State, in its entirety and inserting in lieu thereof a new Code Section 21-2-379.2 to read as follows:

"21-2-379.2.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any direct electronic recording 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 examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any such system.

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

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

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

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

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

4 ~~(e)~~(g) Neither the Secretary of State, nor any custodian, nor the governing authority of any
 5 county or municipality or a member of such authority nor any other person involved in the
 6 examination process shall have any pecuniary interest in any direct electronic recording
 7 voting system or in the manufacture or sale thereof."

8 **SECTION 34.**

9 Said title is further amended by striking Code Section 21-2-380.1, relating to appointment
 10 of absentee ballot clerk, in its entirety and inserting in lieu thereof a new Code Section
 11 21-2-380.1 to read as follows:

12 "21-2-380.1.

13 The municipal governing authority shall appoint an absentee ballot clerk who may be the
 14 county registrar, municipal registrar, or any other designated official and who shall perform
 15 the duties set forth in this article."

16 **SECTION 35.**

17 Said title is further amended by striking paragraph (3) of subsection (a) of Code Section
 18 21-2-381, relating to the making of application for absentee ballot, in its entirety and
 19 inserting in lieu thereof a new paragraph (3) to read as follows:

20 "(3) All applications ~~Any application~~ for an official absentee ballot that is are distributed
 21 by a person, entity, or organization shall ~~require a voter to identify list~~ require ~~which one~~
 22 all of the legally acceptable categories of absentee electors ~~listed~~ contained in Code
 23 Section 21-2-380 and shall require the elector to select the category which qualifies
 24 ~~authorizes the voter~~ elector to vote by absentee ballot."

25 **SECTION 36.**

26 Said title is further amended by striking paragraph (1) of subsection (a) of Code Section
 27 21-2-386, relating to the safekeeping, certification, and validation of absentee ballots, in its
 28 entirety and inserting in lieu thereof a new paragraph (1) to read as follows:

29 "(a)(1) The board of registrars or absentee ballot clerk shall keep safely and unopened
 30 all official absentee ballots received from absentee electors prior to the closing of the
 31 polls on the day of the primary or election except as otherwise provided in this
 32 subsection. Upon receipt of each ballot, a registrar or clerk shall write the day and hour
 33 of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the
 34 identifying information on the oath with the information on file in his or her office, shall

1 compare the signature or mark on the oath with the signature or mark on the absentee
 2 elector's application for absentee ballot or a facsimile of said signature or mark taken
 3 from said application, and shall, if the information and signature appear to be valid, so
 4 certify by signing or initialing his or her name below the voter's oath. Each elector's
 5 name so certified shall be listed by the registrar or clerk on the numbered list of absentee
 6 voters prepared for his or her precinct. If the elector has failed to sign the oath, or if the
 7 signature does not appear to be valid, or if the elector has failed to furnish required
 8 information or information so furnished does not conform with that on file in the
 9 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the
 10 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason
 11 therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector
 12 of such rejection, a copy of which notification shall be retained in the files of the board
 13 of registrars or absentee ballot clerk for at least one year. Three copies of the numbered
 14 list of voters shall also be prepared for such rejected absentee electors, giving the name
 15 of the elector and the reason for the rejection in each case. Three copies of the numbered
 16 list of certified absentee voters and three copies of the numbered list of rejected absentee
 17 voters for each precinct shall be turned over to the poll manager in charge of counting the
 18 absentee ballots and shall be distributed as required by law for numbered lists of voters.
 19 All absentee ballots returned to the board or absentee ballot clerk after the closing of the
 20 polls on the day of the primary or election shall be safely kept unopened by the board or
 21 absentee ballot clerk for the period of time required for the preservation of ballots used
 22 at the primary or election and shall then, without being opened, be destroyed in like
 23 manner as the used ballots of the primary or election. The board of registrars or absentee
 24 ballot clerk shall promptly notify the elector by first-class mail that the elector's ballot
 25 was returned too late to be counted and that the elector will not receive credit for voting
 26 in the primary or election."

