

Senate Bill 213

By: Senator Hill of the 4<sup>th</sup>

**AS PASSED SENATE**

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 provide for certain course credit in certain colleges, universities, and  
 12 technical colleges for students who are trained and serve as poll workers; to change the date  
 13 of the general primary; to change the qualifications for absentee voting; to provide for an  
 14 early voting period in which any elector may vote without having to specify a reason; to  
 15 change provisions concerning the challenge of electors' right to vote; to provide for locations  
 16 and times for voting during early voting periods; to specify the circumstances under which  
 17 election superintendents may open absentee ballots; to change the method of removing  
 18 deceased voters from the electors list; to authorize the Secretary of State to obtain the names  
 19 of Georgians who die in other states if possible; to provide for the transmission of names of  
 20 persons who have been convicted of felonies to the registrars for removal from the electors  
 21 list; to provide for the manner of printing ballots when electing presidential electors; to  
 22 provide for the form of the nonpartisan election ballot; to authorize the Constitutional  
 23 Amendments Publication Board to determine short titles or headings for proposed  
 24 constitutional amendments; to authorize the Secretary of State to place such short titles or  
 25 headings on the ballots; to require the Secretary of State to print the proposed constitutional  
 26 amendments in the order specified by the Constitutional Amendments Publication Board; to  
 27 provide for uniform election equipment throughout the state; to provide for the education of  
 28 voters, election officials, and poll officers in the operation of election equipment; to authorize

1 the Secretary of State to conduct a pilot project to test electronic recording voting systems  
 2 during the 2001 municipal elections; to create the Twenty-first Century Voting Commission;  
 3 to provide for the composition, duties, and compensation of such commission; to provide  
 4 times for certification of election results; to provide penalties for improper absentee voting;  
 5 to amend Code Section 50-12-101 of the Official Code of Georgia Annotated, relating to  
 6 assignment of numbers by board to proposed constitutional amendments and Constitutions,  
 7 so as to authorize the Constitutional Amendments Publication Board to assign short titles or  
 8 headings to proposed constitutional amendments which the Secretary of State shall place on  
 9 the ballots; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

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

24 **SECTION 2.**

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

29 "20-2-56.

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

1 elections ~~or for the election in nonpartisan elections without a prior nonpartisan primary~~  
 2 of candidates to fill the offices of members of the boards of education of those independent  
 3 school systems using the procedures established in Chapter 2 of Title 21, the 'Georgia  
 4 Election Code.'

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

### 11 SECTION 2A.

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
 13 primaries generally, is amended by adding a new Code Section 21-2-101 to read as follows:

14 "21-2-101.

15 All colleges, universities, and technical colleges sustained or in any manner supported by  
 16 public funds shall offer one hour course credit to any undergraduate student who elects to  
 17 undergo instruction to work as a poll officer, receives a certificate affirming his or her  
 18 qualifications to work as a poll officer as provided in Code Section 21-2-99, and who  
 19 serves as a poll officer in elections during an academic year in which the student is  
 20 enrolled."

### 21 SECTION 3.

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

26 "21-2-130.

27 Candidates may qualify for an election by virtue of:

- 28 (1) Nomination in a primary conducted by a political party;
- 29 (2) Filing a nomination petition either as an independent candidate or as a nominee of  
 30 a political body, if duly certified by the chairperson and the secretary of the political body  
 31 as having been nominated in a duly constituted political body convention as prescribed  
 32 in Code Section 21-2-172;
- 33 (3) Nomination for a state-wide office by a duly constituted political body convention  
 34 as prescribed in Code Section 21-2-172 if the political body making the nomination has  
 35 qualified to nominate candidates for state-wide public office under the provisions of Code  
 36 Section 21-2-180;

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

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

6 (6) Candidacy in a special election as prescribed in subsection ~~(d)~~ (e) of Code Section  
7 21-2-132; or

