

Senate Bill 213

By: Senator Hill of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-7-21 of the Official Code of Georgia Annotated, relating to
2 qualifications of state court judges, so as to change the provisions concerning nonpartisan
3 primaries; to amend Code Section 20-2-56 of the Official Code of Georgia Annotated,
4 relating to nonpartisan primaries and elections for members of boards of education, so as to
5 change the provisions concerning nonpartisan primaries; to amend Chapter 2 of Title 21 of
6 the Official Code of Georgia Annotated, relating to elections and primaries generally, so as
7 to eliminate nonpartisan primaries except for municipal offices; to provide that nonpartisan
8 elections for county and state offices shall be held in conjunction with the general primary;
9 to provide a qualifying time for nonpartisan elections; to provide that offices for which local
10 Acts provide for nonpartisan primaries and elections shall not be required to have a
11 nonpartisan primary; to change the date of the general primary; to change the qualifications
12 for absentee voting; to provide for an open absentee voting period in which any elector may
13 vote without having to specify a reason; to change provisions concerning the challenge of
14 electors' right to vote; to provide for locations and times for voting during open absentee
15 voting periods; to change the method of removing deceased voters from the electors list; to
16 authorize the Secretary of State to obtain the names of Georgians who die in other states if
17 possible; to provide for the transmission of names of persons who have been convicted of
18 felonies to the registrars for removal from the electors list; to provide for the form of the
19 nonpartisan election ballot; to authorize the Constitutional Amendments Publication Board
20 to determine short titles or headings for proposed constitutional amendments; to authorize
21 the Secretary of State to place such short titles or headings on the ballots; to require the
22 Secretary of State to print the proposed constitutional amendments in the order specified by
23 the Constitutional Amendments Publication Board; to provide for uniform election
24 equipment throughout the state; to provide for the education of voters, election officials, and
25 poll officers in the operation of election equipment; to authorize the Secretary of State to
26 conduct a pilot project to test electronic recording voting systems during the 2001 municipal
27 elections; to create the Twenty-first Century Voting Commission; to provide for the
28 composition, duties, and compensation of such commission; to provide penalties for

1 improper absentee voting; to amend Code Section 50-12-101 of the Official Code of Georgia
2 Annotated, relating to assignment of numbers by board to proposed constitutional
3 amendments and Constitutions, so as to authorize the Constitutional Amendments
4 Publication Board to assign short titles or headings to proposed constitutional amendments
5 which the Secretary of State shall place on the ballots; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-7-21 of the Official Code of Georgia Annotated, relating to qualifications
10 of state court judges, is amended by striking paragraph (2) of subsection (a) and inserting in
11 lieu thereof a new paragraph (2) to read as follows:

12 "(2) If, at the expiration of the qualifying period for the general nonpartisan ~~primary~~
13 election or any special election, no candidate meeting the requirements of paragraph (1)
14 of this subsection has qualified, then the county election superintendent shall reopen
15 qualifying for a period of 15 days, and any person may qualify who: (A) will have been
16 for three years next preceding the beginning of the term of office a resident of the
17 superior court judicial circuit containing the geographic area in which the judge is to
18 serve; and (B) meets all requirements, other than the residency requirement specified in
19 paragraph (1) of this subsection, for eligibility for nomination and election to the office
20 of state court judge."

21 **SECTION 2.**

22 Code Section 20-2-56 of the Official Code of Georgia Annotated, relating to nonpartisan
23 primaries and elections for members of boards of education, is amended by striking said
24 Code section in its entirety and inserting in lieu thereof a new Code Section 20-2-56 to read
25 as follows:

26 "20-2-56.

27 (a) Notwithstanding any other provisions of law to the contrary, the General Assembly
28 may provide by local law for the ~~nomination and election in nonpartisan primaries and~~
29 ~~elections or for the election in nonpartisan elections without a prior nonpartisan primary~~
30 of candidates to fill the offices of members of boards of education and, in the case of
31 independent school systems, for the ~~nomination and election in nonpartisan primaries and~~
32 ~~elections or for the election in nonpartisan elections without a prior nonpartisan primary~~
33 of candidates to fill the offices of members of the boards of education of those independent

1 school systems using the procedures established in Chapter 2 of Title 21, the 'Georgia
2 Election Code.'

3 ~~(b) Pursuant to the authority of this subsection, members of any local board of education~~
4 ~~who are required to be elected to such offices in nonpartisan primaries and elections, when~~
5 ~~such requirement is imposed by the terms of a local law which became effective before this~~
6 ~~subsection may become effective under the Voting Rights Act of 1965, as amended, shall~~
7 ~~continue to be elected in such nonpartisan primaries and elections, unless thereafter~~
8 ~~changed by local law."~~

9 SECTION 3.

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
11 primaries generally, is amended by striking Code Section 21-2-130, relating to the
12 procedures for qualification of candidates generally, in its entirety and inserting in lieu
13 thereof a new Code Section 21-2-130 to read as follows:

14 "21-2-130.

15 Candidates may qualify for an election by virtue of:

16 (1) Nomination in a primary conducted by a political party;

17 (2) Filing a nomination petition either as an independent candidate or as a nominee of
18 a political body, if duly certified by the chairperson and the secretary of the political body
19 as having been nominated in a duly constituted political body convention as prescribed
20 in Code Section 21-2-172;

21 (3) Nomination for a state-wide office by a duly constituted political body convention
22 as prescribed in Code Section 21-2-172 if the political body making the nomination has
23 qualified to nominate candidates for state-wide public office under the provisions of Code
24 Section 21-2-180;

25 (4) In the case of an election for presidential electors, nomination as prescribed by rules
26 of a political party;

27 (5) Substitute nomination by a political party or body ~~or substitute nonpartisan~~
28 ~~nomination for judge~~ as prescribed in Code Sections 21-2-134 and 21-2-155,
29 respectively;

30 (6) Candidacy in a special election as prescribed in subsection ~~(d)~~ (e) of Code Section
31 21-2-132; or

32 (7) Being an incumbent qualifying as a candidate to succeed such incumbent as
33 prescribed in subsection ~~(d)~~ (e) of Code Section 21-2-132; ~~or~~

34 ~~(8) Nomination in a nonpartisan primary."~~

SECTION 4.

Said chapter is further amended by striking paragraphs (1) and (2) of subsection (a) of Code Section 21-2-131, relating to fixing and publishing of qualifying fees, and inserting in lieu thereof new paragraphs (1) and (2) to read as follows:

"(1) The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan primary or election, or general election is to be held, and at least 20 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office; provided, however, that for the offices of clerk of the superior court, judge of the probate court, sheriff, tax commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum salary provided by general law for the office, exclusive of cost-of-living increases and longevity increases. If not a salaried office, a reasonable fee shall be set by the governing authority of such county or municipality, such fee not to exceed 3 percent of the income derived from such county office by the person holding the office for the preceding year or more than \$35.00 for a municipal office;

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

SECTION 5.

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

"21-2-132.

(a) The names of nominees of political parties nominated in a primary; and the names of nominees of political parties for the office of presidential elector, ~~and the names of candidates nominated in a nonpartisan primary~~ shall be placed on the election ballot without their filing the notice of candidacy otherwise required by this Code section.

~~(b) Candidates seeking nomination in a nonpartisan primary shall comply with the requirements of subsections (b.1) and (e) of this Code section, as modified by subsection (f) of this Code section, by the date prescribed and shall by the same date pay to the proper authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to have their names placed on the nonpartisan primary ballots. Candidates seeking election in a nonpartisan election for an office that the General Assembly has provided by local Act shall be filled without a prior nonpartisan primary shall comply with the requirements of subsections (c) and (e) (f) of this Code section, as modified by subsection (f) (g) of this Code section, by the date prescribed and shall by the same date pay to the proper authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to have their names placed on the nonpartisan primary election ballots.~~

~~(b.1)~~(c) All candidates seeking nomination in a nonpartisan primary election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the nonpartisan primary election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(1) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan primary election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays; and

(2) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan primary election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays.

