

Senate Bill 213

By: Senator Hill of the 4th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 15-7-21 of the Official Code of Georgia Annotated, relating to qualifications of state court judges, so as to change the provisions concerning nonpartisan primaries; to amend Code Section 20-2-56 of the Official Code of Georgia Annotated, relating to nonpartisan primaries and elections for members of boards of education, so as to change the provisions concerning nonpartisan primaries; to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to eliminate nonpartisan primaries except for municipal offices; to provide that nonpartisan elections for certain county and state offices shall be held in conjunction with the general primary; to provide a qualifying time for certain nonpartisan elections; to provide that offices for which local Acts provide for nonpartisan primaries and elections shall not be required to have a nonpartisan primary; to specify the circumstances under which election superintendents may open absentee ballots; to change the method of removing deceased voters from the electors list; to authorize the Secretary of State to obtain the names of Georgians who die in other states if possible; to provide for the transmission of names of persons who have been convicted of felonies to the registrars for removal from the electors list; to provide for the form of the nonpartisan election ballot; to authorize the Constitutional Amendments Publication Board to determine short titles or headings for proposed constitutional amendments; to authorize the Secretary of State to place such short titles or headings on the ballots; to require the Secretary of State to print the proposed constitutional amendments in the order specified by the Constitutional Amendments Publication Board; to provide for uniform election equipment throughout the state; to provide for the education of voters, election officials, and poll officers in the operation of election equipment; to authorize the Secretary of State to conduct a pilot project to test electronic recording voting systems during the 2001 municipal elections; to create the Twenty-first Century Voting Commission; to provide for the composition, duties, and compensation of such commission; to provide times for certification of election results; to amend Code Section 50-12-101 of the Official Code of Georgia Annotated, relating to assignment of numbers by board to proposed constitutional amendments and Constitutions, so as to authorize the Constitutional

1 Amendments Publication Board to assign short titles or headings to proposed constitutional
2 amendments which the Secretary of State shall place on the ballots; to provide for related
3 matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

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

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

18 **SECTION 2.**

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

23 "20-2-56.

24 ~~(a) Notwithstanding any other provisions of law to the contrary, the General Assembly~~
25 ~~may provide by local law for the nomination and election in nonpartisan primaries and~~
26 ~~elections or for the election in nonpartisan elections without a prior nonpartisan primary~~
27 ~~of candidates to fill the offices of members of boards of education and, in the case of~~
28 ~~independent school systems, for the nomination and election in nonpartisan primaries and~~
29 ~~elections or for the election in nonpartisan elections without a prior nonpartisan primary~~
30 ~~of candidates to fill the offices of members of the boards of education of those independent~~
31 ~~school systems using the procedures established in Chapter 2 of Title 21, the 'Georgia~~
32 ~~Election Code.'~~

33 ~~(b) Pursuant to the authority of this subsection, members of any local board of education~~
34 ~~who are required to be elected to such offices in nonpartisan primaries and elections, when~~

1 such requirement is imposed by the terms of a local law which became effective before this
2 subsection may become effective under the Voting Rights Act of 1965, as amended, shall
3 continue to be elected in such nonpartisan primaries and elections, unless thereafter
4 changed by local law."

5 SECTION 3.

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

10 "21-2-130.

11 Candidates may qualify for an election by virtue of:

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

31 SECTION 4.

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

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

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

SECTION 5.

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

"21-2-132.

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

(b) ~~Candidates seeking nomination in a nonpartisan primary shall comply with the requirements of subsections (b.1) and (c) of this Code section, as modified by subsection (f) of this Code section, by the date prescribed and shall by the same date pay to the proper authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to~~

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

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

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

21 (2) Each candidate for a county judicial office, a local school board office, or an office
 22 of a consolidated government, except those offices which on July 1, 2001, were covered
 23 by local Acts of the General Assembly which provided for election in a nonpartisan
 24 election without a prior nonpartisan primary, or the candidate's agent, desiring to have
 25 his or her name placed on the nonpartisan primary election ballot shall file notice of
 26 candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth
 27 Monday in April immediately prior to the election and no later than 12:00 Noon on the
 28 Friday following the fourth Monday in April, notwithstanding the fact that any such days
 29 may be legal holidays.