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

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

#### 11 SECTION 4.

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

15 "(1) The governing authority of any county or municipality, not later than February 1 of  
16 any year in which a general primary, nonpartisan primary or election, or general election  
17 is to be held, and at least ~~20~~ 35 days prior to the special primary or election in the case  
18 of a special primary or special election, shall fix and publish a qualifying fee for each  
19 county or municipal office to be filled in the upcoming primary or election. Such fee shall  
20 be 3 percent of the total gross salary of the office paid in the preceding calendar year  
21 including all supplements authorized by law if a salaried office; provided, however, that  
22 for the offices of clerk of the superior court, judge of the probate court, sheriff, tax  
23 commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum  
24 salary provided by general law for the office, exclusive of cost-of-living increases and  
25 longevity increases. If not a salaried office, a reasonable fee shall be set by the governing  
26 authority of such county or municipality, such fee not to exceed 3 percent of the income  
27 derived from such county office by the person holding the office for the preceding year  
28 or more than \$35.00 for a municipal office;

29 (2) Within the same time limitation as provided in paragraph (1) of this subsection, the  
30 Secretary of State shall fix and publish a qualifying fee for any candidate qualifying by  
31 this method with a state political party and for any candidate qualifying with the  
32 Secretary of State for a nonpartisan ~~primary~~ election and for any candidate filing with the  
33 Secretary of State his or her notice of candidacy for a general or special election. Such  
34 fee shall be 3 percent of the annual salary of the office if a salaried office, except that the  
35 fee for members of the General Assembly shall be \$400.00. If not a salaried office, a  
36 reasonable fee shall be set by the Secretary of State, such fee not to exceed 3 percent of

1 the income derived from such office by the person holding the office for the preceding  
2 year;"

3 **SECTION 5.**

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

6 "21-2-132.

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

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

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

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

35 (2) Each candidate for a county judicial office, a local school board office, or an office  
36 of a consolidated government, or the candidate's agent, desiring to have his or her name

1 placed on the nonpartisan primary election ballot shall file notice of candidacy in the  
2 office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April  
3 immediately prior to the election and no later than 12:00 Noon on the Friday following  
4 the fourth Monday in April, notwithstanding the fact that any such days may be legal  
5 holidays.

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

10 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or  
11 her name placed on the election ballot shall file a notice of his or her candidacy, giving  
12 his or her name, residence address, and the office he or she is seeking, in the office of the  
13 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately  
14 prior to the election and no later than 12:00 Noon on the Friday following the fourth  
15 Monday in June in the case of a general election and no earlier than the date of the call  
16 of the election and no later than 25 days prior to the election in the case of a special  
17 election;

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

25 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in  
26 the office of the municipal superintendent of such candidate's municipality during the  
27 municipality's qualifying period. Each municipal superintendent shall designate the days  
28 of the qualifying period, which shall be no less than three days and no more than five  
29 days. The days of the qualifying period shall be consecutive days. Qualifying periods  
30 shall comply with the following:

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

35 (B) In the case of a general election held in an even-numbered year, the municipal  
36 qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in

1 August immediately preceding the general election and shall end no later than 4:30  
2 P.M. on the following Friday; and

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

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

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

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

21 (2) Seeking office in a special election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide  
36 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number  
37 of registered voters eligible to vote in the last election for the filling of the office the

1 candidate is seeking and the signers of such petition shall be registered and eligible to  
2 vote in the election at which such candidate seeks to be elected. A qualifying petition of  
3 a candidate for any other office shall be signed by a number of voters equal to 1 percent  
4 of the total number of registered voters eligible to vote in the last election for the filling  
5 of the office the candidate is seeking and the signers of such petition shall be registered  
6 and eligible to vote in the election at which such candidate seeks to be elected. However,  
7 in the case of a candidate seeking an office for which there has never been an election or  
8 seeking an office in a newly constituted constituency, the percentage figure shall be  
9 computed on the total number of registered voters in the constituency who would have  
10 been qualified to vote for such office had the election been held at the last general  
11 election and the signers of such petition shall be registered and eligible to vote in the  
12 election at which such candidate seeks to be elected;