~~(e)~~(d) All other candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(1) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving

1 his or her name, residence address, and the office he or she is seeking, in the office of the
2 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately
3 prior to the election and no later than 12:00 Noon on the Friday following the fourth
4 Monday in June in the case of a general election and no earlier than the date of the call
5 of the election and no later than 25 days prior to the election in the case of a special
6 election;

7 (2) Each candidate for a county office, or his or her agent, desiring to have his or her
8 name placed on the election ballot shall file notice of his or her candidacy in the office
9 of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday
10 in June immediately prior to the election and no later than 12:00 Noon on the Friday
11 following the fourth Monday in June in the case of a general election and no earlier than
12 the date of the call of the election and no later than 25 days prior to the election in the
13 case of a special election;

14 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
15 the office of the municipal superintendent of such candidate's municipality during the
16 municipality's qualifying period. Each municipal superintendent shall designate the days
17 of the qualifying period, which shall be no less than three days and no more than five
18 days. The days of the qualifying period shall be consecutive days. Qualifying periods
19 shall comply with the following:

20 (A) In the case of a general election held in an odd-numbered year, the municipal
21 qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in
22 September immediately preceding the general election and shall end no later than 4:30
23 P.M. on the following Friday;

24 (B) In the case of a general election held in an even-numbered year, the municipal
25 qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in
26 August immediately preceding the general election and shall end no later than 4:30
27 P.M. on the following Friday; and

28 (C) In the case of a special election, the municipal qualifying period shall commence
29 no earlier than the date of the call and shall end no later than 25 days prior to the
30 election.

31 The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour
32 allowed for the lunch break; provided, however, that municipalities which have normal
33 business hours which cover a lesser period of time shall conduct qualifying during normal
34 business hours for each such municipality. Except in the case of a special election, notice
35 of the opening and closing dates and the hours for candidates to qualify shall be published
36 at least two weeks prior to the opening of the qualifying period.

1 ~~(d)~~(e) Each candidate required to file a notice of candidacy by this Code section shall, no
2 earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and
3 no later than 12:00 Noon on the second Tuesday in July immediately prior to the election,
4 file with the same official with whom he or she filed his or her notice of candidacy a
5 nomination petition in the form prescribed in Code Section 21-2-170, except that such
6 petition shall not be required if such candidate is:

7 (1) A nominee of a political party for the office of presidential elector when such party
8 has held a national convention and therein nominated candidates for President and Vice
9 President of the United States;

10 (2) Seeking office in a special election;

11 (3) An incumbent qualifying as a candidate to succeed such incumbent if, prior to the
12 election in which such incumbent was originally elected to the office for which such
13 incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination
14 petition as required by this chapter;

15 (4) A candidate seeking ~~nomination or~~ election in a nonpartisan ~~primary or~~ election; or

16 (5) A nominee for a state-wide office by a duly constituted political body convention,
17 provided that the political body making the nomination has qualified to nominate
18 candidates for state-wide public office under the provisions of Code Section 21-2-180.

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

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

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

24 (3) The name of his or her precinct;

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

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

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

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

36 (8) That he or she will not knowingly violate this chapter or rules and regulations
37 adopted under this chapter.

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

3 ~~(f)~~(g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise
4 required by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate
5 who has filed a qualifying petition as provided for in subsection ~~(g)~~ (h) of this Code
6 section. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall
7 under oath affirm his or her poverty and his or her resulting inability to pay the qualifying
8 fee otherwise required. The form of the affidavit shall be prescribed by the Secretary of
9 State and shall include a financial statement which lists the total income, assets, liabilities,
10 and other relevant financial information of the candidate and shall indicate on its face that
11 the candidate has neither the assets nor the income to pay the qualifying fee otherwise
12 required. The affidavit shall contain an oath that such candidate has neither the assets nor
13 the income to pay the qualifying fee otherwise required. The following warning shall be
14 printed on the affidavit form prepared by the Secretary of State, to wit: 'WARNING: Any
15 person knowingly making any false statement on this affidavit commits the offense of false
16 swearing and shall be guilty of a felony.' The name of any candidate who subscribes and
17 swears to an oath that such candidate has neither the assets nor the income to pay the
18 qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or
19 election superintendent, as the case may be.

20 ~~(g)~~(h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
21 qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless
22 such candidate has filed a qualifying petition which complies with the following
23 requirements:

24 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
25 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
26 of registered voters eligible to vote in the last election for the filling of the office the
27 candidate is seeking and the signers of such petition shall be registered and eligible to
28 vote in the election at which such candidate seeks to be elected. A qualifying petition of
29 a candidate for any other office shall be signed by a number of voters equal to 1 percent
30 of the total number of registered voters eligible to vote in the last election for the filling
31 of the office the candidate is seeking and the signers of such petition shall be registered
32 and eligible to vote in the election at which such candidate seeks to be elected. However,
33 in the case of a candidate seeking an office for which there has never been an election or
34 seeking an office in a newly constituted constituency, the percentage figure shall be
35 computed on the total number of registered voters in the constituency who would have
36 been qualified to vote for such office had the election been held at the last general

1 election and the signers of such petition shall be registered and eligible to vote in the
2 election at which such candidate seeks to be elected;

3 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
4 qualified and registered elector of the state entitled to vote in the next election for the
5 filling of the office sought by the candidate supported by the petition and shall add to his
6 or her signature his or her residence address, giving municipality, if any, and county, with
7 street and number, if any. No person shall sign the same petition more than once. Each
8 petition shall support the candidacy of only a single candidate. A signature shall be
9 stricken from the petition when the signer so requests prior to the presentation of the
10 petition to the appropriate officer for filing, but such a request shall be disregarded if
11 made after such presentation;

12 (3) A qualifying petition shall be on one or more sheets of uniform size and different
13 sheets must be used by signers resident in different counties. The upper portion of each
14 sheet, prior to being signed by any petitioner, shall bear the name and title of the officer
15 with whom the petition will be filed, the name of the candidate to be supported by the
16 petition, his or her profession, business, or occupation, if any, his or her place of
17 residence with street and number, if any, the name of the office he or she is seeking, his
18 or her political party or body affiliation, if any, and the name and date of the election in
19 which the candidate is seeking election. If more than one sheet is used, they shall be
20 bound together when offered for filing if they are intended to constitute one qualifying
21 petition, and each sheet shall be numbered consecutively, beginning with number one,
22 at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit
23 of the circulator of such sheet, which affidavit must be subscribed and sworn to by such
24 circulator before a notary public and shall set forth:

25 (A) His or her residence address, giving municipality with street and number, if any;

26 (B) That each signer manually signed his or her own name with full knowledge of the
27 contents of the qualifying petition;

28 (C) That each signature on such sheet was signed within 180 days of the last day on
29 which such petition may be filed; and

30 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
31 electors of the state qualified to sign the petition, that their respective residences are
32 correctly stated in the petition, and that they all reside in the county named in the
33 affidavit;

34 (4) No qualifying petition shall be circulated prior to 180 days before the last day on
35 which such petition may be filed, and no signature shall be counted unless it was signed
36 within 180 days of the last day for filing the same; and

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.

No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all sheets of a petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more sheets of the petition or who signed one of the sheets of the petition as an elector shall be disqualified and rejected."

SECTION 6.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-133, relating to giving notice of intent of write-in candidacy, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no later than the Tuesday after the first Monday in September prior to the election in the case of a general election, no earlier than January 1 and no later than the Tuesday after the first Monday in June in the case of a nonpartisan election for state or county office, or at least 20 or more days prior to a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:

(1) In a state general or special election, notice shall be filed with the Secretary of State and published in a paper of general circulation in the state;

(2) In a general or special election of county officers, notice shall be filed with the superintendent of elections in the county in which he or she is to be a candidate and published in the official organ of the same county; or

(3) In a municipal general or special election, notice shall be filed with the superintendent and published in the official gazette of the municipality holding the election."

