

House Bill 479 (COMMITTEE SUBSTITUTE)

By: Representatives Holmes of the 53rd, Hudson of the 120th, DeLoach of the 172nd, Watson of the 70th and Mobley of the 69th

A BILL TO BE ENTITLED

AN ACT

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18 "withdrawn" shall be stamped across the name of a withdrawn candidate on printed ballots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

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

space from 12 to 18 years of age; to provide for when municipal officers shall be sworn in under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"21-2-8.

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

SECTION 2.

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

"21-2-50.

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

- 1 (1) To determine the forms of nomination petitions, ballots, and other forms the
2 Secretary of State is required to determine under this chapter;
- 3 (2) To receive registration statements from political parties and bodies and to determine
4 their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes
5 concerning such statements;
- 6 (3) To receive and determine the sufficiency of nomination petitions of candidates filing
7 notice of their candidacy with the Secretary of State in accordance with this chapter;
- 8 (4) To certify to the proper superintendent official lists of all the political party
9 candidates who have been certified to the Secretary of State as qualified candidates for
10 the succeeding primary and to certify to the proper superintendent official lists of all the
11 candidates who have filed their notices of candidacy with the Secretary of State, both
12 such certifications to be in substantially the form of the ballots to be used in the primary
13 or election. The Secretary of State shall add to such form the language to be used in
14 submitting any proposed constitutional amendment or other question to be voted upon at
15 such election;
- 16 (5) To furnish to the proper superintendent all blank forms, including tally and return
17 sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions
18 for marking ballots, tally sheets, precinct returns, recap sheets, consolidated returns, oaths
19 of managers and clerks, oaths of assisted electors, voters certificates and binders,
20 applications for absentee ballots, envelopes and instruction sheets for absentee ballots,
21 and such other supplies as the Secretary of State shall deem necessary and advisable from
22 time to time, for use in all elections and primaries. Such forms shall have printed thereon
23 appropriate instructions for their use;
- 24 (6) To receive from the superintendent the returns of primaries and elections and to
25 canvass and compute the votes cast for candidates and upon questions, as required by this
26 chapter;
- 27 (7) To furnish upon request a certified copy of any document in the Secretary of State's
28 custody by virtue of this chapter and to fix and charge a fee to cover the cost of furnishing
29 same;
- 30 (8) To perform such other duties as may be prescribed by law;
- 31 (9) To determine and approve the form of ballots for use in special elections;
- 32 (10) To prepare and provide a notice to all candidates for federal or state office advising
33 such candidates of such information, to include requirements of this chapter, as may, in
34 the discretion of the Secretary of State, be conducive to the fair, legal, and orderly
35 conduct of primaries and elections. A copy of such notice shall be provided to each
36 superintendent for further distribution to candidates for county and militia district offices;

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

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

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

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

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

SECTION 3.

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

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

SECTION 4.

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

"21-2-99.

(a) The election superintendent shall provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conducting elections, and the poll officers' or poll workers' duties in connection therewith before the first election in each election cycle. In precincts in which voting machines or vote recorders are to be used, the superintendent, the custodians

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

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

24 SECTION 5.

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

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

SECTION 6.

Said title is further amended by striking subsection (a) of Code Section 21-2-111, relating to establishment of state and county executive committees, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Each political party shall establish and maintain a state executive committee exercising state-wide jurisdiction and control over party affairs and a county executive committee in each county in which it holds a primary, exercising county-wide jurisdiction and control over party affairs. A party may establish and maintain such other committees as it may from time to time deem advisable. The membership of such committees shall be selected in the manner determined by the state executive committee. Each committee shall be presided over by a chairperson and shall have a secretary and such other officers as deemed advisable, and a list of all such committees shall be filed with the appropriate election official for the state or county. The state executive committee shall have the same power over municipal party executive committees as it has over county party executive committees."

SECTION 7.

Said title is further amended by striking subsections (a) and (c) of Code Section 21-2-131, relating to the fixing and publishing of qualifying fees, in their entirety and inserting in lieu thereof a new subsections (a) and (c) to read as follows:

"(a) Qualification fees for party and public offices shall be fixed and published 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 general election is to be held, and at least ~~20~~ 35 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 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8.