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

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

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

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

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

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

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

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

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

#### 17 **SECTION 6.**

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

21 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of  
22 his or her intention of candidacy was filed and published no earlier than January 1 and no  
23 later than the Tuesday after the first Monday in September prior to the election in the case  
24 of a general election, no earlier than January 1 and no later than the Tuesday after the first  
25 Monday in June in the case of a nonpartisan election for state or county office, or at least  
26 20 or more days prior to a special election by the person to be a write-in candidate or by  
27 some other person or group of persons qualified to vote in the subject election, as follows:

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

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

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



1 event result in there being no candidate for that office on the ballot in the general election,  
 2 then the vacancy shall be filled by a special primary which shall be open only to the party  
 3 of such deceased, withdrawn, or disqualified candidate and the office shall be filled by a  
 4 special election as provided in Code Section 21-2-540.

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

8 ~~(1) If the vacancy occurs prior to 60 days before the general election, the nonpartisan  
 9 election shall be held on the date of the November election. If no candidate receives a  
 10 majority of the votes cast, a runoff shall be held on the date of the general election runoff.  
 11 Upon actual knowledge of the withdrawal, death, or disqualification of a candidate, the  
 12 Secretary of State shall reopen qualifications for any state office and the election  
 13 superintendent shall reopen qualifications for any county office for a period of not less  
 14 than one nor more than three days after notice has been published in a newspaper of  
 15 appropriate circulation. The names of candidates who qualify shall be placed on the  
 16 nonpartisan election ballot in the arrangement and form prescribed by the Secretary of  
 17 State or the election superintendent but shall conform insofar as practicable with Code  
 18 Section 21-2-285.1. The list of electors qualified to vote in the nonpartisan election shall  
 19 be the same list as is used in the general election; and~~

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

### 30 SECTION 8.

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

34 "21-2-135.

35 (a)(1) In the case of a public office having multiple officeholders with the same title,  
 36 each candidate, including write-in candidates, shall designate the specific office he or she

1 is seeking, name the person such candidate is seeking to succeed, and give such other  
 2 appropriate designation as may be required by the Secretary of State or election  
 3 superintendent each time such candidate qualifies with his or her party in the case of a  
 4 primary, files a notice of candidacy in the case of an election ~~or a nonpartisan primary~~,  
 5 or files a notice of candidacy as a write-in candidate. The designation of the specific  
 6 office and the name of the person whom a candidate is seeking to succeed in the case of  
 7 a public office having multiple officeholders shall be entered on the ballot and ballot  
 8 labels in such manner that in the ensuing primary or election such candidate shall only  
 9 oppose the other candidate or candidates, if any, who designated the same specific office  
 10 and the same name.

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

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

## 25 SECTION 9.

26 Said chapter is further amended by striking Code Section 21-2-138, relating to nonpartisan  
 27 primaries and elections for judicial offices, and inserting in lieu thereof a new Code Section  
 28 21-2-138 to read as follows:

29 "21-2-138.

30 The names of all candidates who have qualified with the Secretary of State for the office  
 31 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court  
 32 of this state and the names of all candidates who have qualified with the election  
 33 superintendent for the office of judge of a state court shall be placed on the ballot in a  
 34 nonpartisan primary election to be held and conducted jointly with the general primary in  
 35 each even-numbered year. ~~The names of candidates nominated in such nonpartisan primary~~  
 36 ~~shall be placed on the official ballot in the nonpartisan election which shall be held and~~

1 ~~conducted jointly with the regular general election in each even-numbered year.~~ No  
 2 candidates for any such office shall be nominated by a political party or by a petition as a  
 3 candidate of a political body or as an independent candidate. ~~In a nonpartisan primary,~~  
 4 ~~candidates~~ Candidates for any such office shall have their names placed on the nonpartisan  
 5 portion of each political party ballot by complying with the requirements prescribed in  
 6 Code Section 21-2-132 specifically related to such nonpartisan candidates and by paying  
 7 the requisite qualifying fees as prescribed in Code Section 21-2-131. The Secretary of State  
 8 may provide for the printing of independent ballots containing the names of the nonpartisan  
 9 ~~judicial~~ candidates for those voters not affiliated with a political party. Candidates shall be  
 10 listed on the official ballot ~~in a nonpartisan primary and~~ in a nonpartisan election as  
 11 provided in Code ~~Sections~~ Section 21-2-284.1 ~~and 21-2-285.1, respectively.~~ Except as  
 12 otherwise specified in this chapter, the procedures to be employed in conducting the  
 13 nonpartisan ~~primary and nonpartisan~~ election of judges of state courts, judges of superior  
 14 courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall conform  
 15 as nearly as practicable to the procedures governing general primaries and general  
 16 elections; and such general primary and general election procedures as are necessary to  
 17 complete this nonpartisan election process shall be adopted in a manner consistent with  
 18 such nonpartisan ~~primaries and nonpartisan~~ elections."