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

34 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
 35 her name placed on the election ballot shall file a notice of his or her candidacy, giving
 36 his or her name, residence address, and the office he or she is seeking, in the office of the
 37 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately

1 prior to the election and no later than 12:00 Noon on the Friday following the fourth
2 Monday in June in the case of a general election and no earlier than the date of the call
3 of the election and no later than 25 days prior to the election in the case of a special
4 election;

5 (2) Each candidate for a county office, including those offices which on July 1, 2001,
6 were covered by local Acts of the General Assembly which provided for election in a
7 nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring to
8 have his or her name placed on the election ballot shall file notice of his or her candidacy
9 in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the
10 fourth Monday in June immediately prior to the election and no later than 12:00 Noon on
11 the Friday following the fourth Monday in June in the case of a general election and no
12 earlier than the date of the call of the election and no later than 25 days prior to the
13 election in the case of a special election;

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

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

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

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

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

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

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

10 (2) Seeking office in a special election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6.

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

"(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no later than the Tuesday after the first Monday in September prior to the election in the case of a general election, no earlier than January 1 and no later than the Tuesday after the first Monday in June in the case of a nonpartisan election for state or county office which was not covered by a local Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan election without a prior nonpartisan primary, or at least 20 or more days prior to a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:

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

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

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

SECTION 7.

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

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

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

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

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

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

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

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

SECTION 8.

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

"21-2-135.

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

1 labels in such manner that in the ensuing primary or election such candidate shall only
2 oppose the other candidate or candidates, if any, who designated the same specific office
3 and the same name.

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

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

18 SECTION 9.

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

22 "21-2-138.

23 The names of all candidates who have qualified with the Secretary of State for the office
24 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
25 of this state and the names of all candidates who have qualified with the election
26 superintendent for the office of judge of a state court shall be placed on the ballot in a
27 nonpartisan primary election to be held and conducted jointly with the general primary in
28 each even-numbered year; provided that nonpartisan elections for the office of judge of the
29 state court which was covered on July 1, 2001, by a local Act of the General Assembly
30 which provided for election in a nonpartisan election without a prior nonpartisan primary
31 shall be held and conducted jointly with the general election in even-numbered years. The
32 names of candidates nominated in such nonpartisan primary shall be placed on the official
33 ballot in the nonpartisan election which shall be held and conducted jointly with the regular
34 general election in each even-numbered year. No candidates for any such office shall be
35 nominated by a political party or by a petition as a candidate of a political body or as an
36 independent candidate. ~~In a nonpartisan primary, candidates~~ Candidates for any such

1 office, except offices which were covered on July 1, 2001, by a local Act of the General
2 Assembly which provided for election in a nonpartisan election without a prior nonpartisan
3 primary, shall have their names placed on the nonpartisan portion of each political party
4 ballot by complying with the requirements prescribed in Code Section 21-2-132
5 specifically related to such nonpartisan candidates and by paying the requisite qualifying
6 fees as prescribed in Code Section 21-2-131. The Secretary of State may provide for the
7 printing of independent ballots containing the names of the nonpartisan ~~judicial~~ candidates
8 for those voters not affiliated with a political party. Candidates shall be listed on the official
9 ballot ~~in a nonpartisan primary and~~ in a nonpartisan election as provided in Code Sections
10 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in this chapter, the
11 procedures to be employed in conducting the nonpartisan ~~primary and nonpartisan~~ election
12 of judges of state courts, judges of superior courts, Judges of the Court of Appeals, and
13 Justices of the Supreme Court shall conform as nearly as practicable to the procedures
14 governing general primaries and general elections; and such general primary and general
15 election procedures as are necessary to complete this nonpartisan election process shall be
16 adopted in a manner consistent with such nonpartisan ~~primaries and nonpartisan~~ elections."

