

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 213:

A BILL TO BE ENTITLED
AN ACT

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

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

22 **SECTION 2.**

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

27 "20-2-56.

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

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

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

9 SECTION 3.

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

14 "21-2-130.

15 Candidates may qualify for an election by virtue of:

- 16 (1) Nomination in a primary conducted by a political party;
- 17 (2) Filing a nomination petition either as an independent candidate or as a nominee of
18 a political body, if duly certified by the chairperson and the secretary of the political body
19 as having been nominated in a duly constituted political body convention as prescribed
20 in Code Section 21-2-172;
- 21 (3) Nomination for a state-wide office by a duly constituted political body convention
22 as prescribed in Code Section 21-2-172 if the political body making the nomination has
23 qualified to nominate candidates for state-wide public office under the provisions of Code
24 Section 21-2-180;
- 25 (4) In the case of an election for presidential electors, nomination as prescribed by rules
26 of a political party;
- 27 (5) Substitute nomination by a political party or body ~~or substitute nonpartisan~~
28 ~~nomination for judge~~ as prescribed in Code Sections 21-2-134 and 21-2-155,
29 respectively;
- 30 (6) Candidacy in a special election as prescribed in subsection ~~(d)~~ (e) of Code Section
31 21-2-132; or
- 32 (7) Being an incumbent qualifying as a candidate to succeed such incumbent as
33 prescribed in subsection ~~(d)~~ (e) of Code Section 21-2-132; ~~or~~
- 34 ~~(8) Nomination in a nonpartisan primary."~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (2) Seeking office in a special election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 SECTION 6.

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

12 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
13 his or her intention of candidacy was filed and published no earlier than January 1 and no
14 later than the Tuesday after the first Monday in September prior to the election in the case
15 of a general election, no earlier than January 1 and no later than the Tuesday after the first
16 Monday in June in the case of a nonpartisan election for state or county office, or at least
17 20 or more days prior to a special election by the person to be a write-in candidate or by
18 some other person or group of persons qualified to vote in the subject election, as follows:

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

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

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

27 SECTION 7.

28 Said chapter is further amended by striking subsections (a), (d), and (e) of Code Section
29 21-2-134, relating to the withdrawal, death, or disqualification of a candidate for office, and
30 inserting in lieu thereof new subsections (a), (d), and (e) to read as follows:

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

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

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

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

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

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

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

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

21 SECTION 8.

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

25 "21-2-135.

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

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

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

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

17 SECTION 9.

18 Said chapter is further amended by striking Code Section 21-2-138, relating to nonpartisan
19 primaries and elections for judicial offices, and inserting in lieu thereof a new Code Section
20 21-2-138 to read as follows:

21 "21-2-138.

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

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

11 SECTION 10.

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

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

SECTION 11.

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

"21-2-150.

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

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

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

SECTION 12.

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

"21-2-151.

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

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

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

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

7 **SECTION 13.**

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

11 "21-2-155.

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

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

23 **SECTION 14.**

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

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

SECTION 15.

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

"21-2-230.

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

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

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

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

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

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

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

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

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

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

7 **SECTION 16.**

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

12 "21-2-231.

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

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

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

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

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

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

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

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

18 SECTION 17.

19 Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section
 20 21-2-270, relating to run-off primaries, and inserting in lieu thereof a new paragraph (1) to
 21 read as follows:

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

24 SECTION 18.

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

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

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

29 SECTION 19.

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

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

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

12 SECTION 20.

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

16 "21-2-285.1.

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

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

SECTION 21.

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

"ARTICLE 8.1

21-2-300.

(a) Provided that the General Assembly specifically appropriates funding to the Secretary of State to implement this subsection, the equipment used for casting and counting votes in county, state, and federal elections shall, prior to the November, 2004, general election, be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State.

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

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

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

21-2-301.

(a) The Secretary of State is authorized to conduct a pilot project to test and evaluate the use of electronic recording voting systems during the 2001 municipal elections. The

1 Secretary of State in his or her discretion may select a number of municipalities to
2 participate in such pilot program.