#### 19 SECTION 10.

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

22 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General  
 23 Assembly may provide by local Act for the ~~nomination and~~ election in nonpartisan  
 24 ~~primaries and~~ elections of candidates to fill county judicial offices, offices of local school  
 25 boards, and offices of consolidated governments which are filled by the vote of the electors  
 26 of said county or political subdivision. ~~The General Assembly may provide by local Act~~  
 27 ~~for the election of such officers at nonpartisan elections without a prior nonpartisan~~  
 28 ~~primary.~~ Except as otherwise provided in this Code section, the procedures to be employed  
 29 in such nonpartisan ~~primaries, if applicable,~~ and elections shall conform as nearly as  
 30 practicable to the procedures governing nonpartisan ~~primaries and nonpartisan~~ elections  
 31 as provided in this chapter. Except as otherwise provided in this Code section, the election  
 32 procedures established by any existing local law which provides for the nonpartisan  
 33 ~~nomination, if applicable, and~~ election of candidates to fill county offices shall conform to  
 34 the general procedures governing nonpartisan ~~primaries, if applicable, and nonpartisan~~  
 35 elections as provided in this chapter, and such nonpartisan ~~primaries, if applicable, and~~  
 36 ~~nonpartisan~~ elections shall be conducted in accordance with the applicable provisions of

1 this chapter, notwithstanding the provisions of any existing local law. For those offices for  
 2 which the General Assembly as of July 1, 2001, pursuant to this Code section, provided by  
 3 local Act for election in nonpartisan primaries and elections, such offices shall no longer  
 4 require nonpartisan primaries. Such officers shall be elected in nonpartisan elections in  
 5 accordance with this chapter without a prior nonpartisan primary."

#### 6 SECTION 11.

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

10 "21-2-150.

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

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

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

#### 28 SECTION 12.

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

32 "21-2-151.

33 (a) A political party may elect its officials and shall nominate its candidates for public  
 34 office in a primary. Except for substitute nominations as provided in Code Section  
 35 21-2-134 and nomination of presidential electors, all nominees of a political party for

1 public office shall be nominated in the primary preceding the general election in which the  
2 candidates' names will be listed on the ballot.

3 ~~(b) Candidates for the office of judge of the state courts, judge of the superior courts,  
4 Judge of the Court of Appeals, or Justice of the Supreme Court shall be nominated in a  
5 nonpartisan primary. Candidates seeking nomination to such judicial offices shall be  
6 nominated in the nonpartisan primary preceding the nonpartisan election in which the  
7 candidates' names will be listed on the ballot.~~

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

### 12 SECTION 13.

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

16 "21-2-155.

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

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

### 28 SECTION 14.

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

32 "(c) Except as otherwise provided in Code Section 21-2-382.1, the The main office of the  
33 board of registrars in each county shall remain open for business during regular office  
34 hours on each business day, except Saturday. The main office, or such other offices, shall  
35 be open at such designated times other than the normal business hours as shall reasonably

1 be necessary to facilitate registration and at such other hours as will suit the convenience  
2 of the public."

3 **SECTION 15.**

4 Said chapter is further amended by striking Code Section 21-2-230, relating to challenge of  
5 persons on list of electors by other electors, and inserting in lieu thereof a new Code Section  
6 21-2-230 to read as follows:

7 "21-2-230.