17 SECTION 10.

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

20 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
21 Assembly may provide by local Act for the ~~nomination and~~ election in nonpartisan
22 ~~primaries and~~ elections of candidates to fill county judicial offices, offices of local school
23 boards, and offices of consolidated governments which are filled by the vote of the electors
24 of said county or political subdivision. ~~The General Assembly may provide by local Act~~
25 ~~for the election of such officers at nonpartisan elections without a prior nonpartisan~~
26 ~~primary~~. Except as otherwise provided in this Code section, the procedures to be employed
27 in such nonpartisan ~~primaries, if applicable, and~~ elections shall conform as nearly as
28 practicable to the procedures governing nonpartisan ~~primaries and nonpartisan~~ elections
29 as provided in this chapter. Except as otherwise provided in this Code section, the election
30 procedures established by any existing local law which provides for the nonpartisan
31 ~~nomination, if applicable, and~~ election of candidates to fill county offices shall conform to
32 the general procedures governing nonpartisan ~~primaries, if applicable, and nonpartisan~~
33 elections as provided in this chapter, and such nonpartisan ~~primaries, if applicable, and~~
34 ~~nonpartisan~~ elections shall be conducted in accordance with the applicable provisions of
35 this chapter, notwithstanding the provisions of any existing local law. For those offices for
36 which the General Assembly as of July 1, 2001, pursuant to this Code section, provided by

1 local Act for election in nonpartisan primaries and elections, such offices shall no longer
2 require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held
3 and conducted in conjunction with the general primary in accordance with this chapter
4 without a prior nonpartisan primary. For those offices for which the General Assembly as
5 of July 1, 2001, provided by local Act for election in a nonpartisan election without a prior
6 nonpartisan primary, such offices shall be elected in nonpartisan elections held and
7 conducted in conjunction with the November general election without a prior nonpartisan
8 primary. Nonpartisan elections for municipal offices shall be conducted on the dates
9 provided in the municipal charter."

10 **SECTION 11.**

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

14 "21-2-150.

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

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

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

32 **SECTION 12.**

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

1 "21-2-151.

2 (a) A political party may elect its officials and shall nominate its candidates for public
3 office in a primary. Except for substitute nominations as provided in Code Section
4 21-2-134 and nomination of presidential electors, all nominees of a political party for
5 public office shall be nominated in the primary preceding the general election in which the
6 candidates' names will be listed on the ballot.

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

12 ~~(c)~~(b) The primary held for such purposes shall be conducted by the superintendent in the
13 same manner as prescribed by law and by rules and regulations of the State Election Board
14 and the superintendent for general elections. Primaries of all political parties and all
15 nonpartisan primaries elections for nonpartisan offices other than those offices which were
16 covered on July 1, 2001, by a local Act of the General Assembly which provided for
17 election in a nonpartisan election without a prior nonpartisan primary shall be conducted
18 jointly."

19 SECTION 13.

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

23 "21-2-155.

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

29 ~~(b)~~ In the event of the death of a candidate prior to the date of a nonpartisan primary, the
30 Secretary of State shall reopen qualifications for the state office, the county superintendent
31 shall reopen qualifications for the county office sought by the deceased candidate, and the
32 municipal superintendent or governing authority shall reopen qualifications for the
33 municipal office sought by the deceased candidate for a period of not less than one nor
34 more than three days."

SECTION 14.

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

"21-2-231.

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

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

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

~~(c)~~(d) The local registrar of vital statistics of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who died during the preceding calendar month in the county. The Secretary of State may, by agreement with the commissioner of human resources, obtain such information from the state registrar of vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of deceased Georgia electors, if possible, from other states.

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

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

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

SECTION 15.

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

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

SECTION 16.