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

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

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

18 (e)(1) There is created the Twenty-first Century Voting Commission. The commission
19 shall be composed of two members appointed by the Speaker of the House of
20 Representatives, two members appointed by the Lieutenant Governor, two members
21 appointed by the Governor, the chief information officer for the State of Georgia or his
22 or her designee, six county or municipal election officials appointed by the Secretary of
23 State, the director of the Elections Division of the office of the Secretary of State, and the
24 Secretary of State, who shall be the chairperson of the commission. In appointing
25 members to such commission, the Speaker of the House of Representatives, the President
26 of the Senate, and the Governor shall ensure representation on the commission by each
27 political party. The commission shall coordinate and oversee the pilot project authorized
28 by this Code section.

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

33 (3) Any members of the General Assembly serving on the commission shall receive the
34 allowances authorized for legislative members of interim legislative committees. The
35 public members of the commission who are not public employees shall receive a daily
36 expense allowance as provided in subsection (b) of Code Section 45-7-21. Any public

1 employee serving on the commission shall receive no compensation but may be
2 reimbursed for expenses.

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

5 SECTION 22.

6 Said chapter is further amended by striking subsections (g), (h), and (i) of Code Section
7 21-2-325, relating to form of ballot labels generally, and inserting in lieu thereof new
8 subsections (g), (h), and (i) to read as follows:

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

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

34 (i) In primaries, if it shall be impracticable to place on the ballot labels of one machine the
35 names of all candidates seeking nomination in all political parties and the names of all
36 candidates seeking nomination election in a nonpartisan primary election, the

1 superintendent may arrange for the names of all the candidates seeking nomination in any
 2 one political party to be placed on separate voting machines; provided, however, that the
 3 names of all candidates seeking ~~nomination~~ election in a nonpartisan primary election shall
 4 appear on all machines."

5 SECTION 23.

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

8 "21-2-380.

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

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

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

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

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

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

23 ~~(6)~~(4) Is 75 years of age or older; or

24 (5) Votes an early ballot during the early voting period.

25 (b) As used in this article, the term 'early voting period' means the eight days prior to a
 26 primary or election when early voting is permitted pursuant to Code Section 21-2-385.

27 (c) As used in this article, the term 'qualified absentee elector' means any absentee elector
 28 who fits one of the qualifications listed in paragraphs (1) through (4) of subsection (a) of
 29 this Code section."

30 SECTION 24.

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

34 "21-2-381.

1 (a)(1) Not more than 180 days prior to the date of the primary or election, or runoff of
2 either, in which the elector desires to vote, any qualified absentee elector may make,
3 either by mail, by facsimile transmission, or in person in the registrar's or absentee ballot
4 clerk's office, an application for an official ballot of the elector's precinct to be voted at
5 such primary, election, or runoff. In the case of an elector residing temporarily out of the
6 county or municipality or a physically disabled elector residing within the county or
7 municipality, the application for the elector's absentee ballot may, upon satisfactory proof
8 of relationship, be made by such elector's mother, father, grandparent, aunt, uncle, sister,
9 brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
10 mother-in-law, father-in-law, brother-in-law, or sister-in-law of the age of 18 or over. The
11 application shall be in writing and shall contain sufficient information for proper
12 identification of the elector; the permanent or temporary address of the elector to which
13 the absentee ballot shall be mailed; the identity of the primary, election, or runoff in
14 which the elector wishes to vote; the reason for requesting the absentee ballot; and the
15 name and relationship of the person requesting the ballot if other than the elector.

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

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

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

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

1 primary, run-off primary, election, and run-off election. Notwithstanding the foregoing,
2 a separate and distinct application for an absentee ballot shall always be required for the
3 presidential preference primary held pursuant to Article 5 of this chapter and for any
4 special election or special primary.

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

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

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

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

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

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

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

1 as soon as it is prepared and available; and the ballot shall be cast in such primary or
2 election if returned to the clerk or board not later than the close of the polls on the day of
3 the primary or election concerned.

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

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

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

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

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

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

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

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

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

1 "21-2-385.

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

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

30 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
31 been printed, the absentee ballot shall be issued to the elector at the time of the application
32 therefor within the confines of the registrar's or absentee ballot clerk's office; and the
33 elector shall then and there vote and return the absentee ballot as provided in subsections
34 (a) and (b) of this Code section. However, an elector who applies in person for an absentee
35 ballot during the early voting period shall vote in accordance with subsection (d) of this
36 Code section. The board of registrars or absentee ballot clerk shall furnish

1 accommodations to the elector to ensure the privacy of the elector while voting his or her
2 absentee ballot.