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

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

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

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

31 SECTION 9.

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

1 "21-2-136.

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

11 SECTION 10.

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

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

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

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

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

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

8 **SECTION 11.**

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

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

21 **SECTION 12.**

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

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

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

4 **SECTION 13.**

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

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

22 **SECTION 14.**

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

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

31 **SECTION 15.**

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

"(g) Each principal or assistant principal of every public or private high school, the president of every public or private college or university, the president of each state supported technical institute in this state, and the designee of such principal, assistant principal, college or university president, or state supported technical institute president shall be a deputy registrar of the county in which the school, college, university, or institute is located for the purpose of receiving voter registration applications from those qualified applicants who are enrolled students within the principal's school or the president's college, university, or institute or who are employed by the private high school, the school system, the college or university, or the state supported technical institute, notwithstanding the fact that such students or employees are not residents of the county in which the school, college, university, or institute is located. Such principals, assistant principals, presidents, and their designees shall inform their students and employees of the availability of such voter registration and shall provide reasonable and convenient procedures to enable such persons who are qualified applicants to register. The principal of each public or private high school, the president of each public or private college or university, and the president of each state supported technical institute are authorized to invite other deputy registrars to the school, college, university, or institute for the purpose of conducting voter registration. All such deputy registrars authorized by this subsection shall receive annual training by the board of registrars of the county in which such deputy registrar shall work."

SECTION 16.

Said title is further amended by striking subsection (a) of Code Section 21-2-219, relating to voter registration cards, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The registration cards for use by persons in making application to register to vote shall be in a form as specified by the Secretary of State, which shall include printed forms, forms made available through electronic means, or otherwise. Except as provided in subsection (b) of this Code section, only registration cards issued or authorized for use by the Secretary of State or the national voter registration card promulgated by the Federal Election Commission under the provisions of the National Voter Registration Act of 1993, 42 U.S.C. Section 1973gg-7, shall be accepted for purposes of voter registration."

SECTION 17.

Said title is further amended by adding a new subsection (e) to Code Section 21-2-220, relating to application for voter registration, to read as follows:

"(e) A person registering to vote who is disabled or illiterate may request assistance from any other person in completing the form for registration, but the person offering assistance

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

3 **SECTION 18.**

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

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

14 **SECTION 19.**

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

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

22 **SECTION 20.**

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

26 "21-2-233.

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

31 (b) If it appears from the change of address information supplied by the licensees of the
32 United States Postal Service that an elector whose name appears on the official list of
33 electors has moved to a different address in the county in which the elector is presently
34 registered, the list of electors shall be changed to reflect the new address and the elector

1 shall be sent a notice of the change by forwardable mail at both the old address and the new
2 address with a postage prepaid, preaddressed return form by which the elector may verify
3 or correct the address information.

4 (c) If it appears from the change of address information supplied by the licensees of the
5 United States Postal Service that an elector whose name appears on the official list of
6 electors has moved to a different address outside of the boundaries of the county or
7 municipality in which the elector is presently registered, such elector shall be sent a
8 confirmation notice as provided in Code Section 21-2-234 at both the old and new
9 addresses. If the elector confirms the change of address to an address outside of the
10 boundaries of the county or municipality in which the elector is presently registered, the
11 elector's name shall be removed from the appropriate list of electors. If the elector responds
12 to the notice and affirms that the elector has not moved, the elector shall remain on the list
13 of electors at the elector's current address. If the elector fails to respond to the notice within
14 30 days after the date of the notice, the elector shall be transferred to the inactive list
15 provided for in Code Section 21-2-235.

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

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

25 SECTION 21.

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

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

SECTION 22.

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

"21-2-291.

Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special or general election, no special or general election shall be held in such precinct unless a more than one write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate.

Each such unopposed candidate shall be deemed to have voted for himself or herself.

Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that no special or general election is to be conducted. The superintendent shall certify such unopposed candidate as elected in the same manner as he or she certifies other candidates as elected pursuant to Code Section 21-2-493."