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

"(a) The names of all candidates seeking ~~nomination~~ election in a nonpartisan primary election conducted in conjunction with a partisan primary shall be printed on the ballot of each political party; and insofar as practicable such offices to be filled in a nonpartisan primary election shall be separated from the names of political party candidates by being listed last on each political party ballot, with the top of that portion of the ballot relating to the nonpartisan primary election to have printed in prominent type the words 'OFFICIAL NONPARTISAN PRIMARY ELECTION BALLOT.' Immediately under this caption the following directions shall be printed: 'Place a cross (X) or check (✓) mark in the square opposite the name of each nonpartisan candidate for whom you choose to vote. To vote for a person whose name is not on the ballot, manually write his or her name, accompanied by the title of the office involved, in the write-in column. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil.' Immediately under the directions, the names of the nonpartisan candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting

1 of write-in votes for such offices. The incumbency of a nonpartisan candidate seeking
2 nomination for the public office he or she then holds shall be indicated on the ballots by
3 printing the word 'Incumbent' beside his or her name. Under the title of each office shall
4 be placed a direction as to the number of nonpartisan candidates to be voted for. The votes
5 cast for each nonpartisan candidate listed on all political party ballots shall be combined
6 to determine the total number of votes received by each candidate in the nonpartisan
7 primary election. In the event that a candidate in such nonpartisan primary election does
8 not receive a majority plurality of the total votes cast for such office, there shall be a
9 nonpartisan primary election runoff between the candidates receiving the two highest
10 numbers of votes for such office; and the names of such candidates shall be placed on each
11 political party ballot at the general primary runoff in the same nonpartisan portion as
12 prescribed in this Code section. If no political party runoff is required, the form of the
13 ballot for the nonpartisan primary election runoff shall be prescribed by the Secretary of
14 State or election superintendent in essentially the same format prescribed for nonpartisan
15 primaries elections. The candidate receiving a ~~majority of the total votes cast in the~~
16 ~~nonpartisan primary or the candidate receiving~~ the highest number of votes cast in the
17 nonpartisan primary election runoff shall be ~~the only candidate for such office to have his~~
18 ~~or her name placed on the nonpartisan election ballot, and such person may be referred to~~
19 ~~as the nominee for such office or as the candidate nominated for such office~~ declared duly
20 elected to such office."

21 **SECTION 17.**

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

25 "(f) When proposed constitutional amendments or other questions are submitted to a vote
26 of the electors, each amendment or other question so submitted may be printed upon the
27 ballot to the right of or below the groups of candidates for the various offices. Proposed
28 constitutional amendments so submitted shall be printed in the order determined by the
29 Constitutional Amendments Publication Board and in brief form as directed by the General
30 Assembly and, in the event of a failure to so direct, the form shall be determined by the
31 Secretary of State and shall include the short title or heading provided for in subsection (c)
32 of Code Section 50-12-101. Unless otherwise provided by law, any other state-wide
33 questions so submitted shall be printed in brief form as directed by the General Assembly
34 and, in the event of a failure to so direct, the form shall be determined by the Secretary of
35 State and any local questions so submitted shall be printed in brief form as directed by the
36 General Assembly and, in the event of a failure to so direct, the form shall be determined

1 by the superintendent. To the left of each question there shall be placed the words 'Yes' and
2 'No' together with appropriate squares to the left of each for the convenient insertion of a
3 cross (X) or check (✓) mark unless otherwise directed by the General Assembly."

4 SECTION 18.

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

8 "21-2-285.1.