SECTION 7.

Said chapter is further amended by striking subsections (a), (d), and (e) of Code Section 21-2-134, relating to the withdrawal, death, or disqualification of a candidate for office, and inserting in lieu thereof new subsections (a), (d), and (e) 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 office; or the municipal superintendent, if nominated for a municipal office. The

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

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

27 "(d) If the withdrawal, death, or disqualification of a candidate after nomination for any
28 public office; ~~except an office filled by a nonpartisan primary~~; would at the time of such
29 event result in there being no candidate for that office on the ballot in the general election,
30 then the vacancy shall be filled by a special primary which shall be open only to the party
31 of such deceased, withdrawn, or disqualified candidate and the office shall be filled by a
32 special election as provided in Code Section 21-2-540.

33 (e) ~~In the event a candidate withdraws, dies, or is disqualified after the nonpartisan primary~~
34 ~~but before the nonpartisan election, no special nonpartisan primary shall be held and the~~
35 ~~nonpartisan election shall be conducted in the following manner:~~

36 (1) ~~If the vacancy occurs prior to 60 days before the general election, the nonpartisan~~
37 ~~election shall be held on the date of the November election. If no candidate receives a~~

majority of the votes cast, a runoff shall be held on the date of the general election runoff. Upon actual knowledge of the withdrawal, death, or disqualification of a candidate, the Secretary of State shall reopen qualifications for any state office and the election superintendent shall reopen qualifications for any county office for a period of not less than one nor more than three days after notice has been published in a newspaper of appropriate circulation. The names of candidates who qualify shall be placed on the nonpartisan election ballot in the arrangement and form prescribed by the Secretary of State or the election superintendent but shall conform insofar as practicable with Code Section 21-2-285.1. The list of electors qualified to vote in the nonpartisan election shall be the same list as is used in the general election; and

(2) If the vacancy occurs within 60 days of the general election, the nonpartisan election shall be held on the date of the general election runoff. If no candidate receives a majority of the votes cast, a runoff shall be held on the fourteenth day after the election. Upon actual knowledge of the withdrawal, death, or disqualification of a candidate, the Secretary of State shall reopen qualifications for any state office and the election superintendent shall reopen qualifications for any county office for a period of not less than one nor more than three days. All candidates who qualify shall be placed on the nonpartisan ballot. The form of the ballot shall be as prescribed by the Secretary of State or the election superintendent. The list of electors qualified to vote in the nonpartisan election shall be the same list as used in the general election. Reserved."

SECTION 8.

Said chapter is further amended by striking Code Section 21-2-135, relating to designation of specific office sought where office has multiple officeholders with same title, and inserting in lieu thereof a new Code Section 21-2-135 to read as follows:

"21-2-135.

(a)(1) In the case of a public office having multiple officeholders with the same title, each candidate, including write-in candidates, shall designate the specific office he or she is seeking, name the person such candidate is seeking to succeed, and give such other appropriate designation as may be required by the Secretary of State or election superintendent each time such candidate qualifies with his or her party in the case of a primary, files a notice of candidacy in the case of an election or a nonpartisan primary, or files a notice of candidacy as a write-in candidate. The designation of the specific office and the name of the person whom a candidate is seeking to succeed in the case of a public office having multiple officeholders shall be entered on the ballot and ballot labels in such manner that in the ensuing primary or election such candidate shall only

oppose the other candidate or candidates, if any, who designated the same specific office and the same name.

(2) In the case of a candidate, including a write-in candidate, seeking one of two or more municipal public offices, each having the same title and each being filled at the same election by the vote of the same electors, the applicable municipal charter or ordinance provisions shall govern whether such candidate shall designate the specific office he or she is seeking. If required to designate the specific office, the candidate shall name his or her incumbent or give other appropriate designation as specified in the charter or ordinance. Such designation shall be entered on the ballot and ballot labels in such manner that in the ensuing municipal primary or election such candidate shall only oppose the other candidate or candidates, if any, designating the same specific office.

(b) In the case of the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, the name of the person such candidate is seeking to succeed and such other designation as may be required by the Secretary of State or election superintendent shall be included in the title of the office on the ballot in all nonpartisan ~~primaries and~~ elections."

SECTION 9.

Said chapter is further amended by striking Code Section 21-2-138, relating to nonpartisan primaries and elections for judicial offices, and inserting in lieu thereof a new Code Section 21-2-138 to read as follows:

"21-2-138.

The names of all candidates who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election superintendent for the office of judge of a state court shall be placed on the ballot in a nonpartisan primary election to be held and conducted jointly with the general primary in each even-numbered year. ~~The names of candidates nominated in such nonpartisan primary shall be placed on the official ballot in the nonpartisan election which shall be held and conducted jointly with the regular general election in each even-numbered year.~~ No candidates for any such office shall be nominated by a political party or by a petition as a candidate of a political body or as an independent candidate. ~~In a nonpartisan primary, candidates~~ Candidates for any such office shall have their names placed on the nonpartisan portion of each political party ballot by complying with the requirements prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. The Secretary of State may provide for the printing of independent ballots containing the names of the nonpartisan

1 ~~judicial~~ candidates for those voters not affiliated with a political party. Candidates shall be
 2 listed on the official ballot ~~in a nonpartisan primary and~~ in a nonpartisan election as
 3 provided in Code Sections Section 21-2-284.1 and 21-2-285.1, respectively. Except as
 4 otherwise specified in this chapter, the procedures to be employed in conducting the
 5 nonpartisan ~~primary and nonpartisan~~ election of judges of state courts, judges of superior
 6 courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall conform
 7 as nearly as practicable to the procedures governing general primaries and general
 8 elections; and such general primary and general election procedures as are necessary to
 9 complete this nonpartisan election process shall be adopted in a manner consistent with
 10 such nonpartisan ~~primaries and nonpartisan~~ elections."

11 **SECTION 10.**

12 Said chapter is further amended by striking subsection (a) of Code Section 21-2-139, relating
 13 to nonpartisan elections, and inserting in lieu thereof a new subsection (a) to read as follows:

14 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 15 Assembly may provide by local Act for the ~~nomination and~~ election in nonpartisan
 16 ~~primaries and~~ elections of candidates to fill county judicial offices, offices of local school
 17 boards, and offices of consolidated governments which are filled by the vote of the electors
 18 of said county or political subdivision. ~~The General Assembly may provide by local Act~~
 19 ~~for the election of such officers at nonpartisan elections without a prior nonpartisan~~
 20 ~~primary~~. Except as otherwise provided in this Code section, the procedures to be employed
 21 in such nonpartisan ~~primaries, if applicable, and~~ elections shall conform as nearly as
 22 practicable to the procedures governing nonpartisan ~~primaries and nonpartisan~~ elections
 23 as provided in this chapter. Except as otherwise provided in this Code section, the election
 24 procedures established by any existing local law which provides for the nonpartisan
 25 ~~nomination, if applicable, and~~ election of candidates to fill county offices shall conform to
 26 the general procedures governing nonpartisan ~~primaries, if applicable, and nonpartisan~~
 27 elections as provided in this chapter, and such nonpartisan ~~primaries, if applicable, and~~
 28 ~~nonpartisan~~ elections shall be conducted in accordance with the applicable provisions of
 29 this chapter, notwithstanding the provisions of any existing local law. For those offices for
 30 which the General Assembly as of July 1, 2001, pursuant to this Code section, provided by
 31 local Act for election in nonpartisan primaries and elections, such offices shall no longer
 32 require nonpartisan primaries. Such officers shall be elected in nonpartisan elections in
 33 accordance with this chapter without a prior nonpartisan primary."