3 (d) Early voting is permitted in county, state, and federal elections during the early voting
4 period which shall begin on the eighth day prior to a primary or election and shall end at
5 5:00 P.M. on the Saturday before the primary or election. Municipalities may, by a duly
6 passed ordinance, authorize early voting and identify the location where such ballots shall
7 be cast for municipal elections in compliance with this chapter; provided, however, that,
8 when a municipal election is held by the county election superintendent in conjunction with
9 a county, state, or federal election, early voting shall be authorized for both the municipal
10 and the county, state, or federal election. During the early voting period, an elector may
11 vote an early ballot without meeting any of the qualifications listed in paragraphs (1)
12 through (3) of subsection (a) of Code Section 21-2-380 by appearing in person at the main
13 office of the board of registrars or absentee ballot clerk or at any such other location within
14 the city or county as may be designated pursuant to Code Section 21-2-382 and presenting
15 proper identification as defined in Code Section 21-2-417. If the elector is qualified to vote,
16 the elector shall vote in the same manner and using the same type of voting method, voting
17 machine, or voting system as the voters who vote at the polls on election day. The
18 Secretary of State by rule or regulation shall provide mechanisms, methods, and procedures
19 for ensuring the confidentiality and security of the votes cast during the early voting period.
20 The Secretary of State shall further ensure that the votes cast during the early voting period
21 are not tabulated or counted in any manner prior to the close of polls on election day. In
22 promulgating rules and regulations to implement this subsection, the Secretary of State may
23 provide different mechanisms, methods, and procedures for each specific type of voting
24 method or system in use in the state so long as such mechanisms, methods, and procedures
25 adequately protect the confidentiality and security of the votes cast."

26 SECTION 27.

27 Said chapter is further amended by striking subsections (a) and (c) of Code Section 21-2-386,
28 relating to safekeeping, certification, and validation of absentee ballots, and inserting in lieu
29 thereof new subsections (a) and (c) to read as follows:

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

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

26 (2) After 12:00 Noon and until the closing of the polls on the day of the primary or
27 election, the registrars or absentee ballot clerks shall be authorized to open the outer
28 envelope on which is printed the oath of the elector in such a manner as not to destroy the
29 oath printed thereon; provided, however, that the registrars or absentee ballot clerk shall
30 not be authorized to remove the contents of such outer envelope or to open the inner
31 envelope marked 'Official Absentee Ballot;' except as otherwise provided in this Code
32 section. At least three persons who are registrars, deputy registrars, poll workers, or
33 absentee ballot clerks must be present before commencing.

34 (3) If the election superintendent desires to open the inner envelopes containing the
35 absentee ballots after 12:00 Noon, but before 7:00 P.M., on the day of the election, the
36 election superintendent shall petition in writing the chief judge of the superior court of
37 the county at least seven days prior to the election for permission to open the inner

1 envelopes in accordance with the procedures prescribed in this subsection. Such petition
 2 shall contain the names of persons designated to act as monitors of the process of opening
 3 the inner envelopes by the election superintendent or his or her designee. The county
 4 executive committee or, if there is no organized county executive committee, the state
 5 executive committee of each political party and political body having candidates whose
 6 names appear on the ballot for such election in such county shall have the right to
 7 designate two persons and each independent and nonpartisan candidate whose name
 8 appears on the ballot for such election in such county shall have the right to designate one
 9 person to act as monitors. Such executive committees and candidates shall be given
 10 notice by the election superintendent of the superintendent's intent to request permission
 11 to open the inner envelopes early and their right to designate monitors. The executive
 12 committees and candidates shall be given at least seven days after the notice by the
 13 election superintendent to designate monitors for inclusion in the petition.