SECTION 23.

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

"21-2-324.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any voting machine may request the Secretary of State to examine the machine. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any voting machine previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination; provided, however, that in the case of a request by ten or more electors the examination fee shall be \$250.00. The Secretary of State may, at any time, in his or her discretion, reexamine any voting machine.

(b) The Secretary of State shall thereupon require such machine to be examined or reexamined by three examiners whom he or she shall appoint for the purpose, of whom one shall be an expert in patent law and the other two shall be experts in mechanics, and shall require of them a written report on such machine, attested by their signatures; and the Secretary of State shall examine the machine and shall make and file, together with the reports of the appointed examiners, his or her own report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion and in consideration of the reports of the examiners aforesaid, the kind of machine so examined can be safely

1 and accurately used by electors at primaries and elections as provided in this chapter. If his
2 or her report states that the machine can be so used, the machine shall be deemed approved;
3 and machines of its kind may be adopted for use at primaries and elections as provided in
4 this chapter.

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

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

16 (e) Any vendor who completes a sale of voting machines that have not been certified by
17 the Secretary of State to a governmental body in this state shall be subject to a penalty of
18 \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs and expenses
19 incurred by the governmental body in connection with the sale. The State Election Board
20 shall have authority to impose such penalty upon a finding that such a sale has occurred.

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

24 ~~(e)~~(g) Neither the Secretary of State, nor any examiner appointed by him or her for the
25 purpose prescribed by this Code section, nor any superintendent, nor the governing
26 authority of any county or municipality or a member of such authority, nor any other
27 person involved in the examination process shall have any pecuniary interest in any voting
28 machine or in the manufacture or sale thereof.

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

31 **SECTION 24.**

32 Said title is further amended by inserting a new Code Section 21-2-325.1 to read as follows:
33 "21-2-325.1.

34 If two or more candidates for the same nomination or office shall have the same or similar
35 names, the Secretary of State, in the case of federal or state offices, the superintendent of
36 elections, in the case of county offices, or the official with whom such candidates qualify,

1 in the case of municipal elections, shall print or cause to be printed the residence of all
2 candidates for such nomination or office on the ballot labels under their names. The
3 designated official shall determine whether the names of the candidates are of such a
4 similar nature as to warrant printing the residence of all candidates for that office on the
5 ballot labels; and the decision of the designated official shall be conclusive."

6 SECTION 25.

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

10 "(c) On or before the twelfth day preceding a primary or election, including special
11 primaries, special elections, and referendum elections, the superintendent shall mail to the
12 foreperson of the grand jury, the chairperson of the county executive committee of each
13 political party which shall be entitled under existing laws to participate in primaries within
14 the county, and to the chairperson or presiding officer of any organization of citizens within
15 the county having as its purpose or among its purposes the investigation or prosecution of
16 primary and election frauds, which has registered its name and address and the names of
17 its principal officers with the superintendent at least 30 days before such primary or
18 election, and, in the case of an election, to the appropriate committee of each political body
19 which shall be entitled to have the names of its candidates entered on the voting machines,
20 and to each independent candidate who shall be entitled to have his or her name printed on
21 the voting machines, a written notice stating the times when and the place or places where
22 preparation of the machines for use in the several precincts in the county will be started.
23 The grand jury shall appoint a committee, consisting of three of its members, which shall
24 inspect the machines and see that the machines are properly prepared and are placed in
25 proper condition and order for use. In the event the committee of the grand jury fails to be
26 present, the superintendent shall immediately appoint a panel consisting of three electors
27 to perform the duties of the committee of the grand jury set forth in this Code section.
28 Further, one representative of each political party or body, certified by the chairperson of
29 such political party or body, and one representative of each aforementioned organization
30 of citizens, certified by the chairperson or presiding officer of such organization, and any
31 such independent candidate or his or her certified agent shall be entitled to be present
32 during the preparation of the machines and to see that the machines are properly prepared
33 and are placed in proper condition and order for use. Such committee of the grand jury,
34 representatives, or candidates shall not, however, interfere with the preparation of the
35 machines; and the superintendent may make such reasonable rules and regulations
36 concerning the conduct of such representatives and candidates."