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

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

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

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

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

34 (f) If the challenged elector does not cast an absentee ballot and does not appear at the  
35 polling place or at the locations being used for voting during the early voting period to vote  
36 and the challenge is based on the grounds that the elector is not qualified to remain on the

1 list of electors, the board of registrars shall proceed to hear the challenge pursuant to Code  
2 Section 21-2-229.

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

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

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

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

### 9 **SECTION 16.**

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

14 "21-2-231.

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

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

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

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

1 the commissioner of human resources, obtain such information from the state registrar of  
 2 vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of  
 3 deceased Georgia electors, if possible, from other states.

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

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

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

#### 19 SECTION 17.

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

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

#### 25 SECTION 18.

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

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

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

30

### SECTION 19.

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

34 "(e) When presidential electors are to be elected, the names of the nominees of each  
 35 political party or body for such offices ~~shall be arranged alphabetically under the names~~  
 36 ~~of the candidates of the party or body for President and Vice President of the United~~

1 States shall be listed on the ballot and a vote for such candidates shall be a vote for each  
 2 nominee of the political party or body for the office of presidential elector. The names  
 3 of the nominees of the political party or body for the office of presidential elector shall  
 4 not be listed on the ballot.

5 (f) When proposed constitutional amendments or other questions are submitted to a vote  
 6 of the electors, each amendment or other question so submitted may be printed upon the  
 7 ballot to the right of or below the groups of candidates for the various offices. Proposed  
 8 constitutional amendments so submitted shall be printed in the order determined by the  
 9 Constitutional Amendments Publication Board and in brief form as directed by the General  
 10 Assembly and, in the event of a failure to so direct, the form shall be determined by the  
 11 Secretary of State and shall include the short title or heading provided for in subsection (c)  
 12 of Code Section 50-12-101. Unless otherwise provided by law, any other state-wide  
 13 questions so submitted shall be printed in brief form as directed by the General Assembly  
 14 and, in the event of a failure to so direct, the form shall be determined by the Secretary of  
 15 State and any local questions so submitted shall be printed in brief form as directed by the  
 16 General Assembly and, in the event of a failure to so direct, the form shall be determined  
 17 by the superintendent. To the left of each question there shall be placed the words 'Yes' and  
 18 'No' together with appropriate squares to the left of each for the convenient insertion of a  
 19 cross (X) or check (✓) mark unless otherwise directed by the General Assembly."

## 20 SECTION 20.

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

24 "21-2-285.1.

25 ~~The names of all candidates nominated in the nonpartisan primary shall be printed on each~~  
 26 ~~official election ballot; and insofar as practicable such offices to be filled in the nonpartisan~~  
 27 ~~election shall be separated from the names of candidates for other offices by being listed~~  
 28 ~~last on each ballot, with the top of that portion of each official election ballot relating to the~~  
 29 ~~nonpartisan election to have printed in prominent type the words 'OFFICIAL~~  
 30 ~~NONPARTISAN ELECTION BALLOT.'~~ Immediately under this caption the following  
 31 ~~directions shall be printed: 'Place a cross (X) or check (✓) mark in the square opposite the~~  
 32 ~~name of each nonpartisan candidate for whom you choose to vote. To vote for a person~~  
 33 ~~whose name is not on the ballot, manually write his or her name, accompanied by the title~~  
 34 ~~of the office involved, in the write-in column. If you spoil your ballot, do not erase, but ask~~  
 35 ~~for a new ballot. Use only pen or pencil.'~~ Immediately under the directions, the name of  
 36 ~~each nonpartisan candidate shall be arranged under the title of the office for which such~~

~~candidate was nominated in the official nonpartisan primary. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. In the event that no candidate in such nonpartisan election receives a plurality of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes, and the names of such candidates shall be placed on the official ballot at the general election runoff in the same manner as 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 July, 2004, primary 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

1 transportation, subsistence, and lodging, incurred by its election and registration officials  
2 in attending courses taught by or arranged by the Secretary of State for instruction in the  
3 use of the voting equipment.

4 21-2-301.