SECTION 11.

Said chapter is further amended by striking Code Section 21-2-150, relating to date of general primary, and inserting in lieu thereof a new Code Section 21-2-150 to read as follows:

"21-2-150.

(a) Whenever any political party holds a primary to nominate candidates for public offices to be filled in the ensuing November election, such primary shall be held on the third Tuesday in ~~July~~ August in each even-numbered year or, in the case of municipalities, on the third Tuesday in ~~July~~ August in each odd-numbered year, except as provided in subsection ~~(c)~~ (b) of this Code section.

~~(b) Whenever any nonpartisan primary is held to nominate candidates for the office of judge of the state court, judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court to be filled in the ensuing November election, such primary shall be held jointly with the political primaries on the third Tuesday in July in each even-numbered year, except as provided in subsection (c) of this Code section.~~

~~(c)~~(b) Whenever the primary occurs during the same week of the national convention of either the political party whose candidates received the highest number of votes or the political party whose candidates received the next highest number of votes in the last presidential election, the general primary shall be conducted on the second Tuesday in ~~July~~ August of such year. This subsection shall not apply unless the date of the convention of the political party is announced by the political party prior to April 1 of the year in which the general primary is conducted."

SECTION 12.

Said chapter is further amended by striking Code Section 21-2-151, relating to authorization for political party primaries and for nonpartisan primaries for judicial offices, and inserting in lieu thereof a new Code Section 21-2-151 to read as follows:

"21-2-151.

(a) A political party may elect its officials and shall nominate its candidates for public office in a primary. Except for substitute nominations as provided in Code Section 21-2-134 and nomination of presidential electors, all nominees of a political party for public office shall be nominated in the primary preceding the general election in which the candidates' names will be listed on the ballot.

~~(b) Candidates for the office of judge of the state courts, judge of the superior courts, Judge of the Court of Appeals, or Justice of the Supreme Court shall be nominated in a nonpartisan primary. Candidates seeking nomination to such judicial offices shall be~~

1 ~~nominated in the nonpartisan primary preceding the nonpartisan election in which the~~
2 ~~candidates' names will be listed on the ballot.~~

3 ~~(c)~~(b) The primary held for such purposes shall be conducted by the superintendent in the
4 same manner as prescribed by law and by rules and regulations of the State Election Board
5 and the superintendent for general elections. Primaries of all political parties and all
6 nonpartisan ~~primaries~~ elections shall be conducted jointly."

7 **SECTION 13.**

8 Said chapter is further amended by striking Code Section 21-2-155, relating to the reopening
9 of qualifications in the event of a candidate's death, and inserting in lieu thereof a new Code
10 Section 21-2-155 to read as follows:

11 "21-2-155.

12 ~~(a)~~ In the event of the death of a candidate prior to the date of a political party primary, the
13 state executive committee or other committee of the party authorized by party rule or, in
14 the case of a municipal election, the municipal executive committee may reopen
15 qualification for the office sought by the deceased candidate for a period of not less than
16 one nor more than three days.

17 ~~(b) In the event of the death of a candidate prior to the date of a nonpartisan primary, the~~
18 ~~Secretary of State shall reopen qualifications for the state office, the county superintendent~~
19 ~~shall reopen qualifications for the county office sought by the deceased candidate, and the~~
20 ~~municipal superintendent or governing authority shall reopen qualifications for the~~
21 ~~municipal office sought by the deceased candidate for a period of not less than one nor~~
22 ~~more than three days."~~

23 **SECTION 14.**

24 Said chapter is further amended by striking subsection (c) of Code Section 21-2-215, relating
25 to the location, hours, and duties of boards of registrars, and inserting in lieu thereof a new
26 subsection to read as follows:

27 "(c) Except as otherwise provided in Code Section 21-2-382.1, the The main office of the
28 board of registrars in each county shall remain open for business during regular office
29 hours on each business day, except Saturday. The main office, or such other offices, shall
30 be open at such designated times other than the normal business hours as shall reasonably
31 be necessary to facilitate registration and at such other hours as will suit the convenience
32 of the public."

SECTION 15.

Said chapter is further amended by striking Code Section 21-2-230, relating to challenge of persons on list of electors by other electors, and inserting in lieu thereof a new Code Section 21-2-230 to read as follows:

"21-2-230.

(a) Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector's polling place or during the open absentee voting period or, if such elector cast an absentee ballot, prior to 12:00 Noon on the day of the election.

(b) Upon the filing of such challenge, the board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct and the locations being used for voting during the open absentee voting period or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.

(c) If the challenged elector appears at the polling place or at the locations being used for voting during the open absentee voting period to vote, such elector shall be given the opportunity to appear before the registrars and answer the grounds of the challenge.

(d) If the challenged elector does not cast an absentee ballot and does not appear at the polling place or at the locations being used for voting during the open absentee voting period to vote and if the challenge is based on grounds other than the qualifications of the elector to remain on the list of electors, no further action by the registrars shall be required.

(e) If the challenged elector cast an absentee ballot and it is not practical to conduct a hearing prior to the close of the polls and the challenge is based upon grounds other than the qualifications of the elector to remain on the list of electors, the absentee ballot shall be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No further action by the registrars shall be required.

(f) If the challenged elector does not cast an absentee ballot and does not appear at the polling place or at the locations being used for voting during the open absentee voting period to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall proceed to hear the challenge pursuant to Code Section 21-2-229.

(g) If the challenged elector cast an absentee ballot and the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the board of registrars shall proceed to conduct a hearing on the challenge on an expedited basis prior to the certification of the consolidated returns of the election by the election superintendent. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(h) If the challenged elector appears at the polls on the day of the primary, election, or runoff to vote and it is practical to conduct a hearing on the challenge prior to the close of the polls, the registrars shall conduct such hearing and determine the merits of the challenge. If the registrars deny the challenge, the elector shall be permitted to vote in the election notwithstanding the fact that the polls may have closed prior to the time the registrars render their decision and the elector can actually vote, provided that the elector proceeds to vote immediately after the decision of the registrars. If the registrars uphold the challenge, the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name shall be removed from the list of electors.

(i) If the challenged elector appears at the polls to vote on the day of the primary, election, or runoff and it is not practical to conduct a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently find that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by having the word 'Challenged' and the elector's name written across the back of the elector's ballot notwithstanding the fact that the polls may have closed prior to the time the registrars make such a determination, provided that the elector proceeds to vote immediately after such determination of the registrars. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the registrars shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the registrars. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the

1 superintendent shall proceed to certify the consolidated returns. If the registrars uphold the
2 challenge, the name of the challenged elector shall be removed from the list of electors and
3 the ballot of the challenged elector shall be rejected and not counted and, if necessary, the
4 returns shall be adjusted to remove any votes cast by such elector. The elector making the
5 challenge and the challenged elector may appeal the decision of the registrars in the same
6 manner as provided in subsection (e) of Code Section 21-2-229."

7 **SECTION 16.**

8 Said chapter is further amended by striking Code Section 21-2-231, relating to lists of
9 persons convicted of felonies, persons declared mentally incompetent, and deceased persons
10 provided to Secretary of State, and inserting in lieu thereof a new Code Section 21-2-231 to
11 read as follows:

12 "21-2-231.

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

18 (b) The judge of the probate court of each county shall, on or before the tenth day of each
19 month, prepare and transmit to the Secretary of State, in a format as prescribed by the
20 Secretary of State, a complete list of all persons, including addresses, ages, and other
21 identifying information as prescribed by the Secretary of State, who were declared mentally
22 incompetent during the preceding calendar month in the county and whose voting rights
23 were removed.