14 (4) The chief judge, after considering the petition, shall authorize the opening of the
 15 inner envelope of the absentee ballots provided that the names of the persons to serve as
 16 monitors on behalf of the political parties, political bodies, independent candidates, and
 17 nonpartisan candidates are submitted in the petition by the election superintendent. The
 18 judge shall:

19 (i) Designate the location where the inner envelopes shall be opened within the county;

20 (ii) Designate additional monitors for the process to be present during the opening of
 21 the inner envelopes, if the judge deems such persons necessary;

22 (iii) Administer an oath to each person who shall serve as a monitor and to each
 23 election official who shall participate in any manner in the process of opening the inner
 24 envelopes to which such persons shall swear or affirm that no inner envelopes shall be
 25 opened unless all monitors are present in the location designated by the judge, unless
 26 such monitor shall specifically give his or her permission for such process to continue
 27 in his or her absence; that no attempt shall be made to ascertain how any ballot was
 28 voted or to view the contents of any ballot; that no monitor shall handle, touch, or
 29 possess any ballot; and that no discussion of the procedure or of anything viewed
 30 during the opening of the envelopes will be held with any person who is not a part of
 31 the opening process before 7:00 P.M. on the day of the election; and

32 (iv) Provide such additional conditions and requirements as he or she deems necessary
 33 to preserve the integrity and confidentiality of such process.

34 Intentional and willful violation of such oath shall be a felony punishable pursuant to
 35 Code Section 21-2-600.

36 (5) The process for opening the inner envelopes of absentee ballots after 12:00 Noon and
 37 before 7:00 P.M. on the day of an election as provided in this subsection shall be a

1 confidential process to maintain the secrecy of all ballots and to protect the disclosure of
 2 any balloting information before 7:00 P.M. on election day. No ballots shall be counted
 3 before 7:00 P.M. on election day."

4 "(c) Except as otherwise provided in this Code section, after ~~After~~ the close of the polls on
 5 the day of the primary or election, a manager shall then open the outer envelope in such
 6 manner as not to destroy the oath printed thereon and shall deposit the inner envelope
 7 marked 'Official Absentee Ballot' in a ballot box reserved for absentee ballots. Such
 8 manager with two assistant managers, appointed by the superintendent, with such clerks
 9 as the manager deems necessary shall count the absentee ballots following the procedures
 10 prescribed by this chapter for other ballots, insofar as practicable, and prepare an election
 11 return for the county or municipality showing the results of the absentee ballots cast in such
 12 county or municipality."

13 SECTION 28.

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

17 "21-2-388.

18 When an absentee ballot which has been voted shall be returned to the board of registrars,
 19 it shall be deemed to have been voted then and there; and no other absentee ballot shall be
 20 issued to the same elector. However, if an elector who has requested to vote by absentee
 21 ballot based upon the reason that the elector is required to be absent from the elector's
 22 precinct county during the entire time of early voting period for the primary or election in
 23 which the elector desires to vote is present in the precinct of the elector's residence during
 24 the time the polls are open in any primary, election, or runoff for which the elector has
 25 requested an absentee ballot or if the elector's circumstances change and the elector is no
 26 longer eligible to vote by absentee ballot under Code Section 21-2-380, such elector shall
 27 have the absentee ballot canceled in one of the following ways:

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

34 (2) By appearing in person before the registrars or the absentee ballot clerk and
 35 requesting in writing that the envelope containing the elector's absentee ballot be marked
 36 'Canceled.' After having satisfied themselves as to the identity of such elector, the

1 registrars or the absentee ballot clerk shall grant the request and shall notify the managers
 2 of the elector's precinct as to such action so as to permit the elector to vote in person in
 3 that precinct. If the absentee ballot is in the possession of the registrars or the absentee
 4 ballot clerk, it shall be promptly marked 'Canceled' and the date and time written across
 5 the face of the envelope. If the absentee ballot is in the mail or its exact location is
 6 unknown, the registrar or the absentee ballot clerk shall write 'Canceled' beside the
 7 elector's name on the master list of absentee voters and shall cancel the ballot itself as
 8 soon as it is received. Canceled absentee ballots shall be disposed of in the same manner
 9 as provided in subsection (a) of Code Section 21-2-386 for absentee ballots returned too
 10 late to be cast."