9 The names of all candidates for offices which were covered on July 1, 2001, by a local Act
10 of the General Assembly which provided for election in a nonpartisan election without a
11 prior nonpartisan primary ~~nominated in the nonpartisan primary~~ shall be printed on each
12 official election ballot; and insofar as practicable such offices to be filled in the nonpartisan
13 election shall be separated from the names of candidates for other offices by being listed
14 last on each ballot, with the top of that portion of each official election ballot relating to the
15 nonpartisan election to have printed in prominent type the words 'OFFICIAL
16 NONPARTISAN ELECTION BALLOT.' Immediately under this caption the following
17 directions shall be printed: 'Place a cross (X) or check (✓) mark in the square opposite the
18 name of each nonpartisan candidate for whom you choose to vote. To vote for a person
19 whose name is not on the ballot, manually write his or her name, accompanied by the title
20 of the office involved, in the write-in column. If you spoil your ballot, do not erase, but ask
21 for a new ballot. Use only pen or pencil.' Immediately under the directions, the name of
22 each such nonpartisan candidate shall be arranged under the title of the office for which
23 ~~such candidate was nominated in the official nonpartisan primary~~ they are candidates and
24 be printed thereunder in alphabetical order. No party designation or affiliation shall appear
25 beside the name of any candidate for nonpartisan office. An appropriate space shall also
26 be placed on the ballot for the casting of write-in votes for such offices. In the event that
27 no candidate in such nonpartisan election receives a plurality of the total votes cast for such
28 office, there shall be a nonpartisan election runoff between the candidates receiving the two
29 highest numbers of votes; and the names of such candidates shall be placed on the official
30 ballot at the general election runoff in the same manner as prescribed in this Code section
31 for the nonpartisan election. In the event that only nonpartisan candidates are to be placed
32 on a run-off ballot, the form of the ballot shall be as prescribed by the Secretary of State
33 or election superintendent in essentially the same format as prescribed for the nonpartisan
34 election. The candidate having a plurality of the votes cast in the nonpartisan election or
35 the candidate receiving the highest number of votes cast in the nonpartisan election runoff
36 shall be declared duly elected to such office."

SECTION 19.

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, by the July, 2004, primary election and afterwards, be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State.

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

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

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

21-2-301.

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

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

(c) The Secretary of State shall furnish the electronic recording voting systems to the selected municipalities for use in the pilot project, provided that the municipalities provide

1 polling places with adequate electrical outlets, telephone lines, and other facilities
2 necessary to operate such electronic recording voting systems.

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

11 (e)(1) There is created the Twenty-first Century Voting Commission. The commission
12 shall be composed of two members appointed by the Speaker of the House of
13 Representatives, two members appointed by the Lieutenant Governor, two members
14 appointed by the Governor, the chief information officer for the State of Georgia or his
15 or her designee, eight members appointed by the Secretary of State of which six shall be
16 county or municipal election officials, the director of the Elections Division of the office
17 of the Secretary of State, one member designated by each political body that qualified
18 candidates in the 2000 November general election, and the Secretary of State, who shall
19 be the chairperson of the commission. In appointing members to such commission, the
20 Speaker of the House of Representatives, the President of the Senate, the Governor, and
21 the Secretary of State shall ensure equal representation on the commission by each
22 political party in their respective appointments; provided, however, that nothing
23 contained herein shall prohibit the Secretary of State from appointing election officials
24 to the commission who have no political party affiliation or who are nonpartisan. The
25 commission shall coordinate and oversee the pilot project authorized by this Code
26 section.

27 (2) The commission may work with the Board of Regents of the University System of
28 Georgia and the Department of Education in seeking avenues and incentives to encourage
29 student participation as poll workers and in other areas of the election process.

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

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

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

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

(6) The Commission shall have at least one meeting in North Georgia (outside of Atlanta), one meeting in Central Georgia and one meeting in South Georgia."

SECTION 20.

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

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

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

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

SECTION 21.

Said chapter is further amended by striking subsections (a) and (c) of Code Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots, and inserting in lieu thereof new subsections (a) and (c) 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 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 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least one year. Three copies of the numbered list of voters shall also be prepared for such rejected absentee electors, giving the name of the elector and the reason for the rejection in each case. Three copies of the numbered list of certified absentee voters and three copies of the numbered list of rejected absentee voters for each precinct shall be turned over to the poll manager in charge of counting the absentee ballots and shall be distributed as required by law for numbered lists of voters. All absentee ballots returned to the board or absentee ballot clerk after the closing of the

1 polls on the day of the primary or election shall be safely kept unopened by the board or
2 absentee ballot clerk for the period of time required for the preservation of ballots used
3 at the primary or election and shall then, without being opened, be destroyed in like
4 manner as the used ballots of the primary or election. The board of registrars or absentee
5 ballot clerk shall promptly notify the elector by first-class mail that the elector's ballot
6 was returned too late to be counted and that the elector will not receive credit for voting
7 in the primary or election.