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

30 ~~(c)~~(d) The local registrar of vital statistics of each county shall, on or before the tenth day
31 of each month, prepare and transmit to the Secretary of State, in a format as prescribed by
32 the Secretary of State, a complete list of all persons, including addresses, ages, and other
33 identifying information as prescribed by the Secretary of State, who died during the
34 preceding calendar month in the county. The Secretary of State may, by agreement with
35 the commissioner of human resources, obtain such information from the state registrar of

vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of deceased Georgia electors, if possible, from other states.

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

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

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

SECTION 17.

Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section 21-2-270, relating to run-off primaries, and inserting in lieu thereof a new paragraph (1) to read as follows:

"(1) No run-off primary election is to be held for ~~nomination~~ election of any candidate who is ~~nominated~~ elected at a nonpartisan primary election;"

SECTION 18.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-284.1, relating to form of nonpartisan primary ballot, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The names of all candidates seeking nomination in a nonpartisan primary election conducted in conjunction with a partisan primary election shall be printed on the ballot of each political party; and insofar as practicable such offices to be filled in a nonpartisan primary election shall be separated from the names of political party candidates by being listed last on each political party ballot, with the top of that portion of the ballot relating to the nonpartisan primary election to have printed in prominent type the words 'OFFICIAL NONPARTISAN PRIMARY ELECTION BALLOT.' Immediately under this caption the following directions shall be printed: 'Place a cross (X) or check (✓) mark in the square

opposite the name of each nonpartisan candidate for whom you choose to vote. To vote for a person whose name is not on the ballot, manually write his or her name, accompanied by the title of the office involved, in the write-in column. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil.' Immediately under the directions, the names of the nonpartisan candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. The incumbency of a nonpartisan candidate seeking nomination for the public office he or she then holds shall be indicated on the ballots by printing the word 'Incumbent' beside his or her name. Under the title of each office shall be placed a direction as to the number of nonpartisan candidates to be voted for. The votes cast for each nonpartisan candidate listed on all political party ballots shall be combined to determine the total number of votes received by each candidate in the nonpartisan primary election. In the event that a candidate in such nonpartisan primary election does not receive a majority plurality of the total votes cast for such office, there shall be a nonpartisan primary election runoff between the candidates receiving the two highest numbers of votes for such office; and the names of such candidates shall be placed on each political party ballot at the general primary election runoff in the same nonpartisan portion as prescribed in this Code section. If no political party runoff is required, the form of the ballot for the nonpartisan primary election runoff shall be prescribed by the Secretary of State or election superintendent in essentially the same format prescribed for nonpartisan primaries elections. The candidate receiving ~~a majority of the total votes cast in the nonpartisan primary or the candidate receiving~~ the highest number of votes cast in the nonpartisan primary election runoff shall be ~~the only candidate for such office to have his or her name placed on the nonpartisan election ballot, and such person may be referred to as the nominee for such office or as the candidate nominated for such office~~ declared duly elected to such office."

SECTION 19.

Said chapter is further amended by striking subsection (f) of Code Section 21-2-285, relating to the form of the official ballot, and inserting in lieu thereof a new subsection (f) to read as follows:

"(f) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot to the right of or below the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in the order determined by the

1 Constitutional Amendments Publication Board and in brief form as directed by the General
2 Assembly and, in the event of a failure to so direct, the form shall be determined by the
3 Secretary of State and shall include the short title or heading provided for in subsection (c)
4 of Code Section 50-12-101. Unless otherwise provided by law, any other state-wide
5 questions so submitted shall be printed in brief form as directed by the General Assembly
6 and, in the event of a failure to so direct, the form shall be determined by the Secretary of
7 State and any local questions so submitted shall be printed in brief form as directed by the
8 General Assembly and, in the event of a failure to so direct, the form shall be determined
9 by the superintendent. To the left of each question there shall be placed the words 'Yes' and
10 'No' together with appropriate squares to the left of each for the convenient insertion of a
11 cross (X) or check (✓) mark unless otherwise directed by the General Assembly."

12 SECTION 20.

13 Said chapter is further amended by striking Code Section 21-2-285.1, relating to the form of
14 nonpartisan election ballots, and inserting in lieu thereof a new Code Section 21-2-285.1 to
15 read as follows:

16 "21-2-285.1.

17 ~~The names of all candidates nominated in the nonpartisan primary shall be printed on each~~
18 ~~official election ballot; and insofar as practicable such offices to be filled in the nonpartisan~~
19 ~~election shall be separated from the names of candidates for other offices by being listed~~
20 ~~last on each ballot, with the top of that portion of each official election ballot relating to the~~
21 ~~nonpartisan election to have printed in prominent type the words 'OFFICIAL~~
22 ~~NONPARTISAN ELECTION BALLOT.'~~ Immediately under this caption the following
23 ~~directions shall be printed: 'Place a cross (X) or check (✓) mark in the square opposite the~~
24 ~~name of each nonpartisan candidate for whom you choose to vote. To vote for a person~~
25 ~~whose name is not on the ballot, manually write his or her name, accompanied by the title~~
26 ~~of the office involved, in the write-in column. If you spoil your ballot, do not erase, but ask~~
27 ~~for a new ballot. Use only pen or pencil.'~~ Immediately under the directions, the name of
28 ~~each nonpartisan candidate shall be arranged under the title of the office for which such~~
29 ~~candidate was nominated in the official nonpartisan primary. No party designation or~~
30 ~~affiliation shall appear beside the name of any candidate for nonpartisan office. An~~
31 ~~appropriate space shall also be placed on the ballot for the casting of write-in votes for such~~
32 ~~offices. In the event that no candidate in such nonpartisan election receives a plurality of~~
33 ~~the total votes cast for such office, there shall be a nonpartisan election runoff between the~~
34 ~~candidates receiving the two highest numbers of votes; and the names of such candidates~~
35 ~~shall be placed on the official ballot at the general election runoff in the same manner as~~
36 ~~prescribed in this Code section for the nonpartisan election. In the event that only~~

~~nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be as prescribed by the Secretary of State or election superintendent in essentially the same format as prescribed for the nonpartisan election. The candidate having a plurality of the votes cast in the nonpartisan election or the candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office~~
Reserved."

SECTION 21.

Said chapter is further amended by adding new Article 8.1 to read as follows:

"ARTICLE 8.1

21-2-300.

(a) The equipment used for casting and counting votes in county, state, and federal elections shall, prior to the November, 2004, general election, be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State.

(b) Each county shall, prior to being provided with voting equipment by the state, provide polling places that are adequate for the operation of such equipment including, if necessary, the placement within the polling places of a sufficient number of electrical outlets and telephone lines.

(c) Each county shall, prior to being provided with voting equipment by the state, provide or contract for adequate technical support for the installation, set up, and operation of such voting equipment for each primary, election, and special primary and special election as the Secretary of State shall determine by rule or regulation.

(d) The Secretary of State shall be responsible for the development, implementation, and provision of a continuing program to educate voters, election officials, and poll workers in the proper use of such voting equipment. Each county shall bear the costs, including transportation, subsistence, and lodging, incurred by its election and registration officials in attending courses taught by or arranged by the Secretary of State for instruction in the use of the voting equipment.

21-2-301.

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

1 (b) Electronic recording voting systems used in the pilot program shall meet the
2 requirements contained in Part 5 of Article 9 of this chapter and shall have been certified
3 by the Secretary of State as provided in Code Section 21-2-379.2.

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

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

16 (e)(1) There is created the Twenty-first Century Voting Commission. The commission
17 shall be composed of two members appointed by the Speaker of the House of
18 Representatives, two members appointed by the Lieutenant Governor, two members
19 appointed by the Governor, the chief information officer for the State of Georgia or his
20 or her designee, six county or municipal election officials appointed by the Secretary of
21 State, the director of the Elections Division of the office of the Secretary of State, and the
22 Secretary of State, who shall be the chairperson of the commission. The commission
23 shall coordinate and oversee the pilot project authorized by this Code section.