SECTION 26.

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

"21-2-353.

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

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

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

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

(e) Any vendor who completes a sale of vote recorders or tabulating machines that have not been certified by the Secretary of State to a governmental body in this state shall be subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement

1 of all costs and expenses incurred by the governmental body in connection with the sale.
2 The State Election Board shall have authority to impose such penalty upon a finding that
3 such a sale has occurred.

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

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

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

13 **SECTION 27.**

14 Said title is further amended by inserting a new Code Section 21-2-354.1 to read as follows:
15 "21-2-354.1.

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

24 **SECTION 28.**

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

28 "(c) On or before the third day preceding a primary or election, including special primaries,
29 special elections, and referendum elections, the superintendent shall have the tabulating
30 machines tested to ascertain that they will correctly count the votes cast for all offices and
31 on all questions. Public notice of the time and place of the test shall be made at least five
32 days prior thereto. Representatives of political parties and bodies, candidates, news media,
33 and the public shall be permitted to observe such tests. The test shall be conducted by
34 processing a preaudited group of ballot cards so punched or marked as to record a
35 predetermined number of valid votes for each candidate and on each question and shall

1 include for each office one or more ballot cards which have votes in excess of the number
2 allowed by law in order to test the ability of the tabulating machine to reject such votes.
3 The tabulating machine shall not be approved unless it produces an errorless count. If any
4 error is detected, the cause therefor shall be ascertained and corrected; and an errorless
5 count shall be made before the machine is approved. The same test shall be repeated
6 immediately before the start of the official count of the ballot cards and at the conclusion
7 of such count. The superintendent or custodian shall also prepare the vote recorders for
8 voting at the various polling places to be used in the primary or election. In preparing the
9 vote recorders, he or she shall arrange the recorders and the ballot labels so that they meet
10 all requirements of voting and counting at such primary or election, thoroughly inspect and
11 test the vote recorders, and file a certificate in the office of the superintendent of the county
12 or the city clerk of the municipality that the recorders are in proper order with correct ballot
13 labels."

14 **SECTION 29.**

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

18 "21-2-368.

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

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

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

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

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

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

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

SECTION 30.

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

"21-2-369.1.

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

SECTION 31.

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

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

SECTION 32.

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

"21-2-379.2.

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

Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any such system.

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

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

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

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

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

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

SECTION 33.

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

"21-2-380.1.

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

SECTION 34.

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

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

SECTION 35.

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

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

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

19 SECTION 36.

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

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

26 VOTER'S CERTIFICATE

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

32 Signature _____

Current residence address of elector:

Elector's date of birth:

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

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

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

Signature of poll officer

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

SECTION 37.

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

"21-2-407.

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

SECTION 38.

Said title is further amended by striking subsection (d) of Code Section 21-2-408, relating to poll watchers, in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or

participating in any form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this Code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager. The superintendent shall furnish a badge to each poll watcher bearing the words 'Official Poll Watcher,' the name of the poll watcher, the primary or election in which the poll watcher shall serve, and either the precinct or tabulating center in which the poll watcher shall serve or a statement that such poll watcher is a state-wide poll watcher. The poll watcher shall wear such badge at all times while serving as a poll watcher."

SECTION 39.

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

"(b)(1) In elections in which there is a federal candidate on the ballot, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select any person of the elector's choice except the elector's employer or agent of that employer or officer or agent of the elector's union.

(2) In all other elections, any Any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select (1) any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse, or child of the elector entitled to receive assistance, to enter the voting compartment or booth with him or her to assist in voting, such assistance to be rendered inside the voting compartment or booth. No person shall assist more than ten such electors in any primary, election, or runoff covered by this paragraph."

SECTION 40.

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

"21-2-411.

The chief manager in each precinct shall return a checked list of electors, reflecting those who voted, ~~and those who received assistance in voting~~ and the voter's certificates to the superintendent, to be deposited with the registrars. The board of registrars shall keep such

1 voter's certificates for at least 24 months and such electors lists for at least five years, and
2 the same shall be available for public inspection."