11 SECTION 29.

12 Said chapter is further amended by striking subsections (a), (b), and (c) of Code Section
 13 21-2-408, relating to poll watchers, and inserting in lieu thereof a new subsections (a), (b),
 14 and (c) to read as follows:

15 "(a) In a primary or run-off primary, each candidate entitled to have his or her name placed
 16 on the primary or run-off primary ballot may submit the name of one poll watcher for each
 17 precinct in which he or she wishes to have an observer to the chairperson or secretary of
 18 the appropriate party executive committee at least 21 days prior to such primary or 14 days
 19 prior to such run-off primary. The appropriate party executive committee shall designate
 20 at least seven days prior to such primary or run-off primary no more than two poll watchers
 21 for each precinct, such poll watchers to be selected by the committee from the list
 22 submitted by party candidates. ~~In addition, candidates running in a nonpartisan primary~~
 23 ~~shall be entitled to designate one poll watcher in each precinct.~~ Official poll watchers shall
 24 be given a letter signed by the party chairperson and secretary, if designated by a political
 25 party, ~~or by the nonpartisan candidate, if designated by the nonpartisan candidate,~~
 26 containing the following information: name of official poll watcher, address, precinct in
 27 which he or she shall serve, and name and date of primary or run-off primary. At least three
 28 days prior to the primary, a copy of the letter shall be delivered to the superintendent of the
 29 county or municipality in which the poll watcher is to serve.

30 (b)(1) In an election or run-off election, each political party and political body shall each
 31 be entitled to designate, at least seven days prior to such election or run-off election, no
 32 more than two official poll watchers in each precinct to be selected by the appropriate
 33 party or body executive committee. Each independent candidate shall be entitled to
 34 designate one poll watcher in each precinct. In addition, candidates running in a
 35 nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each
 36 poll watcher shall be given a letter signed by the appropriate political party or body

1 chairperson and secretary, if a party or body designates same, or by the independent or
2 nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter
3 shall contain the following information: name of official poll watcher, address, precinct
4 in which he or she shall serve, and date of election or run-off election. At least three days
5 prior to the election, a copy of the letter shall be delivered to the superintendent of the
6 county or municipality in which the poll watcher is to serve.

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

24 (c) In counties or municipalities using vote recorders, each political party may appoint two
25 poll watchers in each primary or election, each political body may appoint two poll
26 watchers in each election, each nonpartisan candidate may appoint one poll watcher in each
27 nonpartisan ~~primary or nonpartisan~~ election, and each independent candidate may appoint
28 one poll watcher in each election to serve in the locations designated by the superintendent
29 within the tabulating center. Such designated locations shall include the check-in area, the
30 computer room, the duplication area, and such other areas as the superintendent may deem
31 necessary to the assurance of fair and honest procedures in the tabulating center. The poll
32 watchers provided for in this subsection shall be appointed and serve in the same manner
33 as other poll watchers."

SECTION 30.

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

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

SECTION 31.

Said chapter is further amended by striking subsection (c) of Code Section 21-2-495, relating to procedure for recount or recanvass of votes, and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) Whenever the difference between the number of votes received by a candidate who has been declared nominated for an office in a primary election or who has been declared elected to an office in an election or who has been declared eligible for a run-off primary or election; and the number of votes received by any other candidate or candidates not declared so nominated or elected or eligible for a runoff shall be not more than 1 percent of the total votes which were cast for such office therein, any such candidate or candidates receiving a sufficient number of votes so that the difference between his or her vote and that of a candidate declared nominated, elected, or eligible for a runoff is not more than 1 percent of the total votes cast, within a period of five days following the certification of the election results, shall have the right to a recount of the votes cast, if such request is made in writing by the losing candidate. If the office sought is a federal or state office voted upon by the electors of more than one county, the request shall be made to the Secretary of State who shall direct that the recount be performed in all counties in which electors voted for such office and notify the superintendents of the several counties involved of the request.

1 In all other cases, the request shall be made to the superintendent. The superintendent or
 2 superintendents shall order a recount of such votes to be made immediately. If, upon such
 3 recount, it is determined that the original count was incorrect, the returns and all papers
 4 prepared by the superintendent, the superintendents, or the Secretary of State shall be
 5 corrected accordingly and the results recertified."

6 SECTION 32.

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

10 "21-2-573.

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

15 (b) The provisions of subsection (a) of this Code section shall not apply to a person who
 16 votes an early ballot during the early voting period."

17 SECTION 33.

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

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

26 SECTION 34.

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