24 (2) The commission shall make a report to the Governor and the General Assembly by
25 December 31, 2001, on the results of the pilot project and shall further advise the
26 Secretary of State on the choice of voting equipment to be used state wide in all counties
27 pursuant to Code Section 21-2-300.

28 (3) Any members of the General Assembly serving on the commission shall receive the
29 allowances authorized for legislative members of interim legislative committees. The
30 public members of the commission who are not public employees shall receive a daily
31 expense allowance as provided in subsection (b) of Code Section 45-7-21. Any public
32 employee serving on the commission shall receive no compensation but may be
33 reimbursed for expenses.

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

SECTION 22.

Said chapter is further amended by striking subsections (g), (h), and (i) of Code Section 21-2-325, relating to form of ballot labels generally, and inserting in lieu thereof new subsections (g), (h), and (i) to read as follows:

"(g) The names of all candidates of a party or body shall appear in the same row or column, and no other names shall appear in the same row or column. The names of candidates and independent candidates shall be arranged under or opposite the title of the office for which they are candidates and shall appear in the order prescribed by subsection (c) and the second sentence of subsection (e) of Code Section 21-2-285. The rows or columns occupied by the names of the candidates of political parties and bodies shall be arranged according to the priority prescribed by subsection (c) of Code Section 21-2-285. When voting machines are used on which the titles of offices are arranged horizontally, the names of all candidates for the same office shall appear within the same vertical lines. ~~The names of all candidates in the nonpartisan election shall appear on a separate portion of the voting machine in the form and arrangement prescribed in Code Section 21-2-285.1 insofar as practicable. At the top of the separate portion shall be printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'~~

(h) In primaries, the ballot labels containing the names of candidates seeking nomination by a political party shall be segregated on the face of the machine in adjacent rows or columns by parties, the priority of such political parties on the ballot labels to be determined in the order prescribed by subsection (c) of Code Section 21-2-285. If a nonpartisan primary election is being held in conjunction with a partisan primary, each partisan ballot label shall be clearly marked to indicate that the elector may vote in the nonpartisan primary election also. In nonpartisan primaries elections, the ballot labels shall include a separate portion for the names of candidates seeking nomination election in a nonpartisan primary election and the heading and arrangement of such candidates shall be as prescribed by Code Section 21-2-284.1 insofar as practicable. At the top of the separate portion shall be printed in prominent type the words 'OFFICIAL NONPARTISAN PRIMARY ELECTION BALLOT.'

(i) In primaries, if it shall be impracticable to place on the ballot labels of one machine the names of all candidates seeking nomination in all political parties and the names of all candidates seeking nomination election in a nonpartisan primary election, the superintendent may arrange for the names of all the candidates seeking nomination in any one political party to be placed on separate voting machines; provided, however, that the names of all candidates seeking nomination election in a nonpartisan primary election shall appear on all machines."

SECTION 23.

Said chapter is further amended by striking Code Section 21-2-380, relating to the definition of an absentee elector, and inserting in lieu thereof a new Code section to read as follows:

"21-2-380.

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

(1) Is required to be absent from his or her ~~precinct~~ county during the entire time of the open absentee voting period prior to the primary or election he or she desires to vote in;

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

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

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

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

~~(6)~~(3) Is 75 years of age or older; or

(4) Votes an absentee ballot without qualification during the open absentee voting period.

(b) As used in this article, the term 'open absentee voting period' means the 15 days prior to a primary or election when absentee voting without qualification is permitted pursuant to Code Section 21-2-385.

(c) As used in this article, the term 'qualified absentee elector' means any absentee elector who fits one of the qualifications listed in paragraphs (1) through (3) of subsection (a) of this Code section."

SECTION 24.

Said chapter is further amended by striking Code Section 21-2-381, relating to application and eligibility for an absentee ballot, and inserting in lieu thereof a new Code section to read as follows:

"21-2-381.

(a)(1) Not more than 180 days prior to the date of the primary or election, or runoff of either, in which the elector desires to vote, any qualified absentee elector may make, either by mail, by facsimile transmission, or in person in the registrar's or absentee ballot clerk's office, an application for an official ballot of the elector's precinct to be voted at

1 such primary, election, or runoff. In the case of an elector residing temporarily out of the
2 county or municipality or a physically disabled elector residing within the county or
3 municipality, the application for the elector's absentee ballot may, upon satisfactory proof
4 of relationship, be made by such elector's mother, father, grandparent, aunt, uncle, sister,
5 brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
6 mother-in-law, father-in-law, brother-in-law, or sister-in-law of the age of 18 or over. The
7 application shall be in writing and shall contain sufficient information for proper
8 identification of the elector; the permanent or temporary address of the elector to which
9 the absentee ballot shall be mailed; the identity of the primary, election, or runoff in
10 which the elector wishes to vote; the reason for requesting the absentee ballot; and the
11 name and relationship of the person requesting the ballot if other than the elector.

12 (2) Except in the case of physically disabled electors residing in the county or
13 municipality, no absentee ballot shall be mailed to an address other than the permanent
14 mailing address of the elector as recorded on the elector's voter registration record or a
15 temporary out-of-county or out-of-municipality address.

16 (3) Relatives applying for absentee ballots for electors must also sign an oath stating that
17 facts in the application are true.

18 (4) If the elector is unable to fill out or sign such elector's own application because of
19 illiteracy or physical disability, the elector shall make such elector's mark, and the person
20 filling in the rest of the application shall sign such person's name below it as a witness.

21 (5) One timely and proper application for an absentee ballot for use in a primary shall
22 be sufficient to require the mailing of the absentee ballot for such primary as well as for
23 any runoffs resulting therefrom and for the election for which such primary shall
24 nominate candidates and any runoffs resulting therefrom to an eligible absentee elector
25 who lives outside the county or municipality in which the election is held and is also a
26 member of the armed forces of the United States, a member of the merchant marine of
27 the United States, or a spouse or dependent of a member of the armed forces or the
28 merchant marine residing with or accompanying said member or overseas citizen. Any
29 elector meeting ~~criteria~~ the criterion of advanced age or disability specified by rule or
30 regulation of the Secretary of State may request in writing on one application a ballot for
31 a primary as well as for any runoffs resulting therefrom and for the election for which
32 such primary shall nominate candidates as well as any runoffs resulting therefrom. If not
33 so requested by such person, a separate and distinct application shall be required for each
34 primary, run-off primary, election, and run-off election. Notwithstanding the foregoing,
35 a separate and distinct application for an absentee ballot shall always be required for the
36 presidential preference primary held pursuant to Article 5 of this chapter and for any
37 special election or special primary.

1 ~~(2)~~(6) A properly executed registration card submitted under the provisions of subsection
2 (b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in
3 which the registrant is entitled to vote, shall be considered to be an application for an
4 absentee ballot under this Code section, or for a special absentee ballot under Code
5 Section 21-2-381.1, as appropriate.

6 ~~(3)~~(7) Any application for an official absentee ballot that is distributed by a person,
7 entity, or organization shall require a voter to identify thereon which one of the legally
8 acceptable categories of qualified absentee electors listed in paragraphs (1) through (3)
9 of subsection (a) of Code Section 21-2-380 authorizes the voter to vote by absentee
10 ballot.

11 ~~(b)~~(1) Upon receipt of a timely application, a registrar or absentee ballot clerk shall enter
12 thereon the date received and shall determine if the applicant is eligible to vote in the
13 primary or election involved.

14 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
15 proper place on the application and shall either mail the ballot as provided in this Code
16 section or issue the ballot to the elector to be voted within the confines of the registrar's
17 or absentee ballot clerk's office or deliver the ballot in person to the elector if such elector
18 is confined to a hospital.