27 **SECTION 37.**

28 Said title is further amended by striking subsection (a) of Code Section 21-2-402, relating
 29 to the preparation of voter's certificates by Secretary of State, in its entirety and inserting in
 30 lieu thereof a new subsection (a) to read as follows:

31 "(a) At each primary and election, the Secretary of State shall prepare and furnish to each
 32 superintendent a suitable number of voter's certificates which shall be in substantially the
 33 following form:

VOTER'S CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

I hereby certify that I am qualified to vote at the (primary or election) held on _____, ~~and~~ that I have not and will not vote elsewhere in this (primary or election) in my own name or in any other name, and that I am a citizen of the United States and am not currently serving a sentence for a felony conviction. I understand that making a false statement on this certificate is a felony under Code Section 21-2-562.

Signature _____

Current residence address of elector:

Elector's date of birth:

Name or initials of poll officer receiving voter's certificate: _____

In case of physical disability or illiteracy, fill out the following:

I hereby certify that the voter is unable to sign his or her name by reason of the following: _____

Signature of poll officer

Number of stub of ballot or number of admission to voting machine: _____"

SECTION 38.

Said title is further amended by striking Code Section 21-2-407, relating to the duty of registrars to review qualifications of electors who may have been erroneously omitted from the list of electors, in its entirety and inserting in lieu thereof a new Code Section 21-2-407 to read as follows:

"21-2-407.

The registrars shall meet at their main office during each primary or election for the purpose of considering the qualification of electors whose names may have been omitted by inadvertence or mistake from the list of electors. The registrars shall be authorized to place the names of such electors on the registration list or make other corrections to the list as necessary."

1 compartment or booth. No person shall assist more than ten such electors in any primary,
2 election, or runoff covered by this paragraph."

3 SECTION 41.

4 Said title is further amended by striking Code Section 21-2-411, relating to return of checked
5 list of electors and voter's certificates to superintendent, in its entirety and inserting in lieu
6 thereof a new Code Section 21-2-411 to read as follows:

7 "21-2-411.

8 The chief manager in each precinct shall return a checked list of electors, reflecting those
9 who voted, ~~and those who received assistance in voting~~ and the voter's certificates to the
10 superintendent, to be deposited with the registrars. The board of registrars shall keep such
11 voter's certificates for at least 24 months and such electors lists for at least five years, and
12 the same shall be available for public inspection."

13 SECTION 42.

14 Said title is further amended by striking Code Section 21-2-413, relating to conduct of voters,
15 campaigners, and others at polling places generally, in its entirety and inserting in lieu
16 thereof a new Code Section 21-2-413 to read as follows:

17 "21-2-413.

18 (a) No elector shall be allowed to occupy a voting compartment or voting machine booth
19 already occupied by another except when giving assistance as permitted by this chapter.

20 (b) No elector shall remain in a voting compartment or voting machine booth an
21 unreasonable length of time; and, if such elector shall refuse to leave after such period, he
22 or she shall be removed by the poll officers.

23 (c) No elector except a poll officer or poll watcher shall reenter the enclosed space after
24 he or she has once left it except to give assistance as provided by this chapter.

25 (d) No person, when within the polling place, shall electioneer or solicit votes for any
26 political party or body or candidate or question, nor shall any written or printed matter be
27 posted within the room, except as required by this chapter. The prohibitions contained
28 within Code Section 21-2-414 shall be equally applicable within the polling place and no
29 elector shall violate the provisions of Code Section 21-2-414.

30 (e) No elector shall use photographic or other electronic monitoring or recording devices
31 or cellular telephones while such elector is within the enclosed space in a polling place.

32 ~~(e)~~(f) All persons except poll officers, poll watchers, persons in the course of voting and
33 such persons' children under ~~12~~ 18 years of age accompanying such persons, persons
34 lawfully giving assistance to electors, duly authorized investigators of the State Election
35 Board, and peace officers when necessary for the preservation of order, must remain

1 outside the enclosed space during the progress of the voting. Notwithstanding any other
 2 provision of this chapter, any elector shall be permitted to be accompanied into the
 3 enclosed area and into a voting compartment or voting machine booth while voting by such
 4 elector's child or children under ~~12~~ 18 years of age unless the poll manager or an assistant
 5 manager determines in his or her sole discretion that such child or children are causing a
 6 disturbance or are interfering with the conduct of voting. Children accompanying an elector
 7 in the enclosed space pursuant to this subsection shall not in any manner handle any ballot
 8 nor operate any function of a voting machine or vote recorder under any circumstances.

