

House Bill 479 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED

AN ACT

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

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

1 be sworn in under certain circumstances; to provide for related matters; to repeal conflicting  
2 laws; and for other purposes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

4 **SECTION 1.**

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

9 "21-2-8.

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

26 **SECTION 2.**

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

30 "21-2-50.

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

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

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

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

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

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

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

### 13 SECTION 3.

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

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

### 26 SECTION 4.

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

30 "21-2-99.

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

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

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

#### 24 SECTION 5.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 29 SECTION 8.

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

1 "21-2-136.

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

### 11 SECTION 9.

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

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

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

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

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

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

#### 8 **SECTION 10.**

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

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

#### 21 **SECTION 11.**

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

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

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

#### 4 SECTION 12.

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

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

#### 22 SECTION 13.

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

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

#### 31 SECTION 14.

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

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

20

### SECTION 15.

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

24 "(a) The registration cards for use by persons in making application to register to vote shall  
 25 be in a form as specified by the Secretary of State, which shall include printed forms, forms  
 26 made available through electronic means, or otherwise. Except as provided in subsection  
 27 (b) of this Code section, only registration cards issued or authorized for use by the  
 28 Secretary of State or the national voter registration card promulgated by the Federal  
 29 Election Commission under the provisions of the National Voter Registration Act of 1993,  
 30 42 U.S.C. Section 1973gg-7, shall be accepted for purposes of voter registration."

31

### SECTION 16.

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

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

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

### 3 SECTION 17.

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

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

### 14 SECTION 18.

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

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

### 22 SECTION 19.

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

26 "21-2-233.

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

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

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

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

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

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

## 25 SECTION 20.

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

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



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

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

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

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

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

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

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

### 31 SECTION 23.

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

33 "21-2-325.1.

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

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

#### 6 **SECTION 24.**

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

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

**SECTION 25.**

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

"21-2-353.

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

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

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

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

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

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

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

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

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

### 13 **SECTION 26.**

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

15 "21-2-354.1.

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

### 24 **SECTION 27.**

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

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

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

14

#### **SECTION 28.**

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

18 "21-2-368.

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

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

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

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

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

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

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

## 26 SECTION 29.

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

28 "21-2-369.1.

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

**SECTION 30.**

1  
2 Said title is further amended by striking subsection (b) of Code Section 21-2-374, relating  
3 to proper programming of optical scanning voting systems, in its entirety and inserting in lieu  
4 thereof a new subsection (b) to read as follows:

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

**SECTION 31.**

26  
27 Said title is further amended by striking Code Section 21-2-379.2, relating to review of  
28 manufacturer's electronic voting system by Secretary of State, in its entirety and inserting  
29 in lieu thereof a new Code Section 21-2-379.2 to read as follows:

30 "21-2-379.2.

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

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

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

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

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

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

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

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

**SECTION 32.**

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

"21-2-380.1.

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

**SECTION 33.**

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

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

**SECTION 34.**

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

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

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

19

### SECTION 35.

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

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

26

#### VOTER'S CERTIFICATE

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

32

Signature \_\_\_\_\_

1 Current residence address of elector:

2 \_\_\_\_\_

3 Elector's date of birth: \_\_\_\_\_

4 Name or initials of poll officer receiving voter's certificate: \_\_\_\_\_

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

6 I hereby certify that the voter is unable to sign his or her name by reason of the  
7 following: \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 Signature of poll officer

12 Number of stub of ballot or number of admission to voting machine: \_\_\_\_\_"

13 **SECTION 36.**

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

18 "21-2-407.

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

24 **SECTION 37.**

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

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

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

### 11 SECTION 38.

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

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

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

### 27 SECTION 39.

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

31 "21-2-411.

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

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

### 3 SECTION 40.

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

7 "21-2-413.

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

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

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

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

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

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

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

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

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

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

#### 11 **SECTION 41.**

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

15 "21-2-414.

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

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

22 (2) Within any polling place; or

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

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

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

27 (2) Within any polling place; or

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

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

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

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

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

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

## 11 SECTION 42.

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

15 "(c) In instances in which no municipal candidate receives a majority of the votes cast and  
 16 the municipal charter or ordinances do not provide for nomination or election by a plurality  
 17 vote, a run-off primary or election shall be held between the candidates receiving the two  
 18 highest numbers of votes. Such runoff shall be held ~~not earlier than the fourteenth day and~~  
 19 ~~not later than~~ on the twenty-first day after the day of holding the first primary or election  
 20 ~~on a date specified by municipal ordinance or resolution~~, unless such run-off date is  
 21 postponed by court order. Only the electors entitled to vote in the first primary or election  
 22 shall be entitled to vote in any run-off primary or election resulting therefrom; provided,  
 23 however, that no elector shall vote in a run-off primary in violation of Code Section  
 24 21-2-216. The run-off primary or election shall be a continuation of the first primary or  
 25 election, and only those votes cast for the candidates receiving the two highest numbers of  
 26 votes in the first primary or election shall be counted. No write-in votes may be cast in such  
 27 a primary, run-off primary, or run-off election. If any candidate eligible to be in a runoff  
 28 withdraws, dies, or is found to be ineligible, the remaining candidates receiving the two  
 29 highest numbers of votes shall be the candidates in such runoff. The municipal candidate  
 30 receiving the highest number of the votes cast in such run-off primary or election to fill the  
 31 nomination or public office sought shall be declared the winner."

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

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

### 22 SECTION 43.

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

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

**SECTION 44.**

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

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

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

(ii) The date of the general primary;

(iii) The third Tuesday in September; or

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

**SECTION 45.**

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

"21-2-541.1.

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

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

**SECTION 46.**

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