19 (3) If found ineligible, the clerk or the board of registrars shall deny the application by
20 writing the reason for rejection in the proper space on the application and shall promptly
21 notify the applicant in writing of the ground of ineligibility, a copy of which notification
22 should be retained on file in the office of the board of registrars or absentee ballot clerk
23 for at least one year.

24 (4) If the registrar or clerk is unable to determine the identity of the elector from
25 information given on the application, the registrar or clerk should promptly write to
26 request additional information.

27 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
28 or the board shall immediately mail a blank registration card as provided by Code Section
29 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by
30 absentee ballot in such primary or election, if the registration card, properly completed,
31 is returned to the clerk or the board on or before the last day for registering to vote in
32 such primary or election. If the closing date for registration in the primary or election
33 concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,
34 as soon as it is prepared and available; and the ballot shall be cast in such primary or
35 election if returned to the clerk or board not later than the close of the polls on the day of
36 the primary or election concerned.

(c) In those counties or municipalities in which the absentee ballot clerk or board of registrars provides application forms for absentee ballots, the clerk or board shall provide such quantity of the application form to the dean of each college or university located in that county as said dean determines necessary for the students of such college or university.

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

(A) If such citizen was last domiciled in Georgia immediately before his or her departure from the United States; and

(B) If such citizen could have met all qualifications, except any qualification relating to minimum voting age, to vote in federal elections even though, while residing outside the United States, he or she does not have a place of abode or other address in Georgia.

(2) An individual is entitled to make application for an absentee ballot under paragraph (1) of this subsection even if such individual's intent to return to Georgia may be uncertain, as long as:

(A) He or she has complied with all applicable Georgia qualifications and requirements which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for and voting by absentee ballots;

(B) He or she does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district of a state or territory or in any territory or possession of the United States; and

(C) He or she has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or, in lieu thereof, an alternative form of identification consistent with 42 U.S.C. Section 1973ff and applicable state requirements, if a citizen does not possess a valid passport or card of identity and registration.

(e) The Secretary of State is authorized to promulgate reasonable rules and regulations for the implementation of ~~paragraph (1)~~ of subsection (a) of this Code section. Said rules and regulations may include provisions for the limitation of opportunities for fraudulent application, including, but not limited to, comparison of voter registration records with death certificates."

SECTION 25.

Said chapter is further amended by striking Code Section 21-2-382, relating to additional sites as additional registrar's office or place of registration for absentee ballots, and inserting in lieu thereof two new Code sections to read as follows:

1 "21-2-382.

2 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
3 registrars or municipal governing authority, as appropriate, may establish by unanimous
4 vote additional sites as additional registrar's offices, absentee ballot clerk's offices, or
5 places of registration for the purpose of receiving absentee ballots under Code Section
6 21-2-381 and for the purpose of voting absentee ballots under Code Section 21-2-385,
7 provided that any such site is a branch of the county courthouse, a courthouse annex, a
8 government service center providing general government services, an authorized polling
9 place, or another government building generally accessible to the public.

10 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of
11 this state having a population of 550,000 or more or having a population between 88,000
12 and 90,000 according to the United States decennial census of 1990 or any future such
13 census, any branch of the county courthouse or courthouse annex established within any
14 such county shall be an additional registrar's office or place of registration for the purpose
15 of receiving absentee ballots under Code Section 21-2-381 and for the purpose of voting
16 absentee ballots under Code Section 21-2-385.

17 21-2-382.1.

18 During the open absentee voting period and for the purpose of absentee voting without
19 qualification, the main office of the board of registrars, the absentee ballot clerk's office,
20 and other such locations within the city or county as may be designated by the board of
21 registrars or the governing authority of the municipality for the purpose of absentee voting
22 without qualification shall be open as follows:

23 (1) In counties with a population of 50,000 or less and in cities with a population of
24 25,000 or less according to the United States decennial census of 1990 or any future such
25 census, on at least two weekday evenings until at least 7:00 P.M. and for a reasonable
26 period of time on at least one weekend day, provided that such offices and such other
27 locations shall be open on the last Saturday of the open absentee voting period. Such
28 period of time shall not be for less than four hours on each such weekend day; and

29 (2) In counties with a population of over 50,000 and cities with a population of over
30 25,000 according to the United States decennial census of 1990 or any future such census,
31 on at least four weekday evenings until at least 7:00 P.M. and for a reasonable period of
32 time on at least two weekend days, provided that such offices and such locations shall be
33 open on the last Saturday of the open absentee voting period. Such period of time shall
34 not be for less than four hours on each such weekend day."

SECTION 26.

Said chapter is further amended by striking Code Section 21-2-385, relating to the procedure for voting by absentee ballot, and inserting in lieu thereof a new Code section to read as follows:

"21-2-385.

(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.' This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector; the name, relationship, and oath of the person assisting, if any; and other required identifying information. The elector shall then fill out, subscribe, and swear to the oath printed on such envelope. Such envelope shall then be securely sealed and the elector shall then mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that delivery by a physically disabled elector may be made by any adult person upon satisfactory proof that such adult person is such elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such disabled elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk.

(b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from one of the following: any elector who is qualified to vote in the same county or municipality as the disabled or illiterate elector or the mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate elector. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope as the oath to be signed by the elector. If the disabled or illiterate elector is sojourning outside his or her own county or municipality, a notary public of the jurisdiction may give such assistance and shall sign the oath printed on the same envelope as the oath to be signed by the elector. No person shall assist more than ten such electors in any primary, election, or runoff.

(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot shall be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office; and the elector shall then and there vote and return the absentee ballot as provided in subsections

(a) and (b) of this Code section. However, an elector who applies in person for an absentee ballot during the open absentee voting period shall vote in accordance with subsection (d) of this Code section. The board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d) Absentee voting without qualification is permitted in county, state, and federal elections during the open absentee voting period which shall begin on the fifteenth day prior to a primary or election and shall end at 5:00 P.M. on the Saturday before the primary or election. During the open absentee voting period, an elector may vote an absentee ballot without meeting any of the qualifications listed in paragraphs (1) through (3) of subsection (a) of Code Section 21-2-380 by appearing in person at the main office of the board of registrars or absentee ballot clerk or at any such other location within the city or county as may be designated pursuant to Code Section 21-2-382 and presenting proper identification as defined in Code Section 21-2-417. If the elector is qualified to vote, the elector shall vote in the same manner and using the same type of voting method, voting machine, or voting system as the voters who vote at the polls on election day. The Secretary of State by rule or regulation shall provide mechanisms, methods, and procedures for ensuring the confidentiality and security of the votes cast during the open absentee voting period. The Secretary of State shall further ensure that the votes cast during the open absentee voting period are not tabulated or counted in any manner prior to the close of polls on election day. In promulgating rules and regulations to implement this subsection, the Secretary of State may provide different mechanisms, methods, and procedures for each specific type of voting method or system in use in the state so long as such mechanisms, methods, and procedures adequately protect the confidentiality and security of the votes cast."

SECTION 27.

Said chapter is further amended by striking Code Section 21-2-388, relating to cancellation of absentee ballots of electors who are present in election precinct during primaries and elections, and inserting in lieu thereof a new Code Section 21-2-388 to read as follows:

"21-2-388.