3 SECTION 41.

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

7 "21-2-413.

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

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

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

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

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

22 ~~(e)~~(f) All persons except poll officers, poll watchers, persons in the course of voting and
23 such persons' children under ~~12~~ 18 years of age accompanying such persons, persons
24 lawfully giving assistance to electors, duly authorized investigators of the State Election
25 Board, and peace officers when necessary for the preservation of order, must remain
26 outside the enclosed space during the progress of the voting. Notwithstanding any other
27 provision of this chapter, any elector shall be permitted to be accompanied into the
28 enclosed area and into a voting compartment or voting machine booth while voting by such
29 elector's child or children under ~~12~~ 18 years of age unless the poll manager or an assistant
30 manager determines in his or her sole discretion that such child or children are causing a
31 disturbance or are interfering with the conduct of voting. Children accompanying an elector
32 in the enclosed space pursuant to this subsection shall not in any manner handle any ballot
33 nor operate any function of a voting machine or vote recorder under any circumstances.

34 ~~(f)~~(g) When the hour for closing the polls shall arrive, all electors who have already
35 qualified and are inside the enclosed space shall be permitted to vote; and, in addition
36 thereto, all electors who are then in the polling place outside the enclosed space, or then in

line outside the polling place, waiting to vote, shall be permitted to do so if found qualified, but no other persons shall be permitted to vote.

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

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

SECTION 42.

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

"21-2-414.

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

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

(2) Within any polling place; or

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

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

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

(2) Within any polling place; or

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

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

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

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

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

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

SECTION 43.

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

"(c) In instances in which no municipal candidate receives a majority of the votes cast and the municipal charter or ordinances do not provide for nomination or election by a plurality vote, a run-off primary or election shall be held between the candidates receiving the two highest numbers of votes. Such runoff shall be held ~~not earlier than the fourteenth day and not later than on~~ the twenty-first day after the day of holding the first primary or election ~~on a date specified by municipal ordinance or resolution~~, unless such run-off date is postponed by court order. Only the electors entitled to vote in the first primary or election shall be entitled to vote in any run-off primary or election resulting therefrom; provided, however, that no elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off primary or election shall be a continuation of the first primary or election, and only those votes cast for the candidates receiving the two highest numbers of votes in the first primary or election shall be counted. No write-in votes may be cast in such a primary, run-off primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible, the remaining candidates receiving the two highest numbers of votes shall be the candidates in such runoff. The municipal candidate receiving the highest number of the votes cast in such run-off primary or election to fill the nomination or public office sought shall be declared the winner."

"(g) In the event that no candidate receives a plurality of the votes cast in a general election or more than one candidate in a general election, special election runoff, or run-off primary receives the highest number of votes cast, a runoff of the general election, special election runoff, or run-off primary between the candidates receiving the two highest numbers of votes shall be held. Unless such date is postponed by a court order, such runoff shall be

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

22 SECTION 44.

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

26 "(b) At least 29 days shall intervene between the call of a special primary and the holding
27 of same, and at least 29 days shall intervene between the call of a special election and the
28 holding of same. The period during which candidates may qualify to run in a special
29 primary or a special election shall remain open for a minimum of two and one-half days.
30 Municipal special elections which are to be held in conjunction with a state-wide general
31 primary or state-wide general election shall be called at least 60 days prior to the date of
32 such state-wide general primary or state-wide general election; provided, however, that this
33 requirement shall not apply to special elections held on the same date as such state-wide
34 general primary or state-wide general election but conducted separate and apart from such
35 state-wide general primary or state-wide general election."

SECTION 45.

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

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

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

(ii) The date of the general primary;

(iii) The third Tuesday in September; or

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

SECTION 46.

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

"21-2-541.1.

All municipal offices elected at general municipal elections shall be for terms of four years unless otherwise provided by local law in accordance with Code Section 21-2-541.2.

Unless otherwise provided for by the municipal charter, municipal officeholders shall be sworn in at their first organizational meeting of the new year and will hold office until their successors are duly elected and qualified and take said oath of office."

SECTION 47.

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