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

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

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

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

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

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

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

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

### 13 SECTION 22.

14 Said chapter is further amended by striking subsections (g), (h), and (i) of Code Section  
 15 21-2-325, relating to form of ballot labels generally, and inserting in lieu thereof new  
 16 subsections (g), (h), and (i) to read as follows:

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

30 (h) In primaries, the ballot labels containing the names of candidates seeking nomination  
 31 by a political party shall be segregated on the face of the machine in adjacent rows or  
 32 columns by parties, the priority of such political parties on the ballot labels to be  
 33 determined in the order prescribed by subsection (c) of Code Section 21-2-285. If a  
 34 nonpartisan primary election is being held in conjunction with a partisan primary, each  
 35 partisan ballot label shall be clearly marked to indicate that the elector may vote in the  
 36 nonpartisan primary election also. In nonpartisan primaries elections, the ballot labels shall

1 include a separate portion for the names of candidates seeking ~~nomination~~ election in a  
 2 nonpartisan primary election and the heading and arrangement of such candidates shall be  
 3 as prescribed by Code Section 21-2-284.1 insofar as practicable. At the top of the separate  
 4 portion shall be printed in prominent type the words 'OFFICIAL NONPARTISAN  
 5 PRIMARY ELECTION BALLOT.'

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

### 13 SECTION 23.

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

16 "21-2-380.

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

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

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

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

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

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

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

32 (7) Votes an early ballot during the early voting period.

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

1 (c) As used in this article, the term 'qualified absentee elector' means any absentee elector  
 2 who fits one of the qualifications listed in paragraphs (1) through (6) of subsection (a) of  
 3 this Code section."

#### 4 SECTION 24.

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

8 "21-2-381.

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

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

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

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

33 (5) One timely and proper application for an absentee ballot for use in a primary shall  
 34 be sufficient to require the mailing of the absentee ballot for such primary as well as for  
 35 any runoffs resulting therefrom and for the election for which such primary shall  
 36 nominate candidates and any runoffs resulting therefrom to an eligible absentee elector

1 who lives outside the county or municipality in which the election is held and is also a  
 2 member of the armed forces of the United States, a member of the merchant marine of  
 3 the United States, or a spouse or dependent of a member of the armed forces or the  
 4 merchant marine residing with or accompanying said member or overseas citizen. Any  
 5 elector meeting ~~criteria~~ the criterion of advanced age or disability specified by rule or  
 6 regulation of the Secretary of State may request in writing on one application a ballot for  
 7 a primary as well as for any runoffs resulting therefrom and for the election for which  
 8 such primary shall nominate candidates as well as any runoffs resulting therefrom. If not  
 9 so requested by such person, a separate and distinct application shall be required for each  
 10 primary, run-off primary, election, and run-off election. Notwithstanding the foregoing,  
 11 a separate and distinct application for an absentee ballot shall always be required for the  
 12 presidential preference primary held pursuant to Article 5 of this chapter and for any  
 13 special election or special primary.

14 ~~(2)~~(6) A properly executed registration card submitted under the provisions of subsection  
 15 (b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in  
 16 which the registrant is entitled to vote, shall be considered to be an application for an  
 17 absentee ballot under this Code section, or for a special absentee ballot under Code  
 18 Section 21-2-381.1, as appropriate.

19 ~~(3)~~(7) Any application for an official absentee ballot that is distributed by a person,  
 20 entity, or organization shall require a voter to identify thereon which one of the legally  
 21 acceptable categories of qualified absentee electors listed in paragraphs (1) through (4)  
 22 of subsection (a) of Code Section 21-2-380 authorizes the voter to vote by absentee  
 23 ballot.

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

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

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

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

4 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk  
 5 or the board shall immediately mail a blank registration card as provided by Code Section  
 6 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by  
 7 absentee ballot in such primary or election, if the registration card, properly completed,  
 8 is returned to the clerk or the board on or before the last day for registering to vote in  
 9 such primary or election. If the closing date for registration in the primary or election  
 10 concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,  
 11 as soon as it is prepared and available; and the ballot shall be cast in such primary or  
 12 election if returned to the clerk or board not later than the close of the polls on the day of  
 13 the primary or election concerned.