When an absentee ballot which has been voted shall be returned to the board of registrars, it shall be deemed to have been voted then and there; and no other absentee ballot shall be issued to the same elector. However, if an elector who has requested to vote by absentee ballot based upon the reason that the elector is required to be absent from the elector's precinct county during the entire time of open absentee voting period for the primary or election in which the elector desires to vote is present in the precinct of the elector's residence during the time the polls are open in any primary, election, or runoff for which

1 the elector has requested an absentee ballot or if the elector's circumstances change and the
2 elector is no longer eligible to vote by absentee ballot under Code Section 21-2-380, such
3 elector shall have the absentee ballot canceled in one of the following ways:

4 (1) By surrendering the absentee ballot to the poll manager of the precinct in which the
5 elector's name appears on the electors list and then being permitted to vote the regular
6 ballot. The poll manager shall mark 'Canceled' and the date and time across the face of
7 the absentee ballot and shall initial same. The poll manager shall also make appropriate
8 notations beside the name of the elector on the electors list. All such canceled absentee
9 ballots shall be returned with other ballots to the superintendent;

10 (2) By appearing in person before the registrars or the absentee ballot clerk and
11 requesting in writing that the envelope containing the elector's absentee ballot be marked
12 'Canceled.' After having satisfied themselves as to the identity of such elector, the
13 registrars or the absentee ballot clerk shall grant the request and shall notify the managers
14 of the elector's precinct as to such action so as to permit the elector to vote in person in
15 that precinct. If the absentee ballot is in the possession of the registrars or the absentee
16 ballot clerk, it shall be promptly marked 'Canceled' and the date and time written across
17 the face of the envelope. If the absentee ballot is in the mail or its exact location is
18 unknown, the registrar or the absentee ballot clerk shall write 'Canceled' beside the
19 elector's name on the master list of absentee voters and shall cancel the ballot itself as
20 soon as it is received. Canceled absentee ballots shall be disposed of in the same manner
21 as provided in subsection (a) of Code Section 21-2-386 for absentee ballots returned too
22 late to be cast."

23 **SECTION 28.**

24 Said chapter is further amended by striking subsections (a), (b), and (c) of Code Section
25 21-2-408, relating to poll watchers, and inserting in lieu thereof a new subsections (a), (b),
26 and (c) to read as follows:

27 "(a) In a primary or run-off primary, each candidate entitled to have his or her name placed
28 on the primary or run-off primary ballot may submit the name of one poll watcher for each
29 precinct in which he or she wishes to have an observer to the chairperson or secretary of
30 the appropriate party executive committee at least 21 days prior to such primary or 14 days
31 prior to such run-off primary. The appropriate party executive committee shall designate
32 at least seven days prior to such primary or run-off primary no more than two poll watchers
33 for each precinct, such poll watchers to be selected by the committee from the list
34 submitted by party candidates. ~~In addition, candidates running in a nonpartisan primary~~
35 ~~shall be entitled to designate one poll watcher in each precinct.~~ Official poll watchers shall
36 be given a letter signed by the party chairperson and secretary, if designated by a political

1 party, ~~or by the nonpartisan candidate, if designated by the nonpartisan candidate,~~
2 containing the following information: name of official poll watcher, address, precinct in
3 which he or she shall serve, and name and date of primary or run-off primary. At least three
4 days prior to the primary, a copy of the letter shall be delivered to the superintendent of the
5 county or municipality in which the poll watcher is to serve.

6 (b)(1) In an election or run-off election, each political party and political body shall each
7 be entitled to designate, at least seven days prior to such election or run-off election, no
8 more than two official poll watchers in each precinct to be selected by the appropriate
9 party or body executive committee. Each independent candidate shall be entitled to
10 designate one poll watcher in each precinct. In addition, candidates running in a
11 nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each
12 poll watcher shall be given a letter signed by the appropriate political party or body
13 chairperson and secretary, if a party or body designates same, or by the independent or
14 nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter
15 shall contain the following information: name of official poll watcher, address, precinct
16 in which he or she shall serve, and date of election or run-off election. At least three days
17 prior to the election, a copy of the letter shall be delivered to the superintendent of the
18 county or municipality in which the poll watcher is to serve.

19 (2) In an election or run-off election, each political party and political body, which body
20 is registered pursuant to Code Section 21-2-110 and has nominated a candidate for
21 state-wide office, shall additionally be entitled to designate, at least 14 days prior to such
22 election or run-off election, no more than five official state-wide poll watchers to be
23 selected by the appropriate party or body executive committee. Each independent
24 candidate shall also be entitled to designate five official state-wide poll watchers. In
25 addition, candidates running in a state-wide nonpartisan election shall be entitled to
26 designate five official state-wide poll watchers. All such designations of state-wide poll
27 watchers shall be in writing and made and submitted to the State Election Board. A
28 state-wide poll watcher shall have the same powers and duties as poll watchers and shall
29 be entitled to watch the polls in any precinct in the state but shall otherwise be subject to
30 all limitations and prohibitions placed on poll watchers. Each state-wide poll watcher
31 shall be given a letter signed by the chairperson of the State Election Board. Such letter
32 shall contain the following information: name of official state-wide poll watcher, address,
33 a statement that such poll watcher is a state-wide poll watcher, and date of election or
34 run-off election. At least three days prior to the election, a copy of the letter shall be
35 delivered to the superintendent of each county in which the poll watcher might serve.

36 (c) In counties or municipalities using vote recorders, each political party may appoint two
37 poll watchers in each primary or election, each political body may appoint two poll

1 watchers in each election, each nonpartisan candidate may appoint one poll watcher in each
2 nonpartisan ~~primary or nonpartisan~~ election, and each independent candidate may appoint
3 one poll watcher in each election to serve in the locations designated by the superintendent
4 within the tabulating center. Such designated locations shall include the check-in area, the
5 computer room, the duplication area, and such other areas as the superintendent may deem
6 necessary to the assurance of fair and honest procedures in the tabulating center. The poll
7 watchers provided for in this subsection shall be appointed and serve in the same manner
8 as other poll watchers."

9 SECTION 29.

10 Said chapter is further amended by striking subsection (h) of Code Section 21-2-480, relating
11 to the caption of the ballot for optical scanning voting equipment, and inserting in lieu
12 thereof a new subsection (h) to read as follows:

13 "(h) When proposed constitutional amendments or other questions are submitted to a vote
14 of the electors, each amendment or other question so submitted may be printed upon the
15 ballot below the groups of candidates for the various offices. Proposed constitutional
16 amendments so submitted shall be printed in the order determined by the Constitutional
17 Amendments Publication Board and in brief form as directed by the General Assembly or,
18 in the event of a failure to so direct, the form shall be determined by the Secretary of State
19 and shall include the short title or heading provided for in subsection (c) of Code Section
20 50-12-101. Unless otherwise provided by law, any other state-wide questions so submitted
21 shall be printed in brief form as directed by the General Assembly or, in the event of a
22 failure to so direct, the form shall be determined by the Secretary of State; and any local
23 questions so submitted shall be printed in brief form as directed by the General Assembly
24 or, in the event of a failure to so direct, the form shall be determined by the superintendent.
25 Next to the question there shall be placed the words 'YES' and 'NO' together with
26 appropriate ovals or squares or broken arrows to be marked."

27 SECTION 30.

28 Said chapter is further amended by striking Code Section 21-2-573, relating to absentee
29 voting by an unqualified elector, and inserting in lieu thereof a new Code section to read as
30 follows:

31 "21-2-573.

32 (a) Except as provided in subsection (b) of this Code section, any Any person who votes
33 or attempts to vote by absentee ballot at any primary or election under Article 10 of this
34 chapter and who is not a qualified to vote absentee elector as defined in subsection (c) of
35 Code Section 21-2-380 shall be guilty of a misdemeanor.

1 (b) The provisions of subsection (a) of this Code section shall not apply to a person who
2 votes an absentee ballot without qualification during the open absentee voting period."

3 **SECTION 31.**

4 Code Section 50-12-101 of the Official Code of Georgia Annotated, relating to assignment
5 of numbers by board to proposed constitutional amendments and Constitutions, is amended
6 by adding a new subsection (c) to read as follows:

7 "(c) The board shall also assign to each proposed constitutional amendment a short title
8 or heading of no more than 15 words that shall describe in summary form the substance of
9 the proposal. The Secretary of State shall cause such short title or heading to be printed in
10 bold face at the beginning of each proposed constitutional amendment that appears on the
11 ballot."

12 **SECTION 32.**

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