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

16 (3) If the election superintendent desires to open the inner envelopes containing the
17 absentee ballots after 3:00 P.M., but before 7:00 P.M., on the day of the election, the
18 election superintendent shall petition in writing the chief judge of the superior court of
19 the county or, if such judge is a candidate in such election, such petition shall be
20 submitted to the administrative judge of the judicial administrative district in which such
21 county is located who shall assign such petition to a judge of the district who is not a
22 candidate in such election at least seven days prior to the election for permission to open
23 the inner envelopes in accordance with the procedures prescribed in this subsection. Such
24 petition shall contain the names of persons designated to act as monitors of the process
25 of opening the inner envelopes by the election superintendent or his or her designee. The
26 county executive committee or, if there is no organized county executive committee, the
27 state executive committee of each political party and political body having candidates
28 whose names appear on the ballot for such election in such county shall have the right to
29 designate two persons and each independent and nonpartisan candidate whose name
30 appears on the ballot for such election in such county shall have the right to designate one
31 person to act as monitors. Such executive committees and candidates shall be given
32 notice by the election superintendent of the superintendent's intent to request permission
33 to open the inner envelopes early and their right to designate monitors. The executive
34 committees and candidates shall be given at least seven days after the notice by the
35 election superintendent to designate monitors for inclusion in the petition.

36 (4) The chief judge, after considering the petition, shall authorize the opening of the
37 inner envelope of the absentee ballots provided that the names of the persons to serve as

1 monitors on behalf of the political parties, political bodies, independent candidates, and
2 nonpartisan candidates are submitted in the petition by the election superintendent. The
3 judge shall:

4 (A) Designate the location where the inner envelopes shall be opened within the
5 county;

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

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

18 (D) Designate no less than two persons to take possession of and keep secure all such
19 opened envelopes and ballots at all times prior to such envelopes and ballots being
20 released to the manager of the absentee ballot precinct for counting; and

21 (E) Provide such additional conditions and requirements as he or she deems necessary
22 to preserve the integrity and confidentiality of such process, including instructions to
23 monitors and election officials for the reporting of any unauthorized activity.

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

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

31 "(c) Except as otherwise provided in this Code section, after After the close of the polls on
32 the day of the primary or election, a manager shall then open the outer envelope in such
33 manner as not to destroy the oath printed thereon and shall deposit the inner envelope
34 marked 'Official Absentee Ballot' in a ballot box reserved for absentee ballots. Such
35 manager with two assistant managers, appointed by the superintendent, with such clerks
36 as the manager deems necessary shall count the absentee ballots following the procedures
37 prescribed by this chapter for other ballots, insofar as practicable, and prepare an election

1 return for the county or municipality showing the results of the absentee ballots cast in such
2 county or municipality."

3 SECTION 22.

4 Said chapter is further amended by striking subsections (a), (b), and (c) of Code Section
5 21-2-408, relating to poll watchers, and inserting in lieu thereof a new subsections (a), (b),
6 and (c) to read as follows:

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

22 (b)(1) In an election or run-off election, each political party and political body shall each
23 be entitled to designate, at least seven days prior to such election or run-off election, no
24 more than two official poll watchers in each precinct to be selected by the appropriate
25 party or body executive committee. Each independent candidate shall be entitled to
26 designate one poll watcher in each precinct. In addition, candidates running in a
27 nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each
28 poll watcher shall be given a letter signed by the appropriate political party or body
29 chairperson and secretary, if a party or body designates same, or by the independent or
30 nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter
31 shall contain the following information: name of official poll watcher, address, precinct
32 in which he or she shall serve, and date of election or run-off election. At least three days
33 prior to the election, a copy of the letter shall be delivered to the superintendent of the
34 county or municipality in which the poll watcher is to serve.