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

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

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

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

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

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

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

36 (C) He or she has a valid passport or card of identity and registration issued under the  
 37 authority of the Secretary of State of the United States or, in lieu thereof, an alternative

1 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state  
 2 requirements, if a citizen does not possess a valid passport or card of identity and  
 3 registration.

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

## 9 SECTION 25.

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

13 "21-2-382.

14 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of  
 15 registrars or municipal governing authority, as appropriate, may establish by unanimous  
 16 vote additional sites as additional registrar's offices, absentee ballot clerk's offices, or  
 17 places of registration for the purpose of receiving absentee ballots under Code Section  
 18 21-2-381 and for the purpose of voting absentee ballots under Code Section 21-2-385,  
 19 provided that any such site is a branch of the county courthouse, a courthouse annex, a  
 20 government service center providing general government services, an authorized polling  
 21 place, or another government building generally accessible to the public.

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

29 21-2-382.1.

30 During the early voting period and for the purpose of early voting, the main office of the  
 31 board of registrars, the absentee ballot clerk's office, and other such locations within the  
 32 city or county as may be designated by the board of registrars or the governing authority  
 33 of the municipality for the purpose of early voting shall be open on at least two weekday  
 34 evenings until at least 8:00 P.M. and for a reasonable period of time on the last Saturday

1 of the early voting period. Such period of time shall not be for less than four hours on such  
 2 Saturday."

3 **SECTION 26.**

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

7 "21-2-385.

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

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

1 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have  
 2 been printed, the absentee ballot shall be issued to the elector at the time of the application  
 3 therefor within the confines of the registrar's or absentee ballot clerk's office; and the  
 4 elector shall then and there vote and return the absentee ballot as provided in subsections  
 5 (a) and (b) of this Code section. However, an elector who applies in person for an absentee  
 6 ballot during the early voting period shall vote in accordance with subsection (d) of this  
 7 Code section. The board of registrars or absentee ballot clerk shall furnish  
 8 accommodations to the elector to ensure the privacy of the elector while voting his or her  
 9 absentee ballot.

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

### 33 SECTION 27.

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

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

33       (2) After 12:00 Noon and until the closing of the polls on the day of the primary or  
34 election, the registrars or absentee ballot clerks shall be authorized to open the outer  
35 envelope on which is printed the oath of the elector in such a manner as not to destroy the  
36 oath printed thereon; provided, however, that the registrars or absentee ballot clerk shall  
37 not be authorized to remove the contents of such outer envelope or to open the inner

1 envelope marked 'Official Absentee Ballot,' except as otherwise provided in this Code  
 2 section. At least three persons who are registrars, deputy registrars, poll workers, or  
 3 absentee ballot clerks must be present before commencing.

4 (3) If the election superintendent desires to open the inner envelopes containing the  
 5 absentee ballots after 3:00 P.M., but before 7:00 P.M., on the day of the election, the  
 6 election superintendent shall petition in writing the chief judge of the superior court of  
 7 the county at least seven days prior to the election for permission to open the inner  
 8 envelopes in accordance with the procedures prescribed in this subsection. Such petition  
 9 shall contain the names of persons designated to act as monitors of the process of opening  
 10 the inner envelopes by the election superintendent or his or her designee. The county  
 11 executive committee or, if there is no organized county executive committee, the state  
 12 executive committee of each political party and political body having candidates whose  
 13 names appear on the ballot for such election in such county shall have the right to  
 14 designate two persons and each independent and nonpartisan candidate whose name  
 15 appears on the ballot for such election in such county shall have the right to designate one  
 16 person to act as monitors. Such executive committees and candidates shall be given  
 17 notice by the election superintendent of the superintendent's intent to request permission  
 18 to open the inner envelopes early and their right to designate monitors. The executive  
 19 committees and candidates shall be given at least seven days after the notice by the  
 20 election superintendent to designate monitors for inclusion in the petition.