9 ~~(f)~~(g) When the hour for closing the polls shall arrive, all electors who have already
 10 qualified and are inside the enclosed space shall be permitted to vote; and, in addition
 11 thereto, all electors who are then in the polling place outside the enclosed space, or then in
 12 line outside the polling place, waiting to vote, shall be permitted to do so if found qualified,
 13 but no other persons shall be permitted to vote.

14 ~~(g)~~(h) It shall be the duty of the chief manager to secure the observances of this Code
 15 section, to keep order in the polling place, and to see that no more persons are admitted
 16 within the enclosed space than are permitted by this chapter. Further, from the time a
 17 polling place is opened until the ballots are delivered to the superintendent, the ballots shall
 18 be in the custody of at least two poll officers at all times.

19 ~~(h)~~(i) No person except peace officers regularly employed by the federal, state, county, or
 20 municipal government or certified security guards shall be permitted to carry firearms
 21 within ~~250~~ 150 feet of any polling place."

22 SECTION 43.

23 Said title is further amended by striking Code Section 21-2-414, relating to restrictions on
 24 campaign activities and public opinion polling within the vicinity of a polling place, in its
 25 entirety and inserting in lieu thereof a new Code Section 21-2-414 to read as follows:

26 "21-2-414.

27 (a) No person shall solicit votes in any manner or by any means or method, nor shall any
 28 person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any
 29 other written or printed matter of any kind, nor shall any person conduct any exit poll or
 30 public opinion poll with voters on any primary or election day:

31 (1) Within 150 feet of the outer edge of any building within which a polling place is
 32 established;

33 (2) Within any polling place; or

34 (3) Within 25 feet of any voter standing in line to vote at any polling place.

35 (b) No person shall solicit signatures for any petition on any primary or election day:

1 (1) Within 150 feet of the outer edge of any building within which a polling place is
2 established;

3 (2) Within any polling place; or

4 (3) Within 25 feet of any voter standing in line to vote at any polling place.

5 (c) No person shall solicit votes in any manner or by any means or method, nor shall any
6 person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any
7 other written or printed matter of any kind, nor shall any person conduct any exit poll or
8 public opinion poll with voters within a room in which absentee ballots are being cast on
9 any day.

10 (d) No person shall solicit signatures for any petition within a room in which absentee
11 ballots are being cast on any day.

12 (e) No person shall use a cellular telephone or other electronic communication device once
13 such person has been issued a ballot or, in the case of precincts using voting machines or
14 electronic recording voting systems, once the person has entered the voting machine or
15 voting enclosure or booth. This subsection shall not prohibit the use of cellular telephones
16 by poll officials.

17 ~~(e)~~(f) This Code section shall not be construed to prohibit a poll officer from distributing
18 materials, as required by law, which are necessary for the purpose of instructing electors
19 or from distributing materials prepared by the Secretary of State which are designed solely
20 for the purpose of encouraging voter participation in the election being conducted.

21 ~~(f)~~(g) Any person who violates this Code section shall be guilty of a misdemeanor."

22 SECTION 44.

23 Said title is further amended by striking subsections (c) and (g) of Code Section 21-2-501,
24 relating to the number of votes required for election, in their entirety and inserting in lieu
25 thereof new subsections (c) and (g) to read as follows:

26 "(c) In instances in which no municipal candidate receives a majority of the votes cast and
27 the municipal charter or ordinances do not provide for nomination or election by a plurality
28 vote, a run-off primary or election shall be held between the candidates receiving the two
29 highest numbers of votes. Such runoff shall be held ~~not earlier than the fourteenth day and~~
30 ~~not later than~~ on the twenty-first day after the day of holding the first primary or election
31 ~~on a date specified by municipal ordinance or resolution~~, unless such run-off date is
32 postponed by court order. Only the electors entitled to vote in the first primary or election
33 shall be entitled to vote in any run-off primary or election resulting therefrom; provided,
34 however, that no elector shall vote in a run-off primary in violation of Code Section
35 21-2-216. The run-off primary or election shall be a continuation of the first primary or
36 election, and only those votes cast for the candidates receiving the two highest numbers of

1 votes in the first primary or election shall be counted. No write-in votes may be cast in such
 2 a primary, run-off primary, or run-off election. If any candidate eligible to be in a runoff
 3 withdraws, dies, or is found to be ineligible, the remaining candidates receiving the two
 4 highest numbers of votes shall be the candidates in such runoff. The municipal candidate
 5 receiving the highest number of the votes cast in such run-off primary or election to fill the
 6 nomination or public office sought shall be declared the winner."