35 (2) In an election or run-off election, each political party and political body, which body
36 is registered pursuant to Code Section 21-2-110 and has nominated a candidate for

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

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

26 SECTION 23.

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

30 "(h) When proposed constitutional amendments or other questions are submitted to a vote
31 of the electors, each amendment or other question so submitted may be printed upon the
32 ballot below the groups of candidates for the various offices. Proposed constitutional
33 amendments so submitted shall be printed in the order determined by the Constitutional
34 Amendments Publication Board and in brief form as directed by the General Assembly or,
35 in the event of a failure to so direct, the form shall be determined by the Secretary of State
36 and shall include the short title or heading provided for in subsection (c) of Code Section

1 50-12-101. Unless otherwise provided by law, any other state-wide questions so submitted
2 shall be printed in brief form as directed by the General Assembly or, in the event of a
3 failure to so direct, the form shall be determined by the Secretary of State; and any local
4 questions so submitted shall be printed in brief form as directed by the General Assembly
5 or, in the event of a failure to so direct, the form shall be determined by the superintendent.
6 Next to the question there shall be placed the words 'YES' and 'NO' together with
7 appropriate ovals or squares or broken arrows to be marked."

8 **SECTION 24.**

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

12 "(c) Whenever the difference between the number of votes received by a candidate who
13 has been declared nominated for an office in a primary election or who has been declared
14 elected to an office in an election or who has been declared eligible for a run-off primary
15 or election; and the number of votes received by any other candidate or candidates not
16 declared so nominated or elected or eligible for a runoff shall be not more than 1 percent
17 of the total votes which were cast for such office therein, any such candidate or candidates
18 receiving a sufficient number of votes so that the difference between his or her vote and
19 that of a candidate declared nominated, elected, or eligible for a runoff is not more than 1
20 percent of the total votes cast, within a period of five days following the certification of the
21 election results, shall have the right to a recount of the votes cast, if such request is made
22 in writing by the losing candidate. If the office sought is a federal or state office voted upon
23 by the electors of more than one county, the request shall be made to the Secretary of State
24 who shall direct that the recount be performed in all counties in which electors voted for
25 such office and notify the superintendents of the several counties involved of the request.
26 In all other cases, the request shall be made to the superintendent. The superintendent or
27 superintendents shall order a recount of such votes to be made immediately. If, upon such
28 recount, it is determined that the original count was incorrect, the returns and all papers
29 prepared by the superintendent, the superintendents, or the Secretary of State shall be
30 corrected accordingly and the results recertified."

31 **SECTION 25.**

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

SECTION 26.

“(a) Upon receiving the certified returns of any election from the various superintendents, the Secretary of State shall immediately proceed to tabulate, compute, and canvass the votes cast for all candidates described in subparagraph (A) of paragraph (4) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall thereupon certify and file in his or her office the tabulation thereof. The Secretary of State shall also, upon receiving the certified returns for presidential electors, proceed to tabulate, compute, and canvass the votes cast for each slate of presidential electors and shall immediately lay them before the Governor. Not later than 5:00 P.M. on the fourteenth day following the date on which such election was conducted, the Secretary of State shall certify the votes cast for all candidates described in subparagraph (A) of paragraph (4) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall no later than that same time lay the returns for presidential electors before the Governor. The Governor shall enumerate and ascertain the number of votes for each person so voted and shall certify the slates of presidential electors receiving the highest number of votes. The Governor shall certify the slates of presidential electors no later than 5:00 P.M. on the fifteenth day following the date on which such election was conducted.”

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

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1 the proposal. The Secretary of State shall cause such short title or heading to be printed in
2 bold face at the beginning of each proposed constitutional amendment that appears on the
3 ballot."

4 **SECTION 28.**

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