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

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

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

29 (iii) Administer an oath to each person who shall serve as a monitor and to each  
 30 election official who shall participate in any manner in the process of opening the inner  
 31 envelopes to which such persons shall swear or affirm that no inner envelopes shall be  
 32 opened unless all monitors are present in the location designated by the judge, unless  
 33 such monitor shall specifically give his or her permission for such process to continue  
 34 in his or her absence; that no attempt shall be made to ascertain how any ballot was  
 35 voted or to view the contents of any ballot; that no monitor shall handle, touch, or  
 36 possess any ballot; and that no discussion of the procedure or of anything viewed

1 during the opening of the envelopes will be held with any person who is not a part of  
 2 the opening process before 7:00 P.M. on the day of the election; and

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

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

7 (5) The process for opening the inner envelopes of absentee ballots after 12:00 Noon and  
 8 before 7:00 P.M. on the day of an election as provided in this subsection shall be a  
 9 confidential process to maintain the secrecy of all ballots and to protect the disclosure of  
 10 any balloting information before 7:00 P.M. on election day. No ballots shall be counted  
 11 before 7:00 P.M. on election day."

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

## 21 **SECTION 28.**

22 Said chapter is further amended by striking subsections (a), (b), and (c) of Code Section  
 23 21-2-408, relating to poll watchers, and inserting in lieu thereof a new subsections (a), (b),  
 24 and (c) to read as follows:

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

1 which he or she shall serve, and name and date of primary or run-off primary. At least three  
2 days prior to the primary, a copy of the letter shall be delivered to the superintendent of the  
3 county or municipality in which the poll watcher is to serve.

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

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

34 (c) In counties or municipalities using vote recorders, each political party may appoint two  
35 poll watchers in each primary or election, each political body may appoint two poll  
36 watchers in each election, each nonpartisan candidate may appoint one poll watcher in each  
37 nonpartisan ~~primary or nonpartisan~~ election, and each independent candidate may appoint

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

7 **SECTION 29.**

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

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

25 **SECTION 30.**

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

29 "(c) Whenever the difference between the number of votes received by a candidate who  
 30 has been declared nominated for an office in a primary election or who has been declared  
 31 elected to an office in an election or who has been declared eligible for a run-off primary  
 32 or election; and the number of votes received by any other candidate or candidates not  
 33 declared so nominated or elected or eligible for a runoff shall be not more than 1 percent  
 34 of the total votes which were cast for such office therein, any such candidate or candidates  
 35 receiving a sufficient number of votes so that the difference between his or her vote and

1 that of a candidate declared nominated, elected, or eligible for a runoff is not more than 1  
 2 percent of the total votes cast, within a period of five days following the certification of the  
 3 election results, shall have the right to a recount of the votes cast, if such request is made  
 4 in writing by the losing candidate. If the office sought is a federal or state office voted upon  
 5 by the electors of more than one county, the request shall be made to the Secretary of State  
 6 who shall direct that the recount be performed in all counties in which electors voted for  
 7 such office and notify the superintendents of the several counties involved of the request.  
 8 In all other cases, the request shall be made to the superintendent. The superintendent or  
 9 superintendents shall order a recount of such votes to be made immediately. If, upon such  
 10 recount, it is determined that the original count was incorrect, the returns and all papers  
 11 prepared by the superintendent, the superintendents, or the Secretary of State shall be  
 12 corrected accordingly and the results recertified."

### 13 SECTION 30A.

14 Said chapter is further amended by striking subsection (k) of Code Section 21-2-493, relating  
 15 to the computation, canvassing, and tabulation of returns, in its entirety and inserting in lieu  
 16 thereof a new subsection (k) to read as follows:

17 "(k) As the returns from each precinct are read, computed, and found to be correct or  
 18 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until  
 19 all the returns from the various precincts which are entitled to be counted shall have been  
 20 duly recorded; then they shall be added together, announced, and attested by the assistants  
 21 who made and computed the entries respectively and shall be signed by the superintendent.  
 22 The consolidated returns shall then be certified by the superintendent in the manner  
 23 required by this chapter. Such returns shall be certified by the superintendent not later than  
 24 5:00 P.M. on the seventh day following the date on which such election was held."

### 25 SECTION 31.

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

29 "21-2-573.

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

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