7 "(g) In the event that no candidate receives a plurality of the votes cast in a general election
 8 or more than one candidate in a general election, special election runoff, or run-off primary
 9 receives the highest number of votes cast, a runoff of the general election, special election
 10 runoff, or run-off primary between the candidates receiving the two highest numbers of
 11 votes shall be held. Unless such date is postponed by a court order, such runoff shall be
 12 held on the twenty-first day after the day of holding the preceding general election, special
 13 election runoff, or run-off primary; ~~provided that, unless postponed by court order, a runoff~~
 14 ~~resulting from a special election runoff or a special primary runoff shall be held no sooner~~
 15 ~~than the fourteenth day and no later than the twenty-first day after the day of holding the~~
 16 ~~preceding special election runoff or special primary runoff, which run-off day shall be~~
 17 ~~determined by the Secretary of State in a runoff to fill a federal or state office or by the~~
 18 ~~superintendent in a runoff to fill a county or militia district office.~~ If any candidate eligible
 19 to be in such runoff withdraws, dies, or is found to be ineligible, the remaining candidates
 20 receiving the two highest numbers of votes shall be the candidates in the runoff. The
 21 candidate receiving the highest number of the votes cast in such runoff to fill the
 22 nomination or public office such candidate seeks shall be declared the winner. The name
 23 of a write-in candidate eligible for election in a runoff shall be printed on the run-off
 24 election ballot in the independent column. The runoff of a run-off primary or special
 25 election runoff shall be a continuation of the primary or special election for the particular
 26 office concerned, and the run-off election of a general election shall be a continuation of
 27 the general election for the particular office concerned. Only the electors who were entitled
 28 to vote for that particular office in such primary or special election or general election,
 29 respectively, shall be entitled to vote therein, and only those votes cast for the persons
 30 designated as candidates in such runoff shall be counted in the tabulation and canvass of
 31 the votes cast. No elector shall vote in a run-off primary in violation of Code Section
 32 21-2-224."

33 **SECTION 45.**

34 Said title is further amended by striking subsection (b) of Code Section 21-2-540, relating
 35 to conduct of special elections generally, in its entirety and inserting in lieu thereof a new
 36 subsection (b) to read as follows:

1 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 2 of same, and at least 29 days shall intervene between the call of a special election and the
 3 holding of same. The period during which candidates may qualify to run in a special
 4 primary or a special election shall remain open for a minimum of two and one-half days.
 5 Municipal special elections which are to be held in conjunction with a state-wide general
 6 primary or state-wide general election shall be called at least 60 days prior to the date of
 7 such state-wide general primary or state-wide general election; provided, however, that this
 8 requirement shall not apply to special elections held on the same date as such state-wide
 9 general primary or state-wide general election but conducted separate and apart from such
 10 state-wide general primary or state-wide general election."

11 SECTION 46.

12 Said title is further amended by striking subparagraph (c)(1)(B) of Code Section 21-2-540,
 13 relating to conduct of special elections generally, in its entirety and inserting in lieu thereof
 14 a new subparagraph (B) to read as follows:

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

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

23 SECTION 47.

24 Said title is further amended by striking Code Section 21-2-541.1, relating to terms for all
 25 municipal offices elected at general municipal elections, in its entirety and inserting in lieu
 26 thereof a new Code Section 21-2-541.1 to read as follows:

27 "21-2-541.1.

28 All municipal offices elected at general municipal elections shall be for terms of four years
 29 unless otherwise provided by local law in accordance with Code Section 21-2-541.2.
 30 Unless otherwise provided for by the municipal charter, municipal officeholders shall be
 31 sworn in at their first organizational meeting of the new year and will hold office until their
 32 successors are duly elected and qualified and take said oath of office."

33 SECTION